

1 ENGROSSED HOUSE
2 BILL NO. 1010

By: McDaniel (Randy) of the
House

3 and

4 Mazzei of the Senate
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7 An Act relating to public retirement systems;
8 amending 20 O.S. 2001, Sections 1102, as last amended
9 by Section 4, Chapter 435, O.S.L. 2010 and 1104, as
10 last amended by Section 6, Chapter 464, O.S.L. 2005
11 (20 O.S. Supp. 2010, Sections 1102 and 1104), which
12 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.

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

16 SECTION 1. AMENDATORY 20 O.S. 2001, Section 1102, as
17 last amended by Section 4, Chapter 435, O.S.L. 2010 (20 O.S. Supp.
18 2010, Section 1102), is amended to read as follows:

19 Section 1102. A. Any Justice or Judge of the Supreme Court,
20 Court of Criminal Appeals, Workers' Compensation Court, Court of
21 Appeals or District Court who serves as Justice or judge of any of
22 said courts in the State of Oklahoma shall be a member of ~~the~~ The
23 Uniform Retirement System for Justices and Judges. ~~Any~~ For members
24 whose initial service as a member of the System is performed on or

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

20 B. Upon filing of an election by any Justice or judge to retire
21 as authorized by Section 1101 et seq. of this title, the office held
22 by such Justice or judge shall become vacated immediately or at the
23 specified time within the term of the Justice or judge, or at the
24 expiration of the term of the Justice or judge in accordance with

1 the election of the Justice or judge desiring retirement status.
2 Any such vacancy so created shall be filled in the manner provided
3 by law and the Constitution.

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

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

19 Section 1104. Each justice or judge who is a member of The
20 Uniform Retirement System for Justices and Judges ~~upon retirement~~
21 ~~after June 30, 2004~~ and whose initial service as a member of the
22 System is performed on or after January 1, 2012, shall be entitled
23 to receive as retirement compensation, until changed by the
24 Legislature, an annual amount, each monthly payment of which shall

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

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

1 Passed the House of Representatives the 2nd day of March, 2011.

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4 Presiding Officer of the House of
5 Representatives

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6 Passed the Senate the ____ day of _____, 2011.

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9 Presiding Officer of the Senate

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