

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1833

By: Osborn (Leslie)

4
5
6 AS INTRODUCED

7 An Act relating to state fire marshal; amending 68
8 O.S. 2011, Section 50001, as amended by Section 569,
9 Chapter 304, O.S.L. 2012 (68 O.S. Supp. 2016, Section
10 50001), which relates to tax on fire insurance gross
11 premiums; redirecting certain amount of monies
12 collected to the Fire Marshal Fund and General
13 Revenue Fund; amending 74 O.S. 2011, Sections 325.1,
14 as amended by Section 1, Chapter 161, O.S.L. 2012 and
15 325.3, as amended by Section 3, Chapter 220, O.S.L.
16 2013 (74 O.S. Supp. 2016, Sections 325.1 and 325.3),
17 which relate to the State Fire Marshal; abolishing
18 the Oklahoma Council on Firefighter Training;
19 transferring duties, equipment and funds to the State
20 Fire Marshal; creating the Firefighter Training
21 Advisory Committee within the Office of the State
22 Fire Marshal; providing for membership of the
23 Committee; directing Committee to advise and assist
24 State Fire Marshal; providing Committee meeting
frequency to be determined by State Fire Marshal
Commission; transferring certain duties of the
Council on Firefighter Training to the State Fire
Marshal Commission; amending 68 O.S. 2011, Section
2358.7, as amended by Section 2, Chapter 161, O.S.L.
2012 (68 O.S. Supp. 2016, Section 2358.7), which
relates to tax credits for volunteer firefighters;
transferring certain duties of the Council on
Firefighter Training to the State Fire Marshal
Commission; amending Section 1, Chapter 220, O.S.L.
2013 (70 O.S. Supp. 2016, Section 3401.2), which
relates to Oklahoma State University fire service
training; transferring certain duties of the Council
on Firefighter Training to the State Fire Marshal
Commission; providing an effective date; and
declaring an emergency.

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

2 SECTION 1. AMENDATORY 68 O.S. 2011, Section 50001, as
3 amended by Section 569, Chapter 304, O.S.L. 2012 (68 O.S. Supp.
4 2016, Section 50001), is amended to read as follows:

5 Section 50001. A. There is hereby levied upon percentages of
6 fire insurance gross premiums from a sum of the following lines of
7 insurance: fire, allied, homeowners multiperil, commercial
8 multiperil, growing crops, ocean marine, inland marine, auto
9 physical damage (including collision), and aircraft physical damage,
10 less returns and dividends to policyholders, which is issued in this
11 state by companies doing business in this state a tax of five-
12 sixteenths of one percent (5/16 of 1%). The percentages of fire
13 insurance gross premiums to be considered for taxation shall be
14 determined annually by the Commissioner. This tax shall be
15 collected annually, by the last day of February, from companies
16 collecting such premiums and shall be collected by the Insurance
17 Commissioner as other taxes on insurance are collected. The
18 Insurance Commissioner shall keep a separate account of all such
19 monies received and shall pay the same to the State Treasurer.

20 B. There is hereby created in the State Treasury a fund for the
21 Fire Marshal Commission and the State Fire Marshal to be designated
22 the "Fire Marshal Fund". The fund shall consist of all monies
23 collected pursuant to the provisions of this section and shall be
24 used in the performance of duties imposed by law upon the Fire

1 Marshal Commission and the Office of the State Fire Marshal.
2 Expenditures from the Fire Marshal Fund shall be made upon warrants
3 issued by the State Treasurer against claims filed as prescribed by
4 law with the Director of the Office of Management and Enterprise
5 Services for approval and payment. Beginning July 1, 1982, all
6 expenditures from the Fire Marshal Fund shall be made pursuant only
7 to legislative appropriation. ~~Beginning July 1, 1983, all monies~~
8 ~~collected pursuant to the provisions of this section shall be~~
9 ~~deposited in the State Treasury for credit to the General Revenue~~
10 ~~Fund of the state.~~

11 C. Beginning July 1, 2017, all monies annually collected
12 pursuant to the provisions of this section shall be apportioned as
13 follows:

14 1. The first Two Million Dollars (\$2,000,000.00) shall be
15 deposited in the Fire Marshal Fund; provided that ten percent (10%)
16 of the first Two Million Dollars (\$2,000,000.00) shall be paid into
17 the General Revenue Fund of this state; and

18 2. Any remaining monies not apportioned pursuant to paragraph 1
19 of this subsection shall be deposited into the General Revenue Fund
20 of this state.

