

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled

Senate Bill 338

BY SENATORS MAYNARD, STOLLINGS, JEFFRIES, CAPUTO,

AND PHILLIPS

[Passed March 10, 2021; in effect from passage]

1 AN ACT to amend and reenact §15A-11-11 of the Code of West Virginia, 1931, as amended,
2 relating to continuing the Fire Service Equipment and Training Fund; restricting use of
3 grant funds to specified purposes; specifying disposition of grant funds remaining in fund
4 at the end of the fiscal year; requiring Fire Commission to establish an equipment and
5 training grant program for volunteer and part-volunteer companies based upon certain
6 circumstances; specifying criteria State Fire Marshal shall consider when making grants;
7 authorizing Fire Commission to propose emergency legislative rules and legislative rules;
8 requiring Legislative Auditor notify State Fire Marshal of any volunteer or part-volunteer
9 department that is ineligible to receive grant funds; and making volunteer or part-volunteer
10 department or companies ineligible to receive grant funds until Legislative Auditor informs
11 State Fire Marshal that the company or department has come into compliance.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. FIRE COMMISSION.

**§15A-11-11. Fire Service Equipment and Training Fund; creation of fire service equipment
and training grant; reports of ineligibility to State Fire Marshal.**

1 (a) There is hereby continued in the Treasury a special revenue fund to be known as the
2 Fire Service Equipment and Training Fund. Expenditures from the fund by the State Fire
3 Commission are authorized from collections. The fund may only be used for the purpose of
4 providing grants to equip volunteer and part-volunteer fire companies and departments and their
5 members, and to train volunteer and part-volunteer firefighters. Any balance remaining in the fund
6 at the end of any fiscal year does not revert to the General Revenue Fund, but remains in the
7 Special Revenue Fund.

8 (b) The State Fire Commission shall establish a grant program for equipment and training
9 for volunteer and part-volunteer fire companies and departments. Such grant program shall be
10 open to all volunteer and part-volunteer fire companies and departments. In making grants
11 pursuant to this section, the State Fire Marshal shall consider:

12 (1) The number of emergency and nonemergency calls responded to by the company or
13 department;

14 (2) The activities and responses of the company or department;

15 (3) The revenues received by the company or department from federal, state, county,
16 municipal, local, and other sources; and

17 (4) The company's or department's assets, expenditures, and other liabilities, including
18 whether the fire company or department has availed itself of available statewide contracts.

19 (c) The State Fire Commission may promulgate emergency rules and shall propose
20 legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code as may be
21 necessary to implement and comply with the provisions of this section.

22 (d) The Legislative Auditor shall notify the State Fire Marshal of any volunteer or part-
23 volunteer fire company or department that is ineligible to receive grant funds due to the company's
24 or department's failure to file required bank statements or financial reports or failure to comply
25 with an audit or review by the Legislative Auditor. A volunteer or part-volunteer fire company or
26 department reported by the Legislative Auditor shall be ineligible to receive funds under this
27 section until the Legislative Auditor notifies the State Fire Marshal that the company or department
28 has come into compliance.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2021.

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Governor