

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1835

 By: Sanders and Dorman

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8 COMMITTEE SUBSTITUTE

9 An Act relating to firefighters; amending Section 2,
10 Chapter 515, O.S.L. 2004 (74 O.S. Supp. 2010, Section
11 325.1), which relates to the Oklahoma Council on
12 Firefighter Training; increasing number of Council
13 members; changing certain membership requirements;
14 describing additional member requirement and duties;
15 requiring Council to set minimum standards and
16 oversee continuing education programs; providing for
17 vice-chairperson; providing for selection of
18 chairperson and vice-chairperson; permitting Council
19 to seek federal and private grants; increasing
20 frequency of Council's meetings; amending Section 3,
21 Chapter 515, O.S.L. 2004 (68 O.S. Supp. 2010, Section
22 2358.7), which relates to volunteer firefighter tax
23 credits; changing program requirements for claiming
24 tax credit; allowing programs offered by the Oklahoma
 Department of Career and Technology Education;
 eliminating certain education requirements; mandating
 equivalency be determined by the Oklahoma Council on
 Firefighter Training; specifying completion of annual
 training to claim tax credit; granting local fire
 chief authority to choose and approve training;
 eliminating certain duty of Oklahoma State University
 Fire Service Training program; requiring Oklahoma
 Council on Firefighter Training to provide Oklahoma
 Tax Commission with certain documents; and providing
 an effective date.

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

4 SECTION 1. AMENDATORY Section 2, Chapter 515, O.S.L.
5 2004 (74 O.S. Supp. 2010, Section 325.1), is amended to read as
6 follows:

7 Section 325.1 A. There is hereby established the Oklahoma
8 Council on Firefighter Training.

9 B. The Council shall consist of ~~nine (9)~~ ten (10) members, ~~two~~
10 three of whom shall be ex officio and nonvoting, as follows:

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

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

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

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

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

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

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

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

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

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

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

20 1. Three (3) years for persons appointed pursuant to paragraphs
21 1 through 3 of subsection B of this section;

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

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

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

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

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

13 G. The Council shall be responsible for:

14 1. Identifying firefighter training needs and setting the
15 firefighter training goals for the State of Oklahoma;

16 2. Interacting with the Homeland Security Department's
17 Preparedness and Awareness Division on firefighter training and
18 grants; ~~and~~

19 3. Administering and maintaining the incentive and recognition
20 programs established for Oklahoma firefighters; and

21 4. Ensuring that the state has consistent basic and continuing
22 education programs that include steps for all ranks or positions of
23 career and volunteer firefighters, by setting minimum standards for

1 career, recommended levels for volunteer, and providing
2 administrative oversight.

3 H. The Council shall advise the Governor, the Speaker of the
4 House of Representatives, the President Pro Tempore of the State
5 Senate and the Oklahoma State Fire Service on fire and emergency
6 service training needs for the state. The Council shall submit an
7 annual report or recommendations regarding fire and emergency
8 service training needs to the Governor, the Speaker of the House of
9 Representatives and the President Pro Tempore of the State Senate
10 not later than December 31 each year.

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

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

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

6 L. The staff of the Oklahoma State Firefighters Association
7 ~~shall~~ may provide the Council with administrative, professional and
8 clerical services as funding permits, operational needs require, and
9 as requested by the Council. Functions of the Council that may be
10 paid for from other sources shall be paid using such other sources
11 as may be authorized by law. The Council may seek federal and
12 private grants where applicable.

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

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

6 SECTION 2. AMENDATORY Section 3, Chapter 515, O.S.L.
7 2004 (68 O.S. Supp. 2010, Section 2358.7), is amended to read as
8 follows:

9 Section 2358.7 A. For taxable years beginning after December
10 31, 2004, there shall be allowed as a credit against the tax imposed
11 pursuant to Section 2355 of ~~Title 68 of the Oklahoma Statutes in~~
12 this title an amount equal to:

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

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

21 B. In order to claim the tax credit authorized by paragraph 1
22 of subsection A of this section, a volunteer firefighter shall be
23 required to provide adequate documentation to the Oklahoma Tax
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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Commission of at least twelve (12) credited hours toward the
2 ~~Volunteer Firefighter Practices program~~ State Support or State Basic
3 Firefighter or Firefighter I from an internationally recognized
4 accrediting assembly or board, their equivalent, or other related
5 fire or emergency medical services training approved by the Council
6 on Firefighter Training and offered by Oklahoma State University
7 Fire Service Training or Oklahoma Department of Career and
8 Technology Education prior to or during the first taxable year for
9 which a tax credit is claimed pursuant to paragraph 1 of subsection
10 A of this section. For the purpose of this subsection, the local
11 fire chief shall be the authority having jurisdiction and shall
12 choose and approve all volunteer firefighter training in the
13 applicable department.

