

# An Act

ENROLLED HOUSE  
BILL NO. 2051

By: Sanders, Boles and Hill of  
the House

and

Murdock and Paxton of the  
Senate

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

SUBJECT: Oklahoma Firefighters Pension and Retirement System

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

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

Section 49-135. A. No person shall be employed in a fire department who has reached the age of forty-five (45) years, unless 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 she be retired from a municipal fire department in the State of Oklahoma. This section shall not apply to professional engineers,

or to persons employed as technical specialists on a temporary basis. The State Board shall be authorized to establish the maximum age, within the limits herein prescribed, over which an applicant may not be considered for initial employment, but no person shall be prohibited from making application for reemployment and having such reemployment application considered merely because of his or her age, provided that such person be under the age of forty-five (45) years, and provided further, that such reemployment shall be with the consent of the fire chief of such municipality.

B. On or after the effective date of this act, a person who performs volunteer services as a firefighter, who has attained the age of forty-five (45) or more years as of the first date such volunteer services are performed, for a municipality or a county shall not be eligible to be a member of the Oklahoma Firefighters Pension and Retirement System for any purpose, shall not be eligible for any benefit payable by the System and shall not receive any form of service credit from the System resulting from such volunteer services. The person responsible for decisions regarding the performance of firefighting services having jurisdiction, which in the absence of any other requirement to the contrary shall be the Fire Chief, shall make the final determination on applicants for positions that would involve the performance of volunteer firefighting services if the applicant is over the age of forty-five (45) years based on local rules, regulations, ordinances, guidelines and standard operating procedures.

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

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

Passed the House of Representatives the 7th day of March, 2019.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 22nd day of April, 2019.

\_\_\_\_\_  
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: \_\_\_\_\_

**THOMAS E. CUMMINS CONSULTING ACTUARY, INC.**

2512 E. 71<sup>st</sup> Street , Suite D · Tulsa, Oklahoma 74136

(918) 492-9658 · (918) 492- 9659

---

January 14, 2019

Representative Mike Sanders  
Room 205

Re: RBH No. 5345

RBH No. 5345 would allow a retired firefighter to perform volunteer firefighting services for a volunteer department and continue to receive pension from Oklahoma Firefighters Pension and Retirement System.

RBH No. 5345 is non fiscal bill as defined by the Oklahoma Pension Legislation Actuarial Analysis Act because it does not contain a benefit increase or increase the liability of the system.

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