

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 540

By: Crutchfield

AS INTRODUCED

An Act relating to cities and counties; amending 11 O.S. 2001, Sections 29-102 and 29-202, which relate to duties of the fire chief and definitions; requiring the fire chief of municipal fire department serve as a firefighter and member of the department; defining terms and modifying definitions; clarifying language; applying certain provisions to combination fire departments; stating duty hours and residence requirements for volunteer firefighters of certain fire departments; creating the Volunteer Firefighter Recognition Program; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 29-102, is amended to read as follows:

Section 29-102. All cities having a paid fire department shall have one full-time fire chief whose primary duty shall be the administration of the fire department in accordance with the policies and procedures prescribed by the governing body or by the city manager. The fire department shall be under the direction and control of the fire chief who shall not serve as fire chief and police chief. The chief of any paid municipal fire department shall have had at least three (3) years' actual experience as a paid fire fighter. During the time a person occupies the office of fire chief, he or she shall serve as a firefighter and be a member of the fire department. It shall be the duty of the fire chief to file the appropriate activity report forms with the Office of the State Fire Marshal in Oklahoma City on an annual basis. The activity report forms shall be designed by the State Fire Marshal and shall include, but not be limited to, the amount of property and vehicle fire loss,

types of fires, inspections and investigations. The report shall include notification of all fire-related civilian deaths and injuries in the respective jurisdiction and of fire fighter deaths in the line of duty and of fire fighter injuries in the line of duty requiring the services of a hospital or physician or both.

SECTION 2. 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 3. 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.

SECTION 4. 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:

As used in this section and Section 5 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 (1) but not more than fifteen (15) volunteer firefighters; 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. The person, who is a salaried public safety employee of a municipality, shall not serve as a volunteer firefighter of a combination fire department.

SECTION 5. 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 6. 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:

1. Will be on call for duty seven (7) days a week, twenty-four (24) hours a day, subject to excused absences approved by the fire chief on an exception basis only; and

2. Shall 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 7. 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 8. This act shall become effective November 1, 2003.

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