

1 violations, punishment and penalties; modifying
2 language; modifying certain membership; modifying
3 authority; amending 63 O.S. 2011, Section 122.2,
4 which relates to state agency jurisdictional areas;
5 adding Fire Extinguisher Licensing Act to authority;
6 amending 74 O.S. 2011, Section 324.2, which relates
7 to the State Fire Marshal Commission, Chairman,
8 rules, quorum, and meetings; making chair selection
9 gender neutral; providing for rules; providing for
10 noncodification; and providing an effective date.

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

12 SECTION 1. NEW LAW A new section of law not to be
13 codified in the Oklahoma Statutes to read as follows:

14 A. All powers, duties, responsibilities, employees, records and
15 equipment of the State Board of Health, the State Department of
16 Health, and the State Commissioner of Health relating exclusively to
17 the regulation of fire extinguishers are hereby transferred and
18 shall be placed under the authority of the Office of the State Fire
19 Marshal. To the extent practicable, this shall include all computer
20 hardware and software used in regulating the functions listed in
21 this subsection. The State Commissioner of Health, the State Fire
22 Marshal and the Director of the Office of Management and Enterprise
23 Services may contract for additional legal and administrative
24 services as necessary to effectuate the transfer.

B. All unexpended funds, property, furnishings, equipment,
supplies, records, personnel and outstanding financial obligations
and encumbrances relating to the designated transfer of the Fire

1 Extinguisher Licensing Act are hereby transferred to the Office of
2 the State Fire Marshal for the continuing performance of duties
3 relating to the Fire Extinguisher Licensing Act. No funds,
4 property, furnishings, equipment, supplies, records, or personnel
5 may be expended or used for any purpose other than the performance
6 of duties and responsibilities as directed and required in this act.

7 C. The State Board of Health, the State Department of Health
8 and the State Commissioner of Health shall not enter into any
9 contract or agreement relating to the regulations of fire
10 extinguishers extending beyond the effective date of the transfer
11 without approval by the State Fire Marshal and the Office of
12 Management and Enterprise Services.

13 D. All board and committee members affected by the transfer
14 provided in subsection A of this section shall retain such
15 selection, appointment, assignment and membership term as provided
16 by law, or any amendments thereto.

17 E. All licenses, registrations, certifications and
18 accreditations subject to the transfer provided in subsection A of
19 this section shall remain in full force and effect upon transfer to
20 the Office of the State Fire Marshal.

21 F. The Director of the Office of Management and Enterprise
22 Services is hereby directed to coordinate the transfer of employees,
23 funds, allotments, purchase orders, and outstanding financial
24 obligations and encumbrances relating to the Fire Extinguisher

1 Licensing Act subject to transfer pursuant to the provisions of this
2 act.

3 G. Upon the effective date of this act, all administrative
4 rules promulgated by the State Board of Health relating to the Fire
5 Extinguisher Licensing Act shall be transferred to and become a part
6 of the administrative rules of the State Fire Marshal Commission.
7 The Office of Administrative Rules in the Secretary of State's
8 office shall provide adequate notice in the Oklahoma Register of the
9 transfer of such rules, and shall place the transferred rules under
10 the Administrative Code section of the State Fire Marshal
11 Commission. Such rules shall continue in force and effect as rules
12 of the State Fire Marshal Commission from and after the effective
13 date of this act, and any amendment, repeal or addition to the
14 transferred rules shall be under the jurisdiction of the Oklahoma
15 Fire Marshal Commission.

