

An Act

ENROLLED HOUSE
BILL NO. 1833

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

and

Griffin and Sharp of the
Senate

An Act relating to the State Fire Marshal; amending 68 O.S. 2011, Section 50001, as amended by Section 569, Chapter 304, O.S.L. 2012 (68 O.S. Supp. 2016, Section 50001), which relates to tax on fire insurance gross premiums; redirecting certain amount of monies collected to the State Fire Marshal Revolving Fund and General Revenue Fund; amending 74 O.S. 2011, Sections 325.1, as amended by Section 1, Chapter 161, O.S.L. 2012 and 325.3, as amended by Section 3, Chapter 220, O.S.L. 2013 (74 O.S. Supp. 2016, Sections 325.1 and 325.3), which relate to the State Fire Marshal; abolishing the Oklahoma Council on Firefighter Training; transferring duties, equipment and funds to the State Fire Marshal; creating the Firefighter Training Advisory Committee within the Office of the State Fire Marshal; providing for membership of the Committee; directing Committee to advise and assist State Fire Marshal; providing Committee meeting frequency to be determined by State Fire Marshal Commission; transferring certain duties of the Council on Firefighter Training to the State Fire Marshal Commission; amending 68 O.S. 2011, Section 2358.7, as amended by Section 2, Chapter 161, O.S.L. 2012 (68 O.S. Supp. 2016, Section 2358.7), which relates to tax credits for volunteer firefighters; transferring certain duties of the Council on Firefighter Training to the State Fire Marshal Commission; amending Section 1, Chapter 220, O.S.L. 2013 (70 O.S. Supp. 2016, Section 3401.2), which relates to Oklahoma

State University Fire Service Training; transferring certain duties of the Council on Firefighter Training to the State Fire Marshal Commission; providing an effective date; and declaring an emergency.

SUBJECT: State Fire Marshal

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

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

Section 50001. A. There is hereby levied upon percentages of fire insurance gross premiums from a sum of the following lines of insurance: fire, allied, homeowners multiperil, commercial multiperil, growing crops, ocean marine, inland marine, auto 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-sixteenths of one percent (5/16 of 1%). The percentages of fire insurance gross premiums to be considered for taxation shall be determined annually by the Commissioner. This tax shall be collected annually, by the last day of February, from companies collecting such premiums and shall be collected by the Insurance Commissioner as other taxes on insurance are collected. The Insurance Commissioner shall keep a separate account of all such monies received and shall pay the same to the State Treasurer.

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

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

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

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

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

D. Employees of the Office of State Fire Marshal, other than the State Fire Marshal, shall have salaries commensurate with those fixed by the Merit System of Personnel Administration. All salaries shall be payable monthly from funds available to the State Fire Marshal. The State Fire Marshal, subject to confirmation by the Fire Marshal Commission, shall appoint and fix the salaries of such employees as are necessary to fulfill the duties of his office.

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

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

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

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

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

~~2. One member to be appointed by the Professional Fire Fighters of Oklahoma who shall be a fire union officer, chief officer, or fire service instructor from a full-time paid fire department;~~

~~3. One member to be appointed by the Oklahoma Fire Chiefs' Association who shall be a chief officer from an Oklahoma career or combination or volunteer fire department;~~

~~4. One member to be appointed by the State Fire Marshal Commission who shall be a representative of the Oklahoma Fire Service with preferred skills in arson investigation or code enforcement;~~

~~5. One member to be appointed by the Oklahoma Rural Fire Coordinators who shall be a chief officer or fire service instructor from a volunteer fire department;~~

~~6. One member to be appointed by the Director of the State Department of Health Emergency Medical Services Division who shall be a chief officer or fire service EMS instructor from an Oklahoma fire department;~~

~~7. One member to be appointed by the Director of the Oklahoma Department of Homeland Security who shall be a municipal emergency management official;~~

~~8. The Director of Fire Service Training, Oklahoma State University, ex officio and nonvoting;~~

~~9. The Director of Fire Service Publications, Oklahoma State University, ex officio and nonvoting; and~~

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

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

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

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

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

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

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

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

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

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

~~1. Identifying Advise and assist the State Fire Marshal Commission in identifying firefighter training needs and setting the firefighter training goals for the State of Oklahoma;~~

~~2. Interacting Advise and assist the State Fire Marshal Commission in interacting with the Homeland Security Department's Preparedness and Awareness Division on firefighter training and grants;~~

3. ~~Administering~~ Advise and assist the State Fire Marshal Commission in administering and maintaining the incentive and recognition programs established for Oklahoma firefighters; and

4. ~~Ensuring~~ Advise and assist the State Fire Marshal Commission in ensuring that the state has consistent basic and continuing education programs that include steps for all ranks or positions of career and volunteer firefighters, by setting minimum standards for career, recommended levels for volunteer, identifying training programs and courses required for fire service members to achieve those levels.

H. E. ~~The Council~~ Committee shall ~~advise~~ assist the State Fire Marshal Commission in advising the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the State Senate and the Oklahoma State Fire Service on fire and emergency service training needs for the state. ~~The Council~~ State Fire Marshal Commission shall submit an annual report or recommendations regarding fire and emergency service training needs to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the State Senate not later than December 31 each year.

