

**SENATE FLOOR VERSION**

February 20, 2017

SENATE BILL NO. 667

By: Newberry

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.

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 creditable for all services in one (1) school year. Service

1 rendered for a regular school year shall be equivalent to one (1)  
2 year's service.

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

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

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

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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.

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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.~~

17   COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE  
18   February 20, 2017 - DO PASS