

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SENATE BILL 667

By: Newberry

AS INTRODUCED

An Act relating to teacher retirement; amending 70 O.S. 2011, Section 17-104, which relates to prior service credits; modifying dates of eligible military service; eliminating requirement that Board determine certain figures; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 17-104, is amended to read as follows:

Section 17-104. (1) Under such rules and regulations as the Board of Trustees shall adopt, each member who became a member within one (1) year after July 1, 1943, shall file a detailed statement of all service as a member rendered by him prior to the date of establishment for which he claims credit.

(2) The Board of Trustees shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one (1) year of service, but in no case shall it allow any credit for a period of absence without pay of more than one (1) month's duration nor shall more than one (1) year of service be

1 creditable for all services in one (1) school year. Service
2 rendered for a regular school year shall be equivalent to one (1)
3 year's service.

4 (a) Prior service credit shall be granted to any member who
5 shall become a member when he has completed one (1) year of
6 membership service credit. Prior service shall include years taught
7 in what is now Oklahoma preceding statehood.

8 1. Subject to the above restrictions and to such other rules
9 and regulations as the Board of Trustees may adopt, the Board of
10 Trustees shall verify, as soon as practicable after the filing of
11 such statements of service, the service therein claimed.

12 2. Upon verification of the statements of service, the Board of
13 Trustees shall issue prior service certificates certifying to each
14 member the length of service rendered prior to the date of
15 establishment, with which he is credited on the basis of his
16 statement of service. So long as membership continues, a prior
17 service certificate shall be final and conclusive for retirement
18 purposes as to such service; provided, however, the Board of
19 Trustees may, upon request of the member, modify or correct his
20 prior service certificate. The prior service credit and certificate
21 of a member who has retired may be corrected, if incorrect. When
22 the correction constitutes an addition to the retired member's
23 service record, the Board of Trustees may grant allowance
24 retroactively as the facts justify.

1 When membership ceases such prior service certificate shall
2 become void. Should the former member return to service in
3 Oklahoma, he shall again become a member not entitled to prior
4 service credit, with the provision that he may reestablish his prior
5 service credit by redepositing in the appropriate fund the amount
6 formerly withdrawn, with the interest at five percent (5%) per annum
7 from the date membership ceased to the date of redeposit; provided,
8 however, effective January 1, 1990, the rate of interest provided
9 herein shall be ten percent (10%) per annum. No member shall be
10 permitted to take advantage of this provision for restoration of
11 prior service more than one time.

12 (b) Any person who is, or shall become, a member of the
13 Teachers' Retirement System may receive prior service credit for not
14 more than five (5) years of service rendered in public schools,
15 state colleges, or state universities outside this state prior to
16 July 1, 1943, subject to the regulations of the Board of Trustees,
17 provided he is not receiving, and is not eligible to receive,
18 retirement credit or benefits for this service in any other teacher
19 retirement system, subject to the following provision:

20 1. The member is required to have two (2) years of creditable
21 service teaching earned in Oklahoma for each year of out-of-state
22 credit granted.

1 (3) Any teacher who served in the Armed Forces of the United
2 States of America ~~prior to July 1, 1943, during World War I or World~~
3 ~~War II,~~ during the following dates:

4 (i) September 16, 1940, to December 7, 1941, as a
5 member of the 45th Division,

6 (ii) December 7, 1941, to December 31, 1946, commonly
7 referred to as World War II,

8 (iii) June 27, 1950, to January 31, 1955, commonly
9 referred to as the Korean Conflict or the Korean
10 War,

11 (iv) February 28, 1961, to May 7, 1975, commonly
12 referred to as the Vietnam era, except that:

13 a. for the period from February 28, 1961, to
14 August 4, 1964, military service shall only
15 include service in the Republic of Vietnam
16 during that period, and

17 b. for purposes of determining eligibility for
18 education and training benefits, such period
19 shall end on December 31, 1976,

20 (v) August 1, 1990, to December 31, 1991, commonly
21 referred to as the Gulf War, the Persian Gulf
22 War, or Operation Desert Storm, but excluding any
23 person who served on active duty for training
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1 only, unless discharged from such active duty for
2 a service-connected disability, or

3 (vi) on or after August 1, 1990, excluding any person
4 who shall have served on active duty for training
5 only, unless discharged from active duty for
6 service-connected disability. For the purpose of
7 this subparagraph, military service shall not
8 require deployment to a theatre of conflict,

9 whose service was terminated by an honorable discharge and who
10 qualifies for prior service credit under the terms of this act shall
11 be granted prior service teaching credit by the Board of Trustees
12 for the period of such service in the Armed Forces, ~~occurring prior~~
13 ~~to July 1, 1943,~~ upon presentation to the Board of Trustees of
14 satisfactory proof of such service in the Armed Forces. ~~The amount~~
15 ~~of prior service teaching credit to be allowed such teacher shall be~~
16 ~~determined by the Board of Trustees.~~

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