

RECEIVED

1995 MAR 24 PM 9:11

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



# ENROLLED

HOUSE BILL No. 2519

(By Delegates Seacrist and Hunt)



Passed March 11, 1995

In Effect Ninety Days From Passage



**ENROLLED**

**H. B. 2519**

(BY DELEGATES SEACRIST AND HUNT)

---

[Passed March 11, 1995; in effect ninety days from passage.]

---

AN ACT to amend and reenact section nine, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to allowing the state fire marshal to accept gifts and donations, and setting forth the uses of such gifts and donations.

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

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

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

**§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 the  
4 duties of its office.

5 (b) The state fire commission is responsible for fire  
6 programs within this state, including the state fire marshal's  
7 office, training, uniform standards and certification, fi-  
8 nance 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 commission.  
11 The state fire marshal shall ensure that these programs are  
12 operated throughout the state at a level consistent with  
13 needs identified by the commissioner.

14 (d) The state fire commission shall develop minimum  
15 training levels for firefighters, minimum levels of equip-  
16 ment needed to protect life and property within fire ser-  
17 vice areas, minimum performance standards the depart-  
18 ments must meet in response times, communications, mini-  
19 mum levels of water flow and pressure and other perfor-  
20 mance measures as considered necessary to meet the over-  
21 all goals of improved fire prevention and control. The  
22 state fire commission may make recommendations to the  
23 state insurance commissioner regarding town classifica-  
24 tions for fire insurance rates.

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

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

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

46 (h) The state fire marshal may accept, on behalf of the  
47 state fire commission, gifts, grants, court ordered civil  
48 forfeiture proceedings and bequests of funds or property  
49 from individuals, foundations, corporations, the federal  
50 government, governmental agencies and other organiza-  
51 tions or institutions. The state fire marshal, acting on  
52 behalf of the state fire commission, may enter into, sign  
53 and execute any agreements and do and perform any acts  
54 that may be necessary, useful, desirable or convenient to  
55 effectuate the purposes of this article. Moneys from gifts,  
56 grants, civil forfeiture proceedings and bequests received  
57 by the state fire marshal shall be deposited into the special  
58 account set forth in subsection (c), section twelve-b of this  
59 code, and the state fire marshal, with the approval of the  
60 state fire commission, has the authority to make expendi-  
61 tures of, or use of any tangible property, in order to effec-  
62 tuate the purposes of this article.

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

*Randy Schoover*

Chairman Senate Committee

*Ernest C. Moore*

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Darrell R. Rhodes*

Clerk of the Senate

*Donald L. Kepp*

Clerk of the House of Delegates

*Earl Ray Tomblin*

President of the Senate

*Yuk Williams*

Speaker of the House of Delegates

The within *is approved* this the *24th*  
day of *March*, 19*55*.

*Winston Caperton*  
Governor



PRESENTED TO THE

GOVERNOR

Date 3/24/95

Time 3:36 pm