

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2689 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mark Lepak

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 2689

By: Lepak

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to retirement; enacting the Oklahoma Judicial Retirement Act of 2023; amending 20 O.S. 2021, Section 1102, which relates to eligibility for retirement; providing that certain Justices and Judges may be eligible for retirement; requiring Justices and Judges to retire by certain age; providing exception; directing Justices and Judges of a certain age to retire; directing certain Justices or Judges to deliver signed affidavit; prohibiting certain individuals from being eligible for election or appointment; providing for codification; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Oklahoma
Judicial Retirement Act of 2023".

1 SECTION 2. AMENDATORY 20 O.S. 2021, Section 1102, is
2 amended to read as follows:

3 Section 1102. A. Any Justice or Judge of the Supreme Court,
4 Court of Criminal Appeals, Workers' Compensation Court, Court of
5 Appeals or District Court who serves as Justice or ~~judge~~ Judge of
6 any of said courts in the State of Oklahoma shall be a member of The
7 Uniform Retirement System for Justices and Judges. For members
8 whose initial service as a member of the System began prior to
9 January 1, 2012, such member who serves for a period of eight (8)
10 years or longer and upon reaching or passing the age of sixty-five
11 (65) years, or who serves for a period of ten (10) years or longer
12 and upon reaching or passing the age of sixty (60) years, or whose
13 sum of years of service and age equal or exceeds eighty (80), after
14 completing eight (8) years of judicial service, shall be eligible to
15 receive the retirement benefits herein provided. For members whose
16 initial service as a member of the System began on or after January
17 1, 2012, such member who serves for a period of eight (8) years or
18 longer and upon reaching or passing the age of sixty-seven (67)
19 years or who serves for a period of ten (10) years or longer and
20 upon reaching or passing the age of sixty-two (62) years shall be
21 eligible to receive the retirement benefits herein provided. In
22 determining the periods of time above mentioned a major fraction of
23 a year shall count as a whole year. If such Justice or ~~judge~~ Judge
24 is still serving in such capacity when the above requirements are

1 complied with, the Justice or ~~judge~~ Judge may elect to retire and
2 may elect whether such retirement shall become effective immediately
3 or at a specified time within the term of the Justice or ~~judge~~ Judge
4 or at the expiration of the term of the Justice or ~~judge~~ Judge. The
5 Justice or ~~judge~~ Judge shall file a written declaration with the
6 System and the Court Administrator of his or her desire to retire.
7 The Court Administrator shall notify the Governor within five (5)
8 business days of receiving the Notice of Retirement.

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

17 C. If any retired member of the System should be elected or
18 appointed to any judicial or other office covered by the System, the
19 retirement compensation of the retired member shall be suspended
20 during the period of time that the retired member holds such office
21 and be reinstated upon leaving such office. Notwithstanding any
22 other provision of this section or any other provision of law to the
23 contrary, a retired Justice or ~~judge~~ Judge shall be permitted to be
24 employed by any college or university within The Oklahoma State

1 System of Higher Education as a full-time or part-time member of the
2 faculty or as a teacher in any common school or career and
3 technology education entity without suspension of retirement
4 benefits.

5 D. Any participating employer who is employing such a retiree
6 as described in subsection C of this section shall make proper
7 written notification to the System informing it of the beginning
8 date of such retiree's employment. Any retiree returning to work
9 for a participating employer shall make contributions to the System
10 and the employer shall do likewise. All retirees who have returned
11 to employment and participation in the System following retirement
12 shall have post-retirement benefits calculated on one of the
13 following methods:

14 1. All service accumulated from date of reemployment shall be
15 computed based on the benefit formula applicable at that time, and
16 the additional benefits shall be added to the previous benefits.
17 Such additional benefits shall be calculated each year based upon
18 additional service accrued from July 1 to June 30 of the previous
19 year and the additional benefits, if any, will be added to the
20 retiree's monthly benefit beginning January 1 of the year after the
21 retiree terminates the post-retirement employment and begins to
22 receive a benefit. However, the post-retirement service credit
23 shall be cumulative, beginning with service credit accrued after the
24 date of retirement, provided that the retiree has not received a

1 distribution of the post-retirement contributions. All post-
2 retirement additional benefits shall be calculated using actual
3 hours worked as well as the actual compensation received and upon
4 which contributions are paid. Post-retirement service is not
5 subject to the partial year round-up provisions of subsection A of
6 this section, and only full years of service will result in an
7 increase in a retiree's benefit.

8 2. Any retiree who returns to employment with a participating
9 employer for a minimum period of thirty-six (36) consecutive months,
10 shall have all service accumulated from date of reemployment counted
11 as participating service. For purposes of determining the
12 retirement benefits of such a member upon the termination of such
13 reemployment, all creditable service of the member shall be computed
14 based on the benefit formula applicable at the time of termination
15 of such reemployment. A retiree who is not reemployed for the full
16 thirty-six (36) consecutive months shall upon termination of such
17 reemployment have only the additional amount added to his or her
18 benefit.

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

21 E. On the effective date of this act, any Justice or Judge who
22 retires pursuant to Section 3 of this act shall be deemed eligible
23 to receive the retirement benefits provided herein notwithstanding
24 the age and service requirements established in this section.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1102.3 of Title 20, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Any Justice or Judge of the Supreme Court, Court of Criminal
5 Appeals, or Court of Appeals, or District Court upon attaining age
6 seventy-five (75) shall retire, except that when any Justice or
7 Judge attains the age of seventy-five (75), such Justice or Judge
8 may, if such Justice or Judge desires, finish serving the term
9 during which such Justice or Judge attains the age of seventy-five
10 (75). Upon retiring, each such Justice or Judge shall receive
11 retirement benefits as provided by law.

12 B. Notwithstanding the provisions of subsection A of this
13 section, any Justice or Judge who has already attained the age of
14 seventy-five (75) by the effective date of this act, shall retire on
15 the effective date of this act, provided, however, such Justice or
16 Judge may finish the term during which this act was enacted.

17 C. Any Justice or Judge desiring to finish a term pursuant to
18 subsection B or subsection C of this act must deliver a signed
19 affidavit to the Chief Justice declaring the Justice's or Judge's
20 intent to finish the term no later than thirty (30) days prior to the
21 date the Justice or Judge attains the age of seventy-five (75) or
22 the effective date of this act, whichever is later. Any Justice or
23 Judge who does not provide such a signed affidavit shall be deemed to
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1 be retired on the date established by subsection A or B of this
2 section, as appropriate, and the office shall be deemed vacant.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1.1 of Title 20, unless there is
5 created a duplication in numbering, reads as follows:

6 No person shall be eligible for election or appointment to the
7 Supreme Court, Court of Criminal Appeals, or Court of Appeals, or a
8 district court who shall have attained the age of seventy-five (75)
9 prior to the date of election or appointment.

10 SECTION 5. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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