

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 1095

By: Green

AS INTRODUCED

An Act relating to Oklahoma Police Pension and Retirement System; amending 11 O.S. 2021, Section 50-112, which relates to eligibility for membership in system; allowing municipalities under certain population to hire certain retired police officers; prohibiting further accrual for certain officers; allowing for retirees of certain pension systems to be hired as police officers under certain circumstances without entrance into system; updating statutory language; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 50-112, 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

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

20 B. The police chief of any participating municipality may be
21 exempt from membership in the System or may become a member provided
22 the member is not a retired member and the requirements of this
23 section are met at the time of employment.

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

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

19 E. Notwithstanding any other provision of law to the contrary,
20 a municipality ~~that employs two (2) or fewer full-time police~~
21 ~~officers~~ with a population of four thousand (4,000) or less,
22 according to the latest Federal Decennial Census, may employ a
23 ~~police officer~~ a retired police officer who is more than forty-five
24 (45) years of age and who has ~~never~~ participated in the Oklahoma

1 Police Pension and Retirement System, and are actively receiving
2 retirement benefits. ~~but such police officer~~ A retired police
3 officer employed under this subsection shall not be eligible to
4 ~~participate~~ accrue further years of service in the System. ~~Such~~
5 ~~police officer shall be counted in the limitation imposed by this~~
6 ~~subsection.~~ Notwithstanding any other provisions of law, the State
7 Board shall be granted access to information concerning a list of
8 actively working police officers within the municipalities and
9 agencies under the purview provided by the Council on Law
10 Enforcement Education and Training.

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 50-112.1 of Title 11, unless
13 there is created a duplication in numbering, reads as follows:

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

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

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