

Oklahoma State Firefighters Association

Legislative Committee Meeting

February 1, 2012

Call to Order: 10:03 a.m.

Roll Call:

Dana Cramer, Norman, Chairman (present)
Rick Beams, McAlester (absent)
Justin Beard, Ponca City (present)
Perry Brinegar, Rural Fire Cor. (present)
T. Dick Cagle, Retired Tulsa (present)
Mike Caniglia, McAlester (present)
Dereck Cassady, Ponca City (present)
Grant Deason, OFCA liaison (present)
Brian Foughty, Moore (present)
Paul Gallahar, FM liaison (present)
Gerald Garrett, OSFA liaison (excused)
Greg Harmon, Fairview (absent)
Kent Lagaly, OFCA liaison (absent)
Matt Lay, Tulsa (present)
Clifford Lewis, Retired OKC (present)

Jim Long, Tulsa (absent)
Kenneth Loveless, Retired OKC (present)
Jarett Metheny, Midwest City (excused)
Casey Morrison, Claremore (absent)
Bert Norton, OSFA Past President (absent)
Chalk Norton, PFFO Lobbyist (present)
Craig Nuckols, Yukon (present)
Phil Ostrander, OSFA Lobbyist (present)
Brian Parker, Slaughterville (excused)
Randy Rose, Retired OKC (present)
James Suddath., Broken Arrow (excused)
Nick Terhune, Norman (present)
David Thompson, OSFA President (present)
Scott VanHorn, OKC (absent)
Adam Welliver, OKC (absent)
Kevin Winter, Enid (present)

Others Present: Herb Bradshaw, Penelope Soldan

• Approval of Minutes From December 7, 2011 committee meeting

Winter: Motion to approve minutes with the exception that shows I was here (motion carried).

• Sub Committee Reports:

Additional Funding Kenneth Loveless (chair), Craig Nuckols, Casey Morrison, Jarett Metheny

Loveless: We have gathered information and made some contacts for two big railroads.

Cramer: Kenneth said he needs to step down as chair of this sub-committee. We will assign Craig Nuckols as new chair of committee.

Sub Committee needed to review Title 70 Subsection 3218.7

(inclusion of vo-techs in waiver of tuition for children of firefighter killed in line of duty)

Bradshaw: At the Executive Board's August 18 meeting, they said they wanted to look into the possibility of looking at statute that pays for the education of children. Right now, if a firefighter is killed in the line of duty, tuition is waived in the system of higher education. It doesn't mention vo-techs. The Board wants to ammend the language to include vo-techs.

The statute also has a provision that waves room and board for a trooper killed in line of duty. That's something else we might want to explore. But right now, we need to form a sub committee to look at the statute and the possibility of incerting vo-techs.

It may already be there, but we need to look into it. Just research that and bring it back

Cramer: Anybody interested in being on that sub committee?

(speaking up were Brian Foughty, Nick Terhune, Randy Rose, Matt Lay)

Brian, since you spoke up first, do you want to chair that?

Foughty: Sure.

• Legislative Report: (The Second Session of the 53rd Legislature reconvenes on Feb. 6, 2012)

Updates on House Bill 2320 and others relating to the Oklahoma Fire Service

HB 2320 (By Rep. Randy McDaniel, R-Edmond)

Modifies language related to deferred option plans of the Oklahoma Firefighters Pension and Retirement System.

Ostrander: This is our firefighter retirement bill authored by McDaniel. It is supposed to have our language in it that matched what happened in our task force. According to McDaniel, the bill was incorrectly drafted. He contacted Herb let him know that it was mis-drafted, which is common place. He notified us pretty quickly after the bill was filed.

The way this bill is drafted is to increase insurance premium tax from 34% to 36% and increase employer and employee contributions by 1% each. Where the problem came in was the staff attorney who drafts pension bills assumed it was limited to new hires and inserted language that only included new hires and non-vested members.

We should have the new language any day now. I expect them to everybody who has a Plan C account, which would accomplish the goal of dealing with the problem we have in the pension system.

