

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 343**

4 (By Senators Laird, Kessler (Mr. President), Unger, Klempa, Nohe,  
5 Browning, Plymale, Yost, Jenkins and Beach)

6 \_\_\_\_\_  
7 [Originating in the Committee on Government Organization;  
8 reported January 27, 2012.]  
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11 A BILL to amend and reenact §8-15-8a of the Code of West Virginia,  
12 1931, as amended, relating to the eligibility of volunteer or  
13 part-volunteer fire companies or departments to allocation  
14 from Municipal Pensions and Protection Fund and the Fire  
15 Protection Fund; providing a three-month grace period for  
16 volunteer fire companies or departments to comply with  
17 submission of data; requiring the State Fire Marshal to notify  
18 these volunteer fire companies or departments of the dates and  
19 grace period; and providing a three-month exemption to  
20 volunteer fire companies or departments whose records were  
21 destroyed from requirements to submit data.

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

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

25 **ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL**

1                                   **SERVICE FOR PAID FIRE DEPARTMENTS.**

2 **§8-15-8a. Eligibility for allocation from municipal pensions and**  
3                                   **protection fund and the Fire Protection Fund.**

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

9            ~~Each volunteer or part volunteer fire company or department~~  
10 ~~must:~~

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

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

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

22           (b) Each volunteer or part volunteer fire company or department  
23 shall have a grace period of one fiscal quarter, or three months,  
24 beyond the allocation date in which to comply with submission  
25 requirements to the State Fire Marshal. The State Fire Marshal

1 shall notify each volunteer or part volunteer fire company or  
2 department of the due date for submitting the information required  
3 by this section and the grace period. The Fire Marshal shall use  
4 every means available to notify each volunteer or part volunteer  
5 fire company or department in order to ensure timely compliance with  
6 this section.

7 (c) When the records of a volunteer or part volunteer fire  
8 company or department are destroyed by a means beyond the control  
9 of the volunteer or part volunteer fire company or department, then  
10 the affected volunteer or part volunteer fire company or department  
11 is exempt from the provisions of subdivision (1), subsection (a) of  
12 this section, for the three months period immediately following the  
13 destruction of the records.

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