16 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1820.3, is
17 amended to read as follows:

18 Section 1820.3. As used in the Fire Extinguisher Licensing
19 Act:

- 20 1. ~~"Board" means the State Board of Health;~~
21 2. ~~"Commissioner" means the State Commissioner of Health;~~
22 3. "Committee" means the Fire Extinguisher Industry Committee;
23 4. 2. "Fire extinguisher industry" means the sale,
24 installation, maintenance, inspection, certification, alteration,

1 repair, replacement, or service of portable fire extinguishers or
2 fire suppression systems or any combination of the foregoing
3 activities;

4 ~~5.~~ 3. "Fire suppression systems" and "handheld portable fire
5 extinguisher" means any listed or approved fire extinguisher systems
6 installed in compliance with the installation manuals of the
7 manufacturer or the applicable National Fire Protection Association
8 Standard and its reference as outlined in the rules established by
9 the State Department of Health;

10 ~~6.~~ 4. "Licensee" means any person licensed pursuant to the Fire
11 Extinguisher Licensing Act; and

12 ~~7.~~ 5. "Person" means a sole proprietorship, fire partnership,
13 association, corporation, or other similar entity.

14 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1820.6, is
15 amended to read as follows:

16 Section 1820.6. A. There is hereby created the Fire
17 Extinguisher Industry Committee which shall consist of the following
18 seven (7) members:

19 ~~1. One member shall be the State Commissioner of Health, or a~~
20 ~~designated representative;~~

21 ~~2.~~ One member shall be the State Fire Marshal, or a designated
22 representative;

23 ~~3. One member shall be the Assistant State Fire Marshal, or a~~
24 ~~designated representative; and~~

1 ~~4. Four~~ 2. Six (6) members shall be appointed by the State
2 ~~Board of Health. The Board shall appoint the four members within~~
3 ~~thirty (30) days after the effective date of this act~~ Fire Marshal
4 Commission. ~~Three~~ Five (5) of the appointed members shall have at
5 least five (5) years of experience in the fire extinguisher
6 industry. One of the appointed members shall be a ~~lay member~~ fire
7 service representative. No member of the Committee shall have any
8 kind of employment relationship with any other member.

9 B. The term of each appointed member shall be four (4) years
10 staggered. ~~Provided, the terms of the first appointed members of~~
11 ~~the Committee shall be as follows:~~

- 12 ~~1. One member shall be appointed to a term ending May 31, 2008;~~
13 ~~2. One member shall be appointed to a term ending May 31, 2009;~~
14 ~~3. One member shall be appointed to a term ending May 31, 2010;~~
15 and
16 ~~4. One member shall be appointed to a term ending May 31, 2011.~~

17 Each appointed member shall hold office until his or her successor
18 is appointed and has qualified under the Fire Extinguisher Licensing
19 Act.

20 C. Appointed members may be removed from office by the ~~Board~~
21 ~~for cause~~ State Fire Marshal Commission.

22 D. Vacancies shall be filled by appointment by the ~~Board~~ State
23 Fire Marshal Commission for the unexpired term of the vacancy.

24

1 E. Members of the Committee shall serve without pay but may be
2 reimbursed for actual expenses pursuant to the provisions of the
3 State Travel Reimbursement Act.

4 F. The Committee shall elect from among its membership a chair,
5 vice-chair, and secretary to serve terms of not more than two (2)
6 years ending on May 31 of the year designated by the Committee. The
7 chair or vice-chair shall preside at all meetings. The chair, vice-
8 chair, and secretary shall perform such duties as may be decided by
9 the Committee in order to effectively administer the Fire
10 Extinguisher Licensing Act.

11 G. A majority of Committee members shall constitute a quorum to
12 transact official business.

13 H. The Committee shall meet within thirty (30) days after the
14 effective date of this act and shall meet thereafter at such times
15 as the Committee deems necessary to implement the provisions of the
16 Fire Extinguisher Licensing Act.

17 I. The Committee shall assist and advise the ~~Commissioner~~ State
18 Fire Marshal on all matters relating to the formulation of rules and
19 standards in accordance with the Fire Extinguisher Licensing Act.

