STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1208 BY: STOTTLEMYRE

AS INTRODUCED

AN ACT RELATING TO CITIES AND TOWNS; AMENDING 11 O.S. 1981, SECTIONS 49-108 AND 49-113, AS AMENDED BY SECTION 7, CHAPTER 222, O.S.L. 1985 (11 O.S. SUPP. 1990, SECTION 49-113), WHICH RELATE TO THE OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM; MODIFYING REQUIREMENT FOR CERTAIN RETIREMENT BENEFIT; AUTHORIZING PAYMENT OF BENEFITS TO CERTAIN TRUSTS; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 11 O.S. 1981, Section 49-108, is amended to read as follows:

Section 49-108. Any volunteer fire fighter who is appointed as a regular full-time, paid member of a regular, constituted fire department of a municipality, after January 1, ~~1975, and who serves less than ten (10) years as a paid fire fighter~~ 1981, upon reaching the normal retirement date of the member, shall be entitled to

receive one-twentieth (1/20) of a volunteer pension for each ~~full~~ year ~~of the time~~ he served as a volunteer fire fighter, and one-twentieth of one-half (1/20 of 1/2) of the average salary received by the fire fighter for each full year ~~of the time~~ the fire fighter served as a paid fire fighter. Nothing herein contained shall be construed to create an eligibility for pension which is not otherwise provided by law.

SECTION 2. AMENDATORY 11 O.S. 1981, Section 49-113, as amended by Section 7, Chapter 222, O.S.L. 1985 (11 O.S. Supp. 1990, Section 49-113), is amended to read as follows:

Section 49-113. In the event of the death for any cause of a fire fighter who at the time of the fire fighter's death was drawing a pension, or who at the time of the fire fighter's death (whether death occurred while on duty but not in or in consequence of the performance of duty or while on vacation or off duty) was eligible, upon written request to retire and draw a pension, the beneficiary of such person shall be paid an amount not to exceed one hundred percent (100%) of said pension. In the event of the death or marriage of the surviving spouse, the pension shall cease, and should there then be but one living child same shall receive an amount equal to one hundred percent (100%) of said pension, but if there then be more than one living child, one hundred percent (100%) of said pension shall be divided equally between the children. Upon the death of an unmarried fire fighter who has children, the children shall be entitled to have paid to a survivor trust fund that has a legally appointed administrator with power to provide benefits to the children an amount not to exceed one hundred percent (100%) of said pension. Provided, that in the event the State Board finds that such a child who has not married and who at the time ~~it~~ the child reaches the age of eighteen (18) years is either physically or mentally disabled, the pension thereof shall continue so long as such disability remains; provided, further, that upon the

death of the fire fighter and surviving spouse, said physically or mentally disabled child shall be entitled to have paid to the child's legally appointed guardian an amount not to exceed one hundred percent (100%) of said pension. The money so paid to the guardian shall be used solely for the benefit of the disabled child and it shall be reported annually to the State Board. The payment so provided shall be calculated after payments have been made to all eligible children as provided in this section; provided further, that beneficiaries now receiving pensions under the provisions of Sections 49-112 or 49-113 of this title shall, upon application to the State Board, thereafter be entitled to a pension equal to the amount which they would have received if this act were in effect at the time the right to said pension accrued.

SECTION 3. This act shall become effective July 1, 1991.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5844 SCE