

1 **SENATE FLOOR VERSION**

2 April 12, 2017

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 1833

6 By: Sanders, Osborn (Leslie)
7 and Murphey of the House

8 and

9 Griffin of the Senate

10 [**State Fire Marshal - tax on fire insurance gross**
11 **premiums - Oklahoma Council on Firefighter Training -**
12 **tax credits for volunteer firefighters - Oklahoma**
13 **State University fire service training - effective**
14 **date -**

15 **emergency]**

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

17 SECTION 1. AMENDATORY 68 O.S. 2011, Section 50001, as
18 amended by Section 569, Chapter 304, O.S.L. 2012 (68 O.S. Supp.
19 2016, Section 50001), is amended to read as follows:

20 Section 50001. A. There is hereby levied upon percentages of
21 fire insurance gross premiums from a sum of the following lines of
22 insurance: fire, allied, homeowners multiperil, commercial
23 multiperil, growing crops, ocean marine, inland marine, auto
24 physical damage (including collision), and aircraft physical damage,
less returns and dividends to policyholders, which is issued in this
state by companies doing business in this state a tax of five-

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

9 B. There is hereby created in the State Treasury a fund for the
10 Fire Marshal Commission and the State Fire Marshal to be designated
11 the "Fire Marshal Fund". The fund shall consist of all monies
12 collected pursuant to the provisions of this section and shall be
13 used in the performance of duties imposed by law upon the Fire
14 Marshal Commission and the Office of the State Fire Marshal.
15 Expenditures from the Fire Marshal Fund shall be made upon warrants
16 issued by the State Treasurer against claims filed as prescribed by
17 law with the Director of the Office of Management and Enterprise
18 Services for approval and payment. Beginning July 1, 1982, all
19 expenditures from the Fire Marshal Fund shall be made pursuant only
20 to legislative appropriation. ~~Beginning July 1, 1983, all monies~~
21 ~~collected pursuant to the provisions of this section shall be~~
22 ~~deposited in the State Treasury for credit to the General Revenue~~
23 ~~Fund of the state.~~

24

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

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

10 2. For the fiscal year beginning July 1, 2018, and for every
11 subsequent fiscal year thereafter, the first Two Million Dollars
12 (\$2,000,000.00) shall be deposited in the Fire Marshal Fund;
13 provided, that ten percent (10%) of the first Two Million Dollars
14 (\$2,000,000.00) shall be paid into the General Revenue Fund of this
15 state; and

16 3. Any remaining monies not apportioned pursuant to paragraphs
17 1 and 2 of this subsection shall be deposited into the General
18 Revenue Fund of this state.

19 D. Employees of the Office of State Fire Marshal, other than
20 the State Fire Marshal, shall have salaries commensurate with those
21 fixed by the Merit System of Personnel Administration. All salaries
22 shall be payable monthly from funds available to the State Fire
23 Marshal. The State Fire Marshal, subject to confirmation by the
24

1 Fire Marshal Commission, shall appoint and fix the salaries of such
2 employees as are necessary to fulfill the duties of his office.

3 SECTION 2. AMENDATORY 74 O.S. 2011, Section 325.1, as
4 amended by Section 1, Chapter 161, O.S.L. 2012 (74 O.S. Supp. 2016,
5 Section 325.1), is amended to read as follows:

6 Section 325.1 A. The Oklahoma Council on Firefighter Training
7 is hereby abolished and all powers, duties and responsibilities of
8 the Oklahoma Council on Firefighter Training shall be transferred to
9 the Office of the State Fire Marshal. All equipment, vehicles,
10 records, furniture and fixtures of the Oklahoma Council on
11 Firefighter Training shall be turned over to the Office of the State
12 Fire Marshal by January 1, 2018. Any unexpended balance of the
13 Oklahoma Council on Firefighter Training's operational funds as of
14 January 1, 2018, shall be transferred to the Office of State Fire
15 Marshal Revolving Fund.

16 B. There is hereby established within the Oklahoma Council on
17 Office of the State Fire Marshal, the Firefighter Training Advisory
18 Committee.

