

## STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3879

By: Crosswhite Hader

AS INTRODUCED

An Act relating to public retirement systems;  
amending 20 O.S. 2021, Section 1102, which relates to  
The Uniform Retirement System for Justices and  
Judges; requiring certain Justices to retire in  
certain circumstances; and providing an effective  
date.

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

SECTION 1. AMENDATORY 20 O.S. 2021, 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. 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

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

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

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

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

17 D. Any participating employer who is employing such a retiree  
18 as described in subsection C of this section shall make proper  
19 written notification to the System informing it of the beginning  
20 date of such retiree's employment. Any retiree returning to work  
21 for a participating employer shall make contributions to the System  
22 and the employer shall do likewise. All retirees who have returned  
23 to employment and participation in the System following retirement  
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1 shall have post-retirement benefits calculated on one of the  
2 following methods:

3 1. All service accumulated from date of reemployment shall be  
4 computed based on the benefit formula applicable at that time, and  
5 the additional benefits shall be added to the previous benefits.  
6 Such additional benefits shall be calculated each year based upon  
7 additional service accrued from July 1 to June 30 of the previous  
8 year and the additional benefits, if any, will be added to the  
9 retiree's monthly benefit beginning January 1 of the year after the  
10 retiree terminates the post-retirement employment and begins to  
11 receive a benefit. However, the post-retirement service credit  
12 shall be cumulative, beginning with service credit accrued after the  
13 date of retirement, provided that the retiree has not received a  
14 distribution of the post-retirement contributions. All post-  
15 retirement additional benefits shall be calculated using actual  
16 hours worked as well as the actual compensation received and upon  
17 which contributions are paid. Post-retirement service is not  
18 subject to the partial year round-up provisions of subsection A of  
19 this section, and only full years of service will result in an  
20 increase in a retiree's benefit.

21 2. Any retiree who returns to employment with a participating  
22 employer for a minimum period of thirty-six (36) consecutive months,  
23 shall have all service accumulated from date of reemployment counted  
24 as participating service. For purposes of determining the

1 retirement benefits of such a member upon the termination of such  
2 reemployment, all creditable service of the member shall be computed  
3 based on the benefit formula applicable at the time of termination  
4 of such reemployment. A retiree who is not reemployed for the full  
5 thirty-six (36) consecutive months shall upon termination of such  
6 reemployment have only the additional amount added to his or her  
7 benefit.

8 3. The provisions of this section shall not be applicable to  
9 Section 1104B of this title.

10 E. Any Justice of the Oklahoma Supreme Court whose first  
11 participating service in The Uniform Retirement System for Justices  
12 and Judges occurs on or after November 1, 2022, shall retire from  
13 The Uniform Retirement System for Justices and Judges not later than  
14 the last day of the month in which the Justice attains the age of  
15 seventy-five (75) years.

16 SECTION 2. This act shall become effective November 1, 2022.

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18 58-2-9364 CMA 01/17/22  
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January 18, 2022

Representative Crosswhite Hader  
Room 3322

Re: RBH No. 9364

RBH No. 9364 would require Supreme Court Justices who first serve in the URSJJ after 11/1/2022 to retire at age 75.

This bill is a fiscal bill under OPLAAA. The longer a participant remains as an active participant and not in pay status the lower the liability to the system.

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