

# An Act

ENROLLED HOUSE  
BILL NO. 1246

By: McBride, Hasenbeck and  
Nollan of the House

and

Smalley of the Senate

An Act relating to the Teachers' Retirement System of Oklahoma; amending 70 O.S. 2011, Section 17-103, which relates to retirement system membership; modifying eligibility for certain retired members; and providing an effective date.

SUBJECT: Teachers' Retirement System

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 of Trustees to the Internal Revenue Service (2001), the ~~System~~ retirement system shall permit eligible nonclassified optional personnel who have ceased to make otherwise required employee contributions after having made an election to become a member of the retirement system to resume employee contributions. No service shall be credited to any such

1  
2 member for any period of time during which employee contributions  
3 were not made;

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

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

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

17 (6) Should any member, with less than ten (10) years of  
18 teaching service in Oklahoma, in any period of six (6) consecutive  
19 years after becoming a member be absent from service more than five  
20 (5) years, withdraw his or her contributions, retire or die, he or  
21 she shall thereupon cease to be a member. The provisions of this  
22 paragraph shall not apply to any member of the Teachers' Retirement  
23 System who has been a member of such classes of military services as  
24 may be approved by the Board of Trustees, until a period of one and  
one-half (1 1/2) years from date of termination of such service  
shall have elapsed; and

(7) Effective November 1, 2019, a retired member of the  
Teachers' Retirement System who becomes employed by the State  
Department of Education for the first time on or after November 1,  
2019, shall have the option to remain a member of the Teachers'  
Retirement System subject to any applicable limitations placed on  
retired members returning to work or may choose to participate in  
the Oklahoma Public Employees Retirement System as an active member.

SECTION 2. This act shall become effective November 1, 2019.

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Passed the House of Representatives the 11th day of March, 2019.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 17th day of April, 2019.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_