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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

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ENROLLED

HOUSE BILL No. 4148

(By ~~Delegate~~ *Mr. Speaker, Mr. Chambers,*
and Delegate Burk)
[By Request of the Executive]

Passed March 7 1992

In Effect Ninety Days From Passage

ENROLLED
H. B. 4148

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE BURK)
[By Request of the Executive]

[Passed March 7, 1992; in effect ninety days from passage.]

AN ACT to repeal section eight, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections three and nine of said article, relating to removing provisions relating to the state fire administrator; creation of the state fire commission; increasing and changing the composition of the commission; appointment of the commission; terms and reimbursement of expenses of commission members; and powers and duties of the commission and state fire marshal.

Be it enacted by the Legislature of West Virginia:

That section eight, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections three and nine of said article be amended and reenacted to read as follows:

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-3. State fire commission created; composition; qualifications; appointment; terms of office; removal; vacancies; compensation and expenses.

- 1 (a) There is hereby created a state fire commission,
- 2 which shall consist of thirteen members, qualified by

3 experience and training to deal with the matters which
4 are the responsibilities of the commission. The officers
5 of the West Virginia fire chiefs association, the West
6 Virginia firemen's association, the West Virginia
7 professional fire fighters association, the West Virginia
8 professional fire chiefs association, the West Virginia
9 manufacturers association, the professional independent
10 insurance agents of West Virginia, and the West
11 Virginia society of architects shall submit a list of
12 names of persons recommended by each of these
13 associations to the governor for consideration in appoint-
14 ing the state fire commission. The West Virginia
15 professional fire fighters association and the West
16 Virginia professional fire chiefs association shall
17 recommend the names of two persons from full-time
18 paid fire departments. The West Virginia fire chiefs
19 association and the West Virginia firemen's association
20 shall each recommend the names of three persons from
21 volunteer fire departments. The West Virginia manu-
22 facturers association shall recommend the names of
23 three persons to represent business and industry. The
24 professional independent insurance agents of West
25 Virginia shall recommend the names of two persons to
26 represent the fire insurance industry. The West Virgi-
27 nia society of architects shall recommend the names of
28 two persons to represent registered architects. Appoint-
29 ments to the commission shall be made by the governor,
30 by and with the advice and consent of the Senate, from
31 the lists of qualified persons recommended by the
32 organizations. Three members shall be appointed to
33 represent full-time paid fire departments, one member
34 shall be appointed to represent the full-time paid fire
35 chiefs, three members shall be appointed to represent
36 volunteer fire departments and two members shall be
37 appointed to represent the volunteer fire chiefs. Two
38 members shall be appointed to represent business and
39 industry and one member shall be appointed to repres-
40 ent the fire insurance industry. One member shall be
41 appointed to represent registered architects. The term
42 of office of the members shall be staggered five-year
43 terms. The terms of members first appointed shall
44 expire as designated by the governor at the time of

45 appointment, two at the end of one year, two at the end
46 of two years, three at the end of three years, two at the
47 end of four years and two at the end of five years.
48 Vacancies shall be filled in the same manner as the
49 original appointment but only for the remainder of a
50 term. Any member is subject to removal by the governor
51 at any time for neglect of his duties or other conduct
52 unbecoming his office. The governor shall make the
53 appointments within ninety days after this section takes
54 effect.

55 (b) The members of the state fire commission shall
56 serve without compensation but shall be reimbursed for
57 their reasonable and necessary expenses actually
58 incurred in the performance of their duties.

**§29-3-9. Powers, duties and authority of state fire
commission and state fire marshal.**

1 (a) The state fire commission may employ personnel,
2 fix their compensation and, within funds available to do
3 so, incur expenses as necessary in the performance of
4 the duties of its office.

5 (b) The state fire commission is responsible for fire
6 programs within this state, including the state fire
7 marshal's office, training, uniform standards and
8 certification, finance and planning and fire prevention.

9 (c) All state and area training and education in fire
10 service shall be coordinated by the state fire commis-
11 sion. The state fire marshal shall ensure that these
12 programs are operated throughout the state at a level
13 consistent with needs identified by the commissioner.

14 (d) The state fire commission shall develop minimum
15 training levels for fire fighters, minimum levels of
16 equipment needed to protect life and property within
17 fire service areas, minimum performance standards the
18 departments must meet in response times, communica-
19 tions, minimum levels of water flow and pressure and
20 other performance measures as considered necessary to
21 meet the overall goals of improved fire prevention and
22 control. The state fire commission may make recommen-
23 dations to the state insurance commissioner regarding

24 town classifications for fire insurance rates.

25 (e) The formation of any new fire department,
26 including volunteer fire departments, requires the
27 concurrence of the state fire commission. The state fire
28 commission shall develop a method of certification
29 which can be applied to all fire departments and
30 volunteer fire departments.

31 (f) The state fire commission shall develop a plan for
32 fire prevention and control which shall include, but not
33 be limited to, the following areas: Manpower needs;
34 location of training centers; location of fire prevention
35 and control units; communications; fire fighting facili-
36 ties; water sources; vehicular needs; public education
37 and information; public participation; standardization
38 in record keeping; evaluation of personnel; reporting of
39 fire hazards; programs on mutual aid; location of public
40 safety agencies; outline of fire prevention programs; and
41 accessibility of fire prevention information.

42 (g) The state fire commission shall establish fire
43 protection areas and at such times as funds are available
44 shall establish field offices for inspection, planning and
45 certification.

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

James Slack

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Samuel Edelman

Clerk of the Senate

Donald L. Kapp

Clerk of the House of Delegates

Paul G. Gaudette

President of the Senate

Robert C. Byrd

Speaker of the House of Delegates

The within is approved this the 30th day of March, 1992.

Yastin Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date

3/27/92

Time

3:45 pm