

**REPORT OF THE  
JOINT SUBCOMMITTEE STUDYING**

# **Fire Prevention Services in the Commonwealth**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



## **Senate Document No. 16**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1989**

## MEMBERS OF SUBCOMMITTEE

Senator R. Edward Houck, Chairman  
Delegate George W. Grayson, Vice Chairman  
Senator Moody E. Stallings, Jr.  
Delegate Robert K. Cunningham, Jr.  
Neal J. Barber  
Carl N. Cimino  
John Foster Eakin  
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Report of the Joint Subcommittee Studying  
Fire Prevention Services in the Commonwealth  
to  
The Governor and the General Assembly of Virginia  
January, 1989

To: Honorable Gerald L. Baliles, Governor of Virginia  
and  
The General Assembly of Virginia

## INTRODUCTION

The following resolution, Senate Joint Resolution No. 67, agreed to during the 1988 General Assembly Session, established a joint subcommittee to study whether the Department of Fire Programs and the Office of the State Fire Marshal should be consolidated and to recommend what the Commonwealth's policy should be in the area of fire prevention education, information and assistance.

The resolution states that fire service organizations in the Commonwealth have expressed their concern about the coordination of fire prevention activities between the Department of Fire Programs and the Office of the State Fire Marshal within the Department of Housing and Community Development. The resolution states that the overlap between the two departments causes confusion for citizens and for local and state officials in obtaining fire prevention information and assistance and that there is always a need to examine ways to improve the services provided to the citizens of the Commonwealth and to make the best use of resources by avoiding duplication of effort and services.

The resolution also states that there should be a state policy emphasizing the importance of fire prevention education for the Commonwealth.

SENATE JOINT RESOLUTION NO. 67

*Establishing a joint subcommittee to study fire prevention services in the Commonwealth.*

Agreed to by the Senate, February 15, 1988

Agreed to by the House of Delegates, March 9, 1988

WHEREAS, fire service organizations in the Commonwealth have expressed their concern about the coordination of fire prevention activities between the Department of Fire Programs and the Office of the State Fire Marshal within the Department of Housing and Community Development; and

WHEREAS, this overlap causes confusion for citizens and for local and state officials in obtaining fire prevention information and assistance; and

WHEREAS, there is always a need to examine ways to improve the services provided to the citizens of the Commonwealth and to make the best use of resources by avoiding duplication of effort and services; and

WHEREAS, there should be a state policy emphasizing the importance of fire prevention education for the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study whether the Department of Fire Services and the Office of the State Fire Marshal should be consolidated and to recommend what the Commonwealth's policy should be in the area of fire prevention education, information and assistance.

The joint subcommittee shall be composed of ten members: two members of the Senate, and one citizen member with no affiliation to either the fire service or the building industry to be appointed by the Senate Committee on Privileges and Elections; and two members of the House of Delegates and one citizen member with no affiliation to either the fire service or the building industry to be appointed by the Speaker of the House; one member of the Board of Housing and Community Development and one member of the Virginia Fire Services Board, to be appointed by the chairmen of the respective boards; and the Executive Directors of the Departments of Housing and Community Development and Fire Programs.

The joint subcommittee shall complete its work in time to submit its recommendations to the 1989 General Assembly.

The indirect costs of this study are estimated to be \$13,045; the direct costs of this study shall not exceed \$9,000.

The two Senate members appointed to serve on the subcommittee were R. Edward Houck and Moody E. Stallings, Jr. The two House of Delegates members appointed to serve on the subcommittee were George W. Grayson and Robert K. Cunningham, Jr. The two citizen members appointed to serve on the subcommittee were John Foster Eakin and Joe Wilson. Jim Reamy was appointed as a member of the Virginia Fire Services Board and Douglas Fahl was appointed as a member of the Board of Housing and Community Development. The Executive Director of the Department of Fire Programs, Carl N. Cimino, and Neal Barber, the Director of the Department of Housing and Community Development, also served on the subcommittee.

## BACKGROUND

History and background of the State Fire Marshal's Office -- From 1948 through 1978 the State Fire Marshal's Office was located in the State Corporation Commission. During this period of time it performed a variety of functions, including the following: review of plans of certain buildings proposed to be constructed and inspection of buildings under construction and upon completion for compliance with the Public Building Safety Law (until the adoption of the Uniform Statewide Building Code in 1973), providing advice to the building construction industry, administering the Industrialized Building Code Law (it became effective in 1970 and regulated mobile and manufactured housing) and arson investigation.

In 1978 the State Fire Marshal's Office was relocated to the newly created Department of Housing and Community Development because of recommendations of the Commission on State Governmental Management. The Commission on State Governmental Management concluded that many of the functions of the State Corporation Commission, including the functions of the State Fire Marshal's Office, more appropriately belonged in the executive branch of government. The Commission determined that there was unnecessary diffusion of the responsibility for regulating the safety of structures and noted that the Office of Housing (which was also moved to the Department of Housing and Community Development) administered the Uniform Statewide Building Code but the State Fire Marshal's Office regulated the design and construction of manufactured buildings and mobile homes and was responsible for regulating existing structures to protect against fire hazards. When the State Fire Marshal's Office was moved out of the State Corporation Commission, arson investigation responsibilities were transferred to the Department of State Police, where they remain today.

Current Organization and Functions of State Fire Marshal's Office -- The State Fire Marshal's Office is under the Division of Building Regulatory Services within the Department of Housing and Community Development which is under the Secretary of Economic Development. The Division of Building Regulatory Services monitors the following model codes and standards: the Uniform Statewide Building Code Volumes I and II, the Statewide Fire Prevention Code, Amusement Device Regulations, LP Gas Regulations and the Virginia Industrialized Building and Manufactured Home Safety Regulations. Other offices under the Division of Building Regulatory Services are: the Code Enforcement Office, the Code Development Office and the Professional Services Office. These four offices provide technical and administrative assistance to localities on model codes and standards, training and certification programs on model codes and standards, inspection of public buildings for compliance with fire regulations and administrative support to the State Building Code Technical Review Board and the Board of Housing and Community Development.

The Board of Housing and Community Development is within the Department of Housing and Community Development and consists of nine members appointed by the Governor. The Governor has complete discretion in appointing Board members.

The State Fire Marshal's Office is responsible for inspecting certain public buildings for compliance with the Statewide Fire Prevention Code, fire related portions of the Uniform Statewide Building Code and conducting plans review for state buildings. The Office is responsible for enforcing the Statewide Fire Prevention Code in localities that choose not to enforce it themselves and promotes uniform enforcement in those localities that have adopted it. The Office assists interested localities in preparing local ordinances for enforcement of the Statewide Fire Prevention Code, presents seminars on enforcement of the Code and gives technical assistance regarding interpretation and enforcement of the Code. Requests for modifications under the Statewide Fire Prevention Code are reviewed and decided by the State Fire Marshal in jurisdictions that have not adopted the Code.

The State Fire Marshal has no authority to take any action or perform any service during the construction of a building unless invited to do so. This responsibility is solely within the scope of duties of local building officials. Plans review services are available to the 163 local building departments, who are the primary recipients of this service. The service is also available, however, to builders and design professionals. After a building is occupied, the State Fire Marshal and local fire marshals have fire prevention inspection authority. However, since most local building officials and local fire marshals are not specifically educated or trained as fire protection engineers, the State Fire Marshal's Office is relied upon for reviewing building plans to determine whether fire protection standards are being met.

The State Fire Marshal's Office performs inspections of high-risk buildings, such as schools and hotels as often as resources permit and on a complaint basis. Residential care facilities and homes for adults are required to be inspected on an annual basis. All facilities licensed by the Department of Health, all child care centers licensed by the Department of Social Services and all local jails in jurisdictions are inspected by the State Fire Marshal prior to licensure or certification and renewal.

