

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4114**

4 (By Delegates Perry and Staggers)

5
6 (Originating in the Committee on Finance)

7 [February 13, 2012]

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9
10 A BILL to amend and reenact §8-15-8a of the Code of West Virginia,
11 1931, as amended, relating to the eligibility of volunteer or
12 part volunteer fire companies or departments to allocation
13 from municipal pensions and protection fund and the Fire
14 Protection Fund; providing requirements for eligibility;
15 providing a grace period for these volunteer fire companies or
16 departments to comply with submission of data; making certain
17 exemptions from reporting requirements; and requiring the
18 State Fire Marshal to notify these volunteer fire companies or
19 departments of the dates and grace period.

20 *Be it enacted by the Legislature of West Virginia:*

21 That §8-15-8a of the Code of West Virginia, 1931, as amended,
22 be amended and reenacted to read as follows:

23 **ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL**
24 **SERVICE FOR PAID FIRE DEPARTMENTS.**

25 **§8-15-8a. Eligibility for allocation from municipal pensions and**

1 **protection fund and the Fire Protection Fund.**

2 (a) In order to be eligible to receive revenues allocated from
3 the municipal pensions and protection fund or the Fire Protection
4 Fund, each volunteer or part volunteer fire company or department
5 must meet the following requirements: ~~listed in subdivisions (a)~~
6 ~~through (c) of this section.~~

7 ~~Each volunteer or part volunteer fire company or department~~
8 ~~must:~~

9 ~~(a)~~ (1) Submit and maintain current submission of fire loss
10 data to the State Fire Marshal, ~~including verification, by~~
11 ~~notarized statement, if no fire loss has occurred;~~

12 ~~(b)~~ (2) Complete or be in the process of receiving
13 firefighters training, including section one of the West Virginia
14 University fire service extension or its equivalent. ~~Such~~ The fire
15 company or department must have at least ten members certified as
16 having completed ~~such~~ the training or if a volunteer fire company
17 or department has twenty or fewer members, fifty percent of the
18 active volunteer members must have completed such training; and

19 ~~(c)~~ (3) Comply with all applicable federal and state laws.

20 (b) Each volunteer or part volunteer fire company or
21 department shall have a grace period of ninety days, beyond the
22 allocation date in which to comply with submission requirements to
23 the State Fire Marshal. The State Fire Marshal shall notify each
24 volunteer or part volunteer fire company or department of the due
25 date for submitting the information required by this section and
26 the grace period by certified mailing requiring signature and a

1 return receipt.

2 (c) When the records of a volunteer or part volunteer fire
3 company or department are destroyed by a fire or other natural
4 disaster, then the affected volunteer or part volunteer fire
5 company or department is exempt from the provisions of subdivision
6 (1), subsection (a) of this section, for the three months period
7 immediately following the destruction of the records.