

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 1010

By: McDaniel (Randy)

COMMITTEE SUBSTITUTE

An Act relating to public retirement systems; amending 20 O.S. 2001, Sections 1102, as last amended by Section 4, Chapter 435, O.S.L. 2010 and 1104, as last amended by Section 6, Chapter 464, O.S.L. 2005 (20 O.S. Supp. 2010, Sections 1102 and 1104), which relate to The Uniform Retirement System for Justices and Judges; modifying provisions related to normal retirement age; modifying factor used in retirement benefit computations for persons with specified date of initial membership; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 20 O.S. 2001, Section 1102, as last amended by Section 4, Chapter 435, O.S.L. 2010 (20 O.S. Supp. 2010, Section 1102), is amended to read as follows:

Section 1102. A. Any Justice or Judge of the Supreme Court, Court of Criminal Appeals, Workers' Compensation Court, Court of Appeals or District Court who serves as Justice or judge of any of said courts in the State of Oklahoma shall be a member of ~~the~~ The

1 Uniform Retirement System for Justices and Judges. ~~Any~~ For members  
2 whose initial service as a member of the System is performed on or  
3 after January 1, 2012, such member who serves for a period of eight  
4 (8) years or longer and upon reaching or passing the age of ~~sixty-~~  
5 ~~five (65) years,~~ sixty-seven (67) years or who serves for a period  
6 of ten (10) years or longer and upon reaching or passing the age of  
7 ~~sixty (60) years,~~ or whose sum of years of service and age equal or  
8 ~~exceeds eighty (80), after completing eight (8) years of judicial~~  
9 ~~service,~~ sixty-two (62) years shall be eligible to receive the  
10 retirement benefits herein provided. In determining the periods of  
11 time above mentioned a major fraction of a year shall count as a  
12 whole year. If such Justice or judge is still serving in such  
13 capacity when the above requirements are complied with, the Justice  
14 or judge may elect to retire and may elect whether such retirement  
15 shall become effective immediately or at a specified time within the  
16 term of the Justice or judge or at the expiration of the term of the  
17 Justice or judge. The Justice or judge shall file a written  
18 declaration with the System and the Court Administrator of his or  
19 her desire to retire. The Court Administrator shall notify the  
20 Governor within five (5) business days of receiving the Notice of  
21 Retirement.

22 B. Upon filing of an election by any Justice or judge to retire  
23 as authorized by Section 1101 et seq. of this title, the office held  
24 by such Justice or judge shall become vacated immediately or at the

1 specified time within the term of the Justice or judge, or at the  
2 expiration of the term of the Justice or judge in accordance with  
3 the election of the Justice or judge desiring retirement status.  
4 Any such vacancy so created shall be filled in the manner provided  
5 by law and the Constitution.

6 C. If any retired member of the System should be elected or  
7 appointed to any judicial or other office covered by the System, the  
8 retirement compensation of the retired member shall be suspended  
9 during the period of time that the retired member holds such office  
10 and be reinstated upon leaving such office. Notwithstanding any  
11 other provision of this section or any other provision of law to the  
12 contrary, a retired Justice or judge shall be permitted to be  
13 employed by any college or university within The Oklahoma State  
14 System of Higher Education as a full-time or part-time member of the  
15 faculty or as a teacher in any common school or career and  
16 technology education entity without suspension of retirement  
17 benefits.

18 SECTION 2. AMENDATORY 20 O.S. 2001, Section 1104, as  
19 last amended by Section 6, Chapter 464, O.S.L. 2005 (20 O.S. Supp.  
20 2010, Section 1104), is amended to read as follows:

21 Section 1104. Each justice or judge who is a member of The  
22 Uniform Retirement System for Justices and Judges ~~upon retirement~~  
23 ~~after June 30, 2004~~ and whose initial service as a member of the  
24 System is performed on or after January 1, 2012, shall be entitled

1 to receive as retirement compensation, until changed by the  
2 Legislature, an annual amount, each monthly payment of which shall  
3 be in an amount equal to ~~four percent (4%)~~ two percent (2%) of the  
4 average monthly salary received by him or her as a justice or judge  
5 based on the highest three (3) years of active service multiplied by  
6 the number of total years of service and reduced according to the  
7 elected survivor option, if any. The amounts of compensation  
8 reported to the Oklahoma Public Employees Retirement System for the  
9 Uniform Retirement System for Justices and Judges, by the Office of  
10 Personnel Management prior to June 30, 2004, may be conclusively  
11 presumed as valid regarding the source of the compensation reported  
12 as salary for purposes of the accuracy of the employees'  
13 contributions and the computation of salary for the calculation of  
14 benefits. This presumption shall not include any computation error  
15 made by the Office of Personnel Management or the Oklahoma Public  
16 Employees Retirement System on behalf of ~~the~~ The Uniform Retirement  
17 System for Justices and Judges. Provided, however, that no justice  
18 or judge retiring after June 30, 2004, may receive a monthly  
19 retirement benefit in excess of one hundred percent (100%) of the  
20 average monthly salary based on the highest three (3) years of  
21 active service and found applicable to such justice or judge at the  
22 time of retirement. Retirement compensation shall be payable  
23 monthly out of the State Judicial Retirement Fund by warrants

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1 prepared by the Executive Director of the Public Employees  
2 Retirement System and issued by the State Treasurer.

3 SECTION 3. This act shall become effective January 1, 2012.

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