

H. B. 4107

(By Delegates Morgan, Stephens, Hatfield,
Talbott, Martin, Hartman, Staggers,
Azinger, Howell, Romine and Snuffer)

[Introduced January 18, 2012; referred to the
Committee on Government Organization.]



A BILL to amend and reenact §29-3-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-3-5d, all relating to volunteer firefighters; and requiring the State Fire Commission to establish training, equipment and performance standards by legislative rule.

Be it enacted by the Legislature of West Virginia:

That §29-3-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §29-3-5d, all to read as follows:

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-5d. Volunteer firefighters' training.

(a) On or before July 30, 2012, the State Fire Commission shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code, to establish training requirements for firefighters which:

1 (1) Provide for:

2 (A) Minimum training levels for rescue and fire fighting;

3 (B) Minimum levels of equipment needed to protect life and
4 property within fire service areas;

5 © Minimum performance standards the departments must meet in
6 response times, communications, levels of water flow and pressure;
7 and

8 (D) Other performance measures as considered necessary to meet
9 the overall goals of improved fire prevention and control.

10 (2) Allow the training to be offered in segments, blocks or
11 modules: *Provided*, That no firefighter may engage in fire fighting
12 activities, except in response to wildland fires, until he or she
13 has completed all firefighter one training: *Provided*, however, That
14 support members may provide ancillary assistance to firefighters as
15 defined by the rule;

16 (3) Provide for online training;

17 (4) Allow testing for certification to be done in person or
18 online; and

19 (5) Establish the testing requirements which include:

20 (A) If the individual is required to test in person, then the
21 tests must be given regionally at various times throughout the
22 year; or

23 (B) If the individual is authorized to test online, then the
24 requirements for online testing must be established.

1 (b) The State Fire Commission may promulgate emergency rules
2 pursuant to the provisions of section fifteen, article three,
3 chapter twenty-nine-a of this code to effectuate the provisions of
4 this section.

5 © The training policies in effect as of the effective date of
6 the enactment of this section during the Regular Session of 2012
7 will remain in effect until superceded by the legislative rule
8 promulgated pursuant to this section.

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

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

14 (b) The State Fire Commission is responsible for fire programs
15 within this state, including the State Fire Marshal's office,
16 training, uniform standards and certification, finance and planning
17 and fire prevention.

18 © All state and area training and education in fire service
19 shall be coordinated by the State Fire Commission. The State Fire
20 Marshal shall ensure that these programs are operated throughout
21 the state at a level consistent with needs identified by the
22 ~~commissioner~~ commission.

23 ~~(d) The State Fire Commission shall develop minimum training~~
24 ~~levels for firefighters, minimum levels of equipment needed to~~

1 ~~protect life and property within fire service areas, minimum~~
2 ~~performance standards the departments must meet in response times,~~
3 ~~communications, minimum levels of water flow and pressure and other~~
4 ~~performance measures as considered necessary to meet the overall~~
5 ~~goals of improved fire prevention and control.~~ The State Fire
6 Commission may make recommendations to the State Insurance
7 Commissioner regarding town classifications for fire insurance
8 rates.

9 (e) The formation of any new fire department, including
10 volunteer fire departments, requires the concurrence of the State
11 Fire Commission. The State Fire Commission shall develop a method
12 of certification which can be applied to all fire departments and
13 volunteer fire departments.

14 (f) The State Fire Commission shall develop a plan for fire
15 prevention and control which shall include, but not be limited to,
16 the following areas: Manpower needs; location of training centers;
17 location of fire prevention and control units; communications; fire
18 fighting facilities; water sources; vehicular needs; public
19 education and information; public participation; standardization in
20 record keeping; evaluation of personnel; reporting of fire hazards;
21 programs on mutual aid; location of public safety agencies; outline
22 of fire prevention programs; and accessibility of fire prevention
23 information.

24 (g) The State Fire Commission shall establish fire protection

1 areas and at such times as funds are available shall establish
2 field offices for inspection, planning and certification.

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

18 (I) The State Fire Commission shall establish standards and
19 procedures by policy to implement the provisions of this section
20 with regard to the following:

- 21 (1) Fire prevention and control;
- 22 (2) Uniform standards of performance, equipment and training;
- 23 (3) Certification;
- 24 (4) Training and education in fire service, subject to the

1 rule-making requirements set forth in section five-d of this
2 article; and

3 (5) The creation, operation and responsibilities of fire
4 departments throughout the state.

NOTE: The purpose of this bill is to authorize the State Fire Commission to establish the training requirements for volunteer firefighters by legislative rule.

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

§29-3-5d is new; therefore, it has been completely underscored.

This bill is an interim bill recommended for passage by the Joint Standing Committee on Government Organization.