20 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1820.7, is
21 amended to read as follows:

22 Section 1820.7. The Fire Extinguisher Industry Committee shall
23 have the following powers and duties:
24

- 1 1. To assist the ~~State Commissioner of Health~~ State Fire
2 Marshal in licensing and otherwise regulating persons engaged in a
3 fire extinguisher industry business;
- 4 2. To determine qualifications of applicants pursuant to the
5 Fire Extinguisher Licensing Act;
- 6 3. To prescribe and adopt forms for license applications and
7 initiate the mailing of the application forms to all persons
8 requesting the applications;
- 9 4. To assist the ~~Commissioner~~ State Fire Marshal in the denial,
10 suspension or revocation of licenses as provided by the Fire
11 Extinguisher Licensing Act;
- 12 5. To charge and collect such fees as are prescribed by the
13 Fire Extinguisher Licensing Act;
- 14 6. To assist the State ~~Board of Health~~ Fire Marshal Commission
15 in establishing and enforcing standards governing the materials,
16 services, and conduct of the licensees and the employees of
17 licensees in regard to the fire extinguisher industry;
- 18 7. To assist the State ~~Board of Health~~ Fire Marshal Commission
19 in promulgating rules necessary to carry out the administration of
20 the Fire Extinguisher Licensing Act;
- 21 8. To investigate alleged violations of the provisions of the
22 Fire Extinguisher Licensing Act and of any rules promulgated by the
23 ~~Board~~ State Fire Marshal Commission;

24

1 9. To assist the ~~Board~~ State Fire Marshal Commission in
2 establishing categories of licenses for the Fire Extinguisher
3 Licensing Act and application requirements for each category
4 including, but not limited to, individual licenses, experience
5 requirements, fingerprints, photographs, written examinations, and
6 fees;

7 10. To assist the ~~Commissioner~~ State Fire Marshal in providing
8 for grievance and appeal procedures pursuant to the Administrative
9 Procedures Act for any person whose license is denied, revoked, or
10 suspended; and

11 11. To have such other powers and duties as are necessary to
12 implement the Fire Extinguisher Licensing Act.

13 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1820.8, is
14 amended to read as follows:

15 Section 1820.8. No person shall engage in a fire extinguisher
16 industry business in this state without first having obtained a
17 license pursuant to the provisions of the Fire Extinguisher
18 Licensing Act. Provided, every person engaged in a fire
19 extinguisher industry business in this state on the effective date
20 of the Fire Extinguisher Licensing Act shall have ninety (90) days
21 in which to apply to the State ~~Commissioner of Health~~ Fire Marshal
22 for a license. A person applying for a license within this ninety-
23 day period may continue business pending a final determination by
24 the ~~Commissioner~~ State Fire Marshal of the application. Additional

1 time beyond the ninety-day period may be granted by the ~~Commissioner~~
2 State Fire Marshal.

3 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1820.9, is
4 amended to read as follows:

5 Section 1820.9. A. No person shall market, distribute, or sell
6 any portable fire extinguisher or fire suppression system in this
7 state unless the following requirements are met:

8 1. The portable fire extinguisher or fire suppression system
9 complies with standards adopted by the ~~State Board of Health~~ State
10 Fire Marshal Commission; and

11 2. The portable fire extinguisher or fire suppression system
12 has been examined by and bears the label of a nationally recognized
13 testing laboratory approved by the ~~Board~~ State Fire Marshal
14 Commission as qualified to test portable fire extinguishers and fire
15 suppression systems.

16 B. The ~~Board~~ State Fire Marshal Commission may grant reasonable
17 exceptions to the provisions of this section when the portable fire
18 extinguisher or fire suppression system is intended for industrial
19 use in places to which the public is not invited or admitted. The
20 provisions of this section apply to the state and any political
21 subdivision thereof.

22 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1820.10, is
23 amended to read as follows:

24

1 Section 1820.10. Any person who services, installs, inspects,
2 certifies, charges or tests any portable fire extinguisher or fire
3 suppression system shall affix a tag to the service unit. The tag
4 shall indicate the date upon which the service work was performed,
5 and it shall bear the legible signature and state license number of
6 the person and other information specified by the State ~~Board of~~
7 Health Fire Marshal Commission.

