

COMMITTEE SUBSTITUTE

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FOR

## **Senate Bill No. 343**

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

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[Originating in the Committee on Finance;  
reported February 9, 2012.]

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A BILL to amend and reenact §8-15-8a of the Code of West Virginia, 1931, as amended, relating to the eligibility of volunteer or part-volunteer fire companies or departments to allocation from Municipal Pensions and Protection Fund and the Fire Protection Fund; providing a ninety-day grace period for volunteer fire companies or departments to comply with submission of data; requiring the State Fire Marshal to notify those volunteer fire companies or departments of the dates and

grace period; and providing a ninety-day exemption to volunteer fire companies or departments whose records were destroyed from requirements to submit data.

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

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

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

**§8-15-8a. Eligibility for allocation from Municipal Pensions and Protection Fund and the Fire Protection Fund.**

1       (a) In order to be eligible to receive revenues allocated  
2 from the Municipal Pