

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2005

By: Sanders

COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Firefighters Pension and Retirement System; amending 11 O.S. 2011, Section 49-135, as amended by Section 7, Chapter 281, O.S.L. 2014 (11 O.S. Supp. 2014, Section 49-135), which relates to certain age restriction; providing certain volunteer firefighters excluded from eligibility and membership in retirement system; prohibiting benefits; requiring certain persons to make final determination regarding volunteer firefighting services; specifying basis for determination; 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 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 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) based on local rules, regulations, ordinances, guidelines and
4 standard operating procedures.

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

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