

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1108

By: West (Kevin) of the House

and

Treat of the Senate

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11 COMMITTEE SUBSTITUTE

12 An Act relating to the State Fire Marshal; amending
13 74 O.S. 2011, Sections 324.1, as amended by Section
14 1, Chapter 268, O.S.L. 2012, 324.2, as amended by
15 Section 17, Chapter 111, O.S.L. 2013 and 324.4 (74
16 O.S. Supp. 2018, Sections 324.1 and 324.2), which
17 relate to the State Fire Marshal Commission;
18 modifying appointment of members of the Commission;
19 authorizing Governor to appoint State Fire Marshal;
20 and declaring an emergency.

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

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

1 Section 324.1 There is hereby re-created the State Fire Marshal
2 Commission, which shall consist of ~~seven (7)~~ the following nine (9)
3 ~~members appointed by the Governor. The Governor shall appoint~~
4 ~~initially one member who shall serve for a term of five (5) years,~~
5 ~~one member from a statewide association of career and volunteer~~
6 ~~firefighters who shall serve for a term of four (4) years, one~~
7 ~~member from a statewide association of municipalities who shall~~
8 ~~serve for a term of three (3) years, one member from a statewide~~
9 ~~association of Fire Chiefs, both career and volunteer, who shall~~
10 ~~serve for a term of two (2) years, one member who shall be a Fire~~
11 ~~Investigator who shall serve for a term of one (1) year, one member~~
12 ~~representing a statewide association of electrical workers who shall~~
13 ~~serve a term of one (1) year, and one member representing a~~
14 ~~statewide organization of exclusively professional firefighters who~~
15 ~~shall serve a term of two (2) years. The members of the Commission~~
16 ~~shall thereafter be appointed for a term of five (5) years and the~~
17 ~~appointments shall be subject to Senate confirmation; provided the~~
18 ~~associations named shall be represented by at least one member:~~

19 1. Four members appointed by the Governor;

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

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

24 4. The State Fire Marshal.

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

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. 2018,
7 Section 324.2), is amended to read as follows:

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

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

1 Section 324.4 A. The State Fire Marshal ~~Commission~~ shall
2 ~~appoint a full-time State Fire Marshal~~ be appointed by the Governor
3 and shall serve at the pleasure of the Governor and may be removed
4 or replaced without cause. Compensation for the State Fire Marshal
5 shall be determined by the Governor. The State Fire Marshal shall
6 administer and enforce the provisions of law pertaining to the
7 Office of the State Fire Marshal to include, but not be limited to,
8 fire and arson investigations, code enforcement, and public
9 education ~~under the supervision of the State Fire Marshal Commission~~
10 ~~and in accordance with Commission policies.~~ The State Fire Marshal
11 shall be a person of good moral character and a resident of Oklahoma
12 at the time of appointment. The State Fire Marshal must have a
13 minimum of ten (10) years' experience in fire protection, fire
14 prevention, investigation, or criminal justice, which may include
15 experience with any state, county, municipal, federal, military, or
16 industrial fire protection or criminal justice agency. Successful
17 completion of a degree in fire protection and prevention, criminal
18 justice or administration from an accredited college or university,
19 may be substituted for experience on a year-to-year basis. The
20 State Fire Marshal shall possess administrative ability and
21 experience. The State Fire Marshal may be required to obtain
22 certification as a peace officer in the State of Oklahoma from the
23 Council on Law Enforcement Education and Training, and shall be
24 subject to an extensive background investigation, psychological

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

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

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

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 02/28/2019 - DO PASS,
5 As Amended and Coauthored.
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