21 D. Employees of the Office of State Fire Marshal, other than
22 the State Fire Marshal, shall have salaries commensurate with those
23 fixed by the Merit System of Personnel Administration. All salaries
24 shall be payable monthly from funds available to the State Fire

1 Marshal. The State Fire Marshal, subject to confirmation by the
2 Fire Marshal Commission, shall appoint and fix the salaries of such
3 employees as are necessary to fulfill the duties of his office.

4 SECTION 2. AMENDATORY 74 O.S. 2011, Section 325.1, as
5 amended by Section 1, Chapter 161, O.S.L. 2012 (74 O.S. Supp. 2016,
6 Section 325.1), is amended to read as follows:

7 Section 325.1 A. The Oklahoma Council on Firefighter Training
8 is hereby abolished and all powers, duties and responsibilities of
9 the Oklahoma Council on Firefighter Training shall be transferred to
10 the Office of the State Fire Marshal. All equipment, vehicles,
11 records, furniture and fixtures of the Oklahoma Council on
12 Firefighter Training shall be turned over to the Office of the State
13 Fire Marshal by January 1, 2018. Any unexpended balance of the
14 Oklahoma Council on Firefighter Training's operational funds as of
15 January 1, 2018, shall be transferred to the Office of State Fire
16 Marshal revolving fund.

17 B. There is hereby established within the ~~Oklahoma Council on~~
18 ~~Firefighter Training~~ Office of the State Fire Marshal the
19 Firefighter Training Advisory Committee.

20 ~~B. C. The Council Committee shall consist of ten (10) members,~~
21 ~~three of whom shall be ex officio and nonvoting, as follows:~~

22 1. ~~One member to be appointed by the Oklahoma State~~
23 ~~Firefighters Association who shall be a member of an Oklahoma fire~~
24

1 ~~department representing all members of paid, volunteer and~~
2 ~~combination fire departments;~~

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

6 3. ~~One member to be appointed by the Oklahoma Fire Chiefs'~~
7 ~~Association who shall be a chief officer from an Oklahoma career or~~
8 ~~combination or volunteer fire department;~~

9 4. ~~One member to be appointed by the State Fire Marshal~~
10 ~~Commission who shall be a representative of the Oklahoma Fire~~
11 ~~Service with preferred skills in arson investigation or code~~
12 ~~enforcement;~~

13 5. ~~One member to be appointed by the Oklahoma Rural Fire~~
14 ~~Coordinators who shall be a chief officer or fire service instructor~~
15 ~~from a volunteer fire department;~~

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

20 7. ~~One member to be appointed by the Director of the Oklahoma~~
21 ~~Department of Homeland Security who shall be a municipal emergency~~
22 ~~management official;~~

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

1 ~~9. The Director of Fire Service Publications, Oklahoma State~~
2 ~~University, ex officio and nonvoting; and~~

3 ~~10. The Director of the Oklahoma Department of Career and~~
4 ~~Technology Education or the Director's designee, ex officio and~~
5 ~~nonvoting.~~

6 ~~C. The initial term of office for the members of the Council~~
7 ~~shall be:~~

8 ~~1. Three (3) years for persons appointed pursuant to paragraphs~~
9 ~~1 through 3 of subsection B of this section;~~

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

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

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

17 ~~E. Each member of the Council shall serve at the pleasure of~~
18 ~~the appointing authority.~~

19 ~~F. Appointments made to fill a vacancy in any position shall be~~
20 ~~for the period of time remaining for such appointed position and~~
21 ~~shall be made in the same manner as for the original appointment.~~
22 ~~Any vacancy in the Council shall be filled in the same manner as~~
23 ~~provided for in the original appointment.~~

1 ~~G.~~ representatives of the Oklahoma Fire Service, total number
2 and length of appointments to be determined by the State Fire
3 Marshal Commission.

