WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

ENROLLED

HOUSE BILL No. H.448

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article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections three and nine of said article be amended and reenacted to read as follows: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

(a) There is hereby created a state fire commission, which shall consist of thirteen members, qualified by
experience and training to deal with the matters which are the responsibilities of the commission. The officers of the West Virginia fire chiefs association, the West Virginia firemen’s association, the West Virginia professional fire fighters association, the West Virginia professional fire chiefs association, the West Virginia manufacturers association, the professional independent insurance agents of West Virginia, and the West Virginia society of architects shall submit a list of names of persons recommended by each of these associations to the governor for consideration in appointing the state fire commission. The West Virginia professional fire fighters association and the West Virginia professional fire chiefs association shall recommend the names of two persons from full-time paid fire departments. The West Virginia fire chiefs association and the West Virginia firemen’s association shall each recommend the names of three persons from volunteer fire departments. The West Virginia manufacturers association shall recommend the names of three persons to represent business and industry. The professional independent insurance agents of West Virginia shall recommend the names of two persons to represent the fire insurance industry. The West Virginia society of architects shall recommend the names of two persons to represent registered architects. Appointments to the commission shall be made by the governor, by and with the advice and consent of the Senate, from the lists of qualified persons recommended by the organizations. Three members shall be appointed to represent full-time paid fire departments, one member shall be appointed to represent the full-time paid fire chiefs, three members shall be appointed to represent volunteer fire departments and two members shall be appointed to represent the volunteer fire chiefs. Two members shall be appointed to represent business and industry and one member shall be appointed to represent the fire insurance industry. One member shall be appointed to represent registered architects. The term of office of the members shall be staggered five-year terms. The terms of members first appointed shall expire as designated by the governor at the time of
appointment, two at the end of one year, two at the end
of two years, three at the end of three years, two at the
end of four years and two at the end of five years.
Vacancies shall be filled in the same manner as the
original appointment but only for the remainder of a
term. Any member is subject to removal by the governor
at any time for neglect of his duties or other conduct
unbecoming his office. The governor shall make the
appointments within ninety days after this section takes
effect.

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

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

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

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

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

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

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

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

(g) The state fire commission shall establish fire protection areas and at such times as funds are available shall establish field offices for inspection, planning and certification.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James Peck
Chairman Senate Committee

Ernest C. More
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Darrin T. Holcomb
Clerk of the Senate

Donald L. Karp
Clerk of the House of Delegates

Jeff Laird
President of the Senate

Robert C. Atchison
Speaker of the House of Delegates

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

Yazoo Caperton
Governor