Educational programs for the general public and targeted groups are given on a limited basis.

The State Fire Marshal is appointed by the Director of the Department of Housing and Community Development. There are five regional offices. The Office is funded by general fund monies, except for a small portion (less than \$80,000 annually) from life safety code inspections for the Department of Health.

History and Background of the Department of Fire Programs--The Department of Fire Programs was created in 1982 as the result of legislation combining the Office of Fire Services Training and the Virginia State Fire Services Commission. The basis of what is now the Department of Fire Programs started with one state fire instructor in the Department of Education in 1940. In 1958 another instructor was employed and in 1968 a Virginia Advisory Committee on Fire Services Training report recommended the establishment of an Advisory Committee on Fire Services Training. The Committee was established and began to develop a training program for the fire services. In 1969 the State Department of Education established a Fire Services Training section in the Division of Vocational Education and by 1977 the section had five employees.

A 1978 Virginia Advisory Legislative Council report recommended moving Fire Services Training out of the Department of Education and establishing it as a separate office under the Secretary of Public Safety and establishing a Virginia State Fire Services Commission under the Secretary of Public Safety. Both of these actions were taken by the 1978 General Assembly.

Senate Joint Resolution 97 (1977), leading to the report containing the above recommendations, gave a wide-ranging charge to the Virginia Advisory Legislative Council to examine fire service problems in Virginia. Under this charge the Council examined many issues. Such issues as lack of information about fires and fire services, the lack of data about the fire problem in Virginia, lack of technical assistance to help local fire services solve problems, the lack of funds, and the lack of ability to obtain funds from the National Fire Prevention and Control Administration were among those examined.

Another issue evoking considerable attention was the fragmentation of state-level efforts in fire protection and prevention. The Council's study occurred just after the legislation moving the Office of the State Fire Marshal to the Department of Housing and Community Development was passed. The Council felt this action separated a major component of the fire service from the rest of the components and urged the General Assembly to reconsider the move. The Council expressed its feeling that the fire services in Virginia would be better served if the state's efforts were concentrated, if not in one agency, at least under one Secretary rather than under three Secretaries.

The Council recommended the establishment of the Virginia State Fire Services Commission as a means of dealing with all the identified issues. It was envisioned that through the Commission the Commonwealth would assume a role of leadership and coordination in rendering assistance to localities.

In 1981, the General Assembly passed legislation combining the Office of Fire Services Training and the Virginia State Fire Services Commission into the Department of Fire Programs and established the Virginia Fire Commission within the Department. (The Virginia Fire Commission is now known as the Virginia Fire Services Board.) This action was not the result of any study but came about from the observation that the two agencies were closely related and services could be improved if combined.

Current Organization and Functions of The Department of Fire Programs --  
The Department of Fire Programs is under the Secretary of Transportation and Public Safety. It is a special fund agency, all of its operating funds come from the Fire Programs Fund provided for in § 38.2-401. The Fire Programs Fund is scheduled to sunset in 1990. The Department is divided into two divisions: the Division of Administration, Services and Technical Support and the Division of Training and Education. The Department operates a central office in Richmond and four regional offices. The four regional offices are primarily occupied with the training delivery system.

The Virginia Fire Services Board has fourteen members and is within the Department of Fire Programs. The Governor is directed to appoint representatives of various interest groups to the Board. The State Fire Marshal and the State Forester are statutorily required to be members of the Virginia Fire Services Board.

The Department performs the following functions: fire services training and education, fire prevention training and education, program planning, development and evaluation and financial and technical assistance, with the main function being training and education. The Department is responsible for training in all phases of fire protection in Virginia, including fire suppression and prevention. The training it provides is based on the National Fire Prevention Association National Standards Program, a performance-based program which fire service agencies and organizations in Virginia may voluntarily adopt and which many have adopted. The Department trains and certifies instructors and maintains an instruction delivery system compatible with the national program but adapted to Virginia's needs.



The Department works with other state agencies where fire services training is affected by other standards such as the Emergency Medical Services Standards of the Department of Health.

The Department establishes and develops fire training centers designed to provide classroom training and training in conditions as close to real emergency operating conditions as possible. The centers also serve as performance testing sites.

The Department plans, develops and delivers fire prevention education programs to the public as a public awareness effort in a limited way through the media. Through its Fire Prevention Education Officer Training and Fire Inspector Training programs, the Department trains fire department personnel (mainly local fire marshals and other local fire prevention personnel) in techniques for teaching and communicating fire prevention information. Trained individuals educate the general public.

The Department has developed a five-year statewide plan for fire education and training and personnel standards for fire service personnel have been developed by the acceptance and participation of the fire services in the performance-based standards program. The Department has the responsibility for administering the Virginia Fire Prevention and Control Plan. The Department administers the voluntary Virginia Fire Incidence Reporting System.

The Department administers and disburses the Fire Programs Fund to localities and provides financial assistance for constructing, improving and expanding regional fire training facilities and for computer hardware and software to localities choosing to participate in the Virginia Fire Incident Reporting System.

## ACTIVITIES, FINDINGS AND RECOMMENDATIONS

The subcommittee held an organizational meeting, a public hearing and two work sessions. The subcommittee heard from the Department of Forestry, the Department of Education, the Department of State Police, the Virginia Fire Services Board, the Board of Housing and Community Development, the Virginia Fire Service Council, the State Fire Chiefs' Association of Virginia, the National Fire Protection Association, the Virginia Building and Code Officials Association, the Virginia Fire Prevention Association, the Virginia Chapter of the International Association of Arson Investigators, the Virginia Hotel and Motel Association, local fire marshals and other local fire service personnel.

The subcommittee addressed the issues of consolidation, fire prevention education and arson. Although arson was not an issue identified for study by Senate Joint Resolution No. 67 the subcommittee repeatedly heard testimony that there are problems with arson investigation and determined that arson is related to other fire-related issues being studied by the subcommittee. Each of the issues studied by the subcommittee is discussed individually.

## CONSOLIDATION

The subcommittee did not find problems with overlap or duplication of services between the Department of Fire Programs and the State Fire Marshal's Office. The only specific example given the subcommittee was the annual Statewide Fire Prevention Code Clinic, which is sponsored by the State Fire Marshal's Office. The subcommittee learned that the Clinic is a coordinated effort between the State Fire Marshal's Office and the Department of Fire Programs and that the Department of Fire Programs gives recertification credits to participants.

Both agencies, along with several other state agencies, sponsor a limited number of fire prevention education activities for the general public. The subcommittee found that there is a need for coordination in this area and this is discussed under the topic of fire prevention education.

The subcommittee found that two of the major reasons that the fire services community is dissatisfied with the current location of the State Fire Marshal's Office are a lack of visibility on the part of the Office and a perception that the Board of Housing and Community Development is geared towards the building industry and that the fire services community does not have adequate input when the Board revises the Uniform Statewide Building Code.

The subcommittee found that because the State Fire Marshal's Office is one of four offices within one of four divisions within the Department of Housing and Community Development which is a large agency, it does not have a high profile in state government. Since few of the other areas of responsibility of the Department of Housing and Community Development are fire-related, the Department's emphasis is not on fire-related activities. Although the Department of Fire Programs has fewer employees than the State Fire Marshal's Office, it has more visibility because it is an independent executive branch agency devoted exclusively to fire-related activities. It answers directly to the Secretary of Transportation and Public Safety and has its own Board.

