

SENATE FLOOR VERSION

February 6, 2024

SENATE BILL NO. 1524

By: Green

An Act relating to the Oklahoma Firefighters Pension and Retirement System; amending 11 O.S. 2021, Section 49-135, as amended by Section 8, Chapter 232, O.S.L. 2022 (11 O.S. Supp. 2023, Section 49-135), which relates to membership benefits and requirements; establishing provisions for return to service by certain members; providing for cessation of certain benefits during certain paid service; prohibiting certain disabled members from returning to service; defining term; updating statutory language and reference; prohibiting further accrual of service; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 49-135, as amended by Section 8, Chapter 232, O.S.L. 2022 (11 O.S. Supp. 2023, Section 49-135), is amended to read as follows:

Section 49-135. A. No person shall be employed in a fire department who has reached the age of forty-five (45) years, unless it appears he or she shall become eligible for retirement at the age of sixty-five (65) years or unless he or she be retired from a municipal fire department in ~~the State of Oklahoma~~ this state. This section shall not apply to professional engineers, or to persons employed as technical specialists on a temporary basis. The ~~State~~

1 Oklahoma Firefighters Pension and Retirement Board shall be
2 authorized to establish the maximum age, within the limits herein
3 prescribed, over which an applicant may not be considered for
4 initial employment, but no person shall be prohibited from making
5 application for reemployment and having such reemployment
6 application considered merely because of his or her age, provided
7 that such person be under the age of forty-five (45) years, and
8 provided further, that such reemployment shall be with the consent
9 of the fire chief of such municipality.

10 B. On or after ~~the effective date of this act~~ November 1, 2015,
11 a person who performs volunteer services as a firefighter, who has
12 attained the age of forty-five (45) or more years as of the first
13 date such volunteer services are performed, for a municipality or a
14 county shall not be eligible to be a member of the Oklahoma
15 Firefighters Pension and Retirement System for any purpose, shall
16 not be eligible for any benefit payable by the System and shall not
17 receive any form of service credit from the System resulting from
18 such volunteer services. The person responsible for decisions
19 regarding the performance of firefighting services having
20 jurisdiction, which in the absence of any other requirement to the
21 contrary shall be the ~~Fire Chief~~ fire chief, shall make the final
22 determination on applicants for positions that would involve the
23 performance of volunteer firefighting services if the applicant is
24 over the age of forty-five (45) years based on local rules,

1 regulations, ordinances, guidelines and standard operating
2 procedures.

3 C. Notwithstanding the requirements of subsections C and H of
4 Section 49-106.1 of this title to terminate employment with all
5 participating municipalities as a firefighter, a ~~person~~ retired,
6 paid firefighter receiving an accrued retirement benefit pursuant to
7 Section 49-106 of this title may perform volunteer firefighting
8 services for a volunteer department pursuant to subsection B of this
9 section and continue to receive the member's accrued retirement
10 benefit; ~~provided,~~. A member performing services for a volunteer
11 fire department under this section shall not further accrue any
12 years of credited service during such period. Provided, that the
13 pension shall cease during any period of time the member may
14 thereafter serve for compensation in any municipal fire department
15 in the state; provided further, that no person shall perform any
16 services as a firefighter if such person is receiving disability
17 benefits pursuant to Section 49-109 of this title.

18 D. 1. Notwithstanding the requirements of subsections C and H
19 of Section 49-106.1 of this title, a retired volunteer firefighter
20 receiving the maximum allowable accrued retirement benefit pursuant
21 to Section 49-101 of this title may return to service as a volunteer
22 firefighter for a volunteer fire department pursuant to subsection B
23 of this section and continue to receive the member's retirement
24 benefit. The retired volunteer firefighter shall not further accrue

1 any years of credited service during such period. Provided, the
2 benefit shall cease during any time period the retiree may
3 thereafter serve for compensation in any municipal fire department
4 in the state; provided further, no person shall perform any services
5 as a volunteer firefighter if such person is receiving disability
6 benefits pursuant to Section 49-109 of this title.

7 2. For the purposes of this subsection, "maximum allowable
8 accrued retirement benefit" means a benefit calculated using thirty
9 (30) years of credited service pursuant to subsection A of Section
10 49-101 of this title. Provided, if the member has elected to
11 participate in the Oklahoma Firefighters Deferred Option Plan
12 pursuant to Section 49-106.1 of this title, credited service for
13 benefit calculation shall be calculated as of the date that the
14 member begins participation in the Plan, or the back drop date if
15 elected under subsection H of Section 49-106.1 of this title.

16 E. No person serving as a firefighter pursuant to this section
17 shall be eligible to serve as the fire chief. Pursuant to Section
18 49-100.1 of this title, the fire chief shall be an active member of
19 the System within a participating municipality of which he or she
20 serves as fire chief.

21 SECTION 2. This act shall become effective November 1, 2024.

22 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE
23 February 6, 2024 - DO PASS
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