

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1520
Of the printed Bill
Page Section Lines
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted:

Amendment submitted by: Kyle Hilbert

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

FLOOR SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 1520

By: Pemberton and Stephens of
the Senate

and

Hays and Hilbert of the
House

FLOOR SUBSTITUTE

An Act relating to the public retirement systems;
amending 70 O.S. 2021, Section 17-116.10, which
relates to postretirement employment; modifying
earnings limitation for certain retirees returning to
work in a public school; modifying postretirement
earning limitation for certain time period; 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 17-116.10,
is amended to read as follows:

Section 17-116.10 A. Subject to the requirements of Section 6-
101.2 of this title and any other applicable requirements of law, a
member of the Teachers' Retirement System of Oklahoma may enter into
postretirement employment with a public school of Oklahoma and still

1 receive monthly retirement benefits subject to the following
2 limitations:

3 1. A retired member is not eligible to be employed by the
4 public schools of Oklahoma, in any capacity, for sixty (60) calendar
5 days between the retiree's last day of preretirement public
6 education employment and any postretirement public education
7 employment. For purposes of this section, the term "last day of
8 preretirement employment" shall mean the last day the employee is
9 required to be physically present on the job to complete the terms
10 of the employment contract or agreement. An employee on paid leave
11 is still considered to be employed for purposes of this section.
12 Employment under any conditions during this time, volunteer services
13 for the purpose of obtaining a paid position at a later date, or
14 payment at a later time for services performed during this time
15 period shall cause the forfeiture of all retirement benefits
16 received during the period;

17 2. Unless otherwise provided in this paragraph or in paragraph
18 3 of this subsection, earnings from the public schools may not
19 exceed one-half (1/2) of the member's final average salary used in
20 computing retirement benefits, or the ~~Earnings Limitation~~ earnings
21 limitation for employees allowed by the Social Security
22 Administration, whichever is less. ~~For~~ Until July 1, 2027, for
23 retired members having attained the age of fifty-five (55) years but
24 less than fifty-nine and one-half (59 1/2) years, the limit on

1 allowed earnings from the public schools of Oklahoma for employment
2 for the performance of duties ordinarily performed by classified or
3 nonclassified personnel shall be the lesser of Thirty Thousand
4 Dollars (\$30,000.00) or one-half (1/2) of the member's final average
5 salary used in computing retirement benefits unless the earnings
6 limitation allowed by the Social Security Administration would be
7 greater than Thirty Thousand Dollars (\$30,000.00). Until July 1,
8 2027, for retired members having attained the age of fifty-nine and
9 one-half (59 1/2) years or older, there shall be no limit on allowed
10 earnings from the public schools of Oklahoma for the performance of
11 duties ordinarily performed by classified or nonclassified
12 personnel. Effective July 1, 2027, for retired members under the
13 age of sixty-two (62) years, the limit on allowed earnings from the
14 public schools of Oklahoma for employment for the performance of
15 duties ordinarily performed by classified or nonclassified personnel
16 shall be the lesser of Fifteen Thousand Dollars (\$15,000.00) or one-
17 half (1/2) of the member's final average salary used in computing
18 retirement benefits unless the earnings limitation allowed by the
19 Social Security Administration would be greater than Fifteen
20 Thousand Dollars (\$15,000.00). ~~For~~ Effective July 1, 2027, for
21 retired members sixty-two (62) years of age or older the limit on
22 allowed earnings from the public schools of Oklahoma for the
23 performance of duties ordinarily performed by classified or
24 nonclassified personnel shall be the lesser of Thirty Thousand

