

1 **H. B. 3056**

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3 (By Delegate T. Campbell and Canterbury)
4 [Introduced February 8, 2011; referred to the
5 Committee on Government Organization then the Judiciary.]
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10 A BILL to amend and reenact §29-3-9 of the Code of West Virginia,
11 1931, as amended, relating to eliminating the reporting
12 requirement for public fire departments of nonfire incidents
13 to the State Fire Marshall.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §29-3-9 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

18 **§29-3-9. Powers, duties and authority of State Fire Commission and**
19 **State Fire Marshal.**

20 (a) The State Fire Commission may employ personnel, fix their
21 compensation and, within funds available to do so, incur expenses
22 as necessary in the performance of the duties of its office.

23 (b) The State Fire Commission is responsible for fire programs
24 within this state, including the State Fire Marshal's office,
25 training, uniform standards and certification, finance and planning
26 and fire prevention.

1 (c) All state and area training and education in fire service
2 shall be coordinated by the State Fire Commission. The State Fire
3 Marshal shall ensure that these programs are operated throughout
4 the state at a level consistent with needs identified by the
5 commissioner.

6 (d) The State Fire Commission shall develop minimum training
7 levels for firefighters, minimum levels of equipment needed to
8 protect life and property within fire service areas, minimum
9 performance standards the departments must meet in response times,
10 communications, minimum levels of water flow and pressure and other
11 performance measures as considered necessary to meet the overall
12 goals of improved fire prevention and control. The State Fire
13 Commission may make recommendations to the State Insurance
14 Commissioner regarding town classifications for fire insurance
15 rates.

16 (e) The formation of any new fire department, including
17 volunteer fire departments, requires the concurrence of the State
18 Fire Commission. The State Fire Commission shall develop a method
19 of certification which can be applied to all fire departments and
20 volunteer fire departments.

21 (f) The State Fire Commission shall develop a plan for fire
22 prevention and control which shall include, but not be limited to,
23 the following areas: Manpower needs, location of training centers,
24 location of fire prevention and control units, communications, fire
25 fighting facilities, water sources, vehicular needs, public
26 education and information, public participation, standardization in

1 record keeping, evaluation of personnel, reporting of fire hazards,
2 programs on mutual aid, location of public safety agencies, outline
3 of fire prevention programs and accessibility of fire prevention
4 information.

5 (g) The State Fire Commission shall establish fire protection
6 areas and, at such times as funds are available, ~~shall~~ establish
7 field offices for inspection, planning and certification.

8 (h) The State Fire Marshal may accept, on behalf of the State
9 Fire Commission, gifts, grants, court ordered civil forfeiture
10 proceedings and bequests of funds or property from individuals,
11 foundations, corporations, the federal government, governmental
12 agencies and other organizations or institutions. The State Fire
13 Marshal, acting on behalf of the State Fire Commission, may enter
14 into, sign and execute any agreements and do and perform any acts
15 that may be necessary, useful, desirable or convenient to
16 effectuate the purposes of this article. Moneys from gifts,
17 grants, civil forfeiture proceedings and bequests received by the
18 State Fire Marshal shall be deposited into the special account set
19 forth in subsection (c), section twelve-b of this article, and the
20 State Fire Marshal, with the approval of the State Fire Commission,
21 has the authority to make expenditures of or use of any tangible
22 property in order to effectuate the purposes of this article.

23 (i) The State Fire Commission shall establish standards and
24 procedures by policy to implement the provisions of this section
25 with regard to the following:

26 (1) Fire prevention and control;

- 1 (2) Uniform standards of performance, equipment and training;
2 (3) Certification;
3 (4) Training and education in fire service; and
4 (5) The creation, operation and responsibilities of fire
5 departments throughout the state.

6 (A) Notwithstanding any law or rule to the contrary, an
7 organized public fire brigade, department or company is not
8 required to submit nonfire incident reports to the State Fire
9 Marshal except as may be directed by the State Fire Marshal from
10 time to time.

NOTE: The purpose of this bill is to eliminate the requirement that public fire departments generate reports to the State Fire Marshal of nonfire related incidents within thirty days of the incident.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.