

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1932

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

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

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

13 D. For members whose initial service as a member of the System  
14 begins on or after November 1, 2017, if such member is serving as a  
15 member of the Oklahoma Supreme Court, the Oklahoma Court of Criminal  
16 Appeals or any division of the Oklahoma Court of Civil Appeals and  
17 reaches the age of seventy-five (75) years, such member shall be  
18 required to cease participation in the System and shall retire.  
19 The member shall be allowed to continue service and participation in  
20 the System for such period of time after reaching the age of  
21 seventy-five (75) as may be required to complete the application for  
22 retirement and for the System to process the application subject to  
23 a maximum period of ninety (90) days after the member reaches the  
24 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, 2017.

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10 56-1-6216 MAH 01/04/17

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January 5, 2016

Representative Chris Kannady  
Room 246

Re: RBH No. 6216

RBH No. 6216 contains a mandatory retirement age of 75 for:

Supreme Court Judges

Court of Criminal Appeals Judges

Any division of the Court of Civil Appeals Judges

The would apply those judges entering the Uniform Retirement System for Justices and Judges on or after November 1, 2017.

RBH No. 6216 is a non fiscal bill as defined by the Oklahoma Pension Legislation Analysis Act because the amendment does not contain a benefit increase nor create liability.

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