

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1627
Committee Substitute Favorable 5/24/89
Committee Substitute #2 Favorable 6/22/89

Short Title: Fire Commission Changes.

(Public)

Sponsors:

Referred to:

May 4, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE MEMBERSHIP OF THE PRESENT STATE FIRE
3 COMMISSION AND TO EXPAND ITS RESPONSIBILITIES TO INCLUDE
4 RESCUE SERVICES.

5 The General Assembly of North Carolina enacts:

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

8 "ARTICLE 2C.

9 "**STATE FIRE AND RESCUE COMMISSION.**

10 "**§ 58-27.30. State Fire and Rescue Commission created; membership.**

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

13 (1) The Commissioner of Insurance shall appoint ~~nine~~ eleven members, two
14 from nominations submitted by the North Carolina State Fireman's
15 Association, one from nominations submitted by the North Carolina
16 Association of Fire Chiefs, one from nominations submitted by the
17 North Carolina Society of Fire Service Instructors, one from
18 nominations submitted by the North Carolina Association of County
19 Fire Marshals, one from nominations submitted by the North Carolina
20 Fire Marshal's Association, two from nominations submitted by the
21 North Carolina Association of Rescue and Emergency Medical
22 Services, Inc., one mayor or other elected city official nominated by

1 the President of the League of Municipalities, one county
2 commissioner nominated by the President of the Association of
3 County Commissioners, and one from the public at large;

4 (2) The Governor shall appoint one member from the public at large; and

5 (3) The General Assembly shall appoint two members from the public at
6 large, one upon the recommendation of the Speaker of the House of
7 Representatives pursuant to G.S. 120-121, and one upon the
8 recommendation of the President of the Senate pursuant to G.S. 120-
9 121.

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

12 (b) Of the members initially appointed by the Commissioner ~~of Insurance~~, the
13 nominees of the North Carolina State Firemen's Association and the nominees of the
14 North Carolina Association of Fire Chiefs and of the North Carolina Association of
15 Rescue and Emergency Medical Services, Inc., shall serve three-year terms; the
16 nominees from the North Carolina Society of Fire Service Instructors, the North
17 Carolina Association of County Fire Marshals, and the North Carolina Fire Marshal's
18 Association shall serve two-year terms; and the mayor or other elected city official, the
19 county commissioner, and the member from the public at large shall serve one-year
20 terms. The Governor's initial appointee shall serve a three-year term. The General
21 Assembly's initial appointees shall serve two-year terms. Thereafter all terms shall be
22 for three years.

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

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

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

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

36 **"§ 58-27.31. State Fire and Rescue Commission - Powers and duties.**

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

38 (1) To formally adopt a State Fire Education and Training Plan, ~~and a~~
39 State Master Plan for Fire Prevention and Control, a Rescue Training
40 Plan, and a State Master Plan for Rescue Services;

41 (2) To assist and participate with State and local fire prevention and
42 control agencies in the improvement of fire prevention and control in
43 North Carolina and to work with State and local rescue agencies to
44 improve rescue services in the State;

