

## STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 1969

By: Newton

COMMITTEE SUBSTITUTE

An Act relating to retirement; amending 11 O.S. 2021, Section 50-112, which relate to the Oklahoma Police Pension and Retirement System; allowing municipalities under certain population to hire certain retired police officers without reentering system; 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 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 submit to a physical-medical examination pertaining to sight,

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

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

23 C. A member of the System who has attained his or her normal  
24 retirement date may, if the member so elects, agree to terminate

1 employment and retire as a member of the System and make an election  
2 to receive distributions from the System. If a retired member is  
3 reemployed by a participating municipality in the position of police  
4 chief or in a position which is not covered by the System,  
5 retirement shall include receipt by such retired member of in-  
6 service distributions from the System.

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

17 E. Notwithstanding any other provision of law to the contrary,  
18 a municipality ~~that employs two (2) or fewer full-time police~~  
19 ~~officers~~ with a population of Four Thousand Five Hundred (4,500) or  
20 less, according to the latest Federal Decennial Census, may employ a  
21 ~~police officer~~ retired police officers who ~~is~~ are more than forty-  
22 five (45) years of age and who ~~has never~~ have participated in the  
23 Oklahoma Police Pension and Retirement System, ~~but such police~~  
24 ~~officer~~ and are receiving retirement benefits. Such officers shall

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

8 SECTION 2. This act shall become effective July 1, 2023.

9 SECTION 3. It being immediately necessary for the preservation  
10 of the public peace, health or safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

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14 59-1-7782 CMA 02/28/23  
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