

1 ENGROSSED HOUSE  
2 BILL NO. 2051

By: Sanders and Boles of the  
House

3 and

4 Murdock of the Senate  
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6  
7 An Act relating to public retirement systems;  
8 amending 11 O.S. 2011, Section 49-135, as last  
9 amended by Section 1, Chapter 134, O.S.L. 2015 (11  
10 O.S. Supp. 2018, Section 49-135), which relates to  
11 employment of persons over designated age; modifying  
12 provisions related to services performed as volunteer  
13 firefighter; requiring cessation of pension benefit  
14 under certain circumstances; prohibiting volunteer  
15 services being performed by persons in receipt of  
16 certain disability benefits; and providing an  
17 effective date.

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

19 SECTION 1. AMENDATORY 11 O.S. 2011, Section 49-135, as  
20 last amended by Section 1, Chapter 134, O.S.L. 2015 (11 O.S. Supp.  
21 2018, Section 49-135), is amended to read as follows:

22 Section 49-135. A. No person shall be employed in a fire  
23 department who has reached the age of forty-five (45) years, unless  
24 it appears he or she shall become eligible for retirement at the age  
of sixty-five (65) years, or at the age of sixty-seven (67) years  
for a firefighter whose first service with a participating employer  
of the System occurs on or after November 1, 2013, or unless he or

1 she be retired from a municipal fire department in the State of  
2 Oklahoma. This section shall not apply to professional engineers,  
3 or to persons employed as technical specialists on a temporary  
4 basis. The State Board shall be authorized to establish the maximum  
5 age, within the limits herein prescribed, over which an applicant  
6 may not be considered for initial employment, but no person shall be  
7 prohibited from making application for reemployment and having such  
8 reemployment application considered merely because of his or her  
9 age, provided that such person be under the age of forty-five (45)  
10 years, and provided further, that such reemployment shall be with  
11 the consent of the fire chief of such municipality.

12 B. On or after the effective date of this act, a person who  
13 performs volunteer services as a firefighter, who has attained the  
14 age of forty-five (45) or more years as of the first date such  
15 volunteer services are performed, for a municipality or a county  
16 shall not be eligible to be a member of the Oklahoma Firefighters  
17 Pension and Retirement System for any purpose, shall not be eligible  
18 for any benefit payable by the System and shall not receive any form  
19 of service credit from the System resulting from such volunteer  
20 services. The person responsible for decisions regarding the  
21 performance of firefighting services having jurisdiction, which in  
22 the absence of any other requirement to the contrary shall be the  
23 Fire Chief, shall make the final determination on applicants for  
24 positions that would involve the performance of volunteer

1 firefighting services if the applicant is over the age of forty-five  
2 (45) years based on local rules, regulations, ordinances, guidelines  
3 and standard operating procedures.

4 C. Notwithstanding the requirements of subsections C and H of  
5 Section 49-106.1 of this title to terminate employment with all  
6 participating municipalities as a firefighter, a person receiving an  
7 accrued retirement benefit pursuant to Section 49-106 of this title  
8 may perform volunteer firefighting services for a volunteer  
9 department pursuant to subsection B of this section and continue to  
10 receive the member's accrued retirement benefit; provided, that the  
11 pension shall cease during any period of time the member may  
12 thereafter serve for compensation in any municipal fire department  
13 in the state; provided further, that no person shall perform any  
14 services as a firefighter if such person is receiving disability  
15 benefits pursuant to Section 49-109 of this title.

16 SECTION 2. This act shall become effective November 1, 2019.  
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1 Passed the House of Representatives the 7th day of March, 2019.

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4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2019.

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9 Presiding Officer of the Senate