19 ~~B. C. The Council Committee shall consist of ten (10) members,~~
20 ~~three of whom shall be ex officio and nonvoting, as follows:~~

21 ~~1. One member to be appointed by the Oklahoma State~~
22 ~~Firefighters Association who shall be a member of an Oklahoma fire~~
23 ~~department representing all members of paid, volunteer and~~
24 ~~combination fire departments;~~

- 1 ~~2. One member to be appointed by the Professional Fire Fighters~~
2 ~~of Oklahoma who shall be a fire union officer, chief officer, or~~
3 ~~fire service instructor from a full-time paid fire department;~~
- 4 ~~3. One member to be appointed by the Oklahoma Fire Chiefs'~~
5 ~~Association who shall be a chief officer from an Oklahoma career or~~
6 ~~combination or volunteer fire department;~~
- 7 ~~4. One member to be appointed by the State Fire Marshal~~
8 ~~Commission who shall be a representative of the Oklahoma Fire~~
9 ~~Service with preferred skills in arson investigation or code~~
10 ~~enforcement;~~
- 11 ~~5. One member to be appointed by the Oklahoma Rural Fire~~
12 ~~Coordinators who shall be a chief officer or fire service instructor~~
13 ~~from a volunteer fire department;~~
- 14 ~~6. One member to be appointed by the Director of the State~~
15 ~~Department of Health Emergency Medical Services Division who shall~~
16 ~~be a chief officer or fire service EMS instructor from an Oklahoma~~
17 ~~fire department;~~
- 18 ~~7. One member to be appointed by the Director of the Oklahoma~~
19 ~~Department of Homeland Security who shall be a municipal emergency~~
20 ~~management official;~~
- 21 ~~8. The Director of Fire Service Training, Oklahoma State~~
22 ~~University, ex officio and nonvoting;~~
- 23 ~~9. The Director of Fire Service Publications, Oklahoma State~~
24 ~~University, ex officio and nonvoting; and~~

1 ~~10. The Director of the Oklahoma Department of Career and~~
2 ~~Technology Education or the Director's designee, ex officio and~~
3 ~~nonvoting.~~

4 ~~C. The initial term of office for the members of the Council~~
5 ~~shall be:~~

6 ~~1. Three (3) years for persons appointed pursuant to paragraphs~~
7 ~~1 through 3 of subsection B of this section;~~

8 ~~2. Two (2) years for persons appointed pursuant to paragraphs 4~~
9 ~~and 5 of subsection B of this section; and~~

10 ~~3. One (1) year for persons appointed pursuant to paragraphs 6~~
11 ~~and 7 of subsection B of this section.~~

12 ~~D. After the expiration of the initial terms of office~~
13 ~~prescribed by subsection C of this section, the term of office for~~
14 ~~each member of the Council shall be for a period of three (3) years.~~

15 ~~E. Each member of the Council shall serve at the pleasure of~~
16 ~~the appointing authority.~~

17 ~~F. Appointments made to fill a vacancy in any position shall be~~
18 ~~for the period of time remaining for such appointed position and~~
19 ~~shall be made in the same manner as for the original appointment.~~
20 ~~Any vacancy in the Council shall be filled in the same manner as~~
21 ~~provided for in the original appointment.~~

22 ~~G. representatives of the Oklahoma Fire Service, with the total~~
23 ~~number and length of appointments to be determined by the State Fire~~
24 ~~Marshal Commission.~~

1 D. The ~~Council~~ Committee shall ~~be responsible for~~:

2 1. ~~Identifying~~ Advise and assist the State Fire Marshal

3 Commission in identifying firefighter training needs and setting the
4 firefighter training goals for the State of Oklahoma;

5 2. ~~Interacting~~ Advise and assist the State Fire Marshal

6 Commission in interacting with the Homeland Security Department's
7 Preparedness and Awareness Division on firefighter training and
8 grants;

9 3. ~~Administering~~ Advise and assist the State Fire Marshal

10 Commission in administering and maintaining the incentive and
11 recognition programs established for Oklahoma firefighters; and

12 4. ~~Ensuring~~ Advise and assist the State Fire Marshal Commission

13 in ensuring that the state has consistent basic and continuing
14 education programs that include steps for all ranks or positions of
15 career and volunteer firefighters, by setting minimum standards for
16 career, recommended levels for volunteer, identifying training
17 programs and courses required for fire service members to achieve
18 those levels.

