

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 for a firefighter whose first service with a participating employer

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

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

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

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

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

18

19 57-1-5345 MAH 01/09/19

20

21

22

23

24

THOMAS E. CUMMINS CONSULTING ACTUARY, INC.

2512 E. 71st 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