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2012 FEB 23 PM 4:17

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 4107

(By Delegates Morgan, Stephens, Hatfield,
Talbot, Martin, Hartman, Staggers,
Azinger, Howell, Romine and Snuffer)



Passed February 14, 2012

To Take Effect from Passage

HB 4107

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COMMITTEE SUBSTITUTE

FOR

H. B. 4107

(BY DELEGATES MORGAN, STEPHENS, HATFIELD,
TALBOTT, MARTIN, HARTMAN, STAGGERS,
AZINGER, HOWELL, ROMINE AND SNUFFER)

[Passed February 14, 2012; to take effect from passage.]

AN ACT to amend and reenact §29-3-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-3-5d, all relating to volunteer firefighters; requiring the State Fire Commission to establish training, equipment and performance standards by legislative rule; and authorizing emergency rules.

Be it enacted by the Legislature of West Virginia:

That §29-3-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §29-3-5d, all to read as follows:

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-5d. Volunteer firefighters' training.

- 1 (a) On or before July 30, 2012, the State Fire
- 2 Commission shall propose rules for legislative approval in
- 3 accordance with the provisions of article three, chapter

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4 twenty-nine-a of this code, to establish training requirements
5 for firefighters which:

6 (1) Provide for:

7 (A) Minimum training levels for rescue and fire fighting;

8 (B) Minimum levels of equipment needed to protect life
9 and property within fire service areas;

10 (C) Minimum performance standards the departments
11 must meet in response times, communications, levels of
12 water flow and pressure; and

13 (D) Other performance measures as considered necessary
14 to meet the overall goals of improved fire prevention and
15 control.

16 (2) Allow the training to be offered in segments, blocks
17 or modules: *Provided*, That no firefighter may engage in fire
18 fighting activities, except in response to wildland fires, until
19 he or she has completed all firefighter one training: *Provided*,
20 *however*, That support members may provide ancillary
21 assistance to firefighters as defined by the rule;

22 (3) Provide for online training;

23 (4) Allow testing to be done in person or online; and

24 (5) Establish the testing requirements which include:

25 (A) If the individual is required to test in person, then the
26 tests must be given regionally at various times throughout the
27 year; or

28 (B) If the individual is authorized to test online, then the
29 requirements for online testing must be established.

30 (i) The State Fire Commission may promulgate
31 emergency rules pursuant to the provisions of section fifteen,
32 article three, chapter twenty-nine-a of this code to effectuate
33 the provisions of this section.

34 (c) The training policies in effect as of the effective date
35 of the enactment of this section during the Regular Session of
36 2012 will remain in effect until superseded by the emergency
37 rule or legislative rule promulgated pursuant to this section.

**§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 so,
3 incur expenses as necessary in the performance of the duties
4 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, finance
8 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 needs
13 identified by the commission.

14 (d) The State Fire Commission may make
15 recommendations to the State Insurance Commissioner
16 regarding town classifications for fire insurance rates.

17 (e) The formation of any new fire department, including
18 volunteer fire departments, requires the concurrence of the
19 State Fire Commission. The State Fire Commission shall

20 develop a method of certification which can be applied to all
21 fire departments and volunteer fire departments.

22 (f) The State Fire Commission shall develop a plan for
23 fire prevention and control which shall include, but not be
24 limited to, the following areas: Manpower needs; location of
25 training centers; location of fire prevention and control units;
26 communications; fire fighting facilities; water sources;
27 vehicular needs; public education and information; public
28 participation; standardization in record keeping; evaluation
29 of personnel; reporting of fire hazards; programs on mutual
30 aid; location of public safety agencies; outline of fire
31 prevention programs; and accessibility of fire prevention
32 information.

33 (g) The State Fire Commission shall establish fire
34 protection areas and at such times as funds are available shall
35 establish field offices for inspection, planning and certification.

36 (h) The State Fire Marshal may accept, on behalf of the
37 State Fire Commission, gifts, grants, court ordered civil
38 forfeiture proceedings and bequests of funds or property from
39 individuals, foundations, corporations, the federal
40 government, governmental agencies and other organizations
41 or institutions. The State Fire Marshal, acting on behalf of the
42 State Fire Commission, may enter into, sign and execute any
43 agreements and do and perform any acts that may be
44 necessary, useful, desirable or convenient to effectuate the
45 purposes of this article. Moneys from gifts, grants, civil
46 forfeiture proceedings and bequests received by the State Fire
47 Marshal shall be deposited into the special account set forth
48 in subsection (c), section twelve-b of this article, and the
49 State Fire Marshal, with the approval of the State Fire
50 Commission, has the authority to make expenditures of, or
51 use of any tangible property, in order to effectuate the
52 purposes of this article.

53 (i) The State Fire Commission shall establish standards
54 and procedures by policy to implement the provisions of this
55 section with regard to the following:

56 (1) Fire prevention and control;

57 (2) Uniform standards of performance, equipment and
58 training;

59 (3) Certification;

60 (4) Training and education in fire service, subject to the
61 rule-making requirements set forth in section five-d of this
62 article; and

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


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7 [Enr. Com. Sub. for H. B. 4107

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

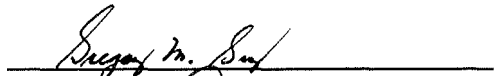
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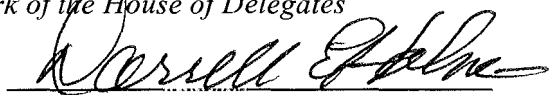

Chairman, House Committee


Chairman, Senate Committee

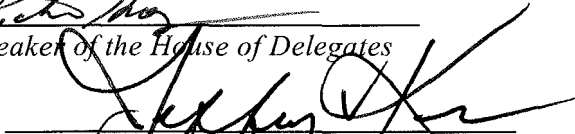
Originating in the House.

To take effect from passage.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


President of the Senate

The within is approved this the 23rd day of February, 2012.


Governor

PRESENTED TO THE GOVERNOR

FEB 20 2012

Time 1:40 pm