19 ~~H. E.~~ The Council Committee shall advise assist the State Fire

20 Marshal Commission in advising the Governor, the Speaker of the
21 House of Representatives, the President Pro Tempore of the State
22 Senate and the Oklahoma State Fire Service on fire and emergency
23 service training needs for the state. The ~~Council~~ State Fire

24 Marshal Commission shall submit an annual report or recommendations

1 regarding fire and emergency service training needs to the Governor,
2 the Speaker of the House of Representatives and the President Pro
3 Tempore of the State Senate not later than December 31 each year.

4 ~~I. After the initial appointments to the Council have been made~~
5 ~~and at the beginning of each fiscal year thereafter, the Council~~
6 ~~shall select from among its membership a chairperson and vice-~~
7 ~~chairperson. The chairperson and vice-chairperson shall be selected~~
8 ~~annually at the first regularly scheduled meeting of the Board on or~~
9 ~~after July 1. Either the current chairperson or current vice-~~
10 ~~chairperson shall be a current volunteer member of a combination or~~
11 ~~volunteer fire department.~~

12 ~~J. At least four members of the Council must be present to~~
13 ~~constitute a quorum at the meetings of the Council. A simple~~
14 ~~majority of the members in attendance and voting shall constitute~~
15 ~~passage of any vote.~~

16 ~~K. The chair of the Council shall recommend to the appointing~~
17 ~~authority the replacement of any Council member who misses more than~~
18 ~~two consecutive regular meetings or who attends less than fifty~~
19 ~~percent (50%) of the Council's regularly scheduled meetings in a~~
20 ~~twelve-month period without an excused absence.~~

21 ~~L. The Council may seek federal and private grants where~~
22 ~~applicable.~~

23 ~~M. The Council shall conduct six meetings annually. Meetings~~
24 ~~of the Council shall be held at a location and time to be determined~~

1 ~~by the chair. The chair shall have the discretion to cancel or~~
2 ~~reschedule any regular meeting by written notice within a reasonable~~
3 ~~time prior to the meeting. Council members shall be notified of the~~
4 ~~time and place of all such meetings at least seven (7) days prior to~~
5 ~~the meeting date.~~

6 ~~N. Special meetings of the Council may be called at the~~
7 ~~discretion of the chair or by a written request of at least three~~
8 ~~members of the Council. An agenda, together with a written notice~~
9 ~~of the time and place of any such meeting must be provided to the~~
10 ~~Council members at least seven (7) days in advance. Only matters~~
11 ~~contained in the agenda shall be voted on at any special meeting.~~
12 ~~The chair shall have the discretion to cancel any special meeting;~~
13 ~~provided, that such meetings called by the members of the Council~~
14 ~~are canceled only with their consent.~~

15 F. The Committee shall meet at the discretion of the State Fire
16 Marshal Commission.

17 SECTION 3. AMENDATORY 74 O.S. 2011, Section 325.3, as
18 amended by Section 3, Chapter 220, O.S.L. 2013 (74 O.S. Supp. 2016,
19 Section 325.3), is amended to read as follows:

20 Section 325.3 A. Oklahoma State University Fire Service
21 Training in conjunction with the Oklahoma Office of Homeland
22 Security and the ~~Oklahoma Council on Firefighter Training (COFT)~~
23 State Fire Marshal Commission shall develop a program to educate
24 firefighters on a unified command protocol for emergency incidents

1 occurring in this state. This program shall be offered statewide by
2 Oklahoma State University Fire Service Training. Methods of
3 training may include, but are not limited to:

- 4 1. Live classroom sessions with approved instructors;
- 5 2. Live exercises and drills with approved instructors;
- 6 3. Interactive television;
- 7 4. Independent study; and
- 8 5. Web-based methods.

