

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 697

By: Smalley

AS INTRODUCED

An Act relating to teacher retirement; amending 70 O.S. 2011, Section 17-103, which relates to membership; authorizing choice between Teachers' Retirement System and Public Employees Retirement System for certain employees.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 17-103, is amended to read as follows:

Section 17-103. Except as provided in the Alternate Retirement Plan for Comprehensive Universities Act, the membership of the retirement system shall consist of the following:

(1) All classified personnel shall become members of the retirement system as a condition of their employment;

(2) All full-time nonclassified optional personnel regularly employed for more than one (1) year may join the Teachers' Retirement System subject to the rules and regulations adopted pursuant to this act. Subject to the outcome of the private letter ruling request (2003) submitted by the Board to the Internal Revenue

1 Service (2001), the System shall permit eligible nonclassified  
2 optional personnel who have ceased to make otherwise required  
3 employee contributions after having made an election to become a  
4 member of the retirement system to resume employee contributions.  
5 No service shall be credited to any such member for any period of  
6 time during which employee contributions were not made;

7 (3) All persons who shall become classified personnel or who  
8 are regularly employed in any school system as new classified  
9 personnel after July 1, 1943, hereof, shall become members of the  
10 retirement system as a condition of their employment;

11 (4) All other regular school employees may join the Teachers'  
12 Retirement System subject to the rules and regulations as may be  
13 adopted by the Board of Trustees of the Teachers' Retirement System;

14 (5) The Board of Trustees may, in its discretion, deny the  
15 right to become members to any class of members whose compensation  
16 is only partly paid by the state, or who is serving on a temporary  
17 or other than per annum basis, and it also may, in its discretion,  
18 make optional with members in any such class their individual  
19 entrance into the retirement system; ~~and~~

20 (6) Should any member, with less than ten (10) years of  
21 teaching service in Oklahoma, in any period of six (6) consecutive  
22 years after becoming a member be absent from service more than five  
23 (5) years, withdraw his contributions, retire or die, he shall  
24 thereupon cease to be a member. The provisions of this paragraph

1 shall not apply to any member of the Teachers' Retirement System who  
2 has been a member of such classes of military services as may be  
3 approved by the Board of Trustees, until a period of one and one-  
4 half (1 1/2) years from date of termination of such service shall  
5 have elapsed; and

6 (7) Effective November 1, 2020, a retired member of the System  
7 who is employed by the State Department of Education for the first  
8 time on or after November 1, 2020, shall have the option to remain a  
9 member of the System, subject to the limitations of Section 17-  
10 116.10 of this title, or may choose to participate in the Oklahoma  
11 Public Employees Retirement System as an active member.

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