

1 ENGROSSED HOUSE
2 BILL NO. 2051

By: Sanders and Boles of the
House

3 and

4 Murdock of the Senate
5

6
7 An Act relating to public retirement systems;
8 amending 11 O.S. 2011, Section 49-135, as last
9 amended by Section 1, Chapter 134, O.S.L. 2015 (11
10 O.S. Supp. 2018, Section 49-135), which relates to
11 employment of persons over designated age; modifying
12 provisions related to services performed as volunteer
13 firefighter; requiring cessation of pension benefit
14 under certain circumstances; prohibiting volunteer
15 services being performed by persons in receipt of
16 certain disability benefits; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 11 O.S. 2011, Section 49-135, as
20 last amended by Section 1, Chapter 134, O.S.L. 2015 (11 O.S. Supp.
21 2018, Section 49-135), is amended to read as follows:

22 Section 49-135. A. No person shall be employed in a fire
23 department who has reached the age of forty-five (45) years, unless
24 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
of the System occurs on or after November 1, 2013, or unless he or

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

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

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

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

16 SECTION 2. This act shall become effective November 1, 2019.
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1 Passed the House of Representatives the 7th day of March, 2019.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2019.

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9 Presiding Officer of the Senate