

SENATE FLOOR VERSION

April 8, 2019

ENGROSSED HOUSE
BILL NO. 2051

By: Sanders, Boles and Hill of
the House

and

Murdock 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.

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.

19 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE
20 April 8, 2019 - DO PASS

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