

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3329

By: Sanders

AS INTRODUCED

An Act relating to the Oklahoma Firefighters Pension and Retirement System; amending 11 O.S. 2011, Section 49-135, as last amended by Section 1, Chapter 134, O.S.L. 2015 (11 O.S. Supp. 2017, Section 49-135), which relates to volunteer firefighting services; authorizing determination by fire chief with respect to persons of certain age; 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 last amended by Section 1, Chapter 134, O.S.L. 2015 (11 O.S. Supp. 2017, 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 of the System occurs on or after November 1, 2013, or unless he or she be retired from a municipal fire department in the State of

Oklahoma. This section shall not apply to professional engineers, or to persons employed as technical specialists on a temporary basis. The State 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, 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, 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

1 (45) years based on local rules, regulations, ordinances, guidelines
2 and standard operating procedures.

3 C. The Fire Chief shall determine the activities of any
4 individual over the age of forty-five (45) regardless of any current
5 retirement pension benefits said individual may receive and/or is
6 currently receiving in the performance of volunteer firefighting
7 services.

8 SECTION 2. This act shall become effective November 1, 2018.

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January 3, 2018

Representative Mike Sanders
Room 205

Re: RBH No. 8188

RBH No. 8188 allows the fire chief to regulate the duties of individuals over the age 45 without regard of pension benefits the individual may receiving or may receive in the performance of volunteer firefighting service.

RBH No. 8188 is a non fiscal bill as defined by the Oklahoma Pension Legislation Analysis Act because the bill does not contains a benefit increase.

I am a member of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion herein.

Thomas E. Cummins

Thomas E. Cummins, MAAA