9 B. The training program shall be in compliance with the
10 National Incident Management System (NIMS) and shall include
11 provisions consistent with the National Fire Protection Association
12 training courses.

13 C. The program shall have curriculum and training materials
14 that are consistently utilized by all training providers at all
15 training locations.

16 D. Subject to funding, these programs shall be offered at
17 facilities approved by Oklahoma State University Fire Service
18 Training and shall include, but not be limited to, other
19 institutions of higher education, technology center school
20 facilities, local fire departments and other qualified entities.

21 E. Oklahoma State University Fire Service Training shall carry
22 out all duties and responsibilities in accordance with Section ~~4~~
23 3401.2 of ~~this act~~ Title 70 of the Oklahoma Statutes.

24

1 SECTION 4. AMENDATORY 68 O.S. 2011, Section 2358.7, as
2 amended by Section 2, Chapter 161, O.S.L. 2012 (68 O.S. Supp. 2016,
3 Section 2358.7), is amended to read as follows:

4 Section 2358.7 A. For taxable years beginning after December
5 31, 2004, there shall be allowed as a credit against the tax imposed
6 pursuant to Section 2355 of this title an amount equal to:

7 1. Two Hundred Dollars (\$200.00) each year for which a
8 volunteer firefighter provides proof of certification as required by
9 subsection B of this section; and

10 2. Four Hundred Dollars (\$400.00) each year following the
11 taxable years for which a taxpayer is eligible for the credit
12 provided by paragraph 1 of this subsection for a volunteer
13 firefighter providing proof of certification as required by
14 subsection D of this section.

15 B. In order to claim the tax credit authorized by paragraph 1
16 of subsection A of this section, a volunteer firefighter shall be
17 required to provide adequate documentation to the Oklahoma Tax
18 Commission of at least twelve (12) credited hours toward the State
19 Support or State Basic Firefighter or Firefighter I from an
20 internationally recognized accrediting assembly or board, their
21 equivalent, or other related fire or emergency medical services
22 training approved by the ~~Council on Firefighter Training~~ State Fire
23 Marshal Commission and offered by Oklahoma State University Fire
24 Service Training or Oklahoma Department of Career and Technology

1 Education prior to or during the first taxable year for which a tax
2 credit is claimed pursuant to paragraph 1 of subsection A of this
3 section. For the purpose of this subsection, the local fire chief
4 shall be the authority having jurisdiction and shall choose and
5 approve all volunteer firefighter training in the applicable
6 department.

7 C. For each year subsequent to the first year for which a
8 volunteer firefighter may claim the tax credit authorized by
9 paragraph 1 of subsection A of this section, in order to claim any
10 further tax credits pursuant to paragraph 1 of subsection A of this
11 section, the volunteer firefighter shall be required to provide
12 documentation that the firefighter has completed an additional six
13 (6) hours of State Support or State Basic Firefighter or Firefighter
14 I from an internationally recognized accrediting assembly or board,
15 their equivalent, or other related fire or emergency medical
16 services training approved by the ~~Council on Firefighter Training~~
17 State Fire Marshal Commission until such program or its equivalent
18 is completed. For purposes of this subsection, equivalency shall be
19 determined by the ~~Oklahoma Council on Firefighter Training~~ State
20 Fire Marshal Commission and Oklahoma State University Fire Service
21 Training. For purposes of this subsection, Firefighter I or
22 Firefighter II certifications or their equivalents may be provided
23 in lieu of the State Support or State Basic Firefighter completion.