14 C. For each year subsequent to the first year for which a
15 volunteer firefighter may claim the tax credit authorized by
16 paragraph 1 of subsection A of this section, in order to claim any
17 further tax credits pursuant to paragraph 1 of subsection A of this
18 section, the volunteer firefighter shall be required to provide
19 documentation that the firefighter has completed an additional six
20 (6) hours of ~~Fire Service Training Volunteer Firefighter Practices~~
21 ~~program~~ State Support or State Basic Firefighter or Firefighter I
22 from an internationally recognized accrediting assembly or board,
23 their equivalent, or other related fire or emergency medical

1 services training approved by the Council on Firefighter Training
2 until such program or its equivalent is completed. For purposes of
3 this subsection, equivalency shall be determined by the Oklahoma
4 Council on Firefighter Training and Oklahoma State University Fire
5 Service Training. For purposes of this subsection, Firefighter I,
6 or Firefighter II ~~or Firefighter III~~ certifications or their
7 equivalents may be provided in lieu of the ~~Volunteer Firefighter~~
8 ~~Practices certification~~ State Support or State Basic Firefighter
9 completion.

10 D. After ~~having completed at least thirty (30) hours of~~
11 ~~instruction and having completed the Volunteer Firefighter Practices~~
12 State Support or State Basic Firefighter program, in order to be
13 eligible for the tax credit authorized by paragraph 2 of subsection
14 A of this section, the volunteer firefighter shall:

15 1. ~~Attend and receive certification for annual chemical,~~
16 ~~biological, radiological and nuclear (CBRN) response training and~~
17 ~~weapons of mass destruction (WMD) training of at least one (1) hour~~
18 ~~per subject, respectively,~~

19 2. Complete at least six (6) hours of continuing education each
20 year until the volunteer firefighter completes ~~a certification as~~
21 Intermediate or Advanced Firefighter or Firefighter I from an
22 internationally recognized accrediting assembly or board, their
23 equivalent, or other related fire or emergency medical services

1 training approved by the Council on Firefighter Training or its
2 equivalent. For purposes of this paragraph, equivalency shall be
3 determined by the Oklahoma Council on Firefighter Training and
4 Oklahoma State University Fire Service Training;

5 2. After completion of Intermediate or Advanced Firefighter or
6 Firefighter I from an internationally recognized accrediting
7 assembly or board, their equivalent, or other related fire or
8 emergency medical services training approved by the Council on
9 Firefighter Training, the volunteer firefighter shall complete six
10 (6) hours of training per year to claim the tax credit. For the
11 purpose of this subsection, the local fire chief shall be the
12 authority having jurisdiction and shall choose and approve all
13 volunteer firefighter training in the applicable department;

14 3. Provide documentation from the fire chief of the applicable
15 department that the firefighter has been provided and participated
16 in all annual training as required by federal and state authorities
17 including, but not limited to, annual fit testing for breathing
18 apparatus, "right to know" laws, Homeland Defense, CBRN, WMD or
19 other applicable requirements; and

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

3 ~~E. In order to assist the Oklahoma Tax Commission with the~~
4 ~~administration of the tax credits authorized by this section, the~~
5 ~~Oklahoma State University Fire Service Training program shall~~
6 ~~provide to all fire departments a uniform document that indicates~~
7 ~~the annual training hours and continuing education training hours~~
8 ~~completed by each volunteer firefighter through the Fire Service~~
9 ~~Training program.~~

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

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

20 SECTION 3. This act shall become effective November 1, 2011.

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22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
23 02-24-2011 - DO PASS, As Amended and Coauthored.

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