

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 636**

SENATORS BOSO, STOLLINGS, MARONEY,

SYPOLT AND CLINE, *original sponsors*

[Passed April 6, 2017; in effect 90 days from passage]



1 AN ACT to amend and reenact §29-3-5d of the Code of West Virginia, 1931, as amended, relating  
2 to authorizing the State Fire Commission to establish and administrate a pilot project  
3 program to address problems facing volunteer fire departments; and requiring annual  
4 reports.

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

1 That §29-3-5d of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

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

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

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

4 (1) Provide for:

5 (A) Minimum training levels for rescue and firefighting;

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

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

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

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

16 (3) Provide for online training;

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

18 (5) Establish the testing requirements which include:

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

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

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

26 (c) The training policies in effect as of the effective date of the enactment of this section  
27 during the regular session of 2012 will remain in effect until superseded by the emergency rule or  
28 legislative rule promulgated pursuant to this section.

29 (d) Notwithstanding any provision of this code to the contrary, the State Fire Commission  
30 may establish a pilot project program which implements changes to standards imposed on  
31 volunteer firefighting that address problems facing volunteer fire departments in the state,  
32 including issues related to training, recruitment and retention.

33 (1) The State Fire Commission may limit the number of participating volunteer fire  
34 departments in the pilot project program.

35 (2) The State Fire Commission shall set the rules and conditions for participating volunteer  
36 fire departments by policies adopted and ratified by the commission.

37 (3) Commencing July 1, 2018, and each year thereafter, the State Fire Commission shall  
38 annually provide a full summary report of the status of the program to the Joint Committee on  
39 Government and Finance.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2017.

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*Governor*