24

1 D. After having completed the State Support or State Basic
2 Firefighter program, in order to be eligible for the tax credit
3 authorized by paragraph 2 of subsection A of this section, the
4 volunteer firefighter shall:

5 1. Complete at least six (6) hours of continuing education each
6 year until the volunteer firefighter completes Intermediate or
7 Advanced Firefighter or Firefighter I from an internationally
8 recognized accrediting assembly or board, their equivalent, or other
9 related fire or emergency medical services training approved by the
10 ~~Council on Firefighter Training~~ State Fire Marshal Commission or its
11 equivalent. For purposes of this paragraph, equivalency shall be
12 determined by the ~~Oklahoma Council on Firefighter Training~~ State
13 Fire Marshal Commission and Oklahoma State University Fire Service
14 Training;

15 2. After completion of Intermediate or Advanced Firefighter or
16 Firefighter I from an internationally recognized accrediting
17 assembly or board, their equivalent, or other related fire or
18 emergency medical services training approved by the ~~Council on~~
19 ~~Firefighter Training~~ State Fire Marshal Commission, the volunteer
20 firefighter shall complete six (6) hours of training per year to
21 claim the tax credit. For the purpose of this subsection, the local
22 fire chief shall be the authority having jurisdiction and shall
23 choose and approve all volunteer firefighter training in the
24 applicable department;

1 3. Provide documentation from the fire chief of the applicable
2 department that the firefighter has been provided and participated
3 in all annual training as required by federal and state authorities;
4 and

5 4. Provide documentation from the fire chief of the applicable
6 department that the volunteer firefighter has met the requirements
7 under the fire department's constitution and bylaws and is a member
8 in good standing of the department together with a record of the
9 total number of years of service in good standing with such
10 department.

11 E. The Office of the State Fire Marshal and the ~~Oklahoma~~
12 ~~Council on Firefighter Training~~ State Fire Marshal Commission shall
13 prescribe a reporting form for use by volunteer fire departments and
14 by volunteer firefighters in order to provide the certifications
15 required by this section.

16 F. The Oklahoma Tax Commission may require copies of such
17 reporting form provided by the ~~Oklahoma Council on Firefighter~~
18 ~~Training~~ State Fire Marshal Commission regarding training history to
19 verify eligibility for the tax credits provided by this section.

20 SECTION 5. AMENDATORY Section 1, Chapter 220, O.S.L.
21 2013 (70 O.S. Supp. 2016, Section 3401.2), is amended to read as
22 follows:

23 Section 3401.2 A. The purpose of Oklahoma State University
24 Fire Service Training (OSU FST) shall be to develop, deliver,

1 support and evaluate training, education and professional
2 certification programs for fire service in this state to ensure
3 emergency responders may safely and successfully perform their
4 duties.

5 B. OSU FST shall:

6 1. Deliver and support training and education programs for fire
7 service and other emergency responders in this state to meet local
8 and state needs by:

9 a. collaborating with technology center schools and other
10 training providers to ensure training, training
11 support and support of certification testing ~~is~~ are
12 readily available to all areas of the state to
13 accomplish the ~~Oklahoma Council on Firefighter~~
14 ~~Training (COFT)~~ State Fire Marshal Commission annual
15 state training plan and regional training plans which
16 are voluntarily developed and adopted, and

17 b. collaborating with technology center schools and other
18 training providers to develop and maintain a database
19 of available instructors to teach fire and emergency
20 responder topics. The database shall be maintained on
21 the OSU FST website and made available to other
22 training providers;

23 2. Collaborate with ~~COFT~~ the State Fire Marshal Commission on
24 efforts which shall include, but not be limited to, participation in

1 the activities of the ~~COFT~~ State Fire Marshal Commission training
2 task force and initiatives intended to accomplish ~~COFT~~ the State
3 Fire Marshal Commission firefighter training goals and the state-
4 specific standards certification program;

5 3. Develop or adopt and disseminate curriculum and
6 instructional materials to fire departments and training providers
7 consistent with state and federal statutory requirements for
8 classes, courses and programs for delivery to fire service in this
9 state, with every effort being made to provide the curriculum and
10 materials at minimal or no cost. Unless required by state or
11 federal regulations, selection, adoption and/or use of the OSU-FST-
12 disseminated curriculum and training materials or instructors shall
13 be at the discretion of each training provider or local fire
14 department;

