~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

May 29, 2013

**H. 3870**

Introduced by Reps. Gambrell, Bowen, D.C. Moss, Gagnon, Putnam, Sandifer and White

S. Printed 5/29/13--S.

Read the first time April 23, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3870) to amend the Code of Laws of South Carolina, 1976, by adding Section 23‑49‑65 so as to provide in the “Firefighter Mobilization Act of 2000”, etc., respectfully

**REPORT:**

Has polled the Bill out majority favorable.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑49‑65 SO AS TO PROVIDE IN THE “FIREFIGHTER MOBILIZATION ACT OF 2000” THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED) HAS SPECIFIC AND EXCLUSIVE JURISDICTION ON BEHALF OF THE STATE IN MATTERS PERTAINING TO THE RESPONSE TO AND CRISIS MANAGEMENT OF ACTS OF TERRORISM AND EMERGENCY EVENT MANAGEMENT OF EXPLOSIVE DEVICES; TO AMEND SECTION 23‑49‑20, RELATING TO THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION OVERSIGHT COMMITTEE, SO AS TO ADD THE CHIEF OF SLED TO THE COMMITTEE AND TO CORRECT OBSOLETE REFERENCES; TO AMEND SECTION 23‑49‑50, RELATING TO THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION PLAN, SO AS TO RENAME THE COMMITTEE AS THE SOUTH CAROLINA FIREFIGHTER MOBILIZATION AND EMERGENCY RESPONSE TASK FORCE PLAN, TO ADD THE TASK FORCE TO THOSE RESOURCES THAT THE PLAN IS INTENDED TO OFFER, AND TO PROVIDE THE PLAN IS OPERATIONAL WHEN THE CHIEF OF SLED DIRECTS A RESPONSE TO A TERRORIST OR EXPLOSIVE DEVICE EVENT; TO AMEND SECTION 23‑49‑60, RELATING TO THE DUTIES OF THE COMMITTEE, SO AS TO PROVIDE THE COMMITTEE SHALL DEVELOP GUIDELINES FOR USING RESOURCES ALLOCATED TO THE TASK FORCE AT THE STATE AND REGIONAL LEVEL; TO AMEND SECTION 23‑49‑70, RELATING TO STATE AND REGIONAL COORDINATORS APPOINTED BY THE COMMITTEE TO EXECUTE THE PLAN, SO AS TO MAKE A CONFORMING CHANGE TO THE NAME OF THE PLAN, TO REQUIRE THE OFFICE OF STATE FIRE MARSHAL TO PROVIDE ADMINISTRATIVE SUPPORT AS REQUIRED BY THE COMMITTEE TO PERFORM ITS PRESCRIBED FUNCTIONS, AND TO PROVIDE THAT THE STATE COORDINATOR APPOINTED BY THE COMMITTEE SHALL REPORT TO THE STATE FIRE MARSHAL AND PROVIDE ADMINISTRATIVE SUPPORT TO THE COMMITTEE; TO AMEND SECTION 23‑49‑80, RELATING TO INFORMATION REQUIRED OF THE SOUTH CAROLINA STATE FIREMEN’S ASSOCIATION, SO AS TO CORRECT OBSOLETE LANGUAGE; AND TO AMEND SECTION 23‑49‑110, RELATING TO DEFINITIONS, SO AS TO DEFINE ADDITIONAL TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 49, Title 23 of the 1976 Code is amended by adding:

“Section 23‑49‑65. Pursuant to Section 23‑3‑15, the South Carolina Law Enforcement Division has specific and exclusive jurisdiction on behalf of the State in matters pertaining to the response to and crisis management of acts of terrorism and emergency event management of explosive devices.”

SECTION 2. Section 23‑49‑20 of the 1976 Code is amended to read:

“Section 23‑49‑20. There is created the South Carolina Firefighter Mobilization Oversight Committee, to be comprised of the following persons: (1) the State Fire Marshal; (2) the State Emergency Management Division Director of the Adjutant General’s Office; (3) the State Forester; (4) a county emergency management division coordinator appointed by the Governor upon consideration of the written recommendations of the Emergency Management Association for a term of three years; ~~and~~ (5) the Chief of the South Carolina Law Enforcement Division or his designee; and (~~5~~6) six fire prevention and control personnel appointed by the Governor upon consideration of the written recommendations of the South Carolina State ~~Firemen’s~~ Firefighters’ Association for three‑year terms, three of whom shall serve initial terms of two years, and three of whom shall serve initial terms of three years; thereafter, all fire prevention and control personnel shall serve three‑year terms. The Executive Director of the South Carolina State ~~Firemen’s~~ Firefighters’ Association shall serve as an ex officio, nonvoting member of the committee.”

