

1 **SENATE FLOOR VERSION**

2 April 4, 2012

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 1835

6 By: Sanders, Dorman, Roberts
7 (Dustin) and Cockroft of
8 the House

9 and

10 Sykes of the Senate

11 **[firefighters - training - effective date]**

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

13 SECTION 1. AMENDATORY Section 2, Chapter 515, O.S.L.
14 2004 (74 O.S. Supp. 2010, Section 325.1), is amended to read as
15 follows:

16 Section 325.1 A. There is hereby established the Oklahoma
17 Council on Firefighter Training.

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

20 1. One member to be appointed by the Oklahoma State
21 Firefighters Association who shall be a member of an Oklahoma fire
22 department representing all members of paid, volunteer and
23 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 ~~or fire service instructor~~
6 from an Oklahoma career or 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 ~~commensurate~~ preferred skills in arson investigation or
10 code 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; ~~and~~

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. The Council shall be responsible for:

23 1. Identifying firefighter training needs and setting the
24 firefighter training goals for the State of Oklahoma;

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

4 3. Administering and maintaining the incentive and recognition
5 programs established for Oklahoma firefighters; and

6 4. Ensuring that the state has consistent basic and continuing
7 education programs that include steps for all ranks or positions of
8 career and volunteer firefighters, by setting minimum standards for
9 career, recommended levels for volunteer, identifying training
10 programs and courses required for fire service members to achieve
11 those levels.

12 H. The Council shall advise the Governor, the Speaker of the
13 House of Representatives, the President Pro Tempore of the State
14 Senate and the Oklahoma State Fire Service on fire and emergency
15 service training needs for the state. The Council shall submit an
16 annual report or recommendations regarding fire and emergency
17 service training needs to the Governor, the Speaker of the House of
18 Representatives and the President Pro Tempore of the State Senate
19 not later than December 31 each year.

20 I. After the initial appointments to the Council have been made
21 and at the beginning of each fiscal year thereafter, the Council
22 shall select from among its membership a chairperson and vice-
23 chairperson. The chairperson and vice-chairperson shall be selected
24 annually at the first regularly scheduled meeting of the Board on or

1 after July 1. Either the current chairperson or current vice-
2 chairperson shall be a current volunteer member of a combination or
3 volunteer fire department.

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

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

13 L. ~~The Staff of the Oklahoma State Firefighters Association~~
14 ~~shall provide the Council with administrative, professional and~~
15 ~~clerical services as funding permits. Functions of the Council that~~
16 ~~may be paid for from other sources shall be paid using such other~~
17 ~~sources as may be authorized by law~~ The Council may seek federal and
18 private grants where applicable.

19 M. The Council shall conduct ~~four~~ six meetings annually.
20 Meetings of the Council shall be held at a location and time to be
21 determined by the chair. The chair shall have the discretion to
22 cancel or reschedule any regular meeting by written notice within a
23 reasonable time prior to the meeting. Council members shall be
24

1 notified of the time and place of all such meetings at least seven
2 (7) days prior to the meeting date.

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

12 SECTION 2. AMENDATORY Section 3, Chapter 515, O.S.L.
13 2004 (68 O.S. Supp. 2010, Section 2358.7), is amended to read as
14 follows:

15 Section 2358.7 A. For taxable years beginning after December
16 31, 2004, there shall be allowed as a credit against the tax imposed
17 pursuant to Section 2355 of ~~Title 68 of the Oklahoma Statutes in~~
18 this title an amount equal to:

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

22 2. Four Hundred Dollars (\$400.00) each year following the
23 taxable years for which a taxpayer is eligible for the credit
24 provided by paragraph 1 of this subsection for a volunteer

1 firefighter providing proof of certification as required by
2 subsection D of this section.

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

19 C. For each year subsequent to the first year for which a
20 volunteer firefighter may claim the tax credit authorized by
21 paragraph 1 of subsection A of this section, in order to claim any
22 further tax credits pursuant to paragraph 1 of subsection A of this
23 section, the volunteer firefighter shall be required to provide
24 documentation that the firefighter has completed an additional six

1 (6) hours of ~~Fire Service Training Volunteer Firefighter Practices~~
2 ~~program~~ State Support or State Basic Firefighter or Firefighter I
3 from an internationally recognized accrediting assembly or board,
4 their equivalent, or other related fire or emergency medical
5 services training approved by the Council on Firefighter Training
6 until such program or its equivalent is completed. For purposes of
7 this subsection, equivalency shall be determined by the Oklahoma
8 Council on Firefighter Training and Oklahoma State University Fire
9 Service Training. For purposes of this subsection, Firefighter I,
10 or Firefighter II ~~or Firefighter III~~ certifications or their
11 equivalents may be provided in lieu of the ~~Volunteer Firefighter~~
12 ~~Practices certification~~ State Support or State Basic Firefighter
13 completion.

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

19 1. ~~Attend and receive certification for annual chemical,~~
20 ~~biological, radiological and nuclear (CBRN) response training and~~
21 ~~weapons of mass destruction (WMD) training of at least one (1) hour~~
22 ~~per subject, respectively;~~

23 2. Complete at least six (6) hours of continuing education each
24 year until the volunteer firefighter completes ~~a certification as~~

1 Intermediate or Advanced Firefighter or Firefighter I from an
2 internationally recognized accrediting assembly or board, their
3 equivalent, or other related fire or emergency medical services
4 training approved by the Council on Firefighter Training or its
5 equivalent. For purposes of this paragraph, equivalency shall be
6 determined by the Oklahoma Council on Firefighter Training and
7 Oklahoma State University Fire Service Training;

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

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

23 4. Provide documentation from the fire chief of the applicable
24 department that the volunteer firefighter has met the requirements

1 under the fire department's constitution and bylaws and is a member
2 in good standing of the department together with a record of the
3 total number of years of service in good standing with such
4 department.

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 4-3-12 - DO PASS,
24 As Amended.