

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2235 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Stan May

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

FLOOR SUBSTITUTE

FOR

HOUSE BILL NO. 2235

By: May

FLOOR 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. 2020, Sections 324.1 and 324.2), which relate to the State Fire Marshal Commission; modifying appointment to Commission; modifying selection of chair of Commission; modifying appointment of State Fire Marshal; authorizing hiring of Assistant State Fire Marshal; modifying qualifications of Assistant 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. 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~~

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

15 1. Five members shall be appointed by the Governor;

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

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

20 Beginning July 1, 2021, the Governor shall appoint initially

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

22 Speaker of the Oklahoma House of Representatives shall appoint

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

24 The President Pro Tempore of the Oklahoma State Senate shall appoint

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

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

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

1 be available for public inspection during reasonable office hours.
2 The Commission shall report annually to the Governor and to the
3 Speaker of the House of Representatives and the President Pro
4 Tempore of the Senate of the affairs of the Commission and the
5 office of the State Fire Marshal.

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

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

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

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

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

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

13 SECTION 4. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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