

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 750
HOUSE BILL 1627

AN ACT TO INCREASE THE MEMBERSHIP OF THE PRESENT STATE FIRE
COMMISSION AND TO EXPAND ITS RESPONSIBILITIES TO INCLUDE
RESCUE SERVICES.

The General Assembly of North Carolina enacts:

Section 1. Article 2C of Chapter 58 of the General Statutes reads as
rewritten:

"ARTICLE 2C.

"State Fire and Rescue Commission.

"§ 58-27.30. State Fire and Rescue Commission created; membership.

(a) There is created the State Fire and Rescue Commission of the Department of ~~Insurance~~, which shall be composed of ~~12-14~~ voting members to be appointed as follows:

- (1) The Commissioner of ~~Insurance~~ shall appoint ~~nine~~ eleven members, two from nominations submitted by the North Carolina State Fireman's Association, one from nominations submitted by the North Carolina Association of Fire Chiefs, one from nominations submitted by the North Carolina Society of Fire Service Instructors, one from nominations submitted by the North Carolina Association of County Fire Marshals, one from nominations submitted by the North Carolina Fire Marshal's Association, two from nominations submitted by the North Carolina Association of Rescue and Emergency Medical Services, Inc., one mayor or other elected city official nominated by the President of the League of Municipalities, one county commissioner nominated by the President of the Association of County Commissioners, and one from the public at large;
- (2) The Governor shall appoint one member from the public at large; and
- (3) The General Assembly shall appoint two members from the public at large, one upon the recommendation of the Speaker of the House of Representatives pursuant to G.S. 120-121, and one upon the recommendation of the President of the Senate pursuant to G.S. 120-121.

Public members may not be employed in State government and may not be directly involved in fire fighting or rescue services.

(b) Of the members initially appointed by the Commissioner of ~~Insurance~~, the nominees of the North Carolina State Firemen's Association and the nominees of the

North Carolina Association of Fire Chiefs and of the North Carolina Association of Rescue and Emergency Medical Services, Inc., shall serve three-year terms; the nominees from the North Carolina Society of Fire Service Instructors, the North Carolina Association of County Fire Marshals, and the North Carolina Fire Marshal's Association shall serve two-year terms; and the mayor or other elected city official, the county commissioner, and the member from the public at large shall serve one-year terms. The Governor's initial appointee shall serve a three-year term. The General Assembly's initial appointees shall serve two-year terms. Thereafter all terms shall be for three years.

(c) Vacancies shall be filled by the original appointer in the same manner as the original appointment was made, except that vacancies in the appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.

(d) Appointed members shall serve until their successors are appointed and qualified.

(e) The following State officials, or their designees, shall serve by virtue of their offices as nonvoting members of the Commission: the Commissioner of Insurance, the Commissioner of Labor, the State Auditor, the Attorney General, the Secretary of Crime Control and Public Safety, the Secretary of Natural Resources and Community Development, and the President of the Department of Community Colleges.

(f) Members of the ~~State Fire~~ Commission shall receive per diem and necessary travel and subsistence allowances in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as appropriate.

"§ 58-27.31. State Fire and Rescue Commission - Powers and duties.

(a) The ~~State Fire~~ Commission shall have the following powers and duties:

- (1) To formally adopt a State Fire Education and Training Plan, ~~and a State Master Plan for Fire Prevention and Control, a Rescue Training Plan, and a State Master Plan for Rescue Services;~~
- (2) To assist and participate with State and local fire prevention and control agencies in the improvement of fire prevention and control in North Carolina and to work with State and local rescue agencies to improve rescue services in the State;
- (3) To increase the professional skills of fire protection and fire-fighting personnel and rescue personnel;
- (4) To encourage public support for fire prevention and control and rescue services;
- (5) To accept gifts, bequests, devises, grants, matching funds, and other considerations from private or governmental sources for use in promoting its work;
- (6) To make grants for use in pursuing its objectives, under such conditions as are deemed to be necessary and such other powers as may be necessary to carry out the State's duties with respect to all grants to the State by the ~~National Fire Prevention and Control Administration of the United States Department of Commerce~~ United States Fire Administration and the National Fire Academy; and all

support programs brought into the State by these two entities shall be coordinated and controlled by the Commission;