- 1 (3) To increase the professional skills of fire protection and fire-fighting
2 personnel and rescue personnel;
- 3 (4) To encourage public support for fire prevention and control and rescue
4 services;
- 5 (5) To accept gifts, bequests, devises, grants, matching funds, and other
6 considerations from private or governmental sources for use in
7 promoting its work;
- 8 (6) To make grants for use in pursuing its objectives, under such
9 conditions as are deemed to be necessary and such other powers as
10 may be necessary to carry out the State's duties with respect to all
11 grants to the State by the ~~National Fire Prevention and Control~~
12 ~~Administration of the United States Department of Commerce~~United States
13 Fire Administration and the National Fire Academy; and all support
14 programs brought into the State by these two entities shall be
15 coordinated and controlled by the Commission;
- 16 (7) To make studies and recommendations for the improvement of fire
17 prevention and control and rescue services in the State and to make
18 studies and recommendations for the coordination and implementation
19 of effective fire prevention and control and rescue services and for
20 effective fire prevention and control and rescue services education;
- 21 (8) To set objectives and priorities for the improvement of fire prevention
22 and control and rescue services throughout the State;
- 23 (9) To advise State and local interests of opportunities for securing federal
24 assistance for fire prevention and control and rescue services and for
25 improving fire prevention and control and rescue services
26 administration and planning within the State of North Carolina;
- 27 (10) To assist State agencies and institutions of local government and
28 combinations thereof in the preparation and processing of applications
29 for financial aid and to support fire prevention and control, rescue
30 services, and planning and administration;
- 31 (11) To encourage and assist coordination at the federal, State and local
32 government levels in the preparation and implementation of fire
33 prevention and control and rescue services administrative
34 improvements and crime reduction plans;
- 35 (12) To apply for, receive, disburse and audit the use of funds received ~~for~~
36 from any public and private agencies and instrumentalities for fire
37 prevention and control and rescue services, ~~its~~ their administration and
38 plans therefor;
- 39 (13) To enter into monitoring and evaluating the results of contracts and
40 agreements necessary or incidental to the discharge of its assigned
41 responsibilities;
- 42 (14) To provide technical assistance to State and local fire prevention and
43 control and rescue agencies in developing programs for improvement
44 of the fire prevention and control system;

1 (14a) To serve as a central office for the collection and dissemination of
2 information relative to fire service and rescue service activities and
3 programs in State government. All State government agencies
4 conducting fire service and rescue service related programs and
5 activities shall report the status of these programs and activities to the
6 ~~State Fire~~ Commission on a quarterly basis and they shall also report to
7 the ~~State Fire~~ Commission any new programs or changes to existing
8 programs as they are implemented;

9 (14b) To establish voluntary minimum professional qualifications for all
10 levels of fire service and rescue service personnel;

11 (14c) To prepare an annual report to the Governor on its fire prevention
12 and control activities and plans, rescue activities and plans, and to
13 recommend legislation concerning fire prevention and control and
14 rescue services; and

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

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

20 "**§ 58-27.32. State Fire and Rescue Commission - Organization; rules and**
21 **regulations; meetings.**

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

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

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

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

40 "**§ 58-27.33. State Fire and Rescue Commission; staff.**

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

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

8 **"§ 58-27.34. State Fire and Rescue Commission - Fiscal affairs.**

9 All funds for the operation of the State Fire Commission and its staff shall be
10 appropriated to the Department of ~~Insurance~~. All such funds shall be held in a separate
11 or special account on the books of the Department of ~~Insurance~~ with a separate financial
12 designation or code number to be assigned by the Department of Administration or its
13 agent. Expenditures for staff salaries and operating expenses shall be made in the same
14 manner as expenditures of any other Department of ~~Insurance~~ funds. The Department of
15 ~~Insurance~~ may hire such additional personnel as may be necessary to handle the work of
16 the State Fire Commission, within the limits of funds appropriated to it by the State and
17 made available to it by the federal government."

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

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

31 **"§ 95-148. Safety and health programs of State agencies and local governments.**

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

- 37 (1) Provide safe and healthful places and conditions of employment,
38 consistent with the standards and regulations promulgated by this
39 Article;
- 40 (2) Acquire, maintain, and require the use of safety equipment, personal
41 protective equipment, and devices reasonably necessary to protect
42 employees;
- 43 (3) Consult with and encourage employees to cooperate in achieving safe
44 and healthful working conditions;

- 1 (4) Keep adequate records of all occupational accidents and illnesses for
2 proper evaluation and corrective action;
- 3 (5) Consult with the Commissioner as to the adequacy as to form and
4 content of records kept pursuant to this section;
- 5 (6) Make an annual report to the Commissioner with respect to
6 occupational accidents and injuries and the agency's program under
7 this section.

8 The Commissioner shall transmit annually to the Governor and the General
9 Assembly a report of the activities of the State agency and instrumentalities under this
10 section. If the Commissioner has reason to believe that any local government program
11 or program of any agency of the State is ineffective, he shall, after unsuccessfully
12 seeking by negotiations to abate such failure, include this in his annual report to the
13 Governor and the General Assembly, together with the reasons therefor, and may
14 recommend legislation intended to correct such condition.

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

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

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

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

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

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

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

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

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