

1 ENGROSSED HOUSE  
2 BILL NO. 2991

By: West (Josh) of the House

3 and

4 Gollihare of the Senate

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7 An Act relating to retirement; amending 11 O.S. 2021,  
8 Section 49-106, as amended by Section 1, Chapter 151,  
9 O.S.L. 2023 (11 O.S. Supp. 2023, Section 49-106),  
10 which relates to the Oklahoma Firefighters Pension  
and Retirement System; updating reference; directing  
that revisions be taken into account; and declaring  
an emergency.

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

14 SECTION 1. AMENDATORY 11 O.S. 2021, Section 49-106, as  
15 amended by Section 1, Chapter 151, O.S.L. 2023 (11 O.S. Supp. 2023,  
16 Section 49-106), is amended to read as follows:

17 Section 49-106. A. Any firefighter who reaches the  
18 firefighter's normal retirement date shall be entitled, upon written  
19 request, to retire from such service and be paid from the Oklahoma  
20 Firefighters Pension and Retirement System a monthly pension equal  
21 to the member's accrued retirement benefit; provided, that the  
22 pension shall cease during any period of time the member may  
23 thereafter serve for compensation in any municipal fire department  
24 in the state. If such a member is reemployed by a participating

1 municipality in a position which is not covered by the System,  
2 retirement shall also include receipt by such member of in-service  
3 distributions from the System.

4 B. With respect to distributions under the System made for  
5 calendar years beginning on or after January 1, 2005, the System  
6 shall apply the minimum distribution incidental benefit  
7 requirements, incidental benefit requirements, and minimum  
8 distribution requirements of Section 401(a)(9) of the Internal  
9 Revenue Code of 1986, as amended, in accordance with the final  
10 regulations under Section 401(a)(9) of the Internal Revenue Code of  
11 1986, as amended, including Treasury Regulations Sections  
12 1.401(a)(9)-1 through 1.401(a)(9)-9; provided, however, that for  
13 distributions required to be made after December 31, 2019, for  
14 individuals who attain seventy and one-half (70 1/2) years of age  
15 after December 31, 2019, but before January 1, 2023, such  
16 distributions shall take into account that age 70 1/2 was stricken  
17 and age 72 was inserted in Section 401(a)(9)(B)(iv)(I), Section  
18 401(a)(9)(C)(i)(I) and Section 401(a)(9)(C)(ii)(I) of the Internal  
19 Revenue Code of 1986, as amended, and, provided further, that for  
20 individuals who attain seventy-two (72) years of age after December  
21 31, 2022, such distributions shall take into account that "age 72"  
22 was stricken and "the applicable age", as defined in Section  
23 401(a)(9)(C)(v) of the Internal Revenue Code of 1986, as amended,  
24 was inserted in Section 401(a)(9)(B)(iv)(I) of the Internal Revenue

1 Code of 1986, as amended (applicable to calendar year 2023), Section  
2 401(a) (9) (C) (i) (I) and Section 401(a) (9) (C) (ii) (I) of the Internal  
3 Revenue Code of 1986, as amended, and that the further revision of  
4 Section 401(a) (9) (B) (iv) of the Internal Revenue Code of 1986, as  
5 amended, effective for calendar years after 2023 with respect to  
6 certain distributions shall be taken into account, in all cases  
7 notwithstanding any provision of the System to the contrary. With  
8 respect to distributions under the System made for calendar years  
9 beginning on or after January 1, 2001, through December 31, 2004,  
10 the System shall apply the minimum distribution requirements and  
11 incidental benefit requirements of Section 401(a) (9) of the Internal  
12 Revenue Code of 1986, as amended, in accordance with the regulations  
13 under Section 401(a) (9) of the Internal Revenue Code of 1986, as  
14 amended, which were proposed in January 2001, notwithstanding any  
15 provision of the System to the contrary. Effective July 1, 1989,  
16 notwithstanding any other provision contained herein to the  
17 contrary, in no event shall commencement of distribution of the  
18 accrued retirement benefit of a member be delayed beyond April 1 of  
19 the calendar year following the later of:

20 1. The calendar year in which the member reaches seventy and  
21 one-half (70 1/2) years of age for a member who attains age seventy  
22 and one-half (70 1/2) before January 1, 2020, or effective for  
23 distributions required to be made after December 31, 2019, but  
24 before January 1, 2023, the calendar year in which the member

1 reaches seventy-two (72) years of age for an individual who attains  
2 age seventy and one-half (70 1/2) after December 31, 2019, or  
3 effective for distributions required to be made after December 31,  
4 2022, the calendar year in which the member reaches seventy-three  
5 (73) years of age for an individual who attains age seventy-two (72)  
6 after December 31, 2022, or "the applicable age", as defined in  
7 Section 401(a)(9)(C)(v) of the Internal Revenue Code of 1986, as  
8 amended, if later; or

9 2. The actual retirement date of the member.

10 Effective September 8, 2009, notwithstanding anything to the  
11 contrary of the System, the System, which is a governmental plan  
12 (within the meaning of Section 414(d) of the Internal Revenue Code  
13 of 1986, as amended) is treated as having complied with Section  
14 401(a)(9) of the Internal Revenue Code of 1986, as amended, for all  
15 years to which Section 401(a)(9) of the Internal Revenue Code of  
16 1986, as amended, applies to the System if the System complies with  
17 a reasonable and good-faith interpretation of Section 401(a)(9) of  
18 the Internal Revenue Code of 1986, as amended.

19 C. Any member or beneficiary eligible to receive a monthly  
20 benefit from the System may make an election to waive all or a  
21 portion of monthly benefits.

22 D. If the requirements of Section 49-106.5 of this title are  
23 satisfied, a member who, by reason of attainment of normal  
24 retirement date or age, is separated from service as a public safety

1 officer with the member's participating municipality, may elect to  
2 have payment made directly to the provider for qualified health  
3 insurance premiums by deduction from his or her monthly pension  
4 payment, after December 31, 2006, in accordance with Section 402(1)  
5 of the Internal Revenue Code of 1986, as amended. For distributions  
6 made after December 29, 2022, the election provided for under  
7 Section 402(1) of the Internal Revenue Code of 1986, as amended, may  
8 be made whether payment of the premiums is made directly to the  
9 provider of the accident or health plan or qualified long-term care  
10 insurance contract by deduction from a distribution from the System  
11 or is made to the member.

12 SECTION 2. It being immediately necessary for the preservation  
13 of the public peace, health or safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

16 Passed the House of Representatives the 6th day of March, 2024.

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Presiding Officer of the House  
of Representatives

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21 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2024.

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Presiding Officer of the Senate

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