

**SENATE FLOOR VERSION**

February 22, 2023

SENATE BILL NO. 1095

By: Green of the Senate

and

Newton of the House

[ Oklahoma Police Pension and Retirement System -  
eligibility - officers - accrual - codification -  
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 Oklahoma Police Pension and Retirement 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, hearing, agility and other  
conditions, the requirements of which shall be established by the

1 ~~State Board~~ Oklahoma Police Pension and Retirement Board ("State  
2 Board"). The person shall be required to complete this physical-  
3 medical examination prior to the beginning of actual employment.  
4 This examination shall identify any preexisting conditions. Except  
5 as otherwise provided in this section, a police officer shall be not  
6 less than twenty-one (21) nor more than forty-five (45) years of age  
7 when accepted for membership in the System. However, if a  
8 municipality should be found to be in noncompliance with the  
9 provisions of Article 50 of this title, as determined by the State  
10 Board, then any current full-time active police officer employed by  
11 a municipality as of July 1, 2001, shall not be denied eligibility  
12 to participate in the Oklahoma Police Pension and Retirement System  
13 solely due to age. The State Board shall have authority to deny or  
14 revoke membership of any person submitting false information in such  
15 person's membership application. The State Board shall have final  
16 authority in determining eligibility for membership in the System,  
17 pursuant to 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 (4,000) or less,  
19 according to the latest Federal Decennial Census, may employ a  
20 ~~police officer~~ a retired police officer who is more than forty-five  
21 (45) years of age and who has ~~never~~ participated in the Oklahoma  
22 Police Pension and Retirement System, ~~but such police officer and~~  
23 are actively receiving retirement benefits. A retired police  
24 officer employed under this subsection shall not be eligible to

1 ~~participate~~ accrue further years of service 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. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 50-112.1 of Title 11, unless  
10 there is created a duplication in numbering, reads as follows:

11 Notwithstanding any other provision of law, any person who is  
12 actively receiving retirement benefits from a state pension system  
13 may be hired by a municipality with a population of four thousand  
14 (4,000) or less, according to the latest Federal Decennial Census,  
15 to fulfill the duties and obligations of a police officer. Such  
16 persons shall not be subject to the requirements and obligations of  
17 the Oklahoma Police Pension Retirement System and shall not be  
18 eligible to enter into the System.

19 SECTION 3. This act shall become effective November 1, 2023.

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
21 February 22, 2023 - DO PASS  
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