SECTION 3. Section 23‑49‑50 of the 1976 Code is amended to read:

“Section 23‑49‑50. The South Carolina Firefighter Mobilization Oversight Committee shall establish the South Carolina Firefighter Mobilization and Emergency Response Task Force Plan. The purpose of the plan is to provide for responding firefighting and rescue resources, including the South Carolina Emergency Response Task Force, from one part of the State to another part of the State or from one state to another state. The plan is operative (1) under emergencies declared by the Governor or by the President of the United States, (2) when a local fire chief needs additional resources after existing mutual aid agreements have been utilized, ~~or~~ (3) when another state requests assistance in dealing with an emergency when a state mutual aid agreement exists between South Carolina and the other state, or (4) when the Chief of the State Law Enforcement Division directs a response to a terrorist or explosive device event. In addition, the plan operates and is a part of the State Emergency Response Plan.”

SECTION 4. Section 23‑49‑60 of the 1976 Code is amended to read:

“Section 23‑49‑60. (A) The South Carolina Firefighter Mobilization Oversight Committee shall (1) develop procedures and guidelines for dispatching and deploying rural and municipal fire and rescue resources, and (2) establish a system of regions in the State for managing fire and rescue emergencies utilizing an incident command system.

(B) The committee shall develop a Firefighter Mobilization Mutual Aid Agreement and, with the assistance from the offices of the State Fire Marshal and State Emergency Management Director of the Adjutant General’s Office, secure local governments’ and other states’ participation in the agreement.

(C) In order to receive fire and rescue resources under the South Carolina Firefighter Mobilization Plan, each county and municipality in the State must sign a mutual aid agreement. Other participating states must sign a mutual aid agreement with the State Emergency Management Division of the Adjutant General’s Office in order to receive the same, or similar, fire and rescue resources.

(D) The committee shall develop guidelines for using resources allocated to the task force at the state and regional level.”

SECTION 5. Section 23‑49‑70 of the 1976 Code is amended to read:

“Section 23‑49‑70. The South Carolina Firefighter Mobilization Oversight Committee shall appoint the number of state and regional coordinators the committee considers necessary and sufficient for the execution of the South Carolina Firefighter Mobilization and Emergency Response Task Force Plan. A state coordinator shall be designated by the committee to be in overall charge of ~~managing~~ coordinating the state response for fire and rescue services. A regional coordinator is in overall charge of a region for the purpose of ~~managing~~ coordinating the regional response for fire and rescue services and must report directly to the state coordinator designated by the committee. The Office of State Fire Marshall shall provide administrative support as required by the Firefighter Mobilization Oversight Committee to perform its prescribed functions. The state coordinator shall report to the State Fire Marshal and provide administrative support to the Firefighter Mobilization Oversight Committee.”

SECTION 6. Section 23‑49‑80 of the 1976 Code is amended to read:

“Section 23‑49‑80. The committee may request and utilize information regarding equipment, personnel, and other fire and rescue resources maintained by the South Carolina State ~~Firemen’s~~ Firefighters’ Association.”

SECTION 7. Section 23‑49‑110(A) of the 1976 Code is amended to read:

“(A) For purposes of this chapter:

(1) ‘Dry fire hydrant’ means a fire hydrant that is connected to a source of water from which water is pumped for fire suppression or fire suppression training.

(2) ‘Firefighting agency’ means any entity that provides firefighting services including, but not limited to:

(a) a fire department;

(b) a political subdivision of this State authorized to provide firefighting services; and

(c) the South Carolina Forestry Commission or commission cooperators.

(3) ‘Source of water’ means a water system, water tank, ditch, pool, pond, lake, or river.

(4) ‘Fire and rescue resources’ means local firefighting and rescue resources that include structural firefighting teams, firefighting water supply teams, wild land firefighting teams, rescue teams, and hazardous materials teams.

(5) ‘South Carolina Emergency Response Task Force’ means an organization of specialized units manned through voluntary participation by various agencies and overseen by the State Fire Marshal that provides a comprehensive all‑hazard tiered response to incidents by providing services including, but not limited to, firefighting, urban search and rescue, aviation search and rescue, technical rescue, incident support, and the mitigation of hazardous materials.

(6) ‘Hazardous materials team’ means a specialized unit that responds to the spill, leak, or disbursement of a hazardous product in order to identify, mitigate, and recover from the effects of that incident.”

SECTION 8. This act takes effect upon approval by the Governor.

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