

An Act

ENROLLED SENATE
BILL NO. 1524

By: Green and Stephens of the
Senate

and

Sterling of the House

An Act relating to the Oklahoma Firefighters Pension and Retirement System; amending 11 O.S. 2021, Section 49-135, as amended by Section 8, Chapter 232, O.S.L. 2022 (11 O.S. Supp. 2023, Section 49-135), which relates to membership benefits and requirements; establishing provisions for return to service by certain members; providing for cessation of certain benefits during certain paid service; prohibiting certain disabled members from returning to service; defining term; updating statutory language and reference; prohibiting further accrual of service; and providing an effective date.

SUBJECT: Oklahoma Firefighters Pension and Retirement System

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 49-135, as amended by Section 8, Chapter 232, O.S.L. 2022 (11 O.S. Supp. 2023, 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 unless he or she be retired from a municipal fire department in ~~the State of Oklahoma~~ this state. This section shall not apply to professional engineers, or to persons employed as technical specialists on a temporary basis. The ~~State~~

Oklahoma Firefighters Pension and Retirement Board shall be authorized to establish the maximum age, within the limits herein prescribed, over which an applicant may not be considered for initial employment, but no person shall be prohibited from making application for reemployment and having such reemployment application considered merely because of his or her age, provided that such person be under the age of forty-five (45) years, and provided further, that such reemployment shall be with the consent of the fire chief of such municipality.

B. On or after ~~the effective date of this act~~ November 1, 2015, a person who performs volunteer services as a firefighter, who has attained the age of forty-five (45) or more years as of the first date such volunteer services are performed, for a municipality or a county shall not be eligible to be a member of the Oklahoma Firefighters Pension and Retirement System for any purpose, shall not be eligible for any benefit payable by the System and shall not receive any form of service credit from the System resulting from such volunteer services. The person responsible for decisions regarding the performance of firefighting services having jurisdiction, which in the absence of any other requirement to the contrary shall be the ~~Fire Chief~~ fire chief, shall make the final determination on applicants for positions that would involve the performance of volunteer firefighting services if the applicant is over the age of forty-five (45) years based on local rules, regulations, ordinances, guidelines and standard operating procedures.

C. Notwithstanding the requirements of subsections C and H of Section 49-106.1 of this title to terminate employment with all participating municipalities as a firefighter, a ~~person retired,~~ paid firefighter receiving an accrued retirement benefit pursuant to Section 49-106 of this title may perform volunteer firefighting services for a volunteer department pursuant to subsection B of this section and continue to receive the member's accrued retirement benefit; ~~provided,~~ A member performing services for a volunteer fire department under this section shall not further accrue any years of credited service during such period. Provided, that the pension shall cease during any period of time the member may thereafter serve for compensation in any municipal fire department in the state; provided further, that no person shall perform any

services as a firefighter if such person is receiving disability benefits pursuant to Section 49-109 of this title.

D. 1. Notwithstanding the requirements of subsections C and H of Section 49-106.1 of this title, a retired volunteer firefighter receiving the maximum allowable accrued retirement benefit pursuant to Section 49-101 of this title may return to service as a volunteer firefighter for a volunteer fire department pursuant to subsection B of this section and continue to receive the member's retirement benefit. The retired volunteer firefighter shall not further accrue any years of credited service during such period. Provided, the benefit shall cease during any time period the retiree may thereafter serve for compensation in any municipal fire department in the state; provided further, no person shall perform any services as a volunteer firefighter if such person is receiving disability benefits pursuant to Section 49-109 of this title.

2. For the purposes of this subsection, "maximum allowable accrued retirement benefit" means a benefit calculated using thirty (30) years of credited service pursuant to subsection A of Section 49-101 of this title. Provided, if the member has elected to participate in the Oklahoma Firefighters Deferred Option Plan pursuant to Section 49-106.1 of this title, credited service for benefit calculation shall be calculated as of the date that the member begins participation in the Plan, or the back drop date if elected under subsection H of Section 49-106.1 of this title.

E. No person serving as a firefighter pursuant to this section shall be eligible to serve as the fire chief. Pursuant to Section 49-100.1 of this title, the fire chief shall be an active member of the System within a participating municipality of which he or she serves as fire chief.

SECTION 2. This act shall become effective November 1, 2024.

Passed the Senate the 14th day of March, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2024.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____