Visibility of the State Fire Marshal's Office has declined since 1978 when it was moved out of the State Corporation Commission into the Department of Housing and Community Development. Several factors have contributed to the decline in visibility. Placement of the State Fire Marshal's Office in the Department of Housing and Community Development caused the Office to be viewed as part of the building community rather than the fire services community. Arson investigation was one of the major activities of the State Fire Marshal's Office when it was located in the State Corporation Commission and it was an activity that involved interaction between local fire service personnel and the State Fire Marshal's Office. When the State Fire Marshal's Office was moved the responsibility for arson investigations was transferred to the Department of State Police. At the same time local fire marshals were given the authority to investigate arson cases and the State's role shifted to a support role. These changes led to decreased contact between local fire service personnel and the State Fire Marshal's Office.

Prior to the adoption of the Uniform Statewide Building Code in 1973 the State Fire Marshal reviewed plans of certain buildings proposed to be constructed and inspected certain buildings under construction for compliance with the Public Building Safety Law. In 1980 § 27-79.9 was added to the Virginia Code to provide that "inspections of buildings other than state-owned buildings under construction and the review and approval of building plans for these structures for enforcement of the Uniform Statewide Building Code shall be the sole responsibility of the appropriate local building inspectors. Upon completion of such structures, responsibility for fire safety protection shall pass to the Department pursuant to the Virginia Public Building Safety Law." The removal of this responsibility from the State Fire Marshal is another reason for the decline in visibility. Under the Public Building Safety Law the state fire marshal had statewide enforcement authority but under the Statewide Fire Prevention Code he has authority only in those jurisdictions that do not adopt the Code. The idea of restoring statewide enforcement authority to the state fire marshal was raised but it was noted that the current arrangement that the state fire marshal can enforce only in jurisdictions that do not adopt the Statewide Fire Prevention Code encourages localities to adopt the Statewide Fire Prevention Code and hire their own personnel to enforce it. This is desirable due to the limited resources of the State Fire Marshal's Office but the subcommittee heard that some jurisdictions hire unqualified people to enforce the Statewide Fire Prevention Code and discussed whether minimum qualifications should be required for local Code enforcement personnel. The Board of Housing and Community Development has the legislative authority to set minimum qualifications under the Statewide Fire Prevention Code.

The subcommittee found that some members of the fire services community perceive the Board of Housing and Community Development to be more sympathetic to the building industry than the fire services community. The Board of Housing and Community Development promulgates both the Statewide Fire Prevention Code and the Uniform Statewide Building Code. The Statewide Fire Prevention Code, which regulates existing buildings, was recently promulgated and there is a statutory provision requiring the Code to be cooperatively developed with the Virginia Fire Services Board pursuant to procedures agreed to by the two boards. There is no statutory provision assuring that the fire services community will have input in the revision of the Uniform Statewide Building Code which regulates new construction. The Board of Housing and Community Development has an ad hoc committee which makes recommendations to the Building Officials Conference of America (BOCA) on an annual basis. Fire service representatives are included on this subcommittee. BOCA then publishes a book containing recommended amendments. Every three years the Board of Housing and Community Development goes through the Administrative Process Act and decides how the Uniform Statewide Building Code should be amended based on the recommendations of BOCA. The fire services community participates by speaking at the public hearings. The fire services community feels that because the Uniform Statewide Building Code regulates many fire prevention aspects of new construction it is essential to have experienced fire services personnel involved in the revision process. They feel that fire safety should have an equal emphasis along with other building safety concerns. The subcommittee found that there needs to be a balance between the building industry which is necessarily concerned with the costs of construction and the fire services community which is concerned with fire prevention and suppression provisions.

The subcommittee explored and discussed a number of alternative arrangements, including combining all emergency service functions in a single new agency under the Secretary of Transportation and Public Safety, consolidating the Office of the State Fire Marshal within the Department of Fire Programs, consolidating the Department of Fire Programs within the Office of the State Fire Marshal and making the Office of the State Fire Marshal an independent executive branch agency under the Secretary of Transportation and Public Safety. There was some discussion of whether it would be more effective to have both the Department of Fire Programs and the Office of the State Fire Marshal under the same secretary. The subcommittee noted that because the Secretary of Transportation and Public Safety has responsibility for transportation as well as public safety it is more difficult for fire prevention and other fire-related issues to assume a prominent position in state government than it would be if there was a secretariat that focused exclusively on public safety. While most of these alternatives had the advantage of increased visibility for the State Fire Marshal's Office there were also significant concerns. One of the primary concerns relates to code promulgation and enforcement.

Under some of the alternatives proposed, promulgation of the Statewide Fire Prevention Code would have remained with the Board of Housing and Community Development but enforcement would have been transferred to a separate agency. Even if both promulgation and enforcement of the Statewide Fire Prevention Code were transferred to a different agency, responsibility for related codes would have remained with the Board of Housing and Community Development. This raised concern about assuring continuity between the provisions of the various codes that are promulgated and enforced by the Board of Housing and Community Development. The subcommittee heard that the use of related model codes, the unified code revision process and the use of a single appellate body for resolving disputes about the application of the particular code assure some degree of consistency and continuity. The State Building Code Technical Review Board hears appeals relating to the Uniform Statewide Building Code, the Statewide Fire Prevention Code and the Industrialized Building Unit and Mobile Home Safety Regulations.

Recommendations -- The subcommittee decided to make the following recommendations:

Legislation should be introduced placing a member of the Virginia Fire Services Board, appointed by the chairman of that Board, on the Board of Housing and Community Development and placing a member of the Board of Housing and Community Development, to be appointed by the chairman of that Board, on the Virginia Fire Services Board. This will give a representative of the Virginia Fire Services Board an avenue for input when the Uniform Statewide Building Code is revised and will foster cooperation and understanding between the fire services community and the building community.

Because the state fire marshal does not have any law-enforcement authority and local governing bodies may give local fire marshals the authority to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violation of local fire prevention and fire safety and related ordinances, legislation should be introduced granting the state fire marshal similar authority in jurisdictions without a local fire marshal or upon invitation of the local fire marshal.

The Secretary of Economic Development, the Board of Housing and Community Development and the Director of the Department of Housing and Community Development should take steps to increase the visibility of the State Fire Marshal's Office.

The Board of Housing and Community Development and the Virginia Fire Services Board should consider mandating minimum qualifications for local personnel hired to enforce the Statewide Fire Prevention Code as a prerequisite to local enforcement of the Statewide Fire Prevention Code.

## FIRE PREVENTION EDUCATION

The subcommittee found that there is considerable interest in and support for fire prevention education among the fire services community. Virginia does not have a broad-based fire prevention program and there is no agency that has responsibility for providing leadership in developing and implementing public awareness and educational programs. The Statewide Fire Prevention and Control Plan which was developed by the Department of Housing and Community Development and is to be implemented by the Virginia Fire Services Board, through the Department of Fire Programs, contains a comprehensive discussion of fire prevention education activities in Virginia.

Although neither the State Fire Marshal's Office nor the Department of Fire Programs has the time, the staff nor the charge to aggressively work in the area of fire prevention education; both do some work in this area. The State Fire Marshal's Office presented educational programs on a variety of topics to sixteen different audiences during fiscal year 1987-88, involving a total of 158.50 man hours.

Upon request the Department of Fire Programs assists localities that request information, posters, public education announcements and similar types of material. During fire prevention week the Department of Fire Programs makes an outreach effort to provide information and materials without waiting for requests. These activities are not on-going or target oriented.

