

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1824

By: May of the House

and

Stephens of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to public retirement systems;
12 amending 11 O.S. 2021, Section 49-113.2, which
13 relates to the Oklahoma Firefighters Pension and
14 Retirement System; amending 11 O.S. 2021, Section 50-
15 115.2, which relates to the Oklahoma Police Pension
16 and Retirement System; modifying death benefit
17 amounts; providing an effective date; and declaring
18 an emergency.

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

20 SECTION 1. AMENDATORY 11 O.S. 2021, Section 49-113.2, is
21 amended to read as follows:

22 Section 49-113.2 A. Upon the death of an active or retired
23 member, the System shall pay to the surviving spouse of the member
24 if the surviving spouse has been married to the firefighter for
thirty (30) continuous months preceding the member's death provided
a surviving spouse of a member who died while in, or as a

1 consequence of, the performance of the member's duty for a
2 participating municipality shall not be subject to the marriage
3 limitation for survivor benefits, or if there is no surviving spouse
4 or no surviving spouse meeting the requirements of this section, the
5 System shall pay to the designated recipient or recipients of the
6 member, or if there is no designated recipient or if the designated
7 recipient predeceases the member, to the estate of the member, the
8 sum of Four Thousand Dollars (\$4,000.00) for those active or retired
9 members who died prior to July 1, 1999. For those active or retired
10 members who die on or after July 1, 1999, but prior to the effective
11 date of this act, the sum shall be Five Thousand Dollars
12 (\$5,000.00). For those active or retired members who die on or
13 after the effective date of this act, the sum shall be Seven
14 Thousand Five Hundred Dollars (\$7,500.00).

15 B. Upon the death of a member who dies leaving no living
16 designated recipient or having designated the member's estate as
17 recipient, the System may pay any applicable death benefit which may
18 be subject to probate, in an amount of Five Thousand Dollars
19 (\$5,000.00), to the heir or heirs of the member without the
20 intervention of a probate court or probate procedures. For a death
21 benefit paid on or after the effective date of this act pursuant to
22 this subsection, the amount of such benefit shall be Seven Thousand
23 Five Hundred Dollars (\$7,500.00).

24

1 C. Before any applicable probate procedure may be waived, the
2 System must be in receipt of the member's proof of death and the
3 following documents from those persons claiming to be the legal
4 heirs of the deceased member:

5 1. The member's last will and testament if available;

6 2. An affidavit or affidavits of heirship which must contain:

7 a. the names and signatures of all claiming heirs to the
8 deceased member's estate including the claiming heirs'
9 names, relationship to the deceased member, current
10 addresses and current telephone numbers,

11 b. a statement or statements by the claiming heirs that
12 no application or petition for the appointment of a
13 personal representative is pending or has been granted
14 in any jurisdiction,

15 c. a statement that the value of the deceased member's
16 entire probate estate, less liens and encumbrances,
17 does not exceed the dollar limit pursuant to Section
18 393 of Title 58 of the Oklahoma Statutes, including
19 the payment of benefits from the System, and

20 d. a statement by each individual claiming heir
21 identifying the amount of personal property that the
22 heir is claiming from the System or the amount the
23 heir agrees to be paid to another person, and that the
24 heir has been notified of, is aware of and consents to

1 the identified claims of all the other claiming heirs
2 of the deceased member pending with the System;

3 3. A written agreement or agreements signed by all claiming
4 heirs of the deceased member which provides that the claiming heirs
5 release, discharge and hold harmless the System from any and all
6 liability, obligations and costs which it may incur as a result of
7 making a payment to any of the deceased member's heirs;

8 4. A corroborating affidavit from an individual other than a
9 claiming heir, who was familiar with the affairs of the deceased
10 member; and

11 5. Proof that funeral and burial expenses of the deceased
12 member have been paid or provided for.

13 D. The System shall retain complete discretion in determining
14 which requests for probate waiver may be granted or denied, for any
15 reason. Should the System have any questions as to the validity of
16 any document presented by the claiming heirs, or as to any statement
17 or assertion contained therein, the probate requirements provided
18 for in Section 1 et seq. of Title 58 of the Oklahoma Statutes shall
19 not be waived.

20 E. After paying any death benefits to any claiming heirs as
21 provided pursuant to this section, the System is discharged and
22 released from any and all liability, obligation and costs to the
23 same extent as if the System had paid a personal representative
24 holding valid letters testamentary issued by a court of competent

1 jurisdiction. The System is not required to inquire into the truth
2 of any matter specified in this section or into the payment of any
3 estate tax liability.

4 F. The provisions of this section shall not be subject to
5 qualified domestic orders as provided in subsection B of Section 49-
6 126 of this title.

7 G. 1. For purposes of this section, if a person makes a
8 qualified disclaimer with respect to the death benefit provided for
9 in subsection A of this section, this section shall apply with
10 respect to such death benefit as if the death benefit had never been
11 transferred to such person.

12 2. For purposes of this subsection, the term "qualified
13 disclaimer" means an irrevocable and unqualified refusal by a
14 person, including but not limited to the surviving spouse of the
15 deceased member, to accept an interest in the death benefit provided
16 for in subsection A of this section, but only if:

- 17 a. such refusal is in writing,
18 b. such writing is received by the System not later than
19 the date which is nine (9) months after the date of
20 death of the deceased member,
21 c. such person has not accepted the death benefit
22 provided for in subsection A of this section, and
23 d. as a result of such refusal, the death benefit
24 provided for in subsection A of this section passes

1 without any direction on the part of the person making
2 the disclaimer and passes first, to the organization
3 providing funeral and burial services for the deceased
4 member or, if the cost of the funeral and burial
5 services for the deceased member has already been
6 paid, to the person or persons other than the person
7 making the disclaimer as further provided for in this
8 section.

9 SECTION 2. AMENDATORY 11 O.S. 2021, Section 50-115.2, is
10 amended to read as follows:

11 Section 50-115.2 Upon the death of an active or retired member,
12 the Oklahoma Police Pension and Retirement System shall pay to the
13 beneficiary of the member under paragraph 13 of Section 50-101 of
14 this title or if there is no such beneficiary or if such beneficiary
15 predeceases the member, to the member's estate or, if properly
16 designated by the member, to a trust, the sum of Four Thousand
17 Dollars (\$4,000.00) as a death benefit for those active or retired
18 members who died prior to July 1, 1999. For those active or retired
19 members who die on or after July 1, 1999, but prior to the effective
20 date of this act, the sum shall be Five Thousand Dollars
21 (\$5,000.00). For those active or retired members who die on or
22 after the effective date of this act, the sum shall be Seven
23 Thousand Five Hundred Dollars (\$7,500.00).

24 SECTION 3. This act shall become effective July 1, 2024.

1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON BANKING, FINANCIAL SERVICES AND
7 PENSIONS, dated 02/27/2024 - DO PASS, As Amended and Coauthored.
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