There have been rumors about this language. Some are saying if this is all the legislature wants, then leave it. But what started the whole dialog on benefits is Plan B, and both the House and Senate have indicated that it needs to be a fix in Plan B. So we found a

change in benefits and that would increase our funded level with the least impact on active firefighters, retirees, the state and employers. We had some people say leave it like it is. But the reality is that if we don't make changes, the state funding and city funding is off the table.

I've visited with Rep. McDaniel extensively a couple times. And we're starting to get resistance from municipalities. Edmond is going to openly oppose this legislation.

Bradshaw: With that being said, I need to give you guys a homework assignment:

Listed below is the pension information we need from other city employees who are members of their municipal pension fund:

01. What is the percent of contribution made by the City to the pension fund?
02. What is the employee's contribution to the pension fund?
03. Are the city manager and other department heads a participant in the pension fund and if not what pension fund do they participate in and what is the percent of contribution paid by the city to said fund?
04. Are there any supplemental pension plans that are offered to certain employees and what is the percent of contribution paid by the city to the supplemental plan.
05. Does the city pay social security on the police officers?

Please try to find out this information through whatever means necessary and email your results to me at herbb@osfa.info as this information is imperative to our legislative plan.

One of the arguments we made is we feel like cities are contributing more to others because of social security than the 1% we are asking them for. We've got to be able to show them that they are not giving us anymore than others. And get that information back to me as soon as you can.

Ostrander: Rep. McDaniel needs this information. It's really important.

The thing that's key is what cities are contributing. Ours is going to be 14%. Cities pay 6.25% on social security. If cities are paying 7% or more for retirement plans, they are actually paying more for other employees than firefighters.

That's where we are at on that bill. The OSFA made presentations on this legislative action plan around the state, and it seems to be widely accepted by membership.

Bradshaw: We probably talked to 1,500 people. Those are the people who cared.

Cagle: I've only heard of 5 people that are against it.

Ostrander: This pension bill, HB 2320, is going to the Economic Development, Tourism & Financial Services Committee.

McDaniel asked if we want to have the bill heard next Wednesday (Feb. 8).

If you know anybody on this committee, email them or call them and ask them to support Rep. McDaniel on HB 2320.

It's real important that you contact these people and let them know that the Oklahoma Fire Service supports Randy McDaniel.

Members of the Economic Development, Tourism & Financial Services Committee:

Rep. Armes, Don	Rep. Brown, Mike	Rep. Denney, Lee
Rep. Faught, George	Rep. Holland, Corey	Rep. Jackson, Mike
Rep. Key, Charles	Rep. McAffrey, Al	Rep. McNiel, Skye
Rep. Morgan, Danny	Rep. Morrisette, Richard	Rep. Mulready, Glen
Rep. Osborn, Leslie	Rep. Ownbey, Pat	Rep. Pittman, Anastasia
Rep. Reynolds, Mike	Rep. Russ, Todd	Rep. Shelton, Mike

Here's a rundown on some other bills. A lot of these aren't going anywhere, but some will.

HB 2215 (By Rep. George Faught, R-Muskogee)

Recreates the Public Employees Relations Board until July 1, 2016. Committee: Administrative Rules and Agency Oversight

Norton: Bill passed last year. This bill extends it for four more years to 2016.

HB 2319 (By Rep. Randy McDaniel, R-Edmond)

Increases the amount municipalities are to provide for support of the Oklahoma Police Pension and Retirement System. Committee: Economic Development, Tourism & Financial Services

Ostrander: This is the police version of our bill with no benefit changes. They would get a smaller increase in insurance premiums.

HB 2329 (By Rep. James Lockhart, D-Heavener)

Prohibits any person convicted of arson-related crimes from working or volunteering as a firefighter in the state. Committee: Judiciary

HB 2395 (shell bill by Rep. Guy Liebmann, R-Oklahoma City)

Modifies language related to the Oklahoma Municipal Code. Committee: General Government

HB 2406 (shell bill by Rep. Wade Rousselot, D-Wagoner)

Creates the Firefighter Improvement Act of 2012. Committee: Rules

HB 2407 (By Rep. Wade Rousselot, D-Wagoner)
Creates the Firefighter Emergency Water Act. Committee: Rules
Ostrander: Issue dealing with access to water.

