

1 **H. B. 4264**

2  
3 (By Delegates Varner, Stowers, Ferro, Perry,  
4 Cann, Shaver, Evans, R. Phillips, Pethtel,  
5 Hall and Williams)  
6

7 [Introduced January 23, 2012; referred to the  
8 Committee on 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 requiring the State Fire  
12 Commission to establish standards and policies pursuant to  
13 legislative rulemaking; and including training and education  
14 in fire rescue as part of the rulemaking.

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

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

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

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

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

24 (b) The State Fire Commission is responsible for fire programs  
25 within this state, including the State Fire Marshal's office,

1 training, uniform standards and certification, finance and planning  
2 and fire prevention.

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

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

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

23       (f) The State Fire Commission shall develop a plan for fire  
24 prevention and control which shall include, but not be limited to,

1 the following areas: Manpower needs; location of training centers;  
2 location of fire prevention and control units; communications;  
3 firefighting facilities; water sources; vehicular needs; public  
4 education and information; public participation; standardization in  
5 record keeping; evaluation of personnel; reporting of fire hazards;  
6 programs on mutual aid; location of public safety agencies; outline  
7 of fire prevention programs; and accessibility of fire prevention  
8 information.

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

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

1 has the authority to make expenditures of, or use of any tangible  
2 property, in order to effectuate the purposes of this article.

3 (I) The State Fire Commission shall establish standards and  
4 procedures by ~~policy to implement the provisions of~~ legislative  
5 rule to implement this section with regard to the following:

6 (1) Fire prevention and control;

7 (2) Uniform standards of performance, equipment and training;

8 (3) Certification;

9 (4) Training and education in fire service; ~~and~~

10 (5) Training and education in fire rescue service; and

11 ~~(5)~~ (6) The creation, operation and responsibilities of fire  
12 departments throughout the state.

NOTE: The purpose of this bill is to require the State Fire Commission to implement standards regarding fire prevention, fire control, performance, equipment, certification, fire services training and responsibilities of fire departments throughout the state by legislative rule instead of by policy. The bill adds fire rescue service training and education to that list of standards.

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