8 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1820.11, is
9 amended to read as follows:

10 Section 1820.11. A. Any person applying for a license to
11 engage in a fire extinguisher industry business pursuant to the Fire
12 Extinguisher Licensing Act shall provide evidence to the Fire
13 Extinguisher Industry Committee that the individual within this
14 state having direct supervision over the function and local
15 operations of the fire extinguisher industry business or a branch
16 thereof has the following qualifications:

17 1. The individual is at least twenty-one (21) years of age;

18 2. The individual has not been declared by any court of
19 competent jurisdiction incompetent by reason of mental defect or
20 disease;

21 3. The individual is not a habitual user of intoxicating
22 liquors or habit-forming drugs;

23 4. The individual has not been discharged from the Armed
24 Services of the United States under other than honorable conditions;

1 5. The individual is of good moral character; and

2 6. The individual meets such other standards as may be
3 established by the State ~~Board of Health~~ Fire Marshal Commission
4 relating to experience or knowledge of the fire extinguisher
5 industry.

6 B. The applicant shall advise the Committee and furnish full
7 information on each individual described in subsection A of this
8 section of any conviction of a felony offense or any crime involving
9 moral turpitude for which a full pardon has not been granted. The
10 applicant shall furnish a recent photograph of a type prescribed by
11 the Committee and two classifiable sets of fingerprints of such
12 individual.

13 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1820.12, is
14 amended to read as follows:

15 Section 1820.12. A. An application for a license shall
16 include:

17 1. The address of the principal office of the applicant and the
18 address of each branch office located within this state;

19 2. The name of each business location under which the applicant
20 intends to do business as a licensee;

21 3. A statement as to the extent and scope of the fire
22 extinguisher industry business of the applicant and all other
23 businesses in which the applicant is engaged in this state;

1 4. A recent photograph of the applicant of a type prescribed by
2 the State ~~Board of Health~~ Fire Marshal Commission if the applicant
3 is a sole proprietor, or a photograph of each officer and of each
4 partner or shareholder who owns a twenty-five percent (25%) or
5 greater interest in the applicant, if the applicant is an entity;
6 and

7 5. Such other information, statements, or documents as may be
8 required by the ~~Board~~ State Fire Marshal Commission.

9 B. An applicant for an individual license shall provide such
10 documents, statements or other information as may be required by the
11 ~~Board~~ State Fire Marshal Commission, including two classifiable sets
12 of fingerprints of the applicant. The fingerprints may be used for
13 a national criminal history record check as defined by Section 150.9
14 of Title 74 of the Oklahoma Statutes.

15 C. Fees for license and license renewal issued pursuant to the
16 Fire Extinguisher Licensing Act shall be adopted by the ~~Board~~ State
17 Fire Marshal Commission pursuant to Section ~~1-106.1~~ 1820.19 of Title
18 ~~63~~ 59 of the Oklahoma Statutes. An applicant shall pay the license
19 fee at the time the applicant makes application.

20 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1820.13, is
21 amended to read as follows:

22 Section 1820.13. A. Upon making proper application, payment of
23 the proper license fee and certification of approval by the Fire
24 Extinguisher Industry Committee, the State ~~Commissioner of Health~~

1 Fire Marshal shall issue a license to the applicant. The license
2 shall be valid for a one-year term.

3 B. Renewal of a license shall not prohibit disciplinary
4 proceedings for an act committed prior to the renewal.

5 C. The State ~~Board of Health~~ Fire Marshal Commission may adopt
6 a system under which licenses expire on various dates throughout the
7 year. For any change in such expiration dates, license fees shall
8 be prorated on an appropriate periodic basis.

9 SECTION 11. AMENDATORY 59 O.S. 2011, Section 1820.14, is
10 amended to read as follows:

11 Section 1820.14. A. A license shall not be altered or
12 assigned.

13 B. A license shall be posted in a conspicuous place in each
14 fire extinguisher industry business location of the licensee.