HB 2415 (shell bill by Rep. R.C. Pruett, D-Antlers)
Creates the Firefighter Training Act. Committee: Agriculture, Wildlife & Environment

HB 2427 (By Rep. John Enns, R-Waukomis)
Modifies the definition of “nonfiscal retirement bill” under the Oklahoma Pension Legislation Actuarial Analysis Act to include cost-of-living adjustments provided to retirees of the retirement system if the funded status of the system is equal to or greater than 80 percent after the COLA has been granted. Committee: Rules

HB 2439 (By Rep. Josh Cockroft, R-McLoud)
Creates the Volunteer Firefighter Protection Act, prohibiting any public or private employer from terminating the employment of an employee for joining any fire department or rural fire protection district as a volunteer firefighter. Committee: Rules

HB 2590 (shell bill by Rep. Charles Joyner, R-Midwest City)
Modifies language related to the Oklahoma Municipal Code. Committee: General Government

HB 2623 (By Rep. Randy McDaniel, R-Edmond)
Clarifies that language directing any state or county officer or employee to vacate office or employment after conviction of or pleading guilty to a felony for bribery, corruption, forgery or perjury or any other crime related to the duties of his/her office. Committee: Economic Development, Tourism & Financial Services

HB 2722 (By Rep. Scott Inman, D-Oklahoma City)
Modifies the definition of “nonfiscal retirement bill” under the Oklahoma Pension Legislation Actuarial Analysis Act to include cost-of-living adjustments if the system’s funded status is equal to or greater than 80 percent after the COLA has been granted. Committee: Economic Development, Tourism & Financial Services

HB 2747 (By Rep. Dan Kirby, R-Tulsa)
Deals with retirees who have insurance through the state. It mentions the Firefighters Pension and Retirement System. Committee: Appropriations & Budget

HB 2825 (By Rep. Sean Roberts, R-Hominy)
Allows a fire chief or deputy chief to not participate as a member of the Oklahoma Firefighters Pension and Retirement Fund. Committee: Rules
Ostrander: The OSFA opposes this for myriad reasons.

HB 2947 (By Rep. David Derby, R-Owasso)
It repeals sections of law related to the volunteer firefighter tax credit. Committee: Rules (H)

HB 3038 (By Rep. Leslie Osborn, R-Tuttle)
It repeals a section of law related to the volunteer firefighter tax credit. Committee: Appropriations & Budget (H)

HJR1006 (By Rep. Randy McDaniel, R-Edmond)
Proposes a constitutional amendment creating the Public Retirement System Improvement Act of 2011. Committee: Rules

HJR 1091 (By Rep. Randy McDaniel, R-Edmond)
Proposes a constitutional amendment prohibiting the Legislature from enacting legislation conflicting with federal law that are in conflict with federal law that prohibits the use of retirement plan assets for something other than benefit payments. (Constitutional Amendment) Committee: Rules
Ostrander: On the surface it sounds good, but I am apprehensive about it.

SB 1001 (By Sen. Gary Michael Stanislawski, R-Tulsa)
Modifies language relating to retirement benefits for municipal officers or employees. Committee: Retirement & Insurance

SB 1027 (By Sen. Jerry Ellis, D-Valliant)
Prohibits someone texting while driving, with exemptions for any law enforcement officer, firefighter or operator of an authorized emergency vehicle while engaged in the actual performance of official duties. Committee: Public Safety (S)

SB 1211 (By Sen. Eddie Fields, R-Wynona)

Allows the person serving as a fire chief of a participating municipality to be exempt from membership in the Oklahoma Firefighters Pension and Retirement System and all predecessor municipal firefighters pension and retirement systems.

SB 1214 (By Sen. Bill Brown, R-Broken Arrow)

Allows any assets of the Oklahoma Police Pension and Retirement Board to be invested in a collective investment fund or in a group trust.

Ostrander: This is a Police tech correction bill. We monitor these to make sure there are no changes to our pension.

SB 1393 (By Sen. Don Barrington, R-Lawton)

Requires any paid firefighter appointed as a volunteer firefighter after the effective date of the act and serves less than 10 years as a paid firefighter to be entitled to receive one-twentieth of one-half of the average salary received for each full year the firefighter served as a paid firefighter and one-twentieth of a volunteer pension for each year served as a volunteer firefighter to complete at minimum a 20-year pension.

