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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

APR 22 2003

House Bill No. 3011

(By Delegates Michael, Leach, Proudfoot, Browning, Warner, R. M. Thompson and Border)



Passed March 8, 2003

In Effect from Passage

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OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES
SECRETARY OF STATE

ENROLLED

H. B. 3011

(BY DELEGATES MICHAEL, LEACH, PROUDFOOT, BROWNING,
WARNER, R. M. THOMPSON AND BORDER)

[Passed March 8, 2003; in effect 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 authorizing the state fire commission to establish standards and procedures to implement the provisions of the section.

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, fix
- 2 their compensation and, within funds available to do so, incur

3 expenses as necessary in the performance of the duties of its
4 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, finance and
8 planning and fire prevention.

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

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

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

29 (f) The state fire commission shall develop a plan for fire
30 prevention and control which shall include, but not be limited to,
31 the following areas: Manpower needs; location of training
32 centers; location of fire prevention and control units; communi-
33 cations; fire-fighting facilities; water sources; vehicular needs;
34 public education and information; public participation; stan-
35 dardization in record keeping; evaluation of personnel; report-

36 ing of fire hazards; programs on mutual aid; location of public
37 safety agencies; outline of fire prevention programs; and
38 accessibility of fire prevention information.

39 (g) The state fire commission shall establish fire protection
40 areas and at such times as funds are available shall establish
41 field offices for inspection, planning and certification.

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

58 (i) The state fire commission shall establish standards and
59 procedures by policy to implement the provisions of this section
60 with regard to the following:

61 (1) Fire prevention and control;

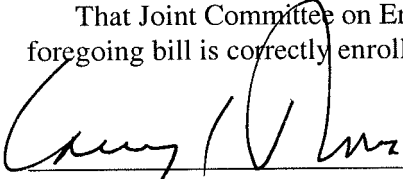
62 (2) Uniform standards of performance, equipment and
63 training;

64 (3) Certification;

65 (4) Training and education in fire service; and

66 (5) The creation, operation and responsibilities of fire
67 departments throughout the state.

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



Chairman Senate Committee



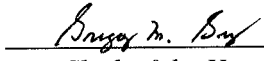
Chairman House Committee

Originating in the House.

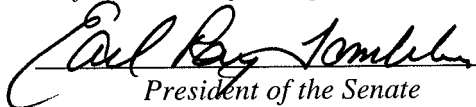
In effect from passage



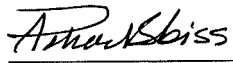
Clerk of the Senate



Clerk of the House of Delegates

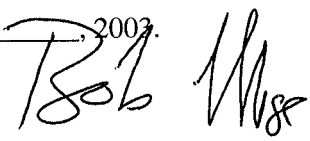


President of the Senate



Speaker of the House of Delegates

The within is approved this the 15th
day of April, 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/25/03

Time 9:45 am