

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 905

Pensions and Retirement/Insurance/State Personnel Committee Substitute Adopted 5/25/95

House Committee Substitute Favorable 6/18/96

Short Title: Fire and Rescue/Fire Protection.

(Public)

Sponsors:

Referred to:

May 1, 1995

A BILL TO BE ENTITLED

AN ACT TO AFFECT THE MEMBERSHIP OF THE STATE FIRE AND RESCUE COMMISSION AND TO FACILITATE FIRE WARNING AND SUPPLEMENTAL FIRE PROTECTION SYSTEMS IN STUDENT HOUSING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-78-1 reads as rewritten:

"§ 58-78-1. State Fire and Rescue Commission created; membership.

(a) There is created the State Fire and Rescue Commission of the Department, which shall be composed of 14-15 voting members to be appointed as follows:

- (1) The Commissioner shall appoint eleven-twelve members, two from nominations submitted by the North Carolina State Firemen's Association, one from nominations submitted by the North Carolina Association of Fire Chiefs, one from nominations submitted by the Professional Firefighters of North Carolina Association, 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

1 by the North Carolina Fire Marshal's Association, two from nominations
2 submitted by the North Carolina Association of Rescue and Emergency
3 Medical Services, Inc., one mayor or other elected city official
4 nominated by the President of the League of Municipalities, one county
5 commissioner nominated by the President of the Association of County
6 Commissioners, and one from the public at large;

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

8 (3) The General Assembly shall appoint two members from the public at
9 large, one upon the recommendation of the Speaker of the House of
10 Representatives pursuant to G.S. 120-121, and one upon the
11 recommendation of the President of the Senate pursuant to G.S. 120-
12 121.

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

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

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

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

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

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

39 Sec. 2. Article 1 of Chapter 116 of the General Statutes is amended by adding
40 a new Part to read:

41 **"PART 7. FIRE SAFETY.**

42 **"§ 116-44.6. Definitions.**

1 Unless the context clearly requires another meaning, the following definitions apply
2 in this Part:

- 3 (1) Fraternity or sorority. – A social, professional, or educational
4 incorporated organization that, by official recognition, is affiliated or
5 identified with a public or nonpublic institution of higher education in
6 this State and which maintains a living facility that provides
7 accommodations for five or more students enrolled at the recognition-
8 granting institution of higher education.
- 9 (2) Fund. – The Fire Safety Loan Fund authorized by this Part.
- 10 (3) Living facility. – A sleeping facility capable of overnight
11 accommodation and other capabilities which support continuous
12 occupancy.
- 13 (4) Residence hall. – A living facility maintained by a public or nonpublic
14 institution of higher education in North Carolina or by the North
15 Carolina School of Science and Mathematics for use by enrolled
16 students.
- 17 (5) Supplemental fire safety protection system. – A water system capability
18 which is sized to accommodate the added water supply pressure and
19 volume required for building fire protection.
- 20 (6) Water system. –
21 a. A city, county, or sanitary district; or
22 b. A water and sewer authority, a metropolitan water district, or
23 county water and sewer district, established pursuant to Chapter
24 162A of the General Statutes.

25 **"§ 116-44.7. Exemption from certain fees and charges.**

26 No water system serving a residence hall or fraternity or sorority housing shall levy or
27 collect from such residence hall or fraternity or sorority housing any water-meter fee,
28 water-hydrant fee, tap fee, or similar service fee with respect to supporting a
29 supplemental fire safety protection system.

30 **"§ 116-44.8. Fire Safety Loan Fund.**

31 (a) There is established the Fire Safety Loan Fund. The Fund shall be a revolving
32 loan fund for installing fire safety equipment and systems in fraternity and sorority
33 housing.

34 (b) The Fund shall be administered by the Office of the State Treasurer, and that
35 office may establish the policies and procedures that it deems appropriate for the
36 operation of the Fund.

37 (c) The Fund shall be operated on a revolving basis with proceeds from the
38 repayment of prior loans being made available for subsequent loans.

39 (d) Loans from the Fund shall be secured by a first or second mortgage or other
40 pledge. Loans shall be made for a period not to exceed 10 years. Interest shall not be
41 charged on loans from the Fund."

42 Sec. 3. This act is effective upon ratification.