

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1108 \_\_\_\_\_  
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**

Amendment submitted by: Kevin West

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 1108

By: West (Kevin)

PROPOSED 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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