

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2005

By: Sanders and Bennett of the
House

and

Griffin of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Oklahoma Firefighters Pension
12 and Retirement System; amending 11 O.S. 2011, Section
13 49-135, as amended by Section 7, Chapter 281, O.S.L.
14 2014 (11 O.S. Supp. 2014, Section 49-135), which
15 relates to certain age restriction; providing certain
16 volunteer firefighters excluded from eligibility and
17 membership in retirement system; prohibiting
18 benefits; requiring certain persons to make final
19 determination regarding volunteer firefighting
20 services; specifying basis for determination; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 11 O.S. 2011, Section 49-135, as
24 amended by Section 7, Chapter 281, O.S.L. 2014 (11 O.S. Supp. 2014,
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

1 it appears he or she shall become eligible for retirement at the age
2 of sixty-five (65) years, or at the age of sixty-seven (67) years
3 for a firefighter whose first service with a participating employer
4 of the System occurs on or after November 1, 2013, or unless he or
5 she be retired from a municipal fire department in the State of
6 Oklahoma. This section shall not apply to professional engineers,
7 or to persons employed as technical specialists on a temporary
8 basis. The State Board shall be authorized to establish the maximum
9 age, within the limits herein prescribed, over which an applicant
10 may not be considered for initial employment, but no person shall be
11 prohibited from making application for reemployment and having such
12 reemployment application considered merely because of his or her
13 age, provided that such person be under the age of forty-five (45)
14 years, and provided further, that such reemployment shall be with
15 the consent of the fire chief of such municipality.

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

1 performance of firefighting services having jurisdiction, which in
2 the absence of any other requirement to the contrary shall be the
3 Fire Chief, shall make the final determination on applicants for
4 positions that would involve the performance of volunteer
5 firefighting services if the applicant is over the age of forty-five
6 (45) based on local rules, regulations, ordinances, guidelines and
7 standard operating procedures.

8 SECTION 2. This act shall become effective November 1, 2015.

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10 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, LABOR, AND RETIREMENT
11 LAWS, dated 02/26/2015 - DO PASS, As Amended and Coauthored.
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