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

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

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

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

~~M. The Council shall conduct six meetings annually. Meetings of the Council shall be held at a location and time to be determined by the chair. The chair shall have the discretion to cancel or reschedule any regular meeting by written notice within a reasonable time prior to the meeting. Council members shall be notified of the time and place of all such meetings at least seven (7) days prior to the meeting date.~~

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

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

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

Section 325.3 A. Oklahoma State University Fire Service Training in conjunction with the Oklahoma Office of Homeland Security and the ~~Oklahoma Council on Firefighter Training (COFT)~~ State Fire Marshal Commission shall develop a program to educate firefighters on a unified command protocol for emergency incidents occurring in this state. This program shall be offered statewide by Oklahoma State University Fire Service Training. Methods of training may include, but are not limited to:

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

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

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

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

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

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

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

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

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

B. In order to claim the tax credit authorized by paragraph 1 of subsection A of this section, a volunteer firefighter shall be required to provide adequate documentation to the Oklahoma Tax Commission of at least twelve (12) credited hours toward the State Support or State Basic Firefighter or Firefighter I from an internationally recognized accrediting assembly or board, their equivalent, or other related fire or emergency medical services training approved by the ~~Council on Firefighter Training~~ State Fire

Marshal Commission and offered by Oklahoma State University Fire Service Training or Oklahoma Department of Career and Technology Education prior to or during the first taxable year for which a tax credit is claimed pursuant to paragraph 1 of subsection A of this section. For the purpose of this subsection, the local fire chief shall be the authority having jurisdiction and shall choose and approve all volunteer firefighter training in the applicable department.

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

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

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

2. After completion of Intermediate or Advanced Firefighter or Firefighter I from an internationally recognized accrediting

assembly or board, their equivalent, or other related fire or emergency medical services training approved by the ~~Council on Firefighter Training~~ State Fire Marshal Commission, the volunteer firefighter shall complete six (6) hours of training per year to claim the tax credit. For the purpose of this subsection, the local fire chief shall be the authority having jurisdiction and shall choose and approve all volunteer firefighter training in the applicable department;

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

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

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

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

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

Section 3401.2 A. The purpose of Oklahoma State University Fire Service Training (OSU FST) shall be to develop, deliver, support and evaluate training, education and professional certification programs for fire service in this state to ensure emergency responders may safely and successfully perform their duties.

B. OSU FST shall:

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

- a. collaborating with technology center schools and other training providers to ensure training, training support and support of certification testing ~~is~~ are readily available to all areas of the state to accomplish the ~~Oklahoma Council on Firefighter Training (COFT)~~ State Fire Marshal Commission annual state training plan and regional training plans which are voluntarily developed and adopted, and
- b. collaborating with technology center schools and other training providers to develop and maintain a database of available instructors to teach fire and emergency responder topics. The database shall be maintained on the OSU FST website and made available to other training providers;

2. Collaborate with ~~COFT~~ the State Fire Marshal Commission on efforts which shall include, but not be limited to, participation in the activities of the ~~COFT~~ State Fire Marshal Commission training task force and initiatives intended to accomplish ~~COFT~~ the State Fire Marshal Commission firefighter training goals and the state-specific standards certification program;

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

4. Maintain and make available by electronic means, in a manner consistent with state and federal regulations, to the ~~Oklahoma Council on Firefighter Training~~ State Fire Marshal Commission, fire chiefs, training officers and other agencies as required by law, as requested, all training and certification records of Oklahoma firefighters who participate in training sponsored by OSU FST or records provided to OSU FST by local fire departments or other

training agencies. The provisions of this paragraph shall not apply to state and federal wild-land fire agencies;

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

- a. be accredited through the International Fire Service Accreditation Congress and/or the National Board on Fire Service Professional Qualifications at levels deemed beneficial to fire service in this state,
- b. provide for dissemination to recognized certification partners and posting to the OSU FST's website a list of qualified proctors and evaluators for use during OSU FST certification events,
- c. develop, as requested, special certifications based on state-specific standards adopted by ~~COFT~~ the State Fire Marshal Commission or other state agencies that are designed for emergency responders in this state, which may not be accredited,
- d. maintain certification records and disseminate certifications of ~~COFT~~ State-Fire-Marshall-Commission-adopted or -approved Oklahoma state-specific certifications. The certifications may be jointly labeled as ~~COFT~~ the State Fire Marshal Commission, OSU FST, the Oklahoma Career and Technology Education System or other ~~COFT~~ State-Fire-Marshall-Commission-approved training providers administering state-specific certifications,
- e. ensure that the Oklahoma state-specific certifications shall not duplicate certifications accredited by the International Fire Service Accreditation Congress or the National Board on Fire Service Professional Qualifications, or titles of certification levels listed in the National Fire Protection Association professional qualifications standards, and
- f. when requested by an Oklahoma fire department or state agency, facilitate delivery of International Fire Service Accreditation Congress and National Board on

Fire Service Professional Qualifications accredited certification processes which are not currently available through OSU FST; and

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

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

D. Beginning September 15, 2014, and continuing on September 15 every following year, OSU FST shall submit an annual report regarding its programs, activity and accomplishments to the Chair of the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the President of Oklahoma State University and the Dean of the Oklahoma State University College of Engineering, Architecture and Technology.

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

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

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

Passed the House of Representatives the 4th day of May, 2017.

Presiding Officer of the House
of Representatives

Passed the Senate the 26th day of April, 2017.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____