2009 -- H 5924

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO HEALTH AND SAFETY -- THE DIVISION OF FIRE SAFETY

Introduced By: Representatives Fierro, Carnevale, Petrarca, Silva, and Edwards

Date Introduced: February 26, 2009

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

SECTION 1. Sections 23-28.2-1, 23-28.2-2, 23-28.2-3 and 23-28.2-4 of the General Laws in Chapter 23-28.2 entitled "Division of Fire Safety" are hereby amended to read as follows:

23-28.2-1. Establishment of division and state fire marshal. -- There shall be a division of state fire marshal within the state executive department, the head of which division shall be the state fire marshal. The state fire marshal shall be appointed by the governor with the advice and consent of the senate and shall serve for a period of five (5) years; provided, however, that effective January 1, 2010, and thereafter, the state fire marshal shall be selected by the Rhode Island fire safety commission established pursuant to the provisions of section 23-28.2-27. During the term the state fire marshal may be removed from office by the governor for just cause. All authority, powers, duties and responsibilities previously vested in the division of fire safety are hereby transferred to the division of state fire marshal.

23-28.2-2. Qualifications of state fire marshal. -- Minimum qualifications are five (5) years experience in fire prevention, fire investigation, or fire protection, or a degree in fire protection engineering from a credited college plus three (3) years experience in fire prevention, fire investigation, or fire protection. The fire marshal shall also have demonstrated qualifications, capacity, and expertise to administer and enforce those rules, regulations and policies pertaining to the operation of the office of the state fire marshal promulgated by the Rhode Island fire safety commission.

23-28.2-3. Removal of state fire marshal. -- The state fire marshal may be removed by the governor only for cause, and after filing of charges, and a notification thereof to the state fire marshal and to the Rhode Island fire safety commission, a hearing thereon before the state personnel appeal board, and the filing of findings by the board.

23-28.2-4. Duties and responsibilities of state fire marshal. -- The state fire marshal, as the authority having jurisdiction, shall have the authority to enforce and perform the duties required by the Comprehensive Fire Safety Act, chapter 28.01 of this title, by the Fire Safety Code, chapters 28.1 -- 28.39 of this title, and all codes referenced therein are adopted thereunder, and all other provisions of the general laws and public laws insofar as such powers and duties relate to fires, fire prevention, fire protection, fire inspection, and fire investigation. It shall also be the duty of the state fire marshal to enforce all laws of this state in regard to:

(1) The keeping, storage, use, manufacture, sale, handling, transportation, or other disposition of explosives and inflammable materials.

(2) Conducting and supervising fire safety inspections of all buildings regulated by the code within the state.

(3) It shall be the duty of the state fire marshal and his or her deputies to certify to any state or federal agency whether or not any building covered satisfies the requirements of chapters 28.1 -- 28.39 of this title and all codes referenced therein and adopted thereunder.

(4) It shall the duty of the fire marshal to plan for and oversee the comprehensive, professional, and consistent enforcement of the fire safety code.

(5) It shall also be the duty of the fire marshal to implement those rules, regulations and policies pertaining to the operation of the office of the state fire marshal as promulgated by the Rhode Island fire safety commission.

SECTION 2. Chapter 23-28.2 of the General Laws entitled "Division of Fire Safety" is hereby amended by adding thereto the following sections:

23-28.2-28. Rhode Island fire safety commission. – (a) There is hereby created the Rhode Island fire safety commission, hereinafter called the commission, to be separate and independent of the division of fire safety. Said commission shall consist of seven (7) members. One member shall be the chairperson of the fire safety code board of appeal and review established pursuant to the provisions of chapter 23-28.3, who shall serve ex-officio. Six (6) other members shall be appointed by the governor, as follows: four (4) of whom shall be fire chiefs selected from a list of eight (8) names submitted by the Rhode Island Association of Fire Chiefs: one of whom shall be selected from a list of two (2) names submitted by the Rhode Island state firefighters league, who shall hold and be an active firefighter; and one of whom shall be a

representative from the insurance industry.

(b) The four (4) chiefs selected from the eight (8) names submitted by the chiefs association shall represent the following types of departments:

(1) A fully paid fire department;

(2) A combination fire department, part paid, part call or volunteer;

(3) An all volunteer fire department; and

(4) A community with an urban or metro department or area.

(c) The chairperson of said commission shall be elected by a majority of the members thereof and shall serve as chairperson for a term of one year or until his or her successor is elected. Said chairperson shall be elected annually at the January meeting. Members of the commission shall be appointed for terms of three (3) years with no limit on the number of terms they may serve. Members shall hold office until a successor is appointed and no member shall serve beyond the time he/she ceases to hold office or employment by reason of which he or she was eligible for appointment to the commission.

(d) The commission shall meet monthly, except that the chairperson, with commission approval may omit meetings in July and August, and the chairperson, the governor, or the chairperson of the board of appeals may call additional meetings at other times, of which all members shall be given notice in writing at least five (5) days prior to such meeting. Special meetings may be called by the chairperson and shall be called by him/her at the request of the governor or upon written request of four (4) members of said commission. If any member is absent from three (3) regularly scheduled meetings, exclusive of July and August, in any calendar year, his or her office as a member shall be deemed vacant. The chairperson of the commission shall make an annual report to the governor, senate president, and speaker of the house and shall include in it recommendations for appropriate legislation. A quorum for conducting all business before the board shall be at least five (5) members.

(e) The members of the commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

(f) No member of the commission shall serve as a member on the Rhode Island education and training board established in section 23-28.2-23.

23-28.2-29. Powers and duties of the commission. – The commission shall have their responsibility for the following;

(1) The appointment of a state fire marshal;

(2) The promulgation of regulations and policies pertaining to the operation of the office

of the state fire marshal;

(3) Review the annual budget developed by the office of the state fire marshal;

(4) Advising the office of the state fire marshal regarding state and national fire codes; and

(5) Consulting with the Rhode Island education and training board to develop standards for fire investigation training and certification.

SECTION 3. This act shall take effect on January 1, 2010.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO HEALTH AND SAFETY -- THE DIVISION OF FIRE SAFETY

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This act would establish the Rhode Island fire safety commission for purposes of appointing the state fire marshal and would promulgate rules pertaining to the operation of the office of the state fire marshal.

This act would take effect on January 1, 2010.

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