

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3291

By: Taylor

AS INTRODUCED

An Act relating to the Oklahoma Police Pension and Retirement System; amending 11 O.S. 2011, Section 50-112, as amended by Section 4, Chapter 346, O.S.L. 2019 (11 O.S. Supp. 2019, Section 50-112), which relates to eligibility for participation; modifying provision related to police departments with less than designated number of officers; authorizing employment of officers beyond 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 50-112, as amended by Section 4, Chapter 346, O.S.L. 2019 (11 O.S. Supp. 2019, Section 50-112), is amended to read as follows:

Section 50-112. A. All persons employed as full-time duly appointed or elected officers who are paid for working more than twenty-five (25) hours per week or any person hired by a participating municipality who is undergoing police training to become a permanent police officer of the municipality shall participate in the System upon initial employment with a police department of a participating municipality. All such persons shall

1 submit to a physical-medical examination pertaining to sight,  
2 hearing, agility and other conditions the requirements of which  
3 shall be established by the State Board. The person shall be  
4 required to complete this physical-medical examination prior to the  
5 beginning of actual employment. This examination shall identify any  
6 preexisting conditions. Except as otherwise provided in this  
7 section, a police officer shall be not less than twenty-one (21) nor  
8 more than forty-five (45) years of age when accepted for membership  
9 in the System. However, if a municipality should be found to be in  
10 noncompliance with the provisions of Article 50 of this title, as  
11 determined by the State Board, then any current full-time active  
12 police officer employed by a municipality as of July 1, 2001, shall  
13 not be denied eligibility to participate in the Oklahoma Police  
14 Pension and Retirement System solely due to age. The State Board  
15 shall have authority to deny or revoke membership of any person  
16 submitting false information in such person's membership  
17 application. The State Board shall have final authority in  
18 determining eligibility for membership in the System, pursuant to  
19 the provisions of this article.

20 B. The police chief of any participating municipality may be  
21 exempt from membership in the System or may become a member provided  
22 the member is not a retired member and the requirements of this  
23 section are met at the time of employment.

1 C. A member of the System who has attained his or her normal  
2 retirement date may, if the member so elects, agree to terminate  
3 employment and retire as a member of the System and make an election  
4 to receive distributions from the System. If a retired member is  
5 reemployed by a participating municipality in the position of police  
6 chief or in a position which is not covered by the System,  
7 retirement shall include receipt by such retired member of in-  
8 service distributions from the System.

9 D. A former member of the System who terminates from covered  
10 employment and who has neither retired from the System nor entered  
11 the Oklahoma Police Deferred Option Plan and is later employed in a  
12 covered position with a participating municipality shall not be  
13 denied eligibility to become a member of the System because he or  
14 she is forty-five (45) years of age or older. If such member has  
15 withdrawn his or her contributions prior to re-entering the System  
16 and the member desires to receive credit for such prior service,  
17 then the member shall pay back such contributions and interest  
18 pursuant to Section 50-111.1 of this title.

19 E. Notwithstanding any other provision of law to the contrary,  
20 a municipality that employs ~~two (2)~~ ten (10) or fewer full-time  
21 police officers may employ ~~a police officer~~ no more than two police  
22 officers who ~~is more~~ are older than forty-five (45) years of age and  
23 who ~~has~~ have never participated in the Oklahoma Police Pension and  
24 Retirement System, but such police ~~officer~~ officers shall not be

1 eligible to participate in the System. Such police ~~officer~~ officers  
2 shall be counted in the limitation imposed by this subsection.  
3 Notwithstanding any other provisions of law, the State Board shall  
4 be granted access to information concerning a list of actively  
5 working police officers within the municipalities and agencies under  
6 the purview provided by the Council on Law Enforcement Education and  
7 Training.

8 SECTION 2. This act shall become effective November 1, 2020.

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10 57-2-9472 MAH 01/13/20

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January 14, 2020

Representative Zack Taylor  
Room 435A

Re: RBH No. 9472

This bill allows municipalities with 10 or less police officers to hire not more than 2 officers over the age 45. These officers do not participant in Oklahoma Police Retirement and Pension System.

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RBH No. 9472 is a non fiscal bill as defined by the Oklahoma Pension Legislation Actuarial Analysis Act.

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