

Senate Bill No. 213

(By Senators Snyder, Palumbo, Minard, Green, Boley, Miller and
Wills)

[Introduced January 17, 2012; referred to the Committee on
Government Organization.]

**Interim
Bill**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §29-3-5d; and to
amend and reenact §29-3-9 of said code, 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 the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §29-3-5d; and that §29-
3-9 of said code be amended and reenacted, 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

1 shall propose rules for legislative approval in accordance with the
2 provisions of article three, chapter twenty-nine-a of this code, to
3 establish training requirements for firefighters which:

4 (1) Provide for:

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

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

8 (C) Minimum performance standards the departments must meet in
9 response times, communications, levels of water flow and pressure;

10 and

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

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

19 (3) Provide for online training;

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

22 (5) Establish the testing requirements which include:

23 (A) If the individual is required to test in person, then the

1 tests must be given regionally at various times throughout the
2 year; or

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

5 (b) The State Fire Commission may promulgate emergency rules
6 pursuant to the provisions of section fifteen, article three,
7 chapter twenty-nine-a of this code to effectuate the provisions of
8 this section.

9 (c) The training policies in effect as of the effective date
10 of the enactment of this section during the Regular Session of 2012
11 will remain in effect until superceded by the legislative rule
12 promulgated pursuant to this section.

13 **§29-3-9. Powers, duties and authority of State Fire Commission and**
14 **State Fire Marshal.**

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

18 (b) The State Fire Commission is responsible for fire programs
19 within this state, including the State Fire Marshal's office,
20 training, uniform standards and certification, finance and planning
21 and fire prevention.

22 (c) All state and area training and education in fire service
23 shall be coordinated by the State Fire Commission. The State Fire

1 Marshal shall ensure that these programs are operated throughout
2 the state at a level consistent with needs identified by the
3 ~~commissioner~~ commission.

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

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

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

1 education and information; public participation; standardization in
2 record keeping; evaluation of personnel; reporting of fire hazards;
3 programs on mutual aid; location of public safety agencies; outline
4 of fire prevention programs; and accessibility of fire prevention
5 information.

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

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

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

4 (1) Fire prevention and control;

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

6 (3) Certification;

7 (4) Training and education in fire service, subject to the
8 rule-making requirements set forth in section five-d of this
9 article; and

10 (5) The creation, operation and responsibilities of fire
11 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, strike-throughs and underscoring have been omitted.

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