

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 725

By: Barrington

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5  
6 AS INTRODUCED

7 An Act relating to homeland security; amending 68  
8 O.S. 2001, Section 50001, which relates to tax on  
9 fire insurance gross premiums; directing the  
10 Insurance Commissioner to determine certain premium  
11 percentages; removing certain restrictions regarding  
12 the makeup and use of certain fund; directing certain  
13 monies to the credit of the Oklahoma Homeland  
14 Security Revolving Fund as of a specific date;  
15 amending Section 3, Chapter 157, O.S.L. 2004 (74 O.S.  
16 Supp. 2008, Section 51.2), which relates to the  
17 Oklahoma Homeland Security Revolving Fund; requiring  
18 that the fund consist of certain additional monies;  
19 directing expenditure of certain monies; and  
20 providing an effective date.

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

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

24 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,

1 less returns and dividends to policyholders, which is issued in this  
2 state by companies doing business in this state a tax of  
3 five-sixteenths of one percent (5/16 of 1%). The percentages of  
4 fire insurance gross premiums to be considered for taxation shall be  
5 determined annually by the Insurance Commissioner. This tax shall  
6 be collected annually, by the last day of February, from companies  
7 collecting such premiums and shall be collected by the Insurance  
8 Commissioner as other taxes on insurance are collected. The  
9 Insurance Commissioner shall keep a separate account of all such  
10 monies received and shall pay the same to the State Treasurer.  
11 There is hereby created in the State Treasury a fund for the Fire  
12 Marshal Commission and the State Fire Marshal to be designated the  
13 "Fire Marshal Fund". ~~The fund shall consist of all monies collected~~  
14 ~~pursuant to the provisions of this section and shall be used in the~~  
15 ~~performance of duties imposed by law upon the Fire Marshal~~  
16 ~~Commission and the Office of the State Fire Marshal.~~ Expenditures  
17 from the Fire Marshal Fund shall be made upon warrants issued by the  
18 State Treasurer against claims filed as prescribed by law with the  
19 Director of State Finance for approval and payment. Beginning July  
20 1, 1982, all expenditures from the Fire Marshal Fund shall be made  
21 pursuant only to legislative appropriation. Beginning July 1, ~~1983~~  
22 2009, all monies collected pursuant to the provisions of this  
23 section shall be deposited in the State Treasury for credit to the  
24 ~~General Revenue Fund of the state~~ Oklahoma Homeland Security

1 Revolving Fund. Employees of the Office of the State Fire Marshal,  
2 other than the State Fire Marshal, shall have salaries commensurate  
3 with those fixed by the Merit System of Personnel Administration.  
4 All salaries shall be payable monthly from funds available to the  
5 State Fire Marshal. The State Fire Marshal, subject to confirmation  
6 by the Fire Marshal Commission, shall appoint and fix the salaries  
7 of such employees as are necessary to fulfill the duties of ~~his~~ the  
8 office.

9 SECTION 2. AMENDATORY Section 3, Chapter 157, O.S.L.  
10 2004 (74 O.S. Supp. 2008, Section 51.2), is amended to read as  
11 follows:

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

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

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

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

7 4. Gifts, donations, and bequests;

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

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

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

15 B. ~~All~~ 1. Except as provided in paragraph 2 of this  
16 subsection, all monies accruing to the credit of the Oklahoma  
17 Homeland Security Revolving Fund are hereby appropriated and may be  
18 budgeted and expended by the Oklahoma Office of Homeland Security  
19 for:

20 ~~1. Operating~~

21 a. operating expenses~~,~~

22 ~~2. Administrative~~

23 b. administrative duties~~,~~ and

24 ~~3. Education~~

