

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3650

By: Dills

AS INTRODUCED

An Act relating to the Teachers' Retirement System of Oklahoma; amending 70 O.S. 2021, Section 17-103, which relates to membership; modifying provisions related to option for participation in Teachers' Retirement System or the Oklahoma Public Employees Retirement System; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, 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:

A. All classified personnel shall become members of the retirement system as a condition of their employment;

B. For the period from August 2, 1969, to the effective date of this act, all full-time nonclassified optional personnel regularly employed for more than one (1) year may join the Teachers' Retirement System of Oklahoma subject to the rules and regulations

1 adopted pursuant to the Teachers' Retirement System. On or after
2 the effective date of this act, all nonclassified optional personnel
3 regularly employed for twenty (20) hours or more per week may join
4 the System upon hiring, subject to the provisions of subsection C of
5 this section and the rules and regulations adopted by the System
6 pursuant to this act.

7 C. 1. A nonclassified optional employee shall have thirty (30)
8 days from the initial date of hire to make a one-time irrevocable
9 written election to opt out of participation in the System. If an
10 eligible employee fails to make an election within the thirty-day
11 period, the eligible employee shall be deemed to participate in the
12 System.

13 2. If an eligible employee elects to opt out of participation
14 in the System, the employee shall not make any required employee
15 contributions to the System and his or her employer shall not make
16 any required employer contributions to the System.

17 3. If an eligible nonclassified optional employee elects to
18 participate in the System, the employee shall make employee
19 contributions to the System pursuant to Section 17-116.2 of this
20 title and the employer shall make employer contributions to the
21 System pursuant to Section 17-108.1 of this title. Nothing in this
22 paragraph shall be construed to prohibit the employer from making
23 the contribution of the employee to the System on behalf of the
24 employee.

1 4. A nonclassified optional employee who opts out of
2 participation in the System shall be ineligible for future
3 participation in the System; provided, however, that if the employee
4 is hired for a classified position, he or she shall become a member
5 of the System pursuant to subsection A of this section but shall not
6 be eligible for prior service credit for service performed while
7 employed in a nonclassified position during which the employee opted
8 out of participation in the System.

9 5. Any nonclassified optional employee employed on the
10 effective date of this act shall make an irrevocable written
11 election to participate in or opt out of the System pursuant to
12 paragraph 1 of this subsection. If the employee fails to make an
13 election within thirty (30) days from the effective date of this
14 act, the employee shall be deemed to participate in the System,
15 subject to the provisions of paragraph 3 of this subsection.

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

22 E. Should any member, with less than ten (10) years of teaching
23 service in Oklahoma, in any period of six (6) consecutive years
24 after becoming a member be absent from service more than five (5)

1 years, withdraw his or her contributions, retire or die, he or she
2 shall thereupon cease to be a member. The provisions of this
3 ~~paragraph~~ subsection shall not apply to any member of the Teachers'
4 Retirement System who has been a member of such classes of military
5 services as may be approved by the Board of Trustees, until a period
6 of one and one-half (1 1/2) years from date of termination of such
7 service shall have elapsed.

8 F. ~~Effective November 1, 2019,~~ a A retired member of the
9 Teachers' Retirement System who becomes employed by the State
10 Department of Education ~~for the first time on or after November 1,~~
11 ~~2019,~~ shall have the option to remain a member of the Teachers'
12 Retirement System subject to any applicable limitations placed on
13 retired members returning to work or may choose to participate in
14 the Oklahoma Public Employees Retirement System as an active member.

15 SECTION 2. This act shall become effective July 1, 2022.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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21 58-2-8661 MAH 12/30/21
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THOMAS E. CUMMINS CONSULTING ACTUARY, INC.

2512 E. 71st Street , Suite D · Tulsa, Oklahoma 74136

(918) 492-9658 · (918) 492- 9659

January 13, 2022

Representative Dills
Room 260.2

Re: RBH No. 8661

RBH No. 8661 is a shell bill.

This bill is a non fiscal bill under OPLAAA.

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