

1 ENGROSSED HOUSE
2 BILL NO. 1969

By: Newton of the House

3 and

4 Montgomery and Coleman of
5 the Senate

6
7 An Act relating to retirement; amending 11 O.S. 2021,
8 Section 50-112, which relate to the Oklahoma Police
9 Pension and Retirement System; allowing
10 municipalities under certain population to hire
11 certain retired police officers without reentering
12 system; providing an effective date; and declaring an
13 emergency.

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

15 SECTION 1. AMENDATORY 11 O.S. 2021, Section 50-112, is
16 amended to read as follows:

17 Section 50-112. A. All persons employed as full-time duly
18 appointed or elected officers who are paid for working more than
19 twenty-five (25) hours per week or any person hired by a
20 participating municipality who is undergoing police training to
21 become a permanent police officer of the municipality shall
22 participate in the System upon initial employment with a police
23 department of a participating municipality. All such persons shall
24 submit to a physical-medical examination pertaining to sight,
hearing, agility and other conditions the requirements of which

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

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

22 C. A member of the System who has attained his or her normal
23 retirement date may, if the member so elects, agree to terminate
24 employment and retire as a member of the System and make an election

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

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

16 E. Notwithstanding any other provision of law to the contrary,
17 a municipality ~~that employs two (2) or fewer full-time police~~
18 ~~officers~~ with a population of Four Thousand Five Hundred (4,500) or
19 less, according to the latest Federal Decennial Census, may employ a
20 ~~police officer~~ retired police officers who ~~is~~ are more than forty-
21 five (45) years of age and who ~~has never~~ have participated in the
22 Oklahoma Police Pension and Retirement System, ~~but such police~~
23 ~~officer~~ and are receiving retirement benefits. Such officers shall
24 not be eligible to reenter and participate in the System. ~~Such~~

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

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

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

12 Passed the House of Representatives the 8th day of March, 2023.

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15 Presiding Officer of the House
16 of Representatives

17 Passed the Senate the ____ day of _____, 2023.

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20 Presiding Officer of the Senate
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