WEST VIRGINIA LEGISLATURE 2024 REGULAR SESSION

Introduced

House Bill 5015

By Delegate Longanacre

[Introduced January 23, 2024; Referred to the Committee on Fire Departments and Emergency Medical Services then Government Organization]

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A BILL to amend and reenact §15A-11-9 of the Code of West Virginia, 1931, as amended, relating to the Rural Area Fire Department Volunteer Incentive Act of 2024, requiring the State Fire Commission to review and revise certain rules for training of rural area volunteer fire firefighters and certification of rural area volunteer fire departments; removing provision for a pilot program to implement proposed changes to such requirements; and requiring the State Fire Commission to consider separate standards to fit the character and level of development of a rural area volunteer fire department.

Be it enacted by the Legislature of West Virginia:

	ARTICLE		11.	FIRE		COMMISSIO	N.
	§15A-11-9.	Volunteer	firefighters	s' trainin	ig and	equipme	nt.
1	(a) T	he State Fire C	ommission shall ı	maintain oversi	ght and autho	ority over traini	ng,
2	equipment r	equirements, and	d performance sta	andards for vol	unteer fire de	partments and	its
3	members, e	establishing and	maintaining said	requirements	pursuant to le	egislative rule,	in
4	accordance v	with the provision	s of §29A-3-1 <i>et se</i>	eq. of this code,	to establish trai	ining requireme	nts
5	for firefighter	rs which:					
6	(1) Pi	rovide for:					
7	(A) M	linimum training l	evels for rescue ar	nd firefighting;			
8	(B) M	linimum levels of	equipment neede	ed to protect life	e and property	within fire serv	ice
9	areas;						

- (C) Minimum performance standards the departments shall meet in response times, communications, levels of water flow, and pressure; and
- (D) Other performance measures as considered necessary to meet the overall goals of improved fire prevention and control;
- (2) Allow the training to be offered in segments, blocks, or modules: *Provided*, That no firefighter may engage in firefighting activities, except in response to wildland fires, until he or she has completed all firefighter one training: *Provided, however*, That support members may provide

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17 ancillary assistance to firefighters as defined by the rule; 18 (3) Provide for online training; 19 (4) Allow testing to be done in person or online; and 20 (5) Establish the testing requirements which include: 21 (A) If the individual is required to test in person, then the tests shall be given regionally at 22 various times throughout the year; or 23 (B) If the individual is authorized to test online, then the requirements for online testing 24 shall be established. 25 (b) Notwithstanding any provision of this code to the contrary, the State Fire Commission 26 may establish or continue a pilot project program which implements changes to standards 27 imposed on volunteer fire fighting that address problems facing volunteer fire departments in the 28 state, including issues related to training, recruitment, and retention. 29 (1) The State Fire Commission may limit the number of participating volunteer fire 30 departments in the pilot project program. 31 (2) The State Fire Commission shall set the rules and conditions for participating volunteer 32 fire departments by policies adopted and ratified by the commission. 33 (3) On July 1 of each year, the State Fire Commission shall annually provide a full 34 summary report of the status of the program to the Joint Committee on Government and Finance 35 (b) Beginning on July 1, 2024, the State Fire Commission shall begin a systematic review 36 of its rules for Volunteer Firefighters' Training, Equipment and Operating Standards and for 37 Certification And Evaluation Of Local Fire Departments with the goal of removing or adjusting 38 those portions of the rules which place an undue burden on rural area fire department volunteer 39 firefighters, including issues related to training, recruitment, and retention, based on the rural 40 character and level of development of the response area for a volunteer fire department. The

commission shall complete its review by April 30, 2025, and propose revised rules for legislative

review, pursuant to the provisions of §29A-3-1 et seq. of this code, in time for the 2025 cycle of

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review by the Legislative Rule-making and Review Committee of the Legislature.

(c) After conducting its evaluations of any fire department, the Office of the State Fire Marshal shall issue a certificate of evaluation to the chief of that department, which shall be made and issued in duplicate. The certificate of evaluation shall show the date of each evaluation and the notations relating thereto by the Office of the State Fire Marshal, and the most recent certificate of evaluation shall be posted at the fire department in such a conspicuous place and manner that the results are visible to the members of the department, and to members of the public.

NOTE: The purpose of this bill is to require the State Fire Commission to reconsider current rules for rural area fire departments and volunteer firefighters and to propose new rules with the objective of eliminating unnecessarily burdensome or restrictive training and certification requirements.

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