

HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1969

By: Newton of the House

and

Montgomery and **Coleman** of
the Senate

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

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

22 B. The police chief of any participating municipality may be
23 exempt from membership in the System or may become a member provided
24

1 the member is not a retired member and the requirements of this
2 section are met at the time of employment.

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

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

21 E. Notwithstanding any other provision of law to the contrary,
22 a municipality ~~that employs two (2) or fewer full-time police~~
23 ~~officers~~ with a population of Four Thousand Five Hundred (4,500) or
24 less, according to the latest Federal Decennial Census, may employ a

1 ~~police officer~~ retired police officers who ~~is~~ are more than forty-
2 five (45) years of age and who ~~has never~~ have participated in the
3 Oklahoma Police Pension and Retirement System, ~~but such police~~
4 ~~officer~~ and are receiving retirement benefits. Such officers shall
5 not be eligible to reenter and participate in the System. ~~Such~~
6 ~~police officer shall be counted in the limitation imposed by this~~
7 ~~subsection.~~ Notwithstanding any other provisions of law, the State
8 Board shall be granted access to information concerning a list of
9 actively working police officers within the municipalities and
10 agencies under the purview provided by the Council on Law
11 Enforcement Education and Training.

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

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

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18 COMMITTEE REPORT BY: COMMITTEE ON BANKING, FINANCIAL SERVICES AND
19 PENSIONS, dated 03/01/2023 - DO PASS, As Amended and Coauthored.
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