

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 897

By: Paxton and Garvin of the
Senate

6 and

7 Boles and Hill of the House

8
9
10 COMMITTEE SUBSTITUTE11 An Act relating to the Oklahoma Firefighters Pension
12 and Retirement System; amending 11 O.S. 2021, Section
13 29-102, which relates to fire chief duties; allowing
14 municipalities under certain population to hire
15 certain retired members for certain purposes;
16 requiring that certain contributions be made;
17 providing that no additional service credit shall be
18 accrued; prohibiting certain members from collecting
19 certain benefits; prohibiting certain members from
20 being reemployed in certain municipalities; providing
21 an effective date; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 11 O.S. 2021, Section 29-102, is
24 amended to read as follows:25 Section 29-102. A. All cities having a paid fire department
26 shall have one full-time fire chief who shall supervise and
27 administer the fire department in accordance with the policies and

1 procedures prescribed by the governing body or by the city manager.
2 The fire department shall be under the direction and control of the
3 fire chief who shall not serve as fire chief and also as police
4 chief, city manager, mayor or any other position that impairs the
5 ability to perform the duties of a fire chief. The fire chief,
6 whether permanent or interim, of any paid municipal fire department
7 shall have had at least three (3) years' actual experience as a paid
8 ~~fire-fighter~~ firefighter before assuming the position of fire chief.

9 It shall be the duty of the fire chief to file the appropriate
10 activity report forms with the Office of the State Fire Marshal in
11 Oklahoma City on an annual basis. The activity report forms shall
12 be designed by the State Fire Marshal and shall include, but not be
13 limited to, the amount of property and vehicle fire loss, types of
14 fires, inspections and investigations. The report shall include
15 notification of all fire-related civilian deaths and injuries in the
16 respective jurisdiction and of ~~fire-fighter~~ firefighter deaths in
17 the line of duty and of ~~fire-fighter~~ firefighter injuries in the
18 line of duty requiring the services of a hospital or physician or
19 both.

20 B. Notwithstanding the requirements of subsections C and H of
21 Section 49-106.1 of this title to terminate employment with all
22 participating municipalities as a firefighter, a person receiving an
23 accrued retirement benefit pursuant to Section 49-106 of this title
24 may serve as the fire chief of a paid or combination fire department

1 in a municipality with a population of twenty thousand (20,000) or
2 less, according to the latest Federal Decennial Census, provided
3 such person meets the qualifications to serve as a paid fire chief,
4 including but not limited to the provisions of subsection A of this
5 section. Such paid fire chief and participating municipality shall
6 pay contributions to the Oklahoma Firefighters Pension and
7 Retirement System, pursuant to Section 49-122 of this title, to the
8 extent such fire chief does not have thirty (30) years of credited
9 service. No additional credited service will be accrued during
10 which such retired firefighter serves as fire chief of a
11 participating municipality.

12 C. Fire chiefs serving pursuant to subsection B of this section
13 shall not receive a disability pension provided for in Section 49-
14 109 of this title, nor shall they be eligible for such disability
15 benefits arising during the period of service described in
16 subsection B of this section.

17 D. A person serving in the capacity of fire chief as of the
18 date such person retires from the System shall not be permitted to
19 become reemployed in the capacity of fire chief by such municipality
20 after the date of the member's retirement.

21 SECTION 2. This act shall become effective July 1, 2022.

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
24

declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.

58-2-11328 MAH 04/11/22