



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

7/30/2021 10:23:35 AM

Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Fire Commission TITLE-SERIES: 87-11  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: 87-11 Specialized Membership

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: 15A-11-8

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Pursuant to WV Code 15A-11-8, the rule establishes parameters for specialized, non-firefighter members of a fire department.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/22/2021

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/23/2021

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

N/A

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The rule establishes parameters for specialized, non-firefighter members of a fire department.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The rule is required as a result of legislation in the 2021 Regular Session of the Legislature requiring the Fire Commission to promulgate rules to implement the program for specialized members of a fire department.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

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

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

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

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.