

**HOUSE OF REPRESENTATIVES - FLOOR VERSION**

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2051

By: Sanders

AS INTRODUCED

An Act relating to public retirement systems; amending 11 O.S. 2011, Section 49-135, as 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.

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

1 for a firefighter whose first service with a participating employer  
2 of the System occurs on or after November 1, 2013, or unless he or  
3 she be retired from a municipal fire department in the State of  
4 Oklahoma. This section shall not apply to professional engineers,  
5 or to persons employed as technical specialists on a temporary  
6 basis. The State Board shall be authorized to establish the maximum  
7 age, within the limits herein prescribed, over which an applicant  
8 may not be considered for initial employment, but no person shall be  
9 prohibited from making application for reemployment and having such  
10 reemployment application considered merely because of his or her  
11 age, provided that such person be under the age of forty-five (45)  
12 years, and provided further, that such reemployment shall be with  
13 the consent of the fire chief of such municipality.

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

1 Fire Chief, shall make the final determination on applicants for  
2 positions that would involve the performance of volunteer  
3 firefighting services if the applicant is over the age of forty-five  
4 (45) years based on local rules, regulations, ordinances, guidelines  
5 and standard operating procedures.

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

18 SECTION 2. This act shall become effective November 1, 2019.  
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20 COMMITTEE REPORT BY: COMMITTEE ON BANKING, FINANCIAL SERVICES AND  
21 PENSIONS, dated 02/20/2019 - DO PASS.  
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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