Ostrander: This came out of the OSFA Convention. We refer to it as the Paid to Volunteer Bill. It will have an actuarial impact the way it is written. It won't get a hearing in the Senate the way it is drafted right now. We will try to come up with something to provide incentive for a paid firefighter to go on as volunteer for a blended pension.

SB 1394 (By Sen. David Fuller Holt, R-Oklahoma City and Rep. Randy McDaniel, R-Edmond)

Requires all information, documents and copies contained in a member's retirement file to be confidential except for the member's name, age, amount of contributions paid in, benefits being paid, amount of credited service and any documents verifying credited service or benefits for members of the Oklahoma Firefighters Pension and Retirement System, Oklahoma Police Pension and Retirement System and the Oklahoma Law Enforcement Retirement Board.

SB 1400 (By Sen. Rick Brinkley, R-Owasso)

Requires the Oklahoma Legislative Badge of Bravery to be awarded to a member of any branch of a state, county, municipal, school or tribal law enforcement agency, firefighter unit or other emergency responder unit who has voluntarily performed a deed of personal bravery or self-sacrifice,

SB 1588 (By Sen. Don Barrington, R-Lawton)

Allows the Oklahoma Firefighters Pension and Retirement Board to permit the use of electronic media to provide applicable notices and make elections and consent.

Ostrander: Tech correction bill for the Firefighters Pension System. It is filed every year to make sure everything stays in compliance.

SB 1590 (shell bill by Sen. Don Barrington, R-Lawton)

Modifies language relating to the Oklahoma Firefighters Pension and Retirement Board.

Bradshaw: We have this shell bill with Barrington and may have to use it regarding workers comp. We think our statute trumps the workers comp deal, and we may have to make some changes to ensure that as far as our pension system goes.

SB 1623 (By Sen. Mike Mazzei, R-Tulsa)

Repeals massive numbers of tax credits.

SB 1700 (By Sen. Anthony Sykes, R-Moore)

Creates the Oklahoma Firefighters Revolving Fund and provides that all money accruing to the credit of the fund are appropriated and may be budgeted by the state treasurer for the purpose of supporting firefighters and fire departments in the state.

Ostrander: Tax credits have been studied by the House and Senate. From our perspective, transferable tax credits will be no more.

That has the potential to be a wonderful thing. We stand to benefit if they are successful in some areas.

The fire service started the dialog on transferable tax credits. It's good for the citizens of Oklahoma and good for our pension system.

• **OSFA Report**

- Feb. 4 --- 11th Annual OSFA Volunteer Firefighter Caucus
- March 7-9 --- 90th Annual OFCA Conference in Norman
- March 12 --- 2nd Annual Firefighter Day at the State Capitol
- March 14 --- 11th Annual OSFA Legislative Reception
- April 27-29 -- 29th Annual OSFA State Fire School
- June 5 --- 31st Annual ORFA Convention in Norman
- June 6-9 --- 118th Annual OSFA Convention in Norman

Bradshaw: Firefighters Day at the Capitol is March 12. We will commence with speakers on the south side of the Capitol. We will partner with Red Cross on that day. Their theme this year is "Fire Hurts, Red Cross Helps."

So we will have blood banks set up and have a blood drive while we're out there.

We will probably start at 9 a.m. We have the rotunda reserved on the fourth floor. We want some displays and exhibits. If interested, notify OSFA, We have room for 25 setups.

Hopefully, we'll know where we are at with HB 2320 at that point. We will create a fact sheet for guys to go talk to their House and Senate people. We need as large a turnout as possible. This is no time to look weak.

Start putting the word out about Firefighter Day at the Capitol.

Cramer: Encourage locals to help with costs for March 12. We're going to have to rent a stage for the South side of the Capitol.

- **New Business**

Cramer: Every Wednesday at 10 a.m., firefighters meet at the State Capitol. The time won't change, but the location may. It used to be in the green room next to the Governor's office.

- **Date for Next Meeting**

Wednesday, March 14, at 10 a.m.

(that same day at the OSFA office is the Museum Board Meeting at 1 p.m. and the Legislative Reception from 5:30 to 8 p.m.)

- **Adjournment: 11:47 a.m.**