- (7) To make studies and recommendations for the improvement of fire prevention and control and rescue services in the State and to make studies and recommendations for the coordination and implementation of effective fire prevention and control and rescue services and for effective fire prevention and control and rescue services education;
- (8) To set objectives and priorities for the improvement of fire prevention and control and rescue services throughout the State;
- (9) To advise State and local interests of opportunities for securing federal assistance for fire prevention and control and rescue services and for improving fire prevention and control and rescue services administration and planning within the State of North Carolina;
- (10) To assist State agencies and institutions of local government and combinations thereof in the preparation and processing of applications for financial aid and to support fire prevention and control, rescue services, and planning and administration;
- (11) To encourage and assist coordination at the federal, State and local government levels in the preparation and implementation of fire prevention and control and rescue services administrative improvements and crime reduction plans;
- (12) To apply for, receive, disburse and audit the use of funds received ~~for~~ from any public and private agencies and instrumentalities for fire prevention and control and rescue services, its ~~their~~ administration and plans therefor;
- (13) To enter into monitoring and evaluating the results of contracts and agreements necessary or incidental to the discharge of its assigned responsibilities;
- (14) To provide technical assistance to State and local fire prevention and control and rescue agencies in developing programs for improvement ~~of the fire prevention and control system;~~
- (14a) To serve as a central office for the collection and dissemination of information relative to fire service and rescue service activities and programs in State government. All State government agencies conducting fire service and rescue service related programs and activities shall report the status of these programs and activities to the ~~State Fire~~ Commission on a quarterly basis and they shall also report to the ~~State Fire~~ Commission any new programs or changes to existing programs as they are implemented;
- (14b) To establish voluntary minimum professional qualifications for all levels of fire service and rescue service personnel;
- (14c) To prepare an annual report to the Governor on its fire prevention and control activities and plans, rescue activities and plans, and to

recommend legislation concerning fire prevention and control and rescue services; and

(15) To take such other actions as may be deemed necessary or appropriate to carry out its assigned duties and responsibilities.

(b) Each State agency involved in fire prevention and control or rescue related activities shall furnish the executive director of the ~~Fire~~-Commission such information as may be required to carry out the intent of this section.

"§ 58-27.32. State Fire and Rescue Commission - Organization; rules and regulations; meetings.

(a) Organization. - The ~~State Fire~~-Commission shall elect from its voting members a chairman and vice-chairman to serve as provided by the rules adopted by the Commission.

(b) Rules and Regulations. - The ~~State Fire~~-Commission shall adopt such rules and regulations, not inconsistent with the laws of this State as may be required by the federal government for programs and grants-in-aid for fire protection, and fire-fighting, and rescue purposes which may be made available to the State by the federal government. The ~~State Fire~~-Commission shall be the single State agency responsible for establishing policy, planning and carrying out the State's duties with respect to all programs of and grants to the State by the United States Fire Administration, Federal Emergency Management Agency. In respect to such programs and grants, the ~~State Fire~~ Commission shall have authority to review, approve and maintain general oversight to the State plan and its implementation, including subgrants and allocations to local units of government and local fire prevention and control and rescue agencies.

All actions taken by the ~~State Fire~~-Commission in the performance of its duties shall be implemented and administered by the Department of ~~Insurance~~.

(c) Meetings. - The ~~State Fire~~-Commission shall meet quarterly. ~~Five~~-Seven members shall constitute a quorum. All meetings shall be open to the public.

"§ 58-27.33. State Fire and Rescue Commission; staff.

(a) There shall be an executive director nominated by the ~~State Fire~~-Commission with direct responsibilities to the Commission, who shall be appointed by the Commissioner of ~~Insurance~~.

