

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3265

By: George

AS INTRODUCED

An Act relating to retirement; amending 11 O.S. 2021, Section 50-115, as last amended by Section 7, Chapter 151, O.S.L. 2023 (11 O.S. Supp. 2025, Section 50-115), which relates to the Oklahoma Police Pension and Retirement System; defining term; permitting psychologist to make certain certification; providing requirement for continuing salary; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 50-115, as last amended by Section 7, Chapter 151, O.S.L. 2023 (11 O.S. Supp. 2025, Section 50-115), is amended to read as follows:

Section 50-115. A. The State Board is authorized to pay a disability benefit to a member of the System or a pension to the beneficiaries of such member eligible as hereinafter provided, not exceeding the accrued retirement benefit of the member, except as otherwise provided in this article. Such disability benefit shall be payable immediately upon determination of eligibility. Any preexisting condition identified at the time of any initial or subsequent membership shall be used to offset the percentage of

1 impairment to the whole person in determining any disability
2 benefit. Once the initial disability benefit has been awarded by
3 the Board on the basis of the percentage of impairment to the whole
4 person, the member shall have no further recourse to increase the
5 awarded percentage of impairment.

6 B. In order for any member to be eligible for any disability
7 benefit, or the member's beneficiaries to be eligible for a pension,
8 the member must have complied with any agreement as to contributions
9 by the member and other members to any funds of the System where the
10 agreement has been made as provided by this article; and the State
11 Board must find:

12 1. That the member incurred a permanent total disability or a
13 permanent partial disability or died while in, and in consequence
14 of, the performance of duty as an officer; or

15 2. That such member has served ten (10) years and incurred a
16 permanent total disability or a permanent partial disability or has
17 died from any cause.

18 C. In the event of the death of any member who has been awarded
19 a disability benefit or is eligible therefor as provided in this
20 article, the member's beneficiary shall be paid the benefit.

21 D. 1. As of the date of determination by the State Board that
22 a member has a permanent in-line disability, the member shall be
23 awarded a normal disability benefit, as defined in Section 50-101 of
24 this title.

1 2. If an injury to a member results from a violent act as
2 defined by this paragraph while in the performance of his or her
3 duties as a police officer, the State Board shall make a
4 determination that the member has sustained a one-hundred-percent
5 disability and shall make the benefit award in accordance with that
6 standard. As used in this paragraph, "violent act" means a violent
7 attack upon the member by means of a dangerous weapon including, but
8 not limited to, a firearm, knife, automobile, explosive device or
9 other dangerous weapon.

10 E. If the participating municipality denies a disabled member
11 the option of continuing employment instead of retiring on a
12 disability pension, then the burden of proof rests with the
13 participating municipality to show cause to the State Board that
14 there is no position as a sworn officer within the police department
15 of that municipality which the member can fill.

16 F. Upon determination by the State Board that a member is
17 physically or mentally disabled and that the disability is permanent
18 and total and that the member has completed ten (10) years of
19 credited service and is disabled by any cause, the member shall
20 receive a disability benefit on the basis of the member's accrued
21 retirement benefit. A permanent and total impairment equates to one
22 hundred percent (100%) of accrued retirement benefit.

23 G. For purposes of this section, a "mental health specialist"
24 means a psychiatrist licensed by the Oklahoma Board of Medical

Licensure and Supervision, a psychologist licensed by the Oklahoma State Board of Examiners of Psychologists, or a Licensed Professional Counselor, Licensed Marital and Family Therapist, or Licensed Behavioral Practitioner licensed by the Oklahoma Board of Behavioral Health Licensure.

H. Upon determination by the State Board that a member is physically or mentally disabled and that the disability is permanent and partial and that the member has completed ten (10) years of credited service as a member and is disabled from any cause, the member shall be awarded a disability benefit on the basis of the member's years of credited service as a member and the percentage of impairment to the whole person, as defined by the standards of the impairment as outlined in the "American Medical Association's Guides to the Evaluation of Permanent Impairment", on the basis of the following table:

1% to 49% impaired = 50% of accrued retirement benefit

50% to 74% impaired = 75% of accrued retirement benefit

75% to 99% impaired = 100% of accrued retirement benefit.

~~H.~~ I. Before making a finding as to the disability of a member, the State Board shall require that, if the member is able, the member shall make a certificate as to the disability which shall be subscribed and sworn to by the member. It shall also require a certificate as to such disability to be made by some physician licensed to practice in this state, or a psychologist for mental

1 disability applications, as selected by the State Board. The State
2 Board may require other evidence of disability before making the
3 disability benefit. The salary of any such member shall continue
4 while the member is so necessarily undergoing treatment, confined to
5 such hospital bed or home, and necessarily requires medical care or
6 professional nursing on account of such sickness or disability for a
7 period of not more than six (6) months, after which the period the
8 other provisions of this article may apply. The State Board, in
9 making disability benefits, shall act upon the written request of
10 the member or without such request, if it deem it for the good of
11 the police department. Any disability benefits shall cease when the
12 member receiving same shall be restored to active service at a
13 salary not less than three-fourths (3/4) of the member's average
14 monthly salary.

15 ~~I.~~ J. Any member of a police department of any municipality
16 who, in the line of duty, has been exposed to hazardous substances
17 including but not limited to chemicals used in the manufacture of a
18 controlled dangerous substance or chemicals resulting from the
19 manufacture of a controlled dangerous substance, or to blood-borne
20 pathogens and who is later disabled from a condition that was the
21 result of such exposure and that was not revealed by the physical
22 examination passed by the member upon entry into the System shall be
23 presumed to have incurred such disability while performing the
24 officer's duties unless the contrary is shown by competent evidence.

1 The presumption created by this subsection shall have no application
2 whatever to any workers' compensation claim or claims, and it shall
3 not be applied or be relied upon in any way in workers' compensation
4 proceedings. All compensation or benefits due to any member
5 pursuant to the presumption created by this subsection shall be paid
6 solely by the system.

7 ~~J.~~ K. If the requirements of Section 50-114.4 of this title are
8 satisfied, a member who, by reason of disability, is separated from
9 service as a public safety officer with the member's participating
10 municipality, may elect to have payment made directly to the
11 provider for qualified health insurance premiums by deduction from
12 his or her monthly disability benefit, after December 31, 2006, in
13 accordance with Section 402(1) of the Internal Revenue Code of 1986,
14 as amended. For distributions made after December 29, 2022, the
15 election provided for under Section 402(1) of the Internal Revenue
16 Code of 1986, as amended, may be made whether payment of the
17 premiums is made directly to the provider of the accident or health
18 plan or qualified long-term care insurance contract by deduction
19 from a distribution from the System or is made to the member.

20 SECTION 2. This act shall become effective November 1, 2026.
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22 60-2-14505 CMA 12/31/25
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THOMAS E. CUMMINS CONSULTING ACTUARY, INC.

2512 E. 71st Street , Suite D • Tulsa, Oklahoma 74136
(918) 492-9658 • (918) 492- 9659

January 13, 2026

Representative George
Room 504

Re: RBH No. 14505

RBH No. 14505 defines mental health specialist for purposes
determining disability in the Police Retirement and Pension System.

RBH No. 14505 is a non fiscal bill as defined by OPLAAA.

I am a member of the American Academy of Actuaries and meet the
Qualification Standards of the American Academy of Actuaries to
render the actuarial opinion herein.

Thomas E. Cummins

Thomas E. Cummins, MAAA