

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 190

BY: HERBERT

AS INTRODUCED

AN ACT RELATING TO CITIES AND TOWNS; AMENDING 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), WHICH RELATES TO DISBURSEMENT OF  
PENSION BENEFITS IN THE EVENT OF THE DEATH OF A  
RETIRED FIREFIGHTER; CORRECTING STATUTORY LANGUAGE;  
AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. 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 firefighter who at the time of the firefighter's death was drawing a pension, or who at the time of the firefighter'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. Provided, that in the event the State Board finds that such a child who has not married and who at the time ~~it~~ he 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 firefighter 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 2. 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.