1 Dollars (\$30,000.00) or one-half (1/2) of the member's final average
2 salary used in computing retirement benefits.

3 For purposes of this paragraph, the following shall apply:

- 4 a. earnings shall mean "regular annual compensation" as
5 defined in paragraph (25) of Section 17-101 of this
6 title, and shall include any payment by a public
7 school for services rendered by a retired member who
8 is employed for any purpose whatsoever. Supplemental
9 retirement payments paid by a former public school
10 employer pursuant to subsection 9 of Section 17-105 of
11 this title or other state law shall not be considered
12 as earnings,
- 13 b. the ~~Earnings Limitation~~ earnings limitation for
14 employees allowed by the Social Security
15 Administration to workers between the age of sixty-two
16 (62) years and sixty-five (65) years shall apply to
17 retired members below the age of sixty-two (62) years,
- 18 c. the limit on allowed earnings from the public schools
19 shall be automatically adjusted effective the first
20 day of January of each year to reflect the current
21 ~~Earnings Limitation~~ earnings limitation for employees
22 as determined from time to time by the Social Security
23 Administration,
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- 1 d. the earnings limit for the calendar year in which a
2 member retires shall be one-twelfth (1/12) of the
3 annual limit multiplied by the number of months the
4 member is eligible to work and receive payments from
5 the public schools of Oklahoma,
- 6 e. earnings in excess of the maximum limit on allowed
7 earnings from public schools of Oklahoma shall result
8 in a loss of future retirement benefits for the year
9 the postretirement employment was performed of One
10 Dollar (\$1.00) for each One Dollar (\$1.00) earned over
11 the maximum allowed earnings amount, and
- 12 f. for those members age seventy (70) years and over, the
13 earnings in excess of the maximum limit allowed
14 earnings from public schools of Oklahoma shall be one-
15 half (1/2) the member's final average salary used in
16 computing retirement benefits. However, any retired
17 member receiving benefits from the Retirement System
18 who reached age seventy (70) years prior to July 1,
19 1991, shall not be restricted by the earnings limits
20 pursuant to this subparagraph until January 1, 1994.
21 To qualify for the provisions of this subparagraph,
22 the member must be employed less than one-half (1/2)
23 the time compared to other full-time employees in
24 similar positions;

1 3. Notwithstanding paragraph 2 of this subsection, a retired
2 classified or nonclassified member who has been retired for thirty-
3 six (36) or more months and who is employed by a public school to
4 perform duties ordinarily performed by classified or nonclassified
5 personnel shall be able to receive annualized earnings from the
6 public school with no reduction in retirement benefits regardless of
7 the amount of annualized earnings. For a period of three (3) years
8 beginning July 1, 2017, members who have retired as of July 1, 2017,
9 as active classroom teachers, who have been retired and receiving a
10 benefit for at least one (1) year, and who have not been employed by
11 any public school during that one-year period, shall be eligible to
12 be reemployed as an active classroom teacher in common or career
13 tech school districts, with no limitations on earnings. For a
14 period of three (3) years beginning July 1, 2021, members who have
15 retired as of July 1, 2020, who have been retired and receiving a
16 benefit for at least one (1) year, and who have not been employed by
17 any public school during that one-year period, shall be eligible to
18 be reemployed as an active classroom teacher in common or career
19 tech school districts, with no limitations on earnings. The one-
20 year period starts with the retiree's last day of preretirement
21 public education employment. Members returning under this section
22 shall not be subject to any ~~earning limitations~~ earnings limitation
23 following the end of the three-year periods described in this
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1 paragraph. Members returning under this section shall only be
2 employed pursuant to a temporary contract; and

3 4. A member shall be considered to be employed by a school
4 district to perform the duties ordinarily performed by classified or
5 nonclassified personnel if the member is hired by the school
6 district in the member's individual capacity to perform the duties
7 or if the member performs the duties through employment with a
8 proprietorship, partnership, corporation, limited liability company
9 or partnership, or any other business structure that has agreed or
10 contracted to provide the services to the school district.

11 B. A public school district that employs a retired member shall
12 be required to make contributions to the System for the retired
13 member in an amount as required in Section 17-108.1 and in paragraph
14 3 of subsection B of Section 17-116.2 of this title.

15 C. For purposes of this section, postretirement employment of
16 less than one thousand (1,000) hours per year with the Governor, the
17 ~~State~~ Senate, the House of Representatives or the Legislative
18 Service Bureau shall not be considered as postretirement employment
19 with a public school of Oklahoma.

20 D. The Board of Trustees of the Teachers' Retirement System of
21 Oklahoma shall promulgate such rules as are necessary to implement
22 the provisions of this section.

23 E. A member who has entered into postretirement employment with
24 a participating employer of the Teachers' Retirement System of

1 Oklahoma must fully comply with all the provisions of the rules
2 promulgated by the Board of Trustees pursuant to this section in
3 order to continue receiving his or her monthly retirement benefit.

4 SECTION 2. This act shall become effective July 1, 2024.

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

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