

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 846

By: Leftwich

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 1991, Sections 324.4 and 324.5, which relate to the State Fire Marshal; deleting certain age requirements; modifying qualifications; providing for appointment of Assistant State Fire Marshal and providing qualifications; exempting State Fire Marshal and Assistant State Fire Marshal from provisions of Merit System; specifying salary schedule and stating qualifications thereto; providing for exceptions; and providing an 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, military, or industrial fire protection agencies, or criminal justice, agency. ~~He~~ Successful completion of a degree in fire

protection and fire prevention, investigation, or criminal justice, or administration from an accredited college or university, may be substituted for experience on a year-for-year basis. The State Fire Marshal shall possess administrative ability and experience and be able to obtain facts in connection with the duties of his office by field investigations and to accurately report his findings. The State Fire Marshal may be required to obtain certification as a peace officer in the State of Oklahoma in accordance with Section 3311 of Title 70 of the Oklahoma Statutes, and shall be subject to extensive background investigation, psychological testing and drug testing. The Commission may also require additional qualifications. The State Fire Marshal must have or be able to obtain a valid Oklahoma driver's license and be a citizen of the United States.

B. The Commission shall appoint a full-time Assistant State Fire Marshal upon recommendation from the State Fire Marshal. The Assistant State Fire Marshal must have a minimum of seven (7) years' experience in some phase of fire protection, fire prevention, investigations, or criminal justice, which may include experience with any state, county, municipal, federal, military, industrial fire protection or criminal justice agency. Successful completion of a degree in fire protection and prevention, criminal justice, or administration from an accredited college or university, may be substituted for experience on a year-for-year basis. This person shall possess administrative ability and experience. The Assistant State Fire Marshal may be required to obtain certification as a peace officer in the State of Oklahoma in accordance with Section 3311 of Title 70 of the Oklahoma Statutes, and shall be subject to extensive background investigation, psychological testing and drug testing. The Commission may require additional qualifications. The Assistant State Fire Marshal must have or be able to obtain a valid Oklahoma driver's license and be a citizen of the United States.

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

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

~~Section 324.5 There is hereby created in the office of the State Fire Marshal an Arson Division and a Fire Protection and Prevention Division. An Assistant Fire Marshal shall be appointed to direct the operations of said Divisions, subject to the supervision and control of the State Fire Marshal at all times. The Assistant Fire Marshal, deputies and agents at the time of their original employment shall undergo and pass a physical examination by a duly authorized physician. The Fire Marshal and the Assistant Fire Marshal shall not be subject to the provisions of the Merit System of Personnel Administration. The Assistant Fire Marshal and the agents in the Arson Division must have had at least five (5) years' experience in fire investigation, which may include service in state, municipal, military or industrial fire protection and investigation agencies, and shall have attended at least one of the several specialized training schools on arson detection and investigation, such as those courses offered at a recognized college or university, or other schools. The Assistant Fire Marshal and the agents in the Fire Protection and Prevention Division must have had at least five (5) years' experience in fire protection and prevention, which may include service in state, municipal, military or industrial fire protection and prevention agencies. Proof of successful matriculation and completion from a recognized college or university in fire protection or prevention may be substituted for experience on a year-for-year basis. The State Fire Marshal Commission shall have the authority to appoint such other employees as shall be necessary in discharging the duties of their office. A. Fire Marshal agents shall be appointed by and subject to the~~

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

B. Salary Schedule for Fire Marshal Agents.

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

<u>Agent I</u>	<u>\$29,900.00</u>
<u>Agent II</u>	<u>\$33,090.40</u>
<u>Agent III</u>	<u>\$36,588.96</u>
<u>Agent IV</u>	<u>\$39,652.44</u>
<u>Division Chief</u>	<u>\$42,990.96</u>
<u>Assistant Fire Marshal</u>	<u>\$52,190.00</u>
<u>State Fire Marshal</u>	<u>\$54,049.00</u>

C. Qualifications for each step are as follows:

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

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

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

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

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

SECTION 3. This act shall become effective November 1, 2000.

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