

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1835

By: Sanders

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5  
6 AS INTRODUCED

7 An Act relating to firefighters; amending Section 2,  
8 Chapter 515, O.S.L. 2004 (74 O.S. Supp. 2010, Section  
9 325.1), which relates to the Oklahoma Council on  
10 Firefighter Training; increasing number of Council  
11 members; changing certain membership requirements;  
12 describing additional member requirement and duties;  
13 requiring Council to set minimum standards and  
14 oversee continuing education programs; increasing  
15 frequency of Council's meetings; amending Section 3,  
16 Chapter 515, O.S.L. 2004 (68 O.S. Supp. 2010, Section  
17 2358.7), which relates to volunteer firefighter tax  
18 credits; changing program requirements for claiming  
19 tax credit; allowing programs offered by the Oklahoma  
20 Department of Career and Technology Education;  
21 eliminating certain education requirements; mandating  
22 equivalency be determined by the Oklahoma Council on  
23 Firefighter Training; specifying completion of annual  
24 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.

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

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

4 Section 325.1 A. There is hereby established the Oklahoma  
5 Council on Firefighter Training.

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

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

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

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

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

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

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

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

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

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

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

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

17           1. Three (3) years for persons appointed pursuant to paragraphs  
18 1 through 3 of subsection B of this section;

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

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

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

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

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

11 G. The Council shall be responsible for:

12 1. Identifying firefighter training needs and setting the  
13 firefighter training goals for the State of Oklahoma;

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

17 3. Administering and maintaining the incentive and recognition  
18 programs established for Oklahoma firefighters; and

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

23 H. The Council shall advise the Governor, the Speaker of the  
24 House of Representatives, the President Pro Tempore of the State

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

7 I. After the initial appointments to the Council have been made  
8 and at the beginning of each fiscal year thereafter, the Council  
9 shall select from among its membership a chairperson.

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

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

19 L. The staff of the Oklahoma State Firefighters Association  
20 shall provide the Council with administrative, professional and  
21 clerical services as funding permits. Functions of the Council that  
22 may be paid for from other sources shall be paid using such other  
23 sources as may be authorized by law.

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

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

17 SECTION 2. AMENDATORY Section 3, Chapter 515, O.S.L.  
18 2004 (68 O.S. Supp. 2010, Section 2358.7), is amended to read as  
19 follows:

20 Section 2358.7 A. For taxable years beginning after December  
21 31, 2004, there shall be allowed as a credit against the tax imposed  
22 pursuant to Section 2355 of ~~Title 68 of the Oklahoma Statutes in~~  
23 this title an amount equal to:

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

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

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

1 C. For each year subsequent to the first year for which a  
2 volunteer firefighter may claim the tax credit authorized by  
3 paragraph 1 of subsection A of this section, in order to claim any  
4 further tax credits pursuant to paragraph 1 of subsection A of this  
5 section, the volunteer firefighter shall be required to provide  
6 documentation that the firefighter has completed an additional six  
7 (6) hours of ~~Fire Service Training Volunteer Firefighter Practices~~  
8 ~~program~~ State Support or State Basic Firefighter or State  
9 Firefighter I or Firefighter I from an internationally recognized  
10 accrediting assembly or board, their equivalent, or other related  
11 fire or emergency medical services training approved by the Council  
12 on Firefighter Training until such program or its equivalent is  
13 completed. For purposes of this subsection, equivalency shall be  
14 determined by ~~Oklahoma State University Fire Service Training the~~  
15 Oklahoma Council on Firefighter Training. For purposes of this  
16 subsection, Firefighter I, or Firefighter II ~~or Firefighter III~~  
17 certifications or their equivalents may be provided in lieu of the  
18 ~~Volunteer Firefighter Practices certification~~ State Support or State  
19 Basic Firefighter completion.

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

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

5 2. Complete at least six (6) hours of continuing education each  
6 year until the volunteer firefighter completes ~~a certification as~~  
7 Intermediate or Advanced Firefighter or State Firefighter I or  
8 Firefighter I from an internationally recognized accrediting  
9 assembly or board, their equivalent, or other related fire or  
10 emergency medical services training approved by the Council on  
11 Firefighter Training or its equivalent. For purposes of this  
12 paragraph, equivalency shall be determined by ~~Oklahoma State~~  
13 ~~University Fire Service Training~~ the Oklahoma Council on Firefighter  
14 Training;

15 2. After completion of Intermediate or Advanced Firefighter or  
16 Firefighter I, or Firefighter I from an internationally recognized  
17 accrediting assembly or board, their equivalent, or other related  
18 fire or emergency medical services training approved by the Council  
19 on Firefighter Training, the volunteer firefighter shall complete  
20 six (6) hours of training per year to claim the tax credit. For the  
21 purpose of this subsection, the local fire chief shall be the  
22 authority having jurisdiction and shall choose and approve all  
23 volunteer firefighter training in the applicable department;  
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1 3. Provide documentation from the fire chief of the applicable  
2 department that the firefighter has been provided and participated  
3 in all annual training as required by federal and state authorities  
4 ~~including, but not limited to, annual fit testing for breathing~~  
5 ~~apparatus, "right to know" laws, Homeland Defense, CBRN, WMD or~~  
6 ~~other applicable requirements; and~~

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

13 ~~E. In order to assist the Oklahoma Tax Commission with the~~  
14 ~~administration of the tax credits authorized by this section, the~~  
15 ~~Oklahoma State University Fire Service Training program shall~~  
16 ~~provide to all fire departments a uniform document that indicates~~  
17 ~~the annual training hours and continuing education training hours~~  
18 ~~completed by each volunteer firefighter through the Fire Service~~  
19 ~~Training program.~~

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

1        ~~G. F.~~ The Oklahoma Tax Commission may require copies of such  
2 documentation provided by ~~Oklahoma State University Fire Service~~  
3 ~~Training program or the Office of the State Fire Marshal the~~  
4 Oklahoma Council on Firefighter Training regarding training history  
5 to verify eligibility for the tax credits provided by this section.

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

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8        53-1-6523            EK            01/20/11

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