15 4. Maintain and make available by electronic means, in a manner
16 consistent with state and federal regulations, to the ~~Oklahoma~~
17 ~~Council on Firefighter Training~~ State Fire Marshal Commission, fire
18 chiefs, training officers and other agencies as required by law, as
19 requested, all training and certification records of Oklahoma
20 firefighters who participate in training sponsored by OSU FST or
21 records provided to OSU FST by local fire departments or other
22 training agencies. The provisions of this paragraph shall not apply
23 to state and federal wild-land fire agencies;

24

1 5. Develop, administer and evaluate an accredited certification
2 program available to all firefighters and other emergency responders
3 based on National Fire Protection Association standards and/or state
4 and federal standards. The program shall:

5 a. be accredited through the International Fire Service
6 Accreditation Congress and/or the National Board on
7 Fire Service Professional Qualifications at levels
8 deemed beneficial to fire service in this state,

9 b. provide for dissemination to recognized certification
10 partners and posting to the OSU FST's website a list
11 of qualified proctors and evaluators for use during
12 OSU FST certification events,

13 c. develop, as requested, special certifications based on
14 state-specific standards adopted by ~~COFT~~ the State
15 Fire Marshal Commission or other state agencies that
16 are designed for emergency responders in this state,
17 which may not be accredited,

18 d. maintain certification records and disseminate
19 certifications of ~~COFT~~ State-Fire-Marshal-Commission-
20 adopted or -approved Oklahoma state-specific
21 certifications. The certifications may be jointly
22 labeled as ~~COFT~~ the State Fire Marshal Commission, OSU
23 FST, the Oklahoma Career and Technology Education
24 System or other ~~COFT~~ State-Fire-Marshal-Commission-

1 approved training providers administering state-
2 specific certifications,

3 e. ensure that the Oklahoma state-specific certifications
4 shall not duplicate certifications accredited by the
5 International Fire Service Accreditation Congress or
6 the National Board on Fire Service Professional
7 Qualifications, or titles of certification levels
8 listed in the National Fire Protection Association
9 professional qualifications standards, and

10 f. when requested by an Oklahoma fire department or state
11 agency, facilitate delivery of International Fire
12 Service Accreditation Congress and National Board on
13 Fire Service Professional Qualifications accredited
14 certification processes which are not currently
15 available through OSU FST; and

16 6. Fulfill any other statutory requirements set forth by the
17 Legislature.

18 C. OSU FST shall be the Oklahoma state government
19 representative to the United States Fire Administration's National
20 Fire Academy and shall be responsible for delivering and
21 disseminating training courses provided by, or made available
22 through, the National Fire Academy.

23 D. Beginning September 15, 2014, and continuing on September 15
24 every following year, OSU FST shall submit an annual report

1 regarding its programs, activity and accomplishments to the Chair of
2 the Board of Regents for the Oklahoma Agricultural and Mechanical
3 Colleges, the President of Oklahoma State University and the Dean of
4 the Oklahoma State University College of Engineering, Architecture
5 and Technology.

6 E. Nothing in this section shall be construed to divert funding
7 from one entity to another. Nothing in this section shall be
8 construed to limit, preclude or exempt an organization, agency or
9 local department from delivery of training; development, adoption or
10 dissemination of training curriculum or materials; participation in
11 a ~~COFT~~ State Fire Marshal Commission certification program based on
12 an Oklahoma state-specific standard adopted or approved by ~~COFT~~ the
13 State Fire Marshal Commission; or issuance of a certificate of
14 completion of training.

15 ~~SECTION 6. This act shall become effective July 1, 2017.~~

16 ~~SECTION 7. It being immediately necessary for the preservation~~
17 ~~of the public peace, health or safety, an emergency is hereby~~
18 ~~declared to exist, by reason whereof this act shall take effect and~~
19 ~~be in full force from and after its passage and approval.~~

20 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
21 April 12, 2017 - DO PASS AS AMENDED
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