4 ~~D.~~ The Council Committee shall be responsible for:

5 1. ~~Identifying~~ Advise and assist the State Fire Marshal
6 Commission in identifying firefighter training needs and setting the
7 firefighter training goals for the State of Oklahoma;

8 2. ~~Interacting~~ Advise and assist the State Fire Marshal
9 Commission in interacting with the Homeland Security Department's
10 Preparedness and Awareness Division on firefighter training and
11 grants;

12 3. ~~Administering~~ Advise and assist the State Fire Marshal
13 Commission in administering and maintaining the incentive and
14 recognition programs established for Oklahoma firefighters; and

15 4. ~~Ensuring~~ Advise and assist the State Fire Marshal Commission
16 in ensuring that the state has consistent basic and continuing
17 education programs that include steps for all ranks or positions of
18 career and volunteer firefighters, by setting minimum standards for
19 career, recommended levels for volunteer, identifying training
20 programs and courses required for fire service members to achieve
21 those levels.

22 ~~H. E.~~ The Council Committee shall advise assist the State Fire
23 Marshal Commission in advising 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~~ State Fire
3 Marshal Commission shall submit an annual report or recommendations
4 regarding fire and emergency service training needs to the Governor,
5 the Speaker of the House of Representatives and the President Pro
6 Tempore of the State Senate 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 and vice-~~
10 ~~chairperson. The chairperson and vice-chairperson shall be selected~~
11 ~~annually at the first regularly scheduled meeting of the Board on or~~
12 ~~after July 1. Either the current chairperson or current vice-~~
13 ~~chairperson shall be a current volunteer member of a combination or~~
14 ~~volunteer fire department.~~

15 ~~J. At least four members of the Council must be present to~~
16 ~~constitute a quorum at the meetings of the Council. A simple~~
17 ~~majority of the members in attendance and voting shall constitute~~
18 ~~passage of any vote.~~

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

24

1 ~~L. The Council may seek federal and private grants where~~
2 ~~applicable.~~

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

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

19 F. The Committee shall meet at the discretion of the State Fire
20 Marshal Commission.

21 SECTION 3. AMENDATORY 74 O.S. 2011, Section 325.3, as
22 amended by Section 3, Chapter 220, O.S.L. 2013 (74 O.S. Supp. 2016,
23 Section 325.3), is amended to read as follows:
24

1 Section 325.3 A. Oklahoma State University Fire Service
2 Training in conjunction with the Oklahoma Office of Homeland
3 Security and the ~~Oklahoma Council on Firefighter Training (COFT)~~
4 State Fire Marshal Commission shall develop a program to educate
5 firefighters on a unified command protocol for emergency incidents
6 occurring in this state. This program shall be offered statewide by
7 Oklahoma State University Fire Service Training. Methods of
8 training may include, but are not limited to:

- 9 1. Live classroom sessions with approved instructors;
- 10 2. Live exercises and drills with approved instructors;
- 11 3. Interactive television;
- 12 4. Independent study; and
- 13 5. Web-based methods.

14 B. The training program shall be in compliance with the
15 National Incident Management System (NIMS) and shall include
16 provisions consistent with the National Fire Protection Association
17 training courses.

18 C. The program shall have curriculum and training materials
19 that are consistently utilized by all training providers at all
20 training locations.

21 D. Subject to funding, these programs shall be offered at
22 facilities approved by Oklahoma State University Fire Service
23 Training and shall include, but not be limited to, other
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1 institutions of higher education, technology center school
2 facilities, local fire departments and other qualified entities.

3 E. Oklahoma State University Fire Service Training shall carry
4 out all duties and responsibilities in accordance with Section 1 of
5 this act.

