

CS for SB 846

THE STATE SENATE
Monday, February 28, 2000

Committee Substitute for
Senate Bill No. 846

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 846 - By: LEFTWICH of the Senate and CORN of the House.

[State government - State Fire Marshal - modifying qualifications - modifying salary - effective date]

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 324.4, is amended to read as follows:

Section 324.4 A. The State Fire Marshal Commission shall appoint a full-time State Fire Marshal. ~~He~~ The State Fire Marshal shall administer and enforce the provisions of law pertaining to ~~his~~ the office under the supervision of the Commission and in accordance with ~~its~~ Commission policies. The State Fire Marshal shall be retired upon reaching sixty-five (65) years of age. The State Fire Marshal shall be a person of good moral character, a United States citizen, and resident ~~taxpayer~~ of Oklahoma, ~~and shall not have attained fifty-five (55) years of age at the time of his original~~ appointment. The State Fire Marshal must have had a minimum of ten (10) years' experience in ~~some phase of~~ fire protection, fire prevention, ~~or~~ fire investigation, or criminal justice, which may include experience with any state, county, municipal, federal,

1 military, or industrial fire protection agencies, or criminal
2 justice, agency. He Successful completion of a degree in fire
3 protection and fire prevention, fire investigation, criminal
4 justice, or administration from an accredited college or university,
5 may be substituted for experience on a year-for-year basis. The
6 State Fire Marshal shall possess administrative ability and
7 experience and be able to obtain facts in connection with the duties
8 of his office by field investigations and to accurately report his
9 findings. The State Fire Marshal may be required to obtain
10 certification as a peace officer in the State of Oklahoma in
11 accordance with Section 3311 of Title 70 of the Oklahoma Statutes,
12 and shall be subject to extensive background investigation,
13 psychological testing and drug testing. The Commission may also
14 require additional qualifications. The State Fire Marshal must have
15 or be able to obtain a valid Oklahoma driver's license and be a
16 citizen of the United States.

17 B. The Commission shall appoint a full-time Assistant State
18 Fire Marshal upon recommendation from the State Fire Marshal. The
19 Assistant State Fire Marshal must have a minimum of seven (7) years'
20 experience in some phase of fire protection, fire prevention, fire
21 investigations, or criminal justice, which may include experience
22 with any state, county, municipal, federal, military, industrial
23 fire protection or criminal justice agency. Successful completion

1 of a degree in fire protection and fire prevention, criminal
2 justice, or administration from an accredited college or university,
3 may be substituted for experience on a year-for-year basis. This
4 person shall possess administrative ability and experience. The
5 Assistant State Fire Marshal may be required to obtain certification
6 as a peace officer in the State of Oklahoma in accordance with
7 Section 3311 of Title 70 of the Oklahoma Statutes, and shall be
8 subject to extensive background investigation, psychological testing
9 and drug testing. The Commission may require additional
10 qualifications. The Assistant State Fire Marshal must have or be
11 able to obtain a valid Oklahoma driver's license and be a citizen of
12 the United States.

13 C. The State Fire Marshal and the Assistant State Fire Marshal
14 shall not be subject to the provisions of the Merit System of
15 Personnel Administration.

16 SECTION 2. AMENDATORY 74 O.S. 1991, Section 324.5, is
17 amended to read as follows:

18 ~~Section 324.5 There is hereby created in the office of the~~
19 ~~State Fire Marshal an Arson Division and a Fire Protection and~~
20 ~~Prevention Division. An Assistant Fire Marshal shall be appointed~~
21 ~~to direct the operations of said Divisions, subject to the~~
22 ~~supervision and control of the State Fire Marshal at all times. The~~
23 ~~Assistant Fire Marshal, deputies and agents at the time of their~~