15 C. A licensee shall notify the Fire Extinguisher Industry
16 Committee within fourteen (14) days of any change of information
17 furnished on the application for license or on the license
18 including, but not limited to, change of ownership, address,
19 business activities, or any developments related to the
20 qualifications of the licensee or the individual described in
21 Section 11 of this act. If the licensee for any reason ceases to
22 engage in a fire extinguisher industry business in this state, the
23 licensee shall notify the Committee within fourteen (14) days of
24 such cessation. If the required notice of cessation is not given to

1 the Committee within fourteen (14) days, the license may be
2 suspended or revoked by the State ~~Commissioner of Health~~ Fire
3 Marshal on recommendation of the Committee.

4 D. No person shall represent falsely that he or she is licensed
5 or employed by a licensee.

6 E. Each licensee shall maintain a record containing such
7 information relative to his or her employees as may be required by
8 the State ~~Board of Health~~ Fire Marshal Commission.

9 SECTION 12. AMENDATORY 59 O.S. 2011, Section 1820.16, is
10 amended to read as follows:

11 Section 1820.16. A. The State ~~Commissioner of Health~~ Fire
12 Marshal, on recommendation of the Fire Extinguisher Industry
13 Committee, may suspend any license, upon the conviction of any
14 individual named on the license or on the application for license of
15 a felony, for a period not to exceed thirty (30) days pending a full
16 investigation by the Committee. The investigation shall be
17 initiated within the thirty-day period of suspension. A final
18 determination by the Committee shall result in either removal of the
19 suspension or such sanction as the ~~Commissioner~~ State Fire Marshal
20 considers appropriate, as provided by the Fire Extinguisher
21 Licensing Act.

22 B. The ~~Commissioner~~ State Fire Marshal may revoke or suspend
23 any license, reprimand any licensee or deny any application for
24 license or renewal if, in the judgment of the Committee:

1 1. The applicant or licensee has violated any provision of the
2 Fire Extinguisher Licensing Act or any rule promulgated under the
3 Fire Extinguisher Licensing Act;

4 2. The applicant or licensee has practiced fraud, deceit, or
5 misrepresentation;

6 3. The applicant or licensee has made a material misstatement
7 in any information required by the State ~~Board of Health~~ Fire
8 Marshal Commission; or

9 4. The applicant or licensee has demonstrated incompetence or
10 untrustworthiness in his or her actions.

11 C. The Committee shall, before final action under subsection B
12 of this section, provide thirty (30) days of written notice to the
13 applicant or licensee involved in the action intended and give
14 sufficient opportunity for the person to request a hearing before
15 the Committee and the ~~Commissioner~~ State Fire Marshal and to be
16 represented by an attorney. A hearing shall be scheduled by the
17 Committee upon request by the applicant or licensee.

18 D. In the event the ~~Commissioner~~ State Fire Marshal denies the
19 application for, or revokes or suspends, any license or imposes any
20 reprimand, a record of such action shall be in writing and
21 officially signed by the ~~Commissioner~~ State Fire Marshal. The
22 original copy shall be filed with the ~~Board~~ State Fire Marshal
23 Commission and a copy mailed to the affected applicant or licensee
24

1 within two (2) days of the final action taken by the ~~Commissioner~~
2 State Fire Marshal.

3 E. Notice of the suspension or revocation of any license by the
4 ~~Commissioner~~ State Fire Marshal shall be sent by the Committee to
5 law enforcement agencies and fire departments in the principal areas
6 of operation of the licensee.

7 F. A suspended license shall be subject to expiration and may
8 be renewed as provided by the Fire Extinguisher Licensing Act,
9 regardless of suspension; provided, the renewal shall not remove the
10 suspension.

