

## STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1188

By: Taylor of the Senate

and

Newton of the House

COMMITTEE SUBSTITUTE

An Act relating to state pensions; amending 11 O.S. 2021, Section 50-112, which relates to eligibility for membership in system; allowing municipalities under certain population hire certain retired police officers without reentering system; allowing for retired persons to be hired as police officers under certain circumstances without entrance into system; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2021, 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) or fewer full-time police~~  
21 ~~officers~~ with a population of four thousand five hundred (4,500) or  
22 less, according to the latest Federal Decennial Census, may employ a  
23 ~~police officer~~ retired police officers who ~~is~~ are more than forty-  
24 five (45) years of age and who ~~has never~~ have participated in the

1 Oklahoma Police Pension and Retirement System, and are receiving  
2 retirement benefits. ~~but such police officer~~ Such officers shall  
3 not be eligible to reenter and participate in the System. ~~Such~~  
4 ~~police officer shall be counted in the limitation imposed by this~~  
5 ~~subsection.~~ Notwithstanding any other provisions of law, the State  
6 Board shall be granted access to information concerning a list of  
7 actively working police officers within the municipalities and  
8 agencies under the purview provided by the Council on Law  
9 Enforcement Education and Training.

10 SECTION 2. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 112.1 of Title 11, unless there  
12 is created a duplication in numbering, reads as follows:

13 Notwithstanding any other provision of law, any person who is  
14 receiving retirement benefits from a state pension system may be  
15 hired by a municipality with a population of four thousand five  
16 hundred (4,500) or less, according to the latest Federal Decennial  
17 Census, to fulfill the duties and obligations of a police officer.  
18 Such persons shall not be subject to the requirements and  
19 obligations of the Oklahoma Police Pension Retirement System and  
20 shall not be eligible to enter into the System.

21 SECTION 3. This act shall become effective November 1, 2022.  
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