

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2388**

By Delegate Longanacre

[Introduced January 11, 2023; Referred to the  
Committee on Fire Departments and Emergency  
Medical Services then Government Organization]

1 A BILL to amend and reenact §15A-11-9 of the Code of West Virginia, 1931, as amended, relating  
 2 to the Save Our Volunteer Fire Departments Act, requiring the State Fire Commission to  
 3 review and revise certain rules for training of volunteer firefighters and certification of  
 4 volunteer fire departments; removing provision for a pilot program to implement proposed  
 5 changes to such requirements; and requiring the State Fire Commission to consider  
 6 separate standards to fit the character and level of development of a volunteer fire  
 7 department's designated rum area.

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

**ARTICLE 11. FIRE COMMISSION.**

**§15A-11-9. Volunteer firefighters' training and equipment.**

1 (a) The State Fire Commission shall maintain oversight and authority over training,  
 2 equipment requirements, and performance standards for volunteer fire departments and its  
 3 members, establishing and maintaining said requirements pursuant to legislative rule, in  
 4 accordance with the provisions of §29A-3-1 *et seq.* of this code, to establish training requirements  
 5 for firefighters which:

6 (1) Provide for:

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

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

10 (C) Minimum performance standards the departments shall meet in response times,  
 11 communications, levels of water flow, and pressure; and

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

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

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, 2023, 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 volunteer firefighters, including issues  
39 related to training, recruitment, and retention, and also giving consideration to implementing  
40 varying degrees of requirements based upon the urban, semi-urban, or rural character of the  
41 response area for a volunteer fire department. The commission shall complete its review by April  
42 30, 2023, and propose revised rules for legislative review, pursuant to the provisions of §29A-3-1

43 et seq. of this code, in time for the 2023 cycle of review by the Legislative Rule-making and Review  
44 Committee of the Legislature.

45 (c) After conducting its evaluations of any fire department, the Office of the State Fire  
46 Marshal shall issue a certificate of evaluation to the chief of that department, which shall be made  
47 and issued in duplicate. The certificate of evaluation shall show the date of each evaluation and  
48 the notations relating thereto by the Office of the State Fire Marshal, and the most recent certificate  
49 of evaluation shall be posted at the fire department in such a conspicuous place and manner that  
50 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 volunteer firefighters 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.