

ENGROSSED HOUSE  
BILL NO. 1088

By: Roberts, Ostrander and  
Gilbert of the House

and

Monson of the Senate

An Act relating to the Oklahoma Firefighters Pension  
and Retirement System; amending 11 O.S. 1991,  
Section 49-138, which relates to military service  
credit; providing for use of certain military  
service credit; imposing limitations upon use of  
certain military service credit; and declaring an  
emergency.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 49-138, is  
amended to read as follows:

Section 49-138. A. Any member of a regularly constituted fire  
department of any municipality who is now serving or may hereafter  
serve in the land or naval forces of the United States under the Act  
of Congress of September 16, 1940 (50 U.S.C.A. Sections 301-318),  
known as the Selective Training and Service Act of 1940, and/or  
Public Law No. 759, 80th Congress, known as the Selective Service  
Act of 1948, and amendments thereto, whether such service is  
voluntary or involuntary, who shall have been a member of such fire  
department at the time of entering such service, shall be entitled  
to have the whole of the time of such service applied under the

provisions of Section 49-106 of this title, so far as the same applies to a service pension, provided further, that the municipality shall continue its payment into said pension fund, to the same force and effect as though the member were in the actual service of such fire department; provided that any person who is eligible for such service under said Acts of Congress but who shall have volunteered for military or naval service for a greater period than is provided by said Acts shall likewise be entitled to all of the benefits of Sections 49-138 through 49-142 of this title for the full period of such service or enlistment; provided further, that only one such period of voluntary service shall be considered hereunder. If such person shall reenlist, unless he is required to do so by law, he shall not thereafter be entitled to the provisions of this act. The provisions of this act shall not apply where any such person dies during the period of said service or enlistment, and shall not entitle the surviving spouse or children to any benefits.

B. Credited service received pursuant to this section or credited service for wartime military service received as otherwise provided by law shall be used in determining the member's retirement benefit but shall not be used in determining years of service for retirement, vesting purposes or eligibility for participation in the Oklahoma Firefighters Deferred Option Plan.

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.

Passed the House of Representatives the 4th day of March, 1997.

Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1997.

President \_\_\_\_\_ of the Senate