



2023-2024 General Assembly

SENATE BILL 409: Various Changes to Criminal and Civil Laws, Sec. 11-12: Powers and Duties of State Fire Marshal and Miscellaneous.

Committee:
Introduced by:
Analysis of: Sec. 11-12 of S.L. 2023-151

Date: December 12, 2023
Prepared by: Karyl Smith
Staff Attorney

OVERVIEW: Sections 11-12 of S.L. 2023-151 do the following:

- *Make conforming and clarifying changes to the statutes so that the powers and duties of the State Fire Marshal and the Commissioner of the Department of Insurance (Commissioner) are clearly distinguishable.*
- *Require the State Fire Marshal to serve as the State Fire Training Director.*
- *Require the State Fire Marshal to submit a written report on certain information to the Joint Legislative Oversight Committee on General Government and the Fiscal Research Division within 60 days after grants from the Volunteer Fire Department Fund or the Volunteer Rescue/EMS Fund have been made.*
- *Remove the requirement that the Office of State Fire Marshal (OSFM) include a clause explicitly stating that no commissions of any kind may be paid to any agent, broker, or other person from the Workers' Compensation Fund in its contracts with third-party administrators.*
- *Allow the State Fire Marshal to fix and collect reasonable fees for services performed by qualified Code-enforcement officials, when these officials assist the State Fire Marshal with the supervision, administration, and enforcement of the North Carolina State Building Code. "Code" in the phrase "Code-enforcement" consists of all of the following: (i) the North Carolina State Building Code adopted by the Building Code Council, (ii) local building rules approved by the Building Code Council, (iii) any resolution adopted by a federally recognized Indian Tribe in which the Tribe adopts the North Carolina State Building Code and related local building rules, and (iv) the manufactured homes standards adopted by the Commissioner.*
- *Permit the State Fire Marshal to collect reimbursement, at the rate established under the Travel Allowances of State Officers and Employees statute, for mileage costs incurred by qualified Code-enforcement officials traveling to and from inspections.*
- *Prohibit the State Fire Marshal from fixing or collecting fees incurred by local inspection departments when requests for assistance with Code-enforcement are made by local inspection departments.*
- *Authorize OSFM to administer the firefighter cancer health benefit pilot program extension, Fund Code 2510, by contracting with a third-party administrator. The contracting procedure is not subject to the Contracts to Obtain Consultant Services statutes. This takes effect January 1, 2024. OSFM can use up to 10% of the \$5 million appropriated for the pilot program to pay for*

Jeffrey Hudson
Director



Legislative Analysis
Division
919-301-1976

Senate Bill 409

Page 2

(i) reasonable and necessary expenses incurred by the administration of the program and (ii) an independent audit of the program.

- *Clarify that a firefighter with a diagnosis of cancer prior to January 1, 2022, is not eligible for benefits in the firefighter cancer health benefit pilot program for that previously diagnosed cancer type but remains eligible for benefits in the program upon the diagnosis of any other cancer type, even if the cancer type diagnosed on or after January 1, 2022, metastasized from a cancer diagnosed before January 1, 2022.*

Section 11.55 becomes effective January 1, 2025. The remainder of Sections 11-12 became effective November 9, 2023.

BILL ANALYSIS: Sections 11-12 of S.L. 2023-151 do the following:

- Make conforming and clarifying changes to the statutes so that the powers and duties of the State Fire Marshal and the Commissioner of the Department of Insurance (Commissioner) are clearly distinguishable.
- Require the State Fire Marshal to serve as the State Fire Training Director.
- Require the State Fire Marshal to submit a written report on certain information to the Joint Legislative Oversight Committee on General Government and the Fiscal Research Division within 60 days after grants from the Volunteer Fire Department Fund or the Volunteer Rescue/EMS Fund have been made.
- Remove the requirement that the Office of State Fire Marshal (OSFM) must include a clause explicitly stating that no commissions of any kind can be paid to any agent, broker, or other person from the Workers' Compensation Fund in its contracts with third-party administrators.
- Allow the State Fire Marshal to fix and collect reasonable fees for services performed by qualified Code-enforcement officials, when these officials assist the State Fire Marshal with the supervision, administration, and enforcement of the North Carolina State Building Code. "Code" in the phrase "Code-enforcement" consists of all of the following: (i) the North Carolina State Building Code adopted by the Building Code Council, (ii) local building rules approved by the Building Code Council, (iii) any resolution adopted by a federally recognized Indian Tribe in which the Tribe adopts the North Carolina State Building Code and related local building rules, and (iv) the manufactured homes standards adopted by the Commissioner.
- Permit the State Fire Marshal to collect reimbursement, at the rate established under the travel allowances of State officers and employees statute, for mileage costs incurred by qualified Code-enforcement officials traveling to and from inspections.
- Prohibit the State Fire Marshal from fixing or collecting fees incurred by local inspection departments when requests for assistance with Code-enforcement are made by local inspection departments.
- Authorize the OSFM to administer the firefighter cancer health benefit pilot program extension, Fund Code 2510, by contracting with a third-party administrator. The contracting procedure is not subject to the Contracts to Obtain Consultant Services statutes. This takes effect January 1, 2024. The OSFM can use up to 10% of the \$5,000,000 appropriated for the pilot program to pay for (i) reasonable and necessary expenses incurred by the administration of the program and (ii) an independent audit of the program.

Senate Bill 409

Page 3

- Clarify that a firefighter with a diagnosis of cancer prior to January 1, 2022, is not eligible for benefits in the firefighter cancer health benefit pilot program for that previously diagnosed cancer type but remains eligible for benefits in the program upon the diagnosis of any other cancer type, even if the cancer type diagnosed on or after January 1, 2022, metastasized from a cancer diagnosed before January 1, 2022.

EFFECTIVE DATE: Section 11.55 becomes effective January 1, 2025. The remainder of Sections 11-12 became effective November 9, 2023.