

Article 78A.

Office of the State Fire Marshal.

§ 58-78A-1. Office of the State Fire Marshal.

(a) The Office of the State Fire Marshal is created within the Department of Insurance and the Office shall exercise its powers and duties independently of the Department. The Department of Insurance shall provide clerical and professional services to the Office of the State Fire Marshal for the purpose of carrying out its powers and duties under this Article and the laws of this State. For purposes of this section, the phrase "clerical and professional services" includes, but is not limited to, budgetary, human resources, information technology, and legal.

(b) The Office of the State Fire Marshal shall be responsible for all of the following:

- (1) State Fire and Rescue Commission, Article 78 of this Chapter.
- (2) Investigation of Fires and Inspection of Premises, Article 79 of this Chapter.
- (3) State Volunteer Fire Department, Article 80 of this Chapter.
- (4) Pyrotechnics Training and Permitting, Article 82A of this Chapter.
- (5) Management of Aqueous Film-Forming Foams, Article 82B of this Chapter.
- (6) Local Firefighters' Relief Funds, Article 84 of this Chapter.
- (7) Statewide Firefighters' Relief Fund, Article 85 of this Chapter.
- (8) State Fire Protection Grant Fund, Article 85A of this Chapter.
- (9) North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, Article 86 of this Chapter.
- (10) Volunteer Safety Workers Assistance, Article 87 of this Chapter.
- (11) Rescue Squad Workers' Relief Fund, Article 88 of this Chapter.
- (12) Building Code Council and Building Code, Article 9 of Chapter 143 of the General Statutes.
- (13) North Carolina Manufactured Housing Board-Manufactured Home Warranties, [Article 9A of Chapter 143 of the General Statutes].
- (14) Uniform Standards Code for Manufactured Homes, Article 9B of this Chapter [Article 9B of Chapter 143 of the General Statutes].
- (15) North Carolina Code Officials Qualification Board, Article 9C of this Chapter [Article 9C of Chapter 143 of the General Statutes].
- (16) North Carolina Home Inspector Licensure Board, Article 9F of this Chapter [Article 9F of Chapter 143 of the General Statutes].
- (17) Engineering and Building Codes Division in the Department of Insurance.
- (18) Risk Management Division in the Department of Insurance.
- (19) Community Risk Reduction Division in the Department of Insurance.

(c) The "State Fire Marshal," as that term is used in this Article and elsewhere in the General Statutes, shall be the head of the Office of the State Fire Marshal and shall be a person appointed by the Commissioner of Insurance subject to confirmation by the General Assembly by joint resolution. The State Fire Marshal shall be a person other than the Commissioner of Insurance and shall serve a three-year term. If a vacancy arises or exists pursuant to this subsection when the General Assembly is not in session, the Commissioner of Insurance may appoint a State Fire Marshal to serve on an interim basis pending confirmation by the General Assembly. For the purposes of this subsection, the General Assembly is not in session only (i) prior to convening of the Regular Session, (ii) during any adjournment of the Regular Session for more than 10 days, and (iii) after sine die adjournment of the Regular Session.

(d) The salary of the State Fire Marshal shall be set by the General Assembly in the Current Operations Appropriations Act. In addition to the salary set by the General Assembly in the Current Operations Appropriations Act, the State Fire Marshal shall receive as longevity pay in an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the

Current Operations Appropriations Act payable monthly after five years of service, and nine and six-tenths percent (9.6%) after 10 years of service. For purposes of this subsection, the term "service" means service as the State Fire Marshal. (2023-134, s. 30.8(a); 2023-151, s. 10.1(a).)