

ENROLLED SENATE  
BILL NO. 189

By: Monson of the Senate

and

Roberts and Ostrander of  
the House

An Act relating to retirement; amending 11 O.S. 1991, Sections 49-106.1, as amended by Section 1, Chapter 353, O.S.L. 1993 and 49-128 (11 O.S. Supp. 1996, Section 49-106.1), which relate to deferred option plans and appeals; adding beneficiaries; specifying jurisdiction and venue of appeals; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 49-106.1, as amended by Section 1, Chapter 353, O.S.L. 1993 (11 O.S. Supp. 1996, Section 49-106.1), is amended to read as follows:

Section 49-106.1 A. In lieu of terminating employment and accepting a service retirement pension pursuant to Section 49-106 of this title, any member of the Oklahoma Firefighters Pension and Retirement System who has not less than twenty (20) years of creditable service and who is eligible to receive a service retirement pension may elect to participate in the Oklahoma Firefighters Deferred Option Plan and defer the receipts of benefits in accordance with the provisions of this section.

B. For purposes of this section, creditable service shall include service credit reciprocally recognized pursuant to Sections 49-100.1 through 49-100.8 of this title but for eligibility purposes only.

C. The duration of participation in the Oklahoma Firefighters Deferred Option Plan for active fire fighters shall not exceed five (5) years. At the conclusion of a member's participation in the Oklahoma Firefighters Deferred Option Plan, the member shall terminate employment with all participating municipalities as a fire fighter, and shall start receiving the member's accrued monthly retirement benefit from the System.

D. When a member begins participation in the Oklahoma Firefighters Deferred Option Plan, the contribution of the employee shall cease. The employer contributions shall continue to be paid in accordance with subsection B of Section 49-122 of this title. Municipal contributions for employees who elect the Oklahoma Firefighters Deferred Option Plan shall be credited equally to the Oklahoma Firefighters Pension and Retirement System and to the Oklahoma Firefighters Deferred Option Plan. The monthly retirement benefits that would have been payable had the member elected to cease employment and receive a service retirement shall be paid into the Oklahoma Firefighters Deferred Option Plan account.

E. 1. A member who participates in this plan shall be eligible to receive cost of living increases.

2. A member who participates in this plan shall earn interest at a rate of two percentage points below the rate of return of the investment portfolio of the System, but no less than the actuarial assumed interest rate as certified by the actuary in the yearly evaluation report of the actuary. The interest shall be credited to the individual account balance of the member on an annual basis.

F. A participant in the plan shall receive at the option of the participant, a lump sum payment from the account equal to the payments to the account, or an annuity based upon the account of the participant or may elect any other method of payment if approved by the Board of Trustees.

G. ~~If the participant~~ a member dies while ~~participating~~ maintaining an account balance in the plan ~~and there is no beneficiary, a lump sum payment equal to the account balance of the participant~~ the System shall be paid pay to the participant's estate designated recipient or recipients of the member, or if there is no designated recipient or if the designated recipient predeceases the member, to the estate of the member a lump sum payment equal to the account balance of the member. ~~If there is a beneficiary, a designated recipient is the surviving spouse of the beneficiary member, the surviving spouse shall receive a benefit his or her portion of the account balance of the member pursuant to subsection F of this section.~~

SECTION 2. AMENDATORY 11 O.S. 1991, Section 49-128, is amended to read as follows:

Section 49-128. Any person possessing the qualifications required and provided for under this article, who deems himself aggrieved by ~~the~~ a decision of the State Board on his or her claim for pension, either in rejecting his or her claim or in the amount allowed by the Board, may appeal from such decision ~~to~~ by filing a petition in the Oklahoma County district court, by giving written notice, of his intention to appeal, to the local board of such municipality and by filing with the court clerk a transcript of the proceedings had before the State Board District Court within thirty (30) days from the date of such decision; ~~provided, that any appeal may be taken from the decision of the State Board by the municipal attorney of such municipality, acting for and on behalf of such municipality, under the same conditions and upon the same terms and to the same court as is provided herein for appeals taken on the part of any claimant whose claim has been disallowed by the State Board.~~

SECTION 3. This act shall become effective July 1, 1997.

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

Passed the Senate the 12th day of May, 1997.

President of the Senate

Passed the House of Representatives the 19th day of May, 1997.

Speaker of the House of  
Representatives