

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 1064
HOUSE BILL 992

AN ACT TO ESTABLISH A STATE FIRE COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Article 5A of Chapter 143B of the General Statutes of North Carolina is hereby amended by adding thereto Part 9 which shall read as follows:

"PART 9.

"State Fire Commission.

"§ 143B-257.35. State Fire Commission created; membership. — There is hereby created the State Fire Commission of the Department of Crime Control and Public Safety which shall be composed of nine voting members consisting of the following: the Executive Secretary of the North Carolina State Firemen's Association, the Legislative Chairman of the North Carolina State Firemen's Association, the Executive Secretary of the North Carolina Association of Fire Chiefs, the Director of Fire and Rescue Services Training of the Department of Insurance, the Director of Fire Services Training of the Department of Community Colleges, the Director of the North Carolina Fire College and Pump School, one mayor or other elected official of a municipality to be appointed by the Governor after consultation with the President of the North Carolina League of Municipalities, one county commissioner to be appointed by the Governor after consultation with the President of the North Carolina Association of County Commissioners, and one member to be appointed by the Governor from the public at large, not employed by government and not directly involved in fire fighting.

The following State officials shall serve by virtue of their office as nonvoting members of the State Fire Commission: the Commissioner of Insurance, the Commissioner of Labor, the State Auditor, the Attorney General and the Secretary of Crime Control and Public Safety, or their respective designees.

Of the members initially appointed by the Governor, the representative of the public at large shall serve for three years, the representative of the League of Municipalities shall serve for two years and the representative of the Association of County Commissioners shall serve for one year. At the end of their respective terms of office their successors shall be appointed for terms of three years and until their successors are appointed and qualified. The Governor may make appointments to fill the unexpired portions of the appointed members of any term vacated by reason of the death, resignation or removal from office. In making such appointment he shall preserve the composition of the commission required above. Vacancies caused by reason of the death or resignation of ex officio members shall be filled by their respective successors in office.

Members of the State Fire Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as the case may be.

"§ 143B-257.36. State Fire Commission; powers and duties. — The State Fire Commission shall have the following powers and duties:

- (a) to formally adopt a State Fire Education and Training Plan and a State Master Plan for Fire Prevention and Control;

- (b) to assist and participate with State and local fire prevention and control agencies in the improvement of fire prevention and control in North Carolina;
- (c) to increase the professional skills of fire protection and fire-fighting personnel;
- (d) to encourage public support for fire prevention and control;
- (e) to accept gifts, bequests, devises, grants, matching funds, and other considerations from private or governmental sources for use in promoting its work;
- (f) 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;
- (g) to make studies and recommendations for the improvement of fire prevention and control in the State and to make studies and recommendations for the coordination and implementation of effective fire prevention and control and for effective fire prevention and control education;
- (h) to set objectives and priorities for the improvement of fire prevention and control throughout the State;
- (i) to advise State and local interests of opportunities for securing federal assistance for fire prevention and control and for improving fire prevention and control administration and planning within the State of North Carolina;
- (j) 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, planning and administration;
- (k) to encourage and assist coordination at the federal, State and local government levels in the preparation and implementation of fire prevention and control administrative improvements and crime reduction plans;
- (l) to apply for, receive, disburse and audit the use of funds received for any public and private agencies and instrumentalities for fire prevention and control, its administration and plans therefor;
- (m) to enter into monitoring and evaluating the results of contracts and agreements necessary or incidental to the discharge of its assigned responsibilities;
- (n) to provide technical assistance to State and local fire prevention and control agencies in developing programs for improvement of the fire prevention and control system; and
- (o) to take such other actions as may be deemed necessary or appropriate to carry out its assigned duties and responsibilities.

"§ 143B-257.37. Organization of commission; rules and regulations; meeting. — (a) First meeting; organization. Within 30 days after its appointment, the State Fire Commission shall meet on call of the Secretary of Crime Control and Public Safety and shall elect from its voting members a chairman and vice-chairman.

(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 grants-in-aid for fire protection and fire-fighting 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 grants to the State by the National Fire Prevention and Control Administration of the United States Department of Commerce. In respect to such 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 agencies.

All actions taken by the State Fire Commission in the performance of its duties shall be implemented and administered by the Department of Crime Control and Public Safety.

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

"§ 143B-257.38. Staff of State Fire Commission. — There shall be an executive director (State Fire Administrator) selected by the State Fire Commission, who shall be appointed by the Secretary of Crime Control and Public Safety, with direct responsibilities to the commission.

Personnel of the Department of Crime Control and Public Safety shall serve as staff to the State Fire Commission. The Department of Crime Control and Public Safety 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 and the State Fire Education and Training Plan and such additional related programs as may be established by or assigned to the State Fire Commission.

"§ 143B-257.39. Fiscal affairs of the commission. — All funds for the operation of the State Fire Commission and its staff shall be appropriated to the Department of Crime Control and Public Safety. All such funds shall be held in a separate or special account on the books of the Department of Crime Control and Public Safety with a separate financial designation or code number to be assigned by the budget bureau or its agent. Expenditures for staff salaries and operating expenses shall be made in the same manner as expenditures of any other Department of Crime Control and Public Safety funds. The Department of Crime Control and Public Safety 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. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 3. There is hereby appropriated from the General Fund, in addition to all other sums appropriated to the Department of Crime Control and Public Safety, the sum of one hundred twenty-three thousand three hundred sixty-four dollars (\$123,364) for the 1977-79 biennium to provide for staff, equipment and expenses for the State Fire Commission, sixty-five thousand eighty-two dollars (\$65,082) for 1977-78 and fifty-eight thousand two hundred eighty-two dollars (\$58,282) for 1978-79.

Sec. 4. This act shall become effective on July 1, 1977.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.