

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2235

By: May

7  
8                               COMMITTEE SUBSTITUTE

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

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

20                   SECTION 1.           AMENDATORY           74 O.S. 2011, Section 324.1, as  
21                   amended by Section 1, Chapter 268, O.S.L. 2012 (74 O.S. Supp. 2020,  
22                   Section 324.1), is amended to read as follows:

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

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

14 1. Three members shall be appointed by the Governor;

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

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

19 Beginning July 1, 2021, the Governor shall appoint initially  
20 three members who shall serve for a term of two (2) years. The

21 Speaker of the Oklahoma House of Representatives shall appoint  
22 initially two members who shall serve for a term of two (2) years.

23 The President Pro Tempore of the Oklahoma State Senate shall appoint  
24 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 appointee of the Commission shall serve  
4 at the pleasure of his or her appointing authority.

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

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

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

3       Section 324.4 A. The chair of the State Fire Marshal  
4 Commission shall ~~appoint a~~ be appointed to serve as the full-time  
5 State Fire Marshal. The State Fire Marshal shall administer and  
6 enforce the provisions of law pertaining to the Office of the State  
7 Fire Marshal to include, but not be limited to, fire and arson  
8 investigations, code enforcement, and public education under the  
9 supervision of the State Fire Marshal Commission and in accordance  
10 with Commission policies. The State Fire Marshal shall be a person  
11 of good moral character and a resident of Oklahoma at the time of  
12 appointment. The State Fire Marshal must have a minimum of ten (10)  
13 years' experience in fire protection, fire prevention,  
14 investigation, or criminal justice, which may include experience  
15 with any state, county, municipal, federal, military, or industrial  
16 fire protection or criminal justice agency. Successful completion  
17 of a degree in fire protection and prevention, criminal justice or  
18 administration from an accredited college or university, may be  
19 substituted for experience on a year-to-year basis. The State Fire  
20 Marshal shall possess administrative ability and experience. The  
21 State Fire Marshal may be required to obtain certification as a  
22 peace officer in the State of Oklahoma from the Council on Law  
23 Enforcement Education and Training, and shall be subject to an  
24 extensive background investigation, psychological testing, and drug

1 testing. The Commission may also require additional qualifications.  
2 The State Fire Marshal must have or be able to obtain a valid  
3 Oklahoma driver license and be a citizen of the United States.

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

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

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4 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2021 - DO PASS,  
5 As Amended.  
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