

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 4107**

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

8 [Passed February 14, 2012; in effect from passage.]

9
10 AN ACT to amend and reenact §29-3-9 of the Code of West Virginia,
11 1931, as amended; and to amend said code by adding thereto a
12 new section, designated §29-3-5d, all relating to volunteer
13 firefighters; requiring the State Fire Commission to establish
14 training, equipment and performance standards by legislative
15 rule; and authorizing emergency rules.

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

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

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

21 **§29-3-5d. Volunteer firefighters' training.**

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

26 (1) Provide for:

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

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

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

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

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

15 (3) Provide for online training;

16 (4) Allow testing to be done in person or online; and

17 (5) Establish the testing requirements which include:

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

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

23 (b) The State Fire Commission may promulgate emergency rules
24 pursuant to the provisions of section fifteen, article three,
25 chapter twenty-nine-a of this code to effectuate the provisions of
26 this section.

1 (c) The training policies in effect as of the effective date
2 of the enactment of this section during the Regular Session of 2012
3 will remain in effect until superceded by the emergency rule or
4 legislative rule promulgated pursuant to this section.

5 **§29-3-9. Powers, duties and authority of State Fire Commission and**
6 **State Fire Marshal.**

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

10 (b) The State Fire Commission is responsible for fire programs
11 within this state, including the State Fire Marshal's office,
12 training, uniform standards and certification, finance and planning
13 and fire prevention.

14 (c) All state and area training and education in fire service
15 shall be coordinated by the State Fire Commission. The State Fire
16 Marshal shall ensure that these programs are operated throughout
17 the state at a level consistent with needs identified by the
18 commission.

19 (d) The State Fire Commission may make recommendations to the
20 State Insurance Commissioner regarding town classifications for
21 fire insurance rates.

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

1 (f) The State Fire Commission shall develop a plan for fire
2 prevention and control which shall include, but not be limited to,
3 the following areas: Manpower needs; location of training centers;
4 location of fire prevention and control units; communications; fire
5 fighting facilities; water sources; vehicular needs; public
6 education and information; public participation; standardization in
7 record keeping; evaluation of personnel; reporting of fire hazards;
8 programs on mutual aid; location of public safety agencies; outline
9 of fire prevention programs; and accessibility of fire prevention
10 information.

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

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

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