

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1101

By: Sanders

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5
6 AS INTRODUCED

7 An Act relating to the State Fire Marshal; amending
8 68 O.S. 2011, Section 50001, as last amended by
9 Section 1, Chapter 232, O.S.L. 2017 (68 O.S. Supp.
10 2018, Section 50001), which relates to tax on fire
11 insurance gross premiums; redirecting certain amount
12 of monies collected to the Fire Marshal Fund and
13 General Revenue Fund; amending 74 O.S. 2011, Section
14 324.20b, as amended by Section 848, Chapter 304,
15 O.S.L. 2012 (74 O.S. Supp. 2018, Section 324.20b),
16 which relates to the State Fire Marshal Revolving
17 Fund; removing limitation of fund; and providing an
18 effective date.

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

20 SECTION 1. AMENDATORY 68 O.S. 2011, Section 50001, as
21 last amended by Section 1, Chapter 232, O.S.L. 2017 (68 O.S. Supp.
22 2018, Section 50001), is amended to read as follows:

23 Section 50001. A. There is hereby levied upon percentages of
24 fire insurance gross premiums from a sum of the following lines of
25 insurance: fire, allied, homeowners multiperil, commercial
26 multiperil, growing crops, ocean marine, inland marine, auto
27 physical damage (including collision), and aircraft physical damage,
28 less returns and dividends to policyholders, which ~~is~~ are issued in

1 this state by companies doing business in this state a tax of five-
2 sixteenths of one percent (5/16 of 1%). The percentages of fire
3 insurance gross premiums to be considered for taxation shall be
4 determined annually by the Insurance Commissioner. This tax shall
5 be collected annually, by the last day of February, from companies
6 collecting such premiums and shall be collected by the Insurance
7 Commissioner as other taxes on insurance are collected. The
8 Insurance Commissioner shall keep a separate account of all such
9 monies received and shall pay the same to the State Treasurer.

10 B. There is hereby created in the State Treasury a fund for the
11 Fire Marshal Commission and the State Fire Marshal to be designated
12 the "Fire Marshal Fund". The fund shall consist of all monies
13 collected pursuant to the provisions of this section and shall be
14 used in the performance of duties imposed by law upon the Fire
15 Marshal Commission and the Office of the State Fire Marshal.
16 Expenditures from the Fire Marshal Fund shall be made upon warrants
17 issued by the State Treasurer against claims filed as prescribed by
18 law with the Director of the Office of Management and Enterprise
19 Services for approval and payment. Beginning July 1, 1982, all
20 expenditures from the Fire Marshal Fund shall be made pursuant only
21 to legislative appropriation.

22 C. All monies annually collected pursuant to the provisions of
23 this section shall be apportioned as follows:

24

1 1. For the fiscal year beginning July 1, 2017, the first One
2 Million Six Hundred Thousand Dollars (\$1,600,000.00) shall be
3 deposited in the State Fire Marshal Revolving Fund as defined in
4 Section 324.20b of Title 74 of the Oklahoma Statutes; provided, that
5 ten percent (10%) of the first One Million Six Hundred Thousand
6 Dollars (\$1,600,000.00) shall be paid into the General Revenue Fund
7 of this state;

8 2. For the fiscal year beginning July 1, 2018, and for every
9 subsequent fiscal year thereafter, the first Two Million Dollars
10 (\$2,000,000.00) shall be deposited in the Fire Marshal Fund;
11 provided, that ten percent (10%) of the first Two Million Dollars
12 (\$2,000,000.00) shall be paid into the General Revenue Fund of this
13 state; and

14 3. ~~Any remaining monies not apportioned pursuant to paragraphs~~
15 ~~1 and 2 of this subsection shall be deposited into the General~~
16 ~~Revenue Fund of this state~~ For the fiscal year beginning July 1,
17 2019, and for every subsequent fiscal year thereafter, the first Two
18 Million Five Hundred Thousand Dollars (\$2,500,000.00) shall be
19 deposited in the Fire Marshal Fund; provided, that ten percent (10%)
20 of the first Two Million Five Hundred Thousand Dollars
21 (\$2,500,000.00) shall be paid into the General Revenue Fund of this
22 state.

23 D. Employees of the Office of State Fire Marshal, other than
24 the State Fire Marshal, shall have salaries commensurate with those

1 fixed by the Merit System of Personnel Administration. All salaries
2 shall be payable monthly from funds available to the State Fire
3 Marshal. The State Fire Marshal, subject to confirmation by the
4 Fire Marshal Commission, shall appoint and fix the salaries of such
5 employees as are necessary to fulfill the duties of his or her
6 office.

7 SECTION 2. AMENDATORY 74 O.S. 2011, Section 324.20b, as
8 amended by Section 848, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
9 2018, Section 324.20b), is amended to read as follows:

10 Section 324.20b There is hereby created in the State Treasury a
11 revolving fund for the State Fire Marshal to be designated the
12 "State Fire Marshal Revolving Fund". The fund shall be a continuing
13 fund, not subject to fiscal year limitations, and shall consist of
14 monies received from the sale of surplus property, fees and receipts
15 collected pursuant to the Oklahoma Open Records Act, fines,
16 forfeitures, fees, charges, receipts, donations, gifts, bequests,
17 contributions, devises, interagency reimbursements, federal funds
18 unless otherwise provided by federal law or regulation, or any other
19 source. ~~The fund shall consist of no more than Five Hundred Fifty~~
20 ~~Thousand Dollars (\$550,000.00).~~ All monies accruing to the credit
21 of the fund are hereby appropriated and may be budgeted and expended
22 by the State Fire Marshal for authorized purposes. Expenditures
23 from the fund shall be made upon warrants issued by the State
24 Treasurer against claims filed as prescribed by law with the

1 Director of the Office of Management and Enterprise Services for
2 approval and payment.

3 SECTION 3. This act shall become effective November 1, 2019.

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5 57-1-5072 LRB 12/26/18

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