

1 ENGROSSED HOUSE
2 BILL NO. 2235

By: May of the House

3 and

4 Quinn of the Senate
5
6

7 An Act relating to the state fire marshal; amending
8 74 O.S. 2011, Sections 324.1, as amended by Section
9 1, Chapter 268, O.S.L. 2012, 324.2, as amended by
10 Section 17, Chapter 111, O.S.L. 2013 and 324.4 (74
11 O.S. Supp. 2020, Sections 324.1 and 324.2), which
12 relate to the State Fire Marshal Commission;
13 modifying appointment to Commission; modifying
14 selection of chair of Commission; modifying
15 appointment of State Fire Marshal; authorizing hiring
16 of Assistant State Fire Marshal; and modifying
17 qualifications of Assistant State Fire Marshal.

18
19
20
21
22
23
24
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. 2020,
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)~~ 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 as follows:~~

1. Five members shall be appointed by the Governor;

2. Two members shall be appointed by the Speaker of the Oklahoma House of Representatives; and

3. Two members shall be appointed by the President Pro Tempore of the Oklahoma State Senate.

Beginning July 1, 2021, the Governor shall appoint initially

five members who shall serve for a term of two (2) years. The

Speaker of the Oklahoma House of Representatives shall appoint

initially two members who shall serve for a term of two (2) years.

The President Pro Tempore of the Oklahoma State Senate shall appoint

initially two members who shall serve for a term of two (2) years.

1 The members of the Commission shall thereafter be appointed for a
2 term of four (4) years and the appointments shall be subject to
3 Senate confirmation. Each member shall serve at the pleasure of his
4 or her appointing authority and may be removed or replaced without
5 cause. Any member of the Commission shall be prohibited from voting
6 on any issue in which the member has a direct financial interest.
7 The State Fire Marshal shall be an ex officio member of the
8 Commission, but shall be entitled to vote only in case of a tie
9 vote.

10 SECTION 2. AMENDATORY 74 O.S. 2011, Section 324.2, as
11 amended by Section 17, Chapter 111, O.S.L. 2013 (74 O.S. Supp. 2020,
12 Section 324.2), is amended to read as follows:

13 Section 324.2 ~~The Commission~~ Governor shall select a chair from
14 the appointees appointed to the State Fire Marshal Commission
15 provided in Section 324.1 of this title. The Commission is hereby
16 authorized to adopt rules necessary for the licensure, regulation
17 and enforcement of the fire extinguishers pursuant to the Fire
18 Extinguisher Licensing Act and for conducting its proceedings. Any
19 ~~four~~ five members shall constitute a quorum. The Commission shall
20 meet monthly on such date as it may designate and may meet at such
21 other times as it may deem necessary, or when called by the ~~chairman~~
22 chair or by any ~~four~~ five members. Complete minutes of each meeting
23 shall be kept and filed in the office of the State Fire Marshal and
24 shall be available for public inspection during reasonable office

1 hours. The Commission shall report annually to the Governor and to
2 the Speaker of the House of Representatives and the President Pro
3 Tempore of the Senate of the affairs of the Commission and the
4 office of the State Fire Marshal.

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

7 Section 324.4 A. The State Fire Marshal ~~Commission~~ shall
8 ~~appoint a~~ be appointed by the Governor, with the advice and consent
9 of the Senate and shall serve at the pleasure of the Governor and
10 may be removed or replaced without cause ~~full-time State Fire~~
11 ~~Marshal. The State Fire Marshal shall administer and enforce the~~
12 ~~provisions of law pertaining to the Office of the State Fire Marshal~~
13 ~~to include, but not be limited to, fire and arson investigations,~~
14 ~~code enforcement, and public education under the supervision of the~~
15 ~~State Fire Marshal Commission and in accordance with Commission~~
16 ~~policies. The State Fire Marshal shall be a person of good moral~~
17 ~~character and a resident of Oklahoma at the time of appointment.~~
18 ~~The State Fire Marshal must have a minimum of ten (10) years'~~
19 ~~experience in fire protection, fire prevention, investigation, or~~
20 ~~criminal justice, which may include experience with any state,~~
21 ~~county, municipal, federal, military, or industrial fire protection~~
22 ~~or criminal justice agency. Successful completion of a degree in~~
23 ~~fire protection and prevention, criminal justice or administration~~
24 ~~from an accredited college or university, may be substituted for~~

~~experience on a year-to-year basis. The State Fire Marshal shall possess administrative ability and experience. The State Fire Marshal may be required to obtain certification as a peace officer in the State of Oklahoma from the Council on Law Enforcement Education and Training, and shall be subject to an 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 license and be a citizen of the United States.~~

Compensation for the State Fire Marshal shall be determined by the Governor. The State Fire Marshal may be removed from office by a two-thirds (2/3) vote of the members elected to and constituting each chamber of the Legislature. The State Fire Marshal shall have the training and experience necessary for the administration of the Commission.

B. ~~The Commission shall appoint~~ State Fire Marshal may hire a full-time Assistant State Fire Marshal ~~upon recommendation from the State Fire Marshal.~~ The Assistant State Fire Marshal ~~must~~ shall have ~~a minimum of seven (7) years experience in fire protection, fire prevention, investigations or criminal justice, which may include experience with any state, county, municipal, federal, military, or 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~~

1 ~~university, may be substituted for experience on a year to year~~
2 ~~basis. The Assistant State Fire Marshal shall possess~~
3 ~~administrative ability and experience. The Assistant State Fire~~
4 ~~Marshal may be required to obtain certification as a peace officer~~
5 ~~from the Council on Law Enforcement and Education Training, and~~
6 ~~shall be subject to an extensive background investigation,~~
7 ~~psychological testing, and drug testing. The Commission may require~~
8 ~~additional qualifications. The Assistant State Fire Marshal must~~
9 ~~have or be able to obtain a valid Oklahoma driver license and be a~~
10 ~~citizen of the United States~~ the training and experience necessary
11 for the administration of the State Fire Marshal Commission.

12 Passed the House of Representatives the 10th day of March, 2021.

13
14 _____
15 Presiding Officer of the House
of Representatives

16 Passed the Senate the ____ day of _____, 2021.

17
18
19 _____
Presiding Officer of the Senate