6 SECTION 4. AMENDATORY 68 O.S. 2011, Section 2358.7, as
7 amended by Section 2, Chapter 161, O.S.L. 2012 (68 O.S. Supp. 2016,
8 Section 2358.7), is amended to read as 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 this title an amount equal to:

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

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

20 B. In order to claim the tax credit authorized by paragraph 1
21 of subsection A of this section, a volunteer firefighter shall be
22 required to provide adequate documentation to the Oklahoma Tax
23 Commission of at least twelve (12) credited hours toward the State
24 Support or State Basic Firefighter or Firefighter I from an

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

12 C. For each year subsequent to the first year for which a
13 volunteer firefighter may claim the tax credit authorized by
14 paragraph 1 of subsection A of this section, in order to claim any
15 further tax credits pursuant to paragraph 1 of subsection A of this
16 section, the volunteer firefighter shall be required to provide
17 documentation that the firefighter has completed an additional six
18 (6) hours of State Support or State Basic Firefighter or Firefighter
19 I from an internationally recognized accrediting assembly or board,
20 their equivalent, or other related fire or emergency medical
21 services training approved by the ~~Council on Firefighter Training~~
22 State Fire Marshal Commission until such program or its equivalent
23 is completed. For purposes of this subsection, equivalency shall be
24 determined by the ~~Oklahoma Council on Firefighter Training~~ State

1 Fire Marshal Commission and Oklahoma State University Fire Service
2 Training. For purposes of this subsection, Firefighter I or
3 Firefighter II certifications or their equivalents may be provided
4 in lieu of the State Support or State Basic Firefighter completion.

5 D. After having completed the State Support or State Basic
6 Firefighter program, in order to be eligible for the tax credit
7 authorized by paragraph 2 of subsection A of this section, the
8 volunteer firefighter shall:

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

19 2. After completion of Intermediate or Advanced Firefighter or
20 Firefighter I from an internationally recognized accrediting
21 assembly or board, their equivalent, or other related fire or
22 emergency medical services training approved by the ~~Council on~~
23 ~~Firefighter Training~~ State Fire Marshal Commission, the volunteer
24 firefighter shall complete six (6) hours of training per year to

1 claim the tax credit. For the purpose of this subsection, the local
2 fire chief shall be the authority having jurisdiction and shall
3 choose and approve all volunteer firefighter training in the
4 applicable department;

5 3. Provide documentation from the fire chief of the applicable
6 department that the firefighter has been provided and participated
7 in all annual training as required by federal and state authorities;
8 and

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

15 E. The Office of the State Fire Marshal and the Oklahoma
16 Council on Firefighter Training shall prescribe a reporting form for
17 use by volunteer fire departments and by volunteer firefighters in
18 order to provide the certifications required by this section.

19 F. The Oklahoma Tax Commission may require copies of such
20 reporting form provided by the ~~Oklahoma Council on Firefighter~~
21 ~~Training~~ State Fire Marshal Commission regarding training history to
22 verify eligibility for the tax credits provided by this section.

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1 SECTION 5. AMENDATORY Section 1, Chapter 220, O.S.L.
2 2013 (70 O.S. Supp. 2016, Section 3401.2), is amended to read as
3 follows:

4 Section 3401.2 A. The purpose of Oklahoma State University
5 Fire Service Training (OSU FST) shall be to develop, deliver,
6 support and evaluate training, education and professional
7 certification programs for fire service in this state to ensure
8 emergency responders may safely and successfully perform their
9 duties.

10 B. OSU FST shall:

11 1. Deliver and support training and education programs for fire
12 service and other emergency responders in this state to meet local
13 and state needs by:

14 a. collaborating with technology center schools and other
15 training providers to ensure training, training
16 support and support of certification testing is
17 readily available to all areas of the state to
18 accomplish the ~~Oklahoma Council on Firefighter~~
19 ~~Training (COFT)~~ State Fire Marshal Commission annual
20 state training plan and regional training plans which
21 are voluntarily developed and adopted, and

22 b. collaborating with technology center schools and other
23 training providers to develop and maintain a database
24 of available instructors to teach fire and emergency

1 responder topics. The database shall be maintained on
2 the OSU FST website and made available to other
3 training providers;

4 2. Collaborate with ~~COFT~~ the State Fire Marshal Commission on
5 efforts which shall include, but not be limited to, participation in
6 the activities of the ~~COFT~~ the State Fire Marshal Commission
7 training task force and initiatives intended to accomplish ~~COFT~~ the
8 State Fire Marshal Commission firefighter training goals and the
9 state-specific standards certification program;