11 G. A revoked license terminates on the date of revocation and
12 cannot be reinstated; provided, the ~~Commissioner~~ State Fire Marshal
13 may reverse the revocation action. Any licensee whose license is
14 revoked shall apply for a new license and meet all requirements for
15 a license as stated in the Fire Extinguisher Licensing Act prior to
16 engaging in any fire extinguisher industry business activities. The
17 Committee and the ~~Commissioner~~ State Fire Marshal shall take action
18 on the new application and may require additional safeguards against
19 such acts by the applicant as may have been the cause of the
20 revocation of the prior license.

21 SECTION 13. AMENDATORY 59 O.S. 2011, Section 1820.17, as
22 amended by Section 284, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
23 2012, Section 1820.17), is amended to read as follows:
24

1 Section 1820.17. There is hereby created in the State Treasury
2 a revolving fund for the ~~State Department of Health~~ Office of the
3 State Fire Marshal, to be designated the "Fire Extinguisher Industry
4 Revolving Fund". The fund shall be a continuing fund, not subject
5 to fiscal year limitations, and shall consist of all monies received
6 by the ~~Department~~ Office of the State Fire Marshal pursuant to the
7 Fire Extinguisher Licensing Act. All monies accruing to the credit
8 of such fund are hereby appropriated and may be budgeted and
9 expended by the ~~Department~~ Office of the State Fire Marshal for the
10 purpose of implementing the Fire Extinguisher Licensing Act.
11 Expenditures from such fund shall be made upon warrants issued by
12 the State Treasurer against claims filed as prescribed by law with
13 the Director of the Office of Management and Enterprise Services for
14 approval and payment.

15 SECTION 14. AMENDATORY 59 O.S. 2011, Section 1820.19, is
16 amended to read as follows:

17 Section 1820.19. The State ~~Board of Health~~ Fire Marshal
18 Commission is hereby authorized to promulgate, adopt, amend, and
19 repeal rules consistent with the provisions of the Fire Extinguisher
20 Licensing Act for the purpose of governing the establishment and
21 levying of administrative fines, establishing a fee schedule and the
22 examination and licensure of fire extinguisher companies, managers,
23 technicians, and salespersons.

24

1 SECTION 15. AMENDATORY 59 O.S. 2011, Section 1820.20, is
2 amended to read as follows:

3 Section 1820.20. A. Any individual or person who is found to
4 be in violation of the provisions of the Fire Extinguisher Licensing
5 Act or any rules adopted by the State ~~Board of Health~~ Fire Marshal
6 Commission in the administration of the Fire Extinguisher Licensing
7 Act shall, upon conviction, be guilty of a misdemeanor punishable by
8 imprisonment in the county jail for a period of not more than one
9 (1) year, or by the imposition of a fine of not more than Five
10 Hundred Dollars (\$500.00), or by both such imprisonment and fine.

11 B. 1. In addition to any other penalties provided by law, if
12 after a hearing in accordance with Article II of the Administrative
13 Procedures Act, the State ~~Commissioner of Health~~ Fire Marshal finds
14 any person to be in violation of any of the provisions of the Fire
15 Extinguisher Licensing Act or the rules promulgated pursuant
16 thereto, the person may be subject to an administrative fine of not
17 more than Two Hundred Dollars (\$200.00) for each violation. Each
18 day a person is in violation may constitute a separate violation.

19 2. All administrative fines collected pursuant to the
20 provisions of this subsection shall be deposited in the Fire
21 Extinguisher Industry Revolving Fund.

22 SECTION 16. AMENDATORY 63 O.S. 2011, Section 122.2, is
23 amended to read as follows:

24

1 Section 122.2. The provisions of this section specify the
2 jurisdictional areas of state agencies relating to the regulation of
3 blasting and explosives. Agencies regulating explosives and
4 blasting are directed to cooperate and coordinate with each other as
5 necessary to carrying out the duties required to regulate
6 explosives. Agencies regulating explosives may enter into
7 interagency agreements with other state agencies and law enforcement
8 agencies of any political subdivision of this state for the purpose
9 of conducting investigations related to the regulation of explosives
10 or criminal activity. The jurisdictional areas of responsibility
11 specified in this section shall be in addition to those otherwise
12 provided by law and assigned to the specific state agency as
13 follows:

14 1. Department of Mines. The Department of Mines shall have the
15 following jurisdictional areas relating to the regulation of
16 blasting and explosives:

- 17 a. the use of explosives and blasting activities for
18 surface and nonsurface mining operations pursuant to
19 Title 45 of the Oklahoma Statutes,
- 20 b. except as otherwise provided by this part, the use of
21 explosives and blasting activities for nonmining
22 activities, and
- 23 c. except as otherwise provided by this part, the
24 regulation of the use of explosives or of blasting

1 activity not subject to the specific statutory
2 authority of another state agency;

3 2. State Fire Marshal. The State Fire Marshal shall have
4 regulatory jurisdictional responsibility relating to explosives as
5 follows:

- 6 a. the regulation of the manufacture, sale,
7 transportation for hire or storage of explosives or
8 blasting agents for resale pursuant to Division 2 of
9 the Oklahoma Explosives and Blasting Regulation Act,
10 ~~and~~
11 b. the examination of buildings and premises and
12 reporting and orders authorized pursuant to Section
13 317 of Title 74 of the Oklahoma Statutes, and
14 c. licensure, regulation and enforcement of fire
15 extinguishers, pursuant to the Fire Extinguisher
16 Licensing Act;

17 3. The Department of Public Safety. The Department of Public
18 Safety shall have the regulatory jurisdictional responsibility
19 relating to explosives as follows:

- 20 a. the transportation of explosives or blasting agents
21 classified as hazardous materials pursuant to the
22 Oklahoma Motor Carrier Safety and Hazardous Materials
23 Transportation Act,
24

- 1 b. the construction or making of any explosive or
2 explosive device not subject to specific regulatory
3 authority of another state agency,
4 c. the intentional storage of any materials which are
5 intended to be used to construct or make any explosive
6 or explosive device not subject to specific regulatory
7 authority of another state agency, and
8 d. the intentional use of any explosive or explosive
9 device in any manner not subject to specific
10 regulatory authority of another state agency.

11 Provided, nothing in this provision shall be construed to expand
12 jurisdiction of the Department of Public Safety to investigate any
13 crime occurring within the jurisdiction of another law enforcement
14 authority of any political subdivision of this state, and nothing
15 shall prohibit, limit, or restrict any law enforcement officer,
16 agency, or specialized law enforcement unit from investigating or
17 otherwise performing any duty or responsibility for crimes within
18 their respective jurisdiction relating to explosives, blasting
19 agents, or hazardous materials; and

20 4. Department of Environmental Quality. The Department of
21 Environmental Quality shall have jurisdictional responsibility
22 relating to the regulation and disposal of explosives or blasting
23 agents classified as solid or hazardous waste pursuant to the
24 Oklahoma Environmental Quality Code.

1 SECTION 17. AMENDATORY 74 O.S. 2011, Section 324.2, is
2 amended to read as follows:

3 Section 324.2. The Commission shall select a ~~chairman and~~
4 chair. The Commission is hereby authorized to adopt rules necessary
5 for the licensure, regulation and enforcement of the fire
6 extinguishers pursuant to the Fire Extinguisher Licensing Act and
7 for conducting its proceedings. Any four members shall constitute a
8 quorum. The Commission shall meet monthly on such date as it may
9 designate and may meet at such other times as it may deem necessary,
10 or when called by the chairman or by any four members. Complete
11 minutes of each meeting shall be kept and filed in the office of the
12 State Fire Marshal and shall be available for public inspection
13 during reasonable office hours. The Commission shall report
14 annually to the Governor and to the Speaker of the House of
15 Representatives and the President Pro Tempore of the Senate of the
16 affairs of the Commission and the office of the State Fire Marshal.

17 SECTION 18. This act shall become effective November 1, 2013.

18
19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/03/2013 -
20 DO PASS.
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