(b) Personnel of the Department of ~~Insurance~~ shall serve as staff to the ~~State Fire~~ Commission. The Department of ~~Insurance~~ shall provide the clerical and professional services required by the ~~State Fire~~-Commission and, at the direction of the ~~State Fire~~ Commission, shall develop and administer the State Master Plan for Fire Prevention and Control, the State Fire Education and Training Plan, the Rescue Training Plan, the State Master Plan for Rescue Services, and any additional related programs as may be established by, or assigned to, the ~~State Fire~~-Commission.

"§ 58-27.34. State Fire and Rescue Commission - Fiscal affairs.

All funds for the operation of the ~~State Fire~~-Commission and its staff shall be appropriated to the Department of ~~Insurance~~. All such funds shall be held in a separate or special account on the books of the Department of ~~Insurance~~ with a separate financial designation or code number to be assigned by the Department of Administration or its agent. Expenditures for staff salaries and operating expenses shall be made in the same

manner as expenditures of any other Department of Insurance funds. The Department of Insurance may hire such additional personnel as may be necessary to handle the work of the State Fire Commission, within the limits of funds appropriated to it by the State and made available to it by the federal government."

Sec. 2. The members of the State Fire Commission serving on the effective date of Section 1 of this act shall complete their terms as members of the State Fire and Rescue Commission, and any vacancies shall be filled for the remainder of the current term of that member. All rules and regulations of the State Fire Commission in effect on the effective date of Section 1 of this act shall remain in effect as rules and regulations of the State Fire and Rescue Commission unless changed in accordance with those rules and regulations and applicable law by the State Fire and Rescue Commission. Officers of the State Fire Commission serving on the effective date of Section 1 of this act shall continue in office as officers of the State Fire and Rescue Commission in accordance with the rules and regulations in effect on the effective date of Section 1 of this act or as changed by the State Fire and Rescue Commission after the effective date.

Sec. 3. G.S. 95-148 reads as rewritten:

"§ 95-148. Safety and health programs of State agencies and local governments.

It shall be the responsibility of each administrative department, commission, board, division or other agency of the State and of counties, cities, towns and subdivisions of government to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards and regulations promulgated under this Article. The head of each agency shall:

- (1) Provide safe and healthful places and conditions of employment, consistent with the standards and regulations promulgated by this Article;
- (2) Acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;
- (3) Consult with and encourage employees to cooperate in achieving safe and healthful working conditions;
- (4) Keep adequate records of all occupational accidents and illnesses for proper evaluation and corrective action;
- (5) Consult with the Commissioner as to the adequacy as to form and content of records kept pursuant to this section;
- (6) Make an annual report to the Commissioner with respect to occupational accidents and injuries and the agency's program under this section.

The Commissioner shall transmit annually to the Governor and the General Assembly a report of the activities of the State agency and instrumentalities under this section. If the Commissioner has reason to believe that any local government program or program of any agency of the State is ineffective, he shall, after unsuccessfully seeking by negotiations to abate such failure, include this in his annual report to the

Governor and the General Assembly, together with the reasons therefor, and may recommend legislation intended to correct such condition.

The Commissioner shall have access to the records and reports kept and filed by State agencies and instrumentalities pursuant to this section unless such records and reports are required to be kept secret in the interest of national defense, in which case the Commissioner shall have access to such information as will not jeopardize national defense.

The Commissioner will not impose civil or criminal penalties against any State agency or political subdivision for violations described and covered by this Article.

Employees of any agency or department covered under this section are afforded the same rights and protections as granted employees in the private sector.

This section shall not apply to volunteer fire departments not a part of any municipality.

Any municipality with a population of 10,000 or less may exclude its fire department from the operation of this section by a resolution of the governing body of the municipality, except that the resolution may not exclude those firefighters who are employees of the municipality.

The North Carolina Fire and Rescue Commission shall recommend regulations and standards for fire departments."

Sec. 4. G.S. 120-123(9) reads as rewritten:

"(9) The State Fire and Rescue Commission, as established by G.S. 58-27.30."

Sec. 4.1. This act does not obligate the General Assembly to appropriate any additional funds.

Sec. 5. This act shall become effective July 1, 1989.

In the General Assembly read three times and ratified this the 9th day of August, 1989.