1 ~~original employment shall undergo and pass a physical examination by~~
2 ~~a duly authorized physician. The Fire Marshal and the Assistant~~
3 ~~Fire Marshal shall not be subject to the provisions of the Merit~~
4 ~~System of Personnel Administration. The Assistant Fire Marshal and~~
5 ~~the agents in the Arson Division must have had at least five (5)~~
6 ~~years' experience in fire investigation, which may include service~~
7 ~~in state, municipal, military or industrial fire protection and~~
8 ~~investigation agencies, and shall have attended at least one of the~~
9 ~~several specialized training schools on arson detection and~~
10 ~~investigation, such as those courses offered at a recognized college~~
11 ~~or university, or other schools. The Assistant Fire Marshal and the~~
12 ~~agents in the Fire Protection and Prevention Division must have had~~
13 ~~at least five (5) years' experience in fire protection and~~
14 ~~prevention, which may include service in state, municipal, military~~
15 ~~or industrial fire protection and prevention agencies. Proof of~~
16 ~~successful matriculation and completion from a recognized college or~~
17 ~~university in fire protection or prevention may be substituted for~~
18 ~~experience on a year-for-year basis. The State Fire Marshal~~
19 ~~Commission shall have the authority to appoint such other employees~~
20 ~~as shall be necessary in discharging the duties of their office. A.~~
21 Fire Marshal agents shall be appointed by and subject to the
22 supervision and control of the State Fire Marshal or designee. All
23 agents are employees of the State of Oklahoma and subject to the

1 provisions of the Oklahoma Merit System of Personnel Management.
2 Agents must have a minimum of a high school diploma or equivalent
3 and be at least twenty-one (21) years of age. Agents must have at
4 least two (2) years experience in fire protection, fire prevention,
5 fire investigations or criminal justice, which may include service
6 in a state, county, municipal, federal, military, industrial or
7 criminal justice agency. Successful completion of a degree in fire
8 protection, fire prevention, criminal justice, or a degree relevant
9 to the needs of the agency from an accredited college of university,
10 may be substituted for experience on a year-for-year basis. Fire
11 Marshal agents shall be eligible to and shall obtain certification
12 as a peace officer in the State of Oklahoma in accordance with
13 Section 3311 of Title 70 of the Oklahoma Statutes, within twelve
14 (12) months of appointment. Fire Marshal Agents shall be subject to
15 extensive background investigation, psychological testing and drug
16 testing. Fire Marshal Agents must have or be able to obtain a valid
17 Oklahoma driver's license and must be a citizen of the United
18 States.

19 B. Salary Schedule for Fire Marshal Agents.

20 The annual salary for Fire Marshal Agents shall be as provided
21 below, unless an across-the-board raise is provided by law:

22	<u>Agent I</u>	<u>\$29,900.00</u>
23	<u>Agent II</u>	<u>\$33,090.40</u>

1	<u>Agent III</u>	<u>\$36,588.96</u>
2	<u>Agent IV</u>	<u>\$39,652.44</u>
3	<u>Division Chief</u>	<u>\$42,990.96</u>
4	<u>Assistant Fire Marshal</u>	<u>\$52,190.00</u>
5	<u>State Fire Marshal</u>	<u>\$54,049.00</u>

6 C. Qualifications for each step are as follows:

7 Agent I - Must obtain peace officer status within the first
8 twelve (12) months.

9 Agent II - Minimum of five (5) years of professional experience,
10 plus the minimum of employment requirements for Agent I.

11 Agent III - Minimum of five (5) years with the State Fire
12 Marshal Agency, plus minimum requirements for Agent II, and must
13 meet standards on the last five evaluations.

14 Division Chief - Minimum of seven (7) years with the State Fire
15 Marshal Agency, and intermediate peace officer certification from
16 the Council on Law Enforcement and Training, plus three (3) years
17 supervisory experience with an emergency response agency or two (2)
18 years supervisory experience with the State Fire Marshal Agency, and
19 meets standards on the last five evaluations.

20 D. Provided, however, during specific times, if the State Fire
21 Marshal Agency is unable to fill positions with qualified
22 applicants, the State Fire Marshal Agency may exempt applicants from
23 qualifications in one or more of the above requirements.

1 SECTION 3. This act shall become effective November 1, 2000.
2 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-00 - DO
3 PASS, As Amended and Coauthored.