

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2486

By: Nance

COMMITTEE SUBSTITUTE

An Act relating to revenue and taxation; amending 68 O.S. 2001, Section 50001, which relates to tax on fire insurance gross premiums; modifying distribution of certain monies; amending Section 3, Chapter 157, O.S.L. 2004 (74 O.S. Supp. 2005, Section 51.2), which relates to the Oklahoma Homeland Security Revolving Fund; expanding content of fund; adding guidelines for use of certain monies; and providing an effective date.

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

SECTION 1. AMENDATORY 68 O.S. 2001, Section 50001, is amended to read as follows:

Section 50001. 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 Insurance 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. 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 State Finance 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~~ 2006, all monies collected pursuant to the provisions of this section shall be deposited in the State Treasury for credit to the ~~General Revenue~~ Oklahoma Homeland Security Revolving Fund ~~of the state~~. 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 Section 3, Chapter 157, O.S.L. 2004 (74 O.S. Supp. 2005, Section 51.2), is amended to read as follows:

Section 51.2 A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Office of Homeland Security to be designated the "Oklahoma Homeland Security Revolving Fund". The Oklahoma Homeland Security Revolving Fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of monies received by the Oklahoma Office of Homeland Security or the Department of Public Safety from:

1. Reimbursements from responsible parties for reasonable actions taken and costs incurred by a regional team in response to an incident or event involving a dangerous substance;

2. Reimbursements, grants, or other monies received from other state agencies and entities of state government;

3. Reimbursements, grants, or other monies received by the Oklahoma Office of Homeland Security or the Department of Public Safety from the United States government or pursuant to proceedings in district court to enforce claims initiated pursuant to the Oklahoma Homeland Security Act or the Oklahoma Emergency Response Act;

4. Gifts, donations, and bequests;

5. Monies appropriated or apportioned by the state; ~~and~~

6. Receipts from other ancillary services related to incidents or events related to dangerous substances, not otherwise provided by law; and

7. Monies collected through levies on percentages of fire insurance premiums pursuant to Section 50001 of Title 68 of the Oklahoma Statutes.

B. All monies accruing to the credit of the Oklahoma Homeland Security Revolving Fund are hereby appropriated and may be budgeted and expended by the Oklahoma Office of Homeland Security for:

1. Operating expenses;

2. Administrative duties; and

3. Education and reimbursement for expenses of regional teams, including maintenance of equipment.

Any monies collected pursuant to paragraph 7 of subsection A of this section shall be expended only for costs associated with the administration and operation of regional response teams. Such costs shall include but not be limited to: education, replenishment of equipment, recalibration of equipment, or other reimbursement of

expenses necessary for the sustenance and operation of the regional response teams.

C. Expenditures from the Oklahoma Homeland Security Revolving Fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 3. This act shall become effective November 1, 2006.

50-2-9474 JR 02/21/06