

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1108

By: West (Kevin)

COMMITTEE SUBSTITUTE

An Act relating to the State Fire Marshal; amending
74 O.S. 2011, Sections 324.1, as amended by Section
1, Chapter 268, O.S.L. 2012, 324.2, as amended by
Section 17, Chapter 111, O.S.L. 2013 and 324.4 (74
O.S. Supp. 2018, Sections 324.1 and 324.2), which
relate to the State Fire Marshal Commission;
modifying appointment of members of the Commission;
authorizing Governor to appoint State Fire Marshal;
and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 324.1, as
amended by Section 1, Chapter 268, O.S.L. 2012 (74 O.S. Supp. 2018,
Section 324.1), is amended to read as follows:

Section 324.1 There is hereby re-created the State Fire Marshal
Commission, which shall consist of ~~seven (7)~~ the following nine (9)
~~members appointed by the Governor. The Governor shall appoint~~
~~initially one member who shall serve for a term of five (5) years,~~
~~one member from a statewide association of career and volunteer~~

~~firefighters who shall serve for a term of four (4) years, one member from a statewide association of municipalities who shall serve for a term of three (3) years, one member from a statewide association of Fire Chiefs, both career and volunteer, who shall serve for a term of two (2) years, one member who shall be a Fire Investigator who shall serve for a term of one (1) year, one member representing a statewide association of electrical workers who shall serve a term of one (1) year, and one member representing a statewide organization of exclusively professional firefighters who shall serve a term of two (2) years. The members of the Commission shall thereafter be appointed for a term of five (5) years and the appointments shall be subject to Senate confirmation; provided the associations named shall be represented by at least one member:~~

1. Four members appointed by the Governor;

2. Two members appointed by the Speaker of the House of Representatives;

3. Two members appointed by the President Pro Tempore of the Senate; and

4. The State Fire Marshal.

Each member shall serve at the pleasure of his or her appointing authority and may be removed or replaced without cause. Any member of the Commission shall be prohibited from voting on any issue in which the member has an interest.

1 SECTION 2. AMENDATORY 74 O.S. 2011, Section 324.2, as
2 amended by Section 17, Chapter 111, O.S.L. 2013 (74 O.S. Supp. 2018,
3 Section 324.2), is amended to read as follows:

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

19 SECTION 3. AMENDATORY 74 O.S. 2011, Section 324.4, is
20 amended to read as follows:

21 Section 324.4 A. The State Fire Marshal ~~Commission~~ shall
22 ~~appoint a full-time State Fire Marshal~~ be appointed by the Governor
23 and shall serve at the pleasure of the Governor and may be removed
24 or replaced without cause. Compensation for the State Fire Marshal

1 shall be determined by the Governor. The State Fire Marshal shall
2 administer and enforce the provisions of law pertaining to the
3 Office of the State Fire Marshal to include, but not be limited to,
4 fire and arson investigations, code enforcement, and public
5 ~~education under the supervision of the State Fire Marshal Commission~~
6 ~~and in accordance with Commission policies.~~ The State Fire Marshal
7 shall be a person of good moral character and a resident of Oklahoma
8 at the time of appointment. The State Fire Marshal must have a
9 minimum of ten (10) years' experience in fire protection, fire
10 prevention, investigation, or criminal justice, which may include
11 experience with any state, county, municipal, federal, military, or
12 industrial fire protection or criminal justice agency. Successful
13 completion of a degree in fire protection and prevention, criminal
14 justice or administration from an accredited college or university,
15 may be substituted for experience on a year-to-year basis. The
16 State Fire Marshal shall possess administrative ability and
17 experience. The State Fire Marshal may be required to obtain
18 certification as a peace officer in the State of Oklahoma from the
19 Council on Law Enforcement Education and Training, and shall be
20 subject to an extensive background investigation, psychological
21 testing, and drug testing. ~~The Commission may also require~~
22 ~~additional qualifications.~~ The State Fire Marshal must have or be
23 able to obtain a valid Oklahoma driver license and be a citizen of
24 the United States.

1 B. The ~~Commission~~ State Fire Marshal shall appoint a full-time
2 Assistant State Fire Marshal ~~upon recommendation from the State Fire~~
3 ~~Marshal~~. The Assistant State Fire Marshal must have a minimum of
4 seven (7) years experience in fire protection, fire prevention,
5 investigations or criminal justice, which may include experience
6 with any state, county, municipal, federal, military, or industrial
7 fire protection or criminal justice agency. Successful completion
8 of a degree in fire protection and prevention, criminal justice, or
9 administration from an accredited college or university, may be
10 substituted for experience on a year-to-year basis. The Assistant
11 State Fire Marshal shall possess administrative ability and
12 experience. The Assistant State Fire Marshal may be required to
13 obtain certification as a peace officer from the Council on Law
14 Enforcement and Education Training, and shall be subject to an
15 extensive background investigation, psychological testing, and drug
16 testing. ~~The Commission may require additional qualifications.~~ The
17 Assistant State Fire Marshal must have or be able to obtain a valid
18 Oklahoma driver license and be a citizen of the United States.

19 SECTION 4. 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.

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24 57-1-8401 LRB 02/28/19