

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2399:

Smith (Dale)

AS INTRODUCED

An Act relating to the Oklahoma Firefighters Pension and Retirement System; amending 11 O.S. 2001, Section 49-135, which relates to restrictions on employment based upon age; modifying provisions related to age-based restriction; imposing requirements as condition of performance of certain services; providing service ineligible for retirement service credit; prohibiting certain contribution on behalf of designated persons; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 49-135, is amended to read as follows:

Section 49-135. ~~No~~ A. Except as otherwise provided by this section, no person shall be employed in a fire department who has reached the age of forty-five (45) years, unless it appears he shall become eligible for retirement at the age of sixty-five (65) years, or unless he be retired from a municipal fire department in the State of Oklahoma. This section shall not apply to professional engineers, or to persons employed as technical specialists on a temporary basis. The State Board shall be authorized to establish the maximum age, within the limits herein prescribed, over which an applicant may not be considered for initial employment, but no person shall be prohibited from making application for reemployment and having such reemployment application considered merely because of his age, provided that such person be under the age of forty-five (45) years, and provided further, that such reemployment shall be with the consent of the fire chief of such municipality.

B. A person forty-five (45) years of age or older may serve as a volunteer firefighter for a participating municipal employer of the System if:

1. The volunteer firefighter does not perform firefighting duties for such employer and performs only administrative, clerical or support functions for the employer related to fire safety or fire prevention and protection; and

2. The participating employer provides coverage for purposes of applicable workers' compensation law on behalf of the volunteer.

C. Any person performing services for a participating employer pursuant to subsection B of this section shall not accrue any service credit for time spent or services performed for such participating employer for purposes of any retirement benefits otherwise available pursuant to the laws creating and governing the Oklahoma Firefighters Pension and Retirement System.

D. No participating employer authorizing services to be performed by a person pursuant to subsection B of this section shall be required or authorized to make any contribution to the Oklahoma Firefighters Pension and Retirement System on behalf of such person for any purpose whatsoever.

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.

49-2-7145      MAH      01/21/04