

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2339

By: Kannady

AS INTRODUCED

An Act relating to the Uniform Retirement System for Justices and Judges; amending 20 O.S. 2011, Section 1102, which relates to eligibility for retirement; requiring mandatory retirement at designated age for certain members; providing for mandatory retirement based upon service as appellate justice of specified courts; authorizing continued service for purposes of retirement application; limiting period of continued service; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2011, 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 Uniform Retirement System for Justices and Judges.

B. For members whose initial service as a member of the System began prior to January 1, 2012, such member who serves for a period of eight (8) years or longer and upon reaching or passing the age of

sixty-five (65) years, or who serves for a period of ten (10) years or longer and upon reaching or passing the age of sixty (60) years, or whose sum of years of service and age equal or exceeds eighty (80), after completing eight (8) years of judicial service, shall be eligible to receive the retirement benefits herein provided.

C. For members whose initial service as a member of the System began on or after January 1, 2012, such member who serves for a period of eight (8) years or longer and upon reaching or passing the age of sixty-seven (67) years or who serves for a period of ten (10) years or longer and upon reaching or passing the age of sixty-two (62) years shall be eligible to receive the retirement benefits herein provided.

D. For members whose initial service as a member of the System begins on or after November 1, 2016, if such member is serving as a member of the Oklahoma Supreme Court, the Oklahoma Court of Criminal Appeals or any division of the Oklahoma Court of Civil Appeals and reaches the age of seventy-five (75) years, such member shall be required to cease participation in the System and shall retire. The member shall be allowed to continue service and participation in the System for such period of time after reaching the age of seventy-five (75) as may be required to complete the application for retirement and for the System to process the application subject to a maximum period of ninety (90) days after the member reaches the mandatory retirement age prescribed by this subsection.

1 E. In determining the periods of time above mentioned a major
2 fraction of a year shall count as a whole year. If such Justice or
3 judge is still serving in such capacity when the above requirements
4 are complied with, the Justice or judge may elect to retire and may
5 elect whether such retirement shall become effective immediately or
6 at a specified time within the term of the Justice or judge or at
7 the expiration of the term of the Justice or judge. The Justice or
8 judge shall file a written declaration with the System and the Court
9 Administrator of his or her desire to retire. The Court
10 Administrator shall notify the Governor within five (5) business
11 days of receiving the Notice of Retirement.

12 ~~B.~~ F. Upon filing of an election by any Justice or judge to
13 retire as authorized by Section 1101 et seq. of this title, the
14 office held by such Justice or judge shall become vacated
15 immediately or at the specified time within the term of the Justice
16 or judge, or at the expiration of the term of the Justice or judge
17 in accordance with the election of the Justice or judge desiring
18 retirement status. Any such vacancy so created shall be filled in
19 the manner provided by law and the Constitution.

20 ~~C.~~ G. If any retired member of the System should be elected or
21 appointed to any judicial or other office covered by the System, the
22 retirement compensation of the retired member shall be suspended
23 during the period of time that the retired member holds such office
24 and be reinstated upon leaving such office. Notwithstanding any

1 other provision of this section or any other provision of law to the
2 contrary, a retired Justice or judge shall be permitted to be
3 employed by any college or university within The Oklahoma State
4 System of Higher Education as a full-time or part-time member of the
5 faculty or as a teacher in any common school or career and
6 technology education entity without suspension of retirement
7 benefits.

8 SECTION 2. This act shall become effective November 1, 2016.

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January 14, 2016

Representative Chris Kannady
Room 246A

Re: RBH No. 7672

RBH No. 7672 places a mandatory retirement age of 75 on appellate judges who first enter the system on or after 11/01/2016.

RBH No. 7672 is a non fiscal retirement bill as defined by the Oklahoma Pension Legislation Analysis Act because the bill does not contain a benefit increase nor create liability for the Uniform Retirement System for Justices and Judges.

I am a member of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Thomas E. Cummins

Thomas E. Cummins, MAAA