

ENROLLED SENATE
BILL NO. 422

By: Monson of the Senate

and

Sweeden and Adkins of the
House

An Act relating to retirement; providing definition of "paid fire department"; amending 11 O.S. 2001, Section 29-202, which relates to volunteer fire departments; clarifying language and references; providing definitions; providing for applicability of certain provisions to combination fire departments; defining requirements for volunteer firefighters of a combination fire department; creating "Volunteer Firefighter Recognition Program"; amending 11 O.S. 2001, Section 49-101.2, which relates to the Oklahoma Firefighters Pension and Retirement System; clarifying treatment of certain volunteer firefighters; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-104.1 of Title 11, unless there is created a duplication in numbering, reads as follows:

The term "paid fire department" means one which has in its employ more than two full-time salaried firefighters and no enrolled volunteer firefighters.

SECTION 2. AMENDATORY 11 O.S. 2001, Section 29-202, is amended to read as follows:

Section 29-202. ~~The words and phrases as~~ As used in Sections 29-201 through 29-205 of this title ~~shall have the following definitions:~~

1. "Volunteer firefighter": ~~One means a person who is enrolled as a member of a fire department and who serves in said such~~ capacity without receiving a regular salary;

2. "Volunteer fire department": ~~One means a fire department which has in its employ not more than two full-time salaried firefighters; and~~

3. "Municipality": ~~One which~~ means a municipality which has qualified to participate in the ~~Firemen's Relief and Pension Fund Oklahoma Firefighters Pension and Retirement System.~~

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-301 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. As used in this section and Section 4 of this act:

1. "Combination fire department" means a fire department which has in its employ more than two full-time salaried firefighters and at least one but not more than twenty-five volunteer firefighters. However, a fire department that would otherwise be considered a "combination fire department" under this definition but for the fact that it had more than twenty-five (25) volunteer firefighters on June 1, 2003, shall be considered a "combination fire department" as long as it does not exceed the number of volunteer firefighters that it had on June 1, 2003; and

2. "Volunteer firefighter of a combination fire department" means a person who is enrolled as a volunteer member of a combination fire department and who serves in such capacity without receiving a regular salary. The person, who is a salaried employee of a municipality, shall not serve as a volunteer firefighter of a combination fire department if such service as a volunteer firefighter is a condition of employment with the municipality. A person, who is a salaried public safety employee of a municipality, shall not serve as a volunteer firefighter of a combination fire department unless the person is off duty and such service is not a condition of employment.

B. For the purposes of this subsection, a public safety employee is a person employed to serve as a salaried firefighter, police or other law enforcement officer or emergency medical technician.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-302 of Title 11, unless there is created a duplication in numbering, reads as follows:

The provisions of Sections 29-101 through 29-115 of Title 11 of the Oklahoma Statutes relating to paid fire departments, paid fire chiefs, paid firefighters or fire department equipment or other property shall also apply to combination fire departments unless otherwise noted.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-303 of Title 11, unless there is created a duplication in numbering, reads as follows:

Volunteer firefighters of a combination fire department shall:

1. Be required, when notified, to respond to alarms of fire and other emergencies;

2. Be required to be present at all regular meetings, call meetings and schools presented for the benefit of the firefighters;

3. Be dropped from a fire department's rolls if such volunteer firefighter has two unexcused absences in succession or three unexcused absences in a period of three (3) months;

4. Notify the chief if such volunteer firefighter is leaving the municipality for an extended period of time;

5. Be expelled from the rolls if such volunteer firefighter refuses to attend training classes provided for him or her;

6. Be expelled from the rolls for the following offenses:

- a. conduct unbecoming of a firefighter,
- b. any act of insubordination,
- c. neglect of duty,
- d. any violation of rules and regulations governing the fire department, or
- e. conviction of a felony; and

7. Reside in the same county as the combination fire department he or she is enrolled in or in a county that immediately borders the county in which the combination fire department is located.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 29-304 of Title 11, unless there is created a duplication in numbering, reads as follows:

There is hereby created a "Volunteer Firefighter Recognition Program". This program shall recognize the following persons with a certification of recognition from the Governor:

1. Employers of volunteer firefighters who allow the firefighter time off for training and emergency responses; and

2. Volunteer firefighters for their service to the citizens of their community and to this state.

SECTION 7. AMENDATORY 11 O.S. 2001, Section 49-101.2, is amended to read as follows:

Section 49-101.2 Any member serving as an active volunteer firefighter who receives annual compensation from a fire department in a participating municipality for services related to firefighting, other than reimbursement of expenses in excess of two (2) times the annual pension benefit paid by the System to a retired volunteer firefighter with twenty (20) years credited service shall be considered a paid firefighter and must meet the physical and agility requirements pursuant to Section 49-116 of ~~Title 11 of the Oklahoma Statutes~~ this title to continue as an active member of the System.

SECTION 8. This act shall become effective July 1, 2003.

SECTION 9. 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 Senate the 30th day of May, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the 30th day of May, 2003.

Presiding Officer of the House
of Representatives