

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2578

By Delegates Longanacre, Fehrenbacher, Heckert,

Forsht, Tully, Sheedy, and Brooks

[Introduced January 16, 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 Rural Area Fire Department Volunteer Incentive Act of 2023, requiring the State Fire
3 Commission to review and revise certain rules for training of rural area volunteer fire
4 firefighters and certification of rural area volunteer fire departments; removing provision for
5 a pilot program to implement proposed changes to such requirements; and requiring the
6 State Fire Commission to consider separate standards to fit the character and level of
7 development of a rural area volunteer fire department.

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 firefighting;

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 firefighting 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 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
41 commission shall complete its review by April 30, 2024, and propose revised rules for legislative
42 review, pursuant to the provisions of §29A-3-1 et seq. of this code, in time for the 2024 cycle of

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

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