

## STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 1824

By: May

COMMITTEE SUBSTITUTE

An Act relating to public retirement systems;  
amending 11 O.S. 2021, Section 49-113.2, which  
relates to the Oklahoma Firefighters Pension and  
Retirement System; amending 11 O.S. 2021, Section 50-  
115.2, which relates to the Oklahoma Police Pension  
and Retirement System; modifying death benefit  
amounts; 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. 2021, Section 49-113.2, is  
amended to read as follows:

Section 49-113.2 A. Upon the death of an active or retired  
member, the System shall pay to the surviving spouse of the member  
if the surviving spouse has been married to the firefighter for  
thirty (30) continuous months preceding the member's death provided  
a surviving spouse of a member who died while in, or as a  
consequence of, the performance of the member's duty for a  
participating municipality shall not be subject to the marriage  
limitation for survivor benefits, or if there is no surviving spouse

1 or no surviving spouse meeting the requirements of this section, the  
2 System shall pay to the designated recipient or recipients of the  
3 member, or if there is no designated recipient or if the designated  
4 recipient predeceases the member, to the estate of the member, the  
5 sum of Four Thousand Dollars (\$4,000.00) for those active or retired  
6 members who died prior to July 1, 1999. For those active or retired  
7 members who die on or after July 1, 1999, but prior to the effective  
8 date of this act, the sum shall be Five Thousand Dollars  
9 (\$5,000.00). For those active or retired members who die on or  
10 after the effective date of this act, the sum shall be Seven  
11 Thousand Five Hundred Dollars (\$7,500.00).

12 B. Upon the death of a member who dies leaving no living  
13 designated recipient or having designated the member's estate as  
14 recipient, the System may pay any applicable death benefit which may  
15 be subject to probate, in an amount of Five Thousand Dollars  
16 (\$5,000.00), to the heir or heirs of the member without the  
17 intervention of a probate court or probate procedures. For a death  
18 benefit paid on or after the effective date of this act pursuant to  
19 this subsection, the amount of such benefit shall be Seven Thousand  
20 Five Hundred Dollars (\$7,500.00).

21 C. Before any applicable probate procedure may be waived, the  
22 System must be in receipt of the member's proof of death and the  
23 following documents from those persons claiming to be the legal  
24 heirs of the deceased member:

1. The member's last will and testament if available;
2. An affidavit or affidavits of heirship which must contain:
  - a. the names and signatures of all claiming heirs to the deceased member's estate including the claiming heirs' names, relationship to the deceased member, current addresses and current telephone numbers,
  - b. a statement or statements by the claiming heirs that no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction,
  - c. a statement that the value of the deceased member's entire probate estate, less liens and encumbrances, does not exceed the dollar limit pursuant to Section 393 of Title 58 of the Oklahoma Statutes, including the payment of benefits from the System, and
  - d. a statement by each individual claiming heir identifying the amount of personal property that the heir is claiming from the System or the amount the heir agrees to be paid to another person, and that the heir has been notified of, is aware of and consents to the identified claims of all the other claiming heirs of the deceased member pending with the System;
3. A written agreement or agreements signed by all claiming heirs of the deceased member which provides that the claiming heirs

1 release, discharge and hold harmless the System from any and all  
2 liability, obligations and costs which it may incur as a result of  
3 making a payment to any of the deceased member's heirs;

4 4. A corroborating affidavit from an individual other than a  
5 claiming heir, who was familiar with the affairs of the deceased  
6 member; and

7 5. Proof that funeral and burial expenses of the deceased  
8 member have been paid or provided for.

9 D. The System shall retain complete discretion in determining  
10 which requests for probate waiver may be granted or denied, for any  
11 reason. Should the System have any questions as to the validity of  
12 any document presented by the claiming heirs, or as to any statement  
13 or assertion contained therein, the probate requirements provided  
14 for in Section 1 et seq. of Title 58 of the Oklahoma Statutes shall  
15 not be waived.

16 E. After paying any death benefits to any claiming heirs as  
17 provided pursuant to this section, the System is discharged and  
18 released from any and all liability, obligation and costs to the  
19 same extent as if the System had paid a personal representative  
20 holding valid letters testamentary issued by a court of competent  
21 jurisdiction. The System is not required to inquire into the truth  
22 of any matter specified in this section or into the payment of any  
23 estate tax liability.

1 F. The provisions of this section shall not be subject to  
2 qualified domestic orders as provided in subsection B of Section 49-  
3 126 of this title.

4 G. 1. For purposes of this section, if a person makes a  
5 qualified disclaimer with respect to the death benefit provided for  
6 in subsection A of this section, this section shall apply with  
7 respect to such death benefit as if the death benefit had never been  
8 transferred to such person.

9 2. For purposes of this subsection, the term "qualified  
10 disclaimer" means an irrevocable and unqualified refusal by a  
11 person, including but not limited to the surviving spouse of the  
12 deceased member, to accept an interest in the death benefit provided  
13 for in subsection A of this section, but only if:

- 14 a. such refusal is in writing,
- 15 b. such writing is received by the System not later than  
16 the date which is nine (9) months after the date of  
17 death of the deceased member,
- 18 c. such person has not accepted the death benefit  
19 provided for in subsection A of this section, and
- 20 d. as a result of such refusal, the death benefit  
21 provided for in subsection A of this section passes  
22 without any direction on the part of the person making  
23 the disclaimer and passes first, to the organization  
24 providing funeral and burial services for the deceased

1 member or, if the cost of the funeral and burial  
2 services for the deceased member has already been  
3 paid, to the person or persons other than the person  
4 making the disclaimer as further provided for in this  
5 section.

6 SECTION 2. AMENDATORY 11 O.S. 2021, Section 50-115.2, is  
7 amended to read as follows:

8 Section 50-115.2 Upon the death of an active or retired member,  
9 the Oklahoma Police Pension and Retirement System shall pay to the  
10 beneficiary of the member under paragraph 13 of Section 50-101 of  
11 this title or if there is no such beneficiary or if such beneficiary  
12 predeceases the member, to the member's estate or, if properly  
13 designated by the member, to a trust, the sum of Four Thousand  
14 Dollars (\$4,000.00) as a death benefit for those active or retired  
15 members who died prior to July 1, 1999. For those active or retired  
16 members who die on or after July 1, 1999, but prior to the effective  
17 date of this act, the sum shall be Five Thousand Dollars  
18 (\$5,000.00). For those active or retired members who die on or  
19 after the effective date of this act, the sum shall be Seven  
20 Thousand Five Hundred Dollars (\$7,500.00).

21 SECTION 3. This act shall become effective July 1, 2024.

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

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