The Department of Fire Programs has a series of training programs designed to prepare people, in the fire service, or the general public, to present fire prevention education programs. For fire service personnel, there is the Public Fire Safety Education Officer II curriculum. For non-fire service personnel, there is training for the Public Fire Education Instructor (for the interested citizen who would like to work in the fire prevention education area bringing the message of fire prevention to the general public) and the Fire Safety Educator (for anyone certified to teach in the state's public school system).

The Department of Fire Programs has a fairly extensive film and slide library which it makes available to those requesting this type of material. Also at its disposal, from a wide variety of public and private sector organizations, is a wide range of public service announcements, posters, kits and the usual items designed to present messages to the public. These are distributed as liberally as the supply permits. Department staff is available, as time permits them to be away from their primary objective of training, to provide technical aid in the area of fire prevention programming.

The Department of Forestry has an active fire prevention education program. The Department of Forestry provided the subcommittee with a list of 952 schools in which wildfire prevention programs were presented during the 1987-88 school year. The Department makes presentations in urban as well as rural areas, and has recently developed videotapes because of limited manpower available to make presentations. The chief forest warden for the region contacts the local school superintendent and they work out how the Department's education program will be used in that school division. Although the Department has had overall success with presenting its program in the public schools, there have been some instances where the school is not receptive because of time constraints.

The Department of Education has a comprehensive health education program and fire prevention is included in the safety and first aid strand of the Standards of Learning Objectives for kindergarten through eighth grade. There is also a unit on burns and burn prevention in the ninth grade.

The Department of Education also uses other sources to promote fire prevention education in the public schools, such as the Departments of Fire Programs and Forestry, local fire departments, the National Smoke, Fire and Burn Institute and the National Child Safety Council. The Department encourages school divisions to bring in outside fire prevention resources to fulfill the Standards of Learning Objectives. The Department believes that fire prevention education programs are most effective when outside resources (especially a uniformed official) are used. Some localities have personnel assigned to fire prevention activities while others have limited resources. The subcommittee also heard that some school administrators feel that they cannot allocate time to fire prevention activities because of the emphasis on test scores in academic subjects.

Recommendations -- The subcommittee decided to make the following recommendations:

The subcommittee reviewed the health education standards of learning objectives for kindergarten through eighth grade and decided to sponsor a resolution encouraging the Department of Education to incorporate more fire prevention activities in the next revision of the health education Standards of Learning Objectives for kindergarten through the eighth grade.

The subcommittee included in the resolution a request that the Department of Education urge each school division in the Commonwealth to work cooperatively with outside resources to bring fire prevention education into the public schools.

The subcommittee decided to sponsor a resolution encouraging the Virginia Fire Services Board to provide leadership in developing, implementing, coordinating and facilitating public educational programs in fire prevention. The resolution also urges the Virginia Fire Services Board to place particular emphasis on the implementation of recommendations contained in Part VI: Fire Prevention Education for the General Public of the Virginia Fire Prevention and Control Plan.

## ARSON

Although arson investigation was not an issue identified for study in Senate Joint Resolution No. 67, it was brought to the subcommittee's attention that some members of the fire services community are dissatisfied with the state's role in arson investigation. The subcommittee determined that arson issues are closely related to the other issues being studied by the subcommittee, particularly the organization of fire-related activities in state government and the decline in visibility of the State Fire Marshal's Office.

Prior to 1978 arson investigations were conducted by the State Fire Marshal's Office which was located in the State Corporation Commission. During that time a local fire chief who did not know the cause and origin of a fire could have the State Fire Marshal's Office determine the cause and origin of a fire. In 1978 when the State Fire Marshal's Office was moved to the Department of Housing and Community Development the responsibility for conducting arson investigations was transferred to the Department of State Police, where it remains today. Arson investigation is one of the many activities engaged in by the Bureau of Criminal Investigation within the Department of State Police. The Department of State Police has 33 arson investigators, but none work exclusively with arson cases. There is a chief arson investigator whose full time is devoted to explosives, to arson investigation training of Department personnel and other persons throughout the state and to coordination of arson investigations.

Although no specific incidents were cited, the subcommittee heard that some localities feel that the response time between the locality's request for arson investigation assistance and the arrival of the Department of State Police investigator is too lengthy and that the types of requests for assistance that the Department will respond to is too limited.

Arson is a difficult crime to detect and prosecute and a background in fire suppression as well as law-enforcement is helpful. Some localities are reluctant to undertake arson investigations because of the complex legal procedures that must be adhered to. An immediate response is necessary in suspected arson cases because the fire scene must be protected and secured, and many volunteer fire departments do not have the manpower to do this.



The subcommittee found that there have been significant changes in state policy regarding arson investigation since 1978 when the responsibility was transferred to the Department. The number of fires investigated by the Department has gradually declined since 1978 because the 1977 General Assembly gave local fire marshals investigative authority and the Department's role shifted to a support function. The Department feels that its role is to support and supplement local efforts in combating arson, not to substitute for local efforts, because the basic mission of the Department is to provide support services to local law-enforcement and fire service personnel in fire-related cases in rural areas that are without arson investigation specialists. The Department generally does not investigate arson cases in localities that have their own capability. Many large urban localities and the Department of Forestry have their own arson investigation resources, but small localities must depend on the Department of State Police.

In 1980 the General Assembly amended § 52-8.1 to limit the requests to which the Bureau of Criminal Investigation is required to respond to Class 1, 2 and 3 felonies. The Department says that this was done in recognition of the fact that not all criminal investigations are of the same priority and that the resources available to the Department's Bureau of Criminal Investigation are not unlimited.

An Executive Agreement in effect from 1982-1984 provided that the Department was to decline all requests for investigations except Class 1, 2, and 3 felonies and those requested by the Governor, Attorney General or a grand jury. The Agreement also provided that the Department was to decline all requests for investigative assistance from jurisdictions having an arson investigative unit except cases involving death, property loss exceeding \$150,000 or cases originating pursuant to § 52-8.1. Although the restrictions imposed by this Executive Agreement are no longer in effect, some of the current dissatisfaction may have originated during its tenure. The Department of State Police reported that their policy regarding whether or not an arson-related case will be investigated is probably at its most liberal now. The Department states that it will investigate any fire where arson is suspected and will give assistance if a local official needs assistance to determine fire origin. However, due to limited resources the Department must limit its role in arson investigation to assisting localities that do not have the capability to investigate suspected arson cases and must determine on a case-by-case basis whether it can provide assistance. The Department sometimes conducts only the initial investigation of the arson scene or a specialized portion, such as fire-scene examinations, polygraphs or follow-up of inter-jurisdictional leads.

The subcommittee found that there could be improvements in the reporting of arson statistics. Arson forest fires investigated by the Department of Forestry are not included in the Virginia Fire Incident Reporting System or law-enforcement statistics. The number is significant because there have been 200 to 400 such fires per year for the past four years.

During the course of the study the Department of Forestry and the Department of State Police worked out an agreement that the Department of Forestry will make a presentation at the Department of State Police's new trooper training program so that the state police will have a better understanding of the Department of Forestry's problems and needs.

Recommendation--The subcommittee decided that the arson issues identified by the subcommittee should be studied further and decided to make the following recommendation:

The Secretary of Transportation and Public Safety and the Secretary of Economic Development are requested to create a joint secretarial task force to look into the arson issues identified by the subcommittee, including (i) what the State's role should be in arson investigation, (ii) whether the State should identify ways of encouraging localities to assume more responsibility for arson investigation and (iii) how the reporting of arson statistics could be improved.

## MISCELLANEOUS

The subcommittee decided to introduce a bill cleaning up the remaining provisions of the Public Building Safety Law. Senate Bill 388, patroned by Senator Goode and passed during the 1988 General Assembly Session, incorporated the Public Building Safety Regulations into the Statewide Fire Prevention Code. Most of the sections in the Public Building Safety Law were repealed by that bill and the remaining six sections are either obsolete or more appropriately belong in Title 36.

