



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Fire Commission

TITLE-SERIES: 87-11

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: Specialized Membership

CITE STATUTORY AUTHORITY: 15A-11-8

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/23/2021

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Ken Tyree, Fire Marshal

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

The rule sets forth the process for non firefighter personnel to join a fire department. This is optional for a fire department, not mandatory.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The fire departments of the State have asked for a mechanism whereby non firefighters can become members of a fire department. This rule sets forth that process.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

0

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

0

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

0

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

This is optional, and would use training that the person already has.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Stacy L Nowicki-Eldridge -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 87
LEGISLATIVE RULE
STATE FIRE COMMISSION

SERIES 11
SPECIALIZED MEMBERSHIP

§87-11-1. General.

1.1. Scope. -- This rule establishes the parameters for specialized, non fire fighter, membership of a fire department.

1.2. Authority. -- W. Va. Code §15A-11-8.

1.3. Filing Date. -- XXXXXXXXXX.

1.4. Effective Date. -- XXXXXXXXXXXXXXXXXXXXXXXX.

1.5 Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

§87-11-2. Specialized Membership.

2.1. Any Volunteer Fire Department wishing to allow a person to join its department, in any specialized role, and not as a fire fighter, must inform the Commission of:

2.1.a. The person's full name;

2.1.b. The person's specialized skill;

2.1.c. The person's training obtained to be able to perform the specialized skill, including:

2.1.c.1. What training was completed;

2.1.c.2. Where the training was received;

2.1.c.3. The name of the provider;

2.1.c.4. The dates of the training; and,

2.1.c.5. a statement as to how the training is sufficient to perform the specialized function

2.2. The Department shall include with the information listed in subdivision 2.1. a notarized affirmation by the Chief of the Department that the Specialized member will not be permitted to participate in firefighting, or other activity in which that person is not trained appropriately.

2.3. All Departments must maintain a listing of specialized membership, and what each persons specialization is at all times, and have it available for review at any inspection or evaluation that is conducted.

2.4. If a person is already a specialized member, and that person wishes to have more than one specialization for the Department, the Department must complete the steps listed in this section for each specialization for each non-fire fighter member.

§87-11-3. Review and Approval or Denial of Specialized Members.

3.1. The Commission, when it receives notice from a fire department as described in section 2 of this rule, shall review the materials presented for completeness. Following this review, the Commission shall determine the following:

3.1.1 If there is an applicable NFPA standard for the specialized training, the Commission shall review the training to ensure that the training met the applicable standard. The Commission may contact the training entity for any information it deems necessary to make this determination.

3.1.2. If there is not an applicable NFPA standard for the specialized training, the Commission shall make any inquiries it deems necessary to determine if the training satisfies the minimum standard for that specialization.

3.2. If the Commission believes that the information submitted is sufficient, and that the training completed reaches the acceptable recognized standard, the Department will be notified that membership for that person is allowed to join the department as a specialized member with that specialty.

3.3. If the Commission believes that the information submitted is not sufficient to cause the commission to believe that the training received reaches the acceptable recognized standard, the Department will be notified that the membership for that person is not allowed as a specialized member with that specialty.

3.4. Any Decision made pursuant to subdivision 3.2. or 3.3. of this section is the sole discretion of the Commission and is not subject to review by any other means, and no appeal is available.