10 3. Develop or adopt and disseminate curriculum and
11 instructional materials to fire departments and training providers
12 consistent with state and federal statutory requirements for
13 classes, courses and programs for delivery to fire service in this
14 state, with every effort being made to provide the curriculum and
15 materials at minimal or no cost. Unless required by state or
16 federal regulations, selection, adoption and/or use of the OSU-FST-
17 disseminated curriculum and training materials or instructors shall
18 be at the discretion of each training provider or local fire
19 department;

20 4. Maintain and make available by electronic means, in a manner
21 consistent with state and federal regulations, to the Oklahoma
22 Council on Firefighter Training, fire chiefs, training officers and
23 other agencies as required by law, as requested, all training and
24 certification records of Oklahoma firefighters who participate in

1 training sponsored by OSU FST or records provided to OSU FST by
2 local fire departments or other training agencies. The provisions
3 of this paragraph shall not apply to state and federal wild-land
4 fire agencies;

5 5. Develop, administer and evaluate an accredited certification
6 program available to all firefighters and other emergency responders
7 based on National Fire Protection Association standards and/or state
8 and federal standards. The program shall:

- 9 a. be accredited through the International Fire Service
10 Accreditation Congress and/or the National Board on
11 Fire Service Professional Qualifications at levels
12 deemed beneficial to fire service in this state,
- 13 b. provide for dissemination to recognized certification
14 partners and posting to the OSU FST's website a list
15 of qualified proctors and evaluators for use during
16 OSU FST certification events,
- 17 c. develop, as requested, special certifications based on
18 state-specific standards adopted by COFT or other
19 state agencies that are designed for emergency
20 responders in this state, which may not be accredited,
- 21 d. maintain certification records and disseminate
22 certifications of ~~COFT~~ the State Fire Marshal
23 Commission-adopted or approved Oklahoma state-specific
24 certifications. The certifications may be jointly

1 labeled as ~~COFT~~ the State Fire Marshal Commission, OSU
2 FST, the Oklahoma Career and Technology Education
3 System or other ~~COFT~~ State Fire Marshal Commission -
4 approved training providers administering state-
5 specific certifications,

6 e. ensure that the Oklahoma state-specific certifications
7 shall not duplicate certifications accredited by the
8 International Fire Service Accreditation Congress or
9 the National Board on Fire Service Professional
10 Qualifications, or titles of certification levels
11 listed in the National Fire Protection Association
12 professional qualifications standards, and

13 f. when requested by an Oklahoma fire department or state
14 agency, facilitate delivery of International Fire
15 Service Accreditation Congress and National Board on
16 Fire Service Professional Qualifications accredited
17 certification processes which are not currently
18 available through OSU FST; and

19 6. Fulfill any other statutory requirements set forth by the
20 Legislature.

21 C. OSU FST shall be the Oklahoma state government
22 representative to the United States Fire Administration's National
23 Fire Academy and shall be responsible for delivering and
24

1 disseminating training courses provided by, or made available
2 through, the National Fire Academy.

3 D. Beginning September 15, 2014, and continuing on September 15
4 every following year, OSU FST shall submit an annual report
5 regarding its programs, activity and accomplishments to the Chair of
6 the Board of Regents for the Oklahoma Agricultural and Mechanical
7 Colleges, the President of Oklahoma State University and the Dean of
8 the Oklahoma State University College of Engineering, Architecture
9 and Technology.

10 E. Nothing in this section shall be construed to divert funding
11 from one entity to another. Nothing in this section shall be
12 construed to limit, preclude or exempt an organization, agency or
13 local department from delivery of training; development, adoption or
14 dissemination of training curriculum or materials; participation in
15 a COFT certification program based on an Oklahoma state-specific
16 standard adopted or approved by COFT; or issuance of a certificate
17 of completion of training.

18 SECTION 6. This act shall become effective July 1, 2017.

19 SECTION 7. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23

24 56-1-5574 AMM 01/17/17