## CONCLUSION

The subcommittee found no compelling reasons to consolidate the State Fire Marshal's Office and the Department of Fire Programs, and concluded that the public interest would not be served by such a merger. The subcommittee identified a number of specific ways that fire prevention activities could be improved and promoted in the Commonwealth, and made corresponding recommendations. The subcommittee found that there is dissatisfaction among the fire service community with the amount of state involvement in arson investigation and recommended that this issue be studied administratively.

The subcommittee urges the parties addressed in the recommendations to take the requested action and respectfully requests the 1989 General Assembly to adopt the legislation proposed by this subcommittee.

Respectfully submitted,

Senator R. Edward Houck, Chairman

Delegate George W. Grayson, Vice Chairman

Senator Moody E. Stallings, Jr.

Delegate Robert K. Cunningham, Jr.

Neal J. Barber

Carl N. Cimino

John Foster Eakin

Douglas R. Fahl

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## APPENDICES

Appendix A	Resolutions (2)
Appendix B	Legislation
Appendix C	Explanation of Legislation

1 D 12/02/88 Bolecek C 12/07/88 wms

## APPENDIX A

2 SENATE JOINT RESOLUTION NO.....

3 Encouraging the Department of Education to promote fire prevention  
4 education in the public schools.

5  
6 WHEREAS, fire prevention education is worthwhile because it can  
7 reduce the number of human lives lost, injuries caused by fire,  
8 property loss and destruction due to fire; and

9 WHEREAS, the Department of Education has a health education  
10 program which includes fire prevention education in the safety and  
11 first-aid strands of the Standards of Learning Objectives for  
12 kindergarten through the eighth grade; and

13 WHEREAS, some school administrators feel that they cannot  
14 allocate time to fire prevention activities because of the emphasis on  
15 test scores in academic subjects; and

16 WHEREAS, in some instances outside agencies are discouraged from  
17 bringing their programs into the schools; and

18 WHEREAS, students and the community at large would benefit if the  
19 amount of fire prevention education in the public schools was  
20 increased; now, therefore, be it

21 RESOLVED by the Senate, the House of Delegates concurring, That  
22 the Department of Education is requested to give increased attention  
23 to fire prevention education during its next revision of the Standards  
24 of Learning Objectives and the accompanying assessment strategies in  
25 the health education program for kindergarten through the eighth

1 grade; and, be it

2         RESOLVED FURTHER, That the General Assembly requests the  
3 Department of Education to urge each school division in the  
4 Commonwealth to work cooperatively with outside resources in the  
5 community, such as local fire department personnel, local fire  
6 marshals, the Department of Fire Programs and the Department of  
7 Forestry to bring fire prevention education into the public schools;  
8 and, be it

9         RESOLVED FINALLY, That the Department of Education is requested  
10 (i) to submit to the 1990 General Assembly a report on all efforts  
11 made to have school divisions include fire prevention education in  
12 their curriculums; (ii) to submit to the 1990 General Assembly a joint  
13 report with the Department of Fire Programs on the number of schools  
14 using fire-related agencies to bring fire prevention education  
15 programs into the schools, the number and types of programs presented,  
16 the number and grade level of students participating, the names of the  
17 participating agencies and all efforts made to encourage school  
18 divisions to work cooperatively with fire-related agencies to bring  
19 fire prevention education programs into the schools; and (iii) to  
20 submit to the 1991 General Assembly a report on any revisions to the  
21 Standards of Learning Objectives in the health education program  
22 regarding fire prevention education for kindergarten through the  
23 eighth grade.

24

#

1 D 12/2/88 Bolecek T 12/5/88 blh

2 SENATE JOINT RESOLUTION NO.....

3 Encouraging the Department of Fire Programs to provide leadership in  
4 developing, implementing, coordinating and facilitating public  
5 education programs in fire prevention.

6  
7 WHEREAS, Virginia does not have a broad-based fire prevention  
8 program and there is no agency that has responsibility for providing  
9 leadership in developing and implementing public awareness and  
10 educational programs in fire prevention; and

11 WHEREAS, the Department of Fire Programs, the Department of  
12 Forestry, the State Fire Marshal's Office within the Department of  
13 Housing and Community Development and the Virginia Cooperative  
14 Extension Service are state agencies that perform public education in  
15 fire prevention; and

16 WHEREAS, local fire departments, schools, and a variety of other  
17 public and private entities also play a role in fire prevention  
18 education of the general public; and

19 WHEREAS, the designation of a state agency to provide leadership  
20 in developing, implementing and coordinating public awareness and  
21 educational programs in fire prevention would emphasize the  
22 Commonwealth's commitment to fire prevention; and

23 WHEREAS, the Virginia Fire Services Board, through the Department  
24 of Fire Programs, trains fire department personnel in techniques  
25 designed to teach and communicate fire prevention information, has  
26 developed suggested fire prevention lesson plans for fire department

1 personnel to use in public schools and performs a variety of other  
2 fire prevention educational activities; and

3 WHEREAS, the Virginia Fire Services Board has the statutory duty  
4 to implement the Virginia Fire Prevention and Control Plan which  
5 contains recommendations on fire prevention education; now, therefore,  
6 be it

7 RESOLVED by the Senate, the House of Delegates concurring, That  
8 the Virginia Fire Services Board is hereby encouraged to provide  
9 leadership in developing, implementing, coordinating and facilitating  
10 public educational programs in fire prevention. The Virginia Fire  
11 Services Board is requested to determine what resources are currently  
12 being used for fire prevention education and how the Commonwealth can  
13 provide support to those resources to enhance their effectiveness and  
14 to identify other resources that could be developed; and, be it

15 RESOLVED FURTHER, That the Virginia Fire Services Board is urged  
16 to place particular emphasis on the implementation of the  
17 recommendations contained in Part VI: Fire Prevention Education for  
18 the General Public of the Virginia Fire Prevention and Control Plan;  
19 and, be it

20 RESOLVED FINALLY, That the Virginia Fire Services Board is  
21 requested to submit to the 1990 General Assembly Session (i) a report  
22 on its activities in developing, implementing, coordinating and  
23 facilitating public education programs in fire prevention and in  
24 implementing the recommendations in the fire prevention education  
25 portion of the Virginia Fire Prevention and Control Plan and (ii) a  
26 joint report with the Department of Education on the number of  
27 fire-related agencies taking fire prevention educational programs into  
28 the public schools, the number and types of programs presented, the



1 names of the participating agencies, the number and grade level of  
2 students participating and all efforts made to encourage fire-related  
3 agencies to work cooperatively with schools to bring fire prevention  
4 educational programs into the schools.

5

#

1 RDF 1/18/89 Elkin T 1/21/89 ngh

APPENDIX B

2 SENATE BILL NO. .... HOUSE BILL NO. ....

3 A BILL to amend and reenact §§ 9-153.1, 27-5.5, 27-34.4, 27-95, 27-99,  
4 36-135, 36-139 and 63.1-196.3 of the Code of Virginia, to amend  
5 the Code of Virginia by adding a section numbered 36-105.1 and by  
6 adding in Chapter 8 of Title 36 sections numbered 36-139.2  
7 through 36-139.4, and to repeal §§ 27-66.1, 27-73, 27-78,  
8 27-78.1, 27-79.9, 27-85.2 and 35.1-8 of the Code of Virginia,  
9 relating to the Statewide Fire Prevention Code, the Virginia Fire  
10 Services Board and the Board and Department of Housing and  
11 Community Development.

12

13 Be it enacted by the General Assembly of Virginia:

14 1. That §§ 9-153.1, 27-5.5, 27-34.4, 27-95, 27-99, 36-135, 36-139 and  
15 63.1-196.3 of the Code of Virginia are amended and reenacted and that  
16 the Code of Virginia is amended by adding a section numbered 36-105.1  
17 and by adding in Chapter 8 of Title 36 sections numbered 36-139.2  
18 through 36-139.4 as follows:

19 § 9-153.1. Virginia Fire Services Board; membership; terms;  
20 expenses; officers.--The Virginia Fire Services Board within the  
21 Department of Fire Programs ~~is continued and shall hereafter be known~~  
22 ~~as the Virginia Fire Services Board.~~ The Board shall consist of  
23 ~~fourteen~~ fifteen members. Subject to confirmation by the General  
24 Assembly, the Governor shall appoint to the Board the following  
25 persons: a representative of the insurance industry, two members of  
26 the general public with no connection to the fire services, and a  
27 representative from each of the following organizations: the ~~Virginia~~  
28 State Fire Chiefs Association of Virginia , the Virginia Firemen's  
29 Association, the Virginia Association of Professional Firefighters,

1 the Virginia Fire Service Council, the Virginia Fire Prevention  
2 Association, the State Chapter of the International Association of  
3 Arson Investigators, the Virginia Municipal League, and the Virginia  
4 Association of Counties, and a member of the Virginia Chapter of the  
5 International Society of Fire Service Instructors who is a faculty  
6 member who teaches fire science at a state institution of higher  
7 learning. Of these appointees, at least one shall be a volunteer  
8 firefighter. In addition to the gubernatorial appointees, the  
9 following persons shall be members of the Board: the State Fire  
10 Marshal and , the State Forester and a member of the Board of Housing  
11 and Community Development, to be appointed by the chairman of that  
12 Board .

13 Each of the organizations represented shall submit names for the  
14 Governor's consideration in making these appointments.

15 The members of the Board appointed by the Governor shall serve  
16 for terms of four years. An appointment to fill a vacancy shall be for  
17 the unexpired term. No appointee shall serve more than two successive  
18 four-year terms but neither shall any person serve beyond the time he  
19 holds the office or organizational membership by reason of which he  
20 was initially eligible for appointment. The members of the Board shall  
21 be paid their necessary expenses incurred in the discharge of their  
22 duties.

23 The Board annually shall elect its chairman and vice-chairman  
24 from among its membership and shall adopt rules of procedure.

25 § 27-5.5. Plans of certain state structures to be submitted to  
26 local governing bodies; access of local fire officials to state  
27 structures; corrective actions.--A. Any agency, commission or  
28 institution of the Commonwealth engaging in the construction or

1 renovation of a structure, the cost of which exceeds \$25,000, shall  
2 submit, prior to the initiation of such construction or renovation,  
3 preliminary and working plans and specifications to the governing  
4 body, or its designee, of the political subdivision in which the  
5 structure is or will be located, provided that such governing body has  
6 submitted a written request for such plans and specifications to the  
7 Director of the Division of Engineering and Buildings Department of  
8 General Services and to such agency, commission or institution.

9 B. Every agency, commission or institution of the Commonwealth  
10 shall permit, at all reasonable hours, a local fire official  
11 reasonable access to existing structures or a structure under  
12 construction or renovation, for the purposes of performing an  
13 informational and advisory fire safety inspection. The local fire  
14 official may submit, subsequent to performing such inspection, his  
15 findings and recommendations including a list of corrective actions  
16 necessary to ~~insure~~ ensure that such structure is reasonably safe  
17 from the hazards of fire to the appropriate official of such agency,  
18 commission or institution, the Director of the Division of Engineering  
19 and Buildings Department of General Services , and the State Fire  
20 Marshal. Such agency, commission or institution shall notify, within  
21 sixty days of receipt of such findings and recommendations, the  
22 Director of the Division of Engineering and Buildings Department of  
23 General Services , the State Fire Marshal, and the local fire official  
24 of the corrective measures taken to eliminate the hazards reported by  
25 the local fire official. The State Fire Marshal , or his deputy, shall  
26 have the same power in the enforcement of this section as is provided  
27 for the enforcement of the Virginia Public Building Safety Law (§  
28 27-63 et seq.) Statewide Fire Prevention Code (§ 27-94 et seq.)

1           § 27-34.4. Inspection and review of plans of buildings under  
2 construction.--Inspection of buildings other than state-owned  
3 buildings under construction and the review and approval of building  
4 plans for these structures shall for enforcement of the Uniform  
5 Statewide Building Code shall be the sole responsibility of the  
6 appropriate local building inspectors. Upon completion of such  
7 structures, responsibility for fire safety protection shall pass to  
8 the ~~local fire marshal and his assistants pursuant to § 27-5-1 of the~~  
9 ~~Code of Virginia~~ official designated by the locality to enforce the  
10 Statewide Fire Prevention Code (§ 27-94 et seq.) in those localities  
11 which enforce the Statewide Fire Prevention Code .

12           § 27-95. Definitions.--As used in this chapter, unless the  
13 context or subject matter requires otherwise, the following words or  
14 terms shall have the meaning herein ascribed to them:

15           "Board" means the Board of Housing and Community Development.

16           "Code provisions" means the provisions of the Fire Prevention  
17 Code as adopted and promulgated by the Board, and the amendments  
18 thereof as adopted and promulgated from time to time by such Board.

19           "Enforcement agency" means the agency or agencies of any local  
20 governing body or the State Fire Marshal charged with the  
21 administration or enforcement of the Fire Prevention Code.

22           "Fire Prevention Code" or "Code" means the Statewide Fire  
23 Prevention Code.

24           "Fire prevention regulation" means any law, rule, resolution,  
25 regulation, ordinance or code, general or special, or compilation  
26 thereof to safeguard life and property from the hazards of fire or  
27 explosion arising from the improper maintenance of life safety and  
28 fire prevention and protection materials, devices, systems and

1 structures, and the unsafe storage, handling and use of substances,  
2 materials and devices, including explosives and blasting agents,  
3 wherever located, heretofore or hereafter enacted or adopted by the  
4 Commonwealth or any county or municipality, including departments,  
5 boards, bureaus, commissions or other agencies.

6 "Fire Services Board" means the Virginia Fire Services Board as  
7 provided for in § 9-153.1.

8 "Inspection warrant" means an order in writing, made in the name  
9 of the Commonwealth, signed by any judge or magistrate whose  
10 territorial jurisdiction encompasses the building, structure or  
11 premises to be inspected or entered, and directed to a state or local  
12 official, commanding him to enter and to conduct any inspection,  
13 examination, testing or collection of samples for testing required or  
14 authorized by the Virginia Statewide Fire Prevention Code.

15 "Local government" means the governing body of any city, county  
16 or town in this Commonwealth.

17 "State Fire Marshal" means the ~~Chief~~ State Fire Marshal as  
18 provided for by § ~~27-66-1~~ 36-139.2 .

19 § 27-99. State buildings.--The Fire Prevention Code shall be  
20 applicable to all state-owned buildings and structures. Every agency,  
21 commission or institution of the Commonwealth shall permit, at all  
22 reasonable hours, a local fire official reasonable access to existing  
23 structures or a structure under construction or renovation, for the  
24 purposes of performing an informational and advisory fire safety  
25 inspection. The local fire official may submit, subsequent to  
26 performing such inspection, his findings and recommendations including  
27 a list of corrective actions necessary to ensure that such structure  
28 is reasonably safe from the hazards of fire to the appropriate

1 official of such agency, commission, or institution and the State Fire  
 2 Marshal. Such agency, commission or institution shall notify, within  
 3 sixty days of receipt of such findings and recommendations, the State  
 4 Fire Marshal and the local fire official of the corrective measures  
 5 taken to eliminate the hazards reported by the local fire official.  
 6 The State Fire Marshal  ~~or his deputy,~~ shall have the same power in  
 7 the enforcement of this section as is provided for ~~the enforcement of~~  
 8 ~~the Virginia Public Building Safety Law (§ 27-63 et seq.)~~ in § 27-98

9

10 § 36-105.1. Inspection and review of plans of buildings under  
 11 construction.--Inspections of buildings other than state-owned  
 12 buildings under construction and the review and approval of building  
 13 plans for these structures for enforcement of the Uniform Statewide  
 14 Building Code shall be the sole responsibility of the appropriate  
 15 local building inspectors. Upon completion of such structures,  
 16 responsibility for fire safety protection shall pass to the Department  
 17 pursuant to the Statewide Fire Prevention Code in those localities  
 18 which do not enforce the Statewide Fire Prevention Code (§ 27-94 et  
 19 seq.).

20 § 36-135. Board of Housing and Community Development; members;  
 21 terms; chairman.-- ~~There is hereby created within the Department~~ The  
 22 Board of Housing and Community Development within the Board  
 23 Department of Housing and Community Development - The Board shall  
 24 consist of ~~nine~~ ten members as follows: nine members appointed by the  
 25 Governor, subject to confirmation by the General Assembly, and a  
 26 member of the Virginia Fire Services Board, to be appointed by the  
 27 chairman of that Board . Members shall serve for four-year terms and  
 28 no member shall serve for more than two full successive terms.

1 initial appointments to the Board shall be made as follows: Two shall  
2 be for terms of one year, two shall be for terms of two years, two  
3 shall be for terms of three years, and three shall be for terms of  
4 four years each, and thereafter all appointments shall be for terms of  
5 four years each. A chairman of the Board shall be elected annually by  
6 the Board.

7 § 36-139. Powers and duties of Director.--The Director of the  
8 Department of Housing and Community Development shall have the  
9 following responsibilities:

10 1. Collecting from the governmental subdivisions of the  
11 Commonwealth information relevant to their planning and development  
12 activities, boundary changes, changes of forms and status of  
13 government, intergovernmental agreements and arrangements, and such  
14 other information as ~~it~~ he may deem necessary.

15 2. Making information available to communities, planning district  
16 commissions, service districts and governmental subdivisions of the  
17 Commonwealth.

18 3. Providing professional and technical assistance to, and  
19 cooperating with, any planning agency, planning district commission,  
20 service district, and governmental subdivision engaged in the  
21 preparation of development plans and programs, service district plans,  
22 or consolidation agreements.

23 4. Assisting the Governor in the providing of such state  
24 financial aid as may be appropriated by the General Assembly in  
25 accordance with § 15.1-1412.

26 5. Administering federal grant assistance programs, including  
27 funds from the Appalachian Regional Commission, the Economic  
28 Development Administration and other such federal agencies, directed



1 at promoting the development of the Commonwealth's communities and  
2 regions.

3 6. Developing state housing and community development policies,  
4 goals, plans and programs for the consideration and adoption of the  
5 Board with the ultimate authority for adoption to rest with the  
6 Governor and the General Assembly.

7 7. Determining present and future housing requirements of the  
8 Commonwealth and designing programs to coordinate the elements of  
9 housing production, which programs shall be designed to assure the  
10 availability of housing where and when needed.

11 8. Assuming administrative coordination of the various state  
12 housing programs and cooperating with the various state agencies in  
13 their programs as they relate to housing.

14 9. Establishing public information and educational programs  
15 relating to housing; devising and administering programs to inform all  
16 citizens about housing and housing-related programs that are available  
17 on all levels of government; designing and administering educational  
18 programs to prepare families for home ownership and counseling them  
19 during their first years as homeowners; and promoting educational  
20 programs to assist sponsors in the development of low and moderate  
21 income housing as well as programs to lessen the problems of rental  
22 housing management.

23 10. Administering the provisions of the Industrialized Building  
24 Safety Law (§ 36-70 et seq.).

25 11. Administering the provisions of the Uniform Statewide  
26 Building Code (§ 36-97 et seq.).

27 12. Administering the provisions of the ~~Virginia Public Building~~  
28 ~~Safety Law (§ 27-63 et seq.)~~ Statewide Fire Prevention Code (§ 27-94

1 et seq.) .

2 13. Establishing and operating a voluntary training program for  
3 (i) the instruction of the personnel of local building departments  
4 concerning the content, application and intent of the Uniform  
5 Statewide Building Code and (ii) any persons seeking to become  
6 qualified to perform amusement device inspections pursuant to Chapter  
7 6 (§ 36-97 et seq.) of this title and any regulations adopted  
8 thereunder.

9 14. Administering, in conjunction with the federal government,  
10 and promulgating any necessary regulations regarding energy standards  
11 for existing buildings as may be required pursuant to federal law.

12 15. Identifying and disseminating information to local  
13 governments about the availability and utilization of federal and  
14 state resources.

15 16. Administering, with the cooperation of the Department of  
16 Health, state assistance programs for public water supply systems.

17 17. Advising the Board on matters relating to policies and  
18 programs of the Virginia Housing Partnership Revolving Fund.

19 18. Designing and establishing program guidelines to meet the  
20 purposes of the Virginia Housing Partnership Revolving Fund and to  
21 carry out the policies and procedures established by the Board.

22 19. Preparing agreements and documents for loans and grants to be  
23 made from the Virginia Housing Partnership Revolving Fund; soliciting,  
24 receiving, reviewing and selecting the applications for which loans  
25 and grants are to be made from such Fund; directing the Virginia  
26 Housing Development Authority as to the closing and disbursing of such  
27 loans and grants and as to the servicing and collection of such loans;  
28 directing the Virginia Housing Development Authority as to the

1 regulation and monitoring of the ownership, occupancy and operation of  
2 the housing developments and residential housing financed or assisted  
3 by such loans and grants; and providing direction and guidance to the  
4 Virginia Housing Development Authority as to the investment of moneys  
5 in such Fund.

6 20. Carrying out such other duties as may be necessary and  
7 convenient to the exercise of powers granted to the Department.

8 § 36-139.2. Appointment of State Fire Marshal; qualifications;  
9 powers and duties; power to arrest, to procure and serve warrants and  
10 to issue summonses; limitation on authority.--The Director shall  
11 appoint a State Fire Marshal and other personnel necessary to carry  
12 out the provisions of the Statewide Fire Prevention Code (§ 27-94 et  
13 seq.). The State Fire Marshal and other personnel appointed pursuant  
14 to this section shall be selected upon the basis of education or  
15 experience in administering laws and regulations designed to prevent  
16 and eliminate hazards to life and property arising from fire.

17 The State Fire Marshal shall have the powers and duties  
18 prescribed by the Statewide Fire Prevention Code (§ 27-94 et seq.), by  
19 § 27-61, by Board regulation and by the Director. The State Fire  
20 Marshal shall have the authority to arrest, to procure and serve  
21 warrants of arrests and to issue summonses in the manner authorized by  
22 general law for violation of the Statewide Fire Prevention Code. The  
23 authority granted in this section shall not be construed to authorize  
24 the State Fire Marshal to wear or carry firearms. All personnel  
25 appointed pursuant to this section shall meet the training  
26 requirements set forth for local fire marshals in § 27-34.2.

27 § 36-139.3. Inspection of residential care facilities operated by  
28 state agencies; enforcement of safety standards.--Notwithstanding any

1 other provisions of this chapter, the Department, upon presenting  
2 appropriate credentials, is empowered to and shall make annual  
3 inspections for hazards incident to fire in all residential care  
4 facilities operated by any state agency and in all homes for adults  
5 licensed or subject to licensure pursuant to Chapter 9 (§ 63.1-172 et  
6 seq.) of Title 63.1. In the event that any such facility or home is  
7 found to be nonconforming to the Statewide Fire Prevention Code (§  
8 27-94 et seq.), the Department may cause to have issued an injunction.

9       § 36-139.4. Agreements between Department and other  
10 agencies.--The Department is hereby authorized to enter into  
11 agreements with federal agencies, other state agencies and political  
12 subdivisions for services directly related to enforcement and  
13 administration of laws, rules, or regulations, or ordinances of such  
14 agencies affecting fire safety in public buildings.

15       § 63.1-196.3. Child-care center operated by religious  
16 institution exempt from licensure; annual statement and documentary  
17 evidence required; enforcement; injunctive relief.--A.  
18 Notwithstanding any other provisions of this chapter, a child-care  
19 center operated or conducted under the auspices of a religious  
20 institution shall be exempt from licensure as required by § 63.1-196.  
21 Such religious institution shall file with the Commissioner of Social  
22 Services, prior to beginning any such operation and thereafter  
23 annually, a statement of intent to operate a child-care center,  
24 certification that the child-care center has disclosed to the parents  
25 or guardians of the children in the center the qualifications of the  
26 personnel employed therein and documentary evidence that:

27       1. Such religious institution has tax exempt status as a  
28 nonprofit religious institution in accordance with § 501(c) of the

1 Internal Revenue Code of 1954, as amended, or that the real property  
2 owned and exclusively occupied by the religious institution is exempt  
3 from local taxation.

4 2. Within the prior ninety days, the local health department and  
5 local fire marshal or Office of the State Fire Marshal whichever is  
6 appropriate, have inspected the physical facilities of the child-care  
7 center and have determined that the facility is in compliance with  
8 applicable laws and regulations with regard to food service  
9 activities, health and sanitation, water supply, building codes, the  
10 Virginia Fire Safety Regulations Statewide Fire Prevention Code or  
11 the Uniform Statewide Building Code and ~~local fire requirements~~ .

12 3. The child-care center employs supervisory personnel according  
13 to the following ratio of adults to children:

- 14 a. One adult to four children from zero to twenty-four months.  
15 b. One adult to ten children from ages twenty-four months to six  
16 years.  
17 c. One adult to twenty-five children ages six years and older.

18 Each person in a supervisory position shall be certified by a  
19 practicing physician to be free from any disability which would  
20 prevent him from caring for such children as will be under his  
21 supervision.

22 4. The following aspects of the child-care center's operations  
23 are described in a written statement provided to the parents or  
24 guardians of the children in the center and made available to the  
25 general public: physical facilities, enrollment capacity, food  
26 services, health requirements for the staff and public liability  
27 insurance.

28 B. If a religious institution operates a child-care center and

1 does not file the statement and documentary evidence required by  
2 subsection A hereof, the Commissioner shall give reasonable notice to  
3 such religious institution of the nature of its noncompliance and may  
4 thereafter take such action as he determines appropriate, including a  
5 suit to enjoin the operation of the child-care center.

6 C. Any parent or guardian of a child in a child-care center who  
7 has reason to believe that a child-care center falling within the  
8 provisions of this section is not in compliance with the requirements  
9 of subsection A of this section may report the same to the local  
10 department of welfare, the local health department or the local fire  
11 marshal, each of which may inspect the child-care center for  
12 noncompliance, give reasonable notice to the religious institution,  
13 and thereafter may take appropriate action as provided by law,  
14 including a suit to enjoin the operation of the child-care center.

15 D. Nothing in this section shall prohibit a child-care center  
16 operated by or conducted under the auspices of a religious institution  
17 from obtaining a license pursuant to this chapter.

18 2. That §§ 27-66.1, 27-73, 27-78, 27-78.1, 27-79.9, 27-85.2 and 35.1-8  
19 of the Code of Virginia are repealed.

20

#

## APPENDIX C

### EXPLANATION OF BILL

This bill makes two substantive changes. The State Fire Marshal is given the same law enforcement authority which may be granted to local fire marshals pursuant to § 27-34.2. This is the authority to arrest, to procure and serve warrants of arrest and to issue summonses.

The other substantive change places a member of the Board of Housing and Community Development on the Fire Services Board and vice versa.

The remainder of the bill cleans up the Code by repealing or transferring to Title 36 provisions of sections of the Virginia Public Building Safety Law. Code sections which reference the obsolete Virginia Public Building Safety Law were amended to substitute the Statewide Fire Prevention Code.

#### § 9-153.1

This section is amended to provide that a member of the Board of Housing and Community Development, to be appointed by the chairman of that Board, serve on the Virginia Fire Services Board.

#### § 27-5.5

This section is amended to substitute the Statewide Fire Prevention Code for the Virginia Public Building Safety Law. References to the Department of General Services are also updated.

#### § 27-34.4

This section is amended to substitute the Statewide Fire Prevention Code for the current provisions.

#### § 27-95

Since the section dealing with the appointment and powers of the State Fire Marshal is moved from the Public Building Safety Law to Title 36, the code reference is changed.

#### § 27-99

The appropriate section in the Statewide Fire Prevention Code Act is substituted for the reference to the Public Building Safety Law.

#### § 36-105.1

This is § 27-79.9 which is repealed by this bill and moved to Title 36 with no substantive changes.

§ 36-135

This section is amended to provide that a member of the Virginia Fire Services Board, to be appointed by the chairman of that Board, serve on the Board of Housing and Community Development.

§ 36-139

Subdivision 12 of this section is amended to substitute the Statewide Fire Prevention Code for the Public Building Safety Law.

§ 36-139.2

This is § 27-66.1 which is repealed by this bill and moved to Title 36. There is a substantive change. Language was added giving the State Fire Marshal the same law enforcement authority granted local fire marshals in § 27-34.2, which is the authority to arrest, to procure and serve warrants of arrest and to issue summonses.

§ 36-139.3

This is § 27-78.1, which is repealed by this bill and moved to Title 36 with no substantive changes.

§ 36-139.4

This is § 27-85.2, which is repealed by this bill and moved to Title 36 with no substantive changes.

§ 63.1-196.3

This section is amended to substitute the Statewide Fire Prevention Code for the Public Building Safety Law.

## Repealed Sections

§ 27-66.1

This is reinserted as § 36-139.2, with a substantive change. Language was added giving the State Fire Marshal the same law enforcement authority granted local fire marshals in § 27-34.2, which is the authority to arrest, to procure and serve warrants of arrest and to issue summonses.

§ 27-73

This section is not reinserted as new language. It deals with notice provisions for the promulgation of the Public Building Safety Regulations. Promulgation of the Statewide Fire Prevention Code must follow the notice provisions of the Administrative Process Act, so this section is not necessary.



§ 27-78

This section is not reinserted as new language. It deals with fire protection in localities and is obsolete because of the provisions of the Statewide Fire Prevention Code.

§ 27-78.1

This section is reinserted as § 36-139.3, with no substantive changes.

§ 27-79.9

This section is reinserted as § 36-105.1, with no substantive changes.

§ 27-85.2

This section is reinserted as § 36-139.4, with no substantive changes.

§ 35.1-8

This section is not reinserted because its provisions are covered by the Statewide Fire Prevention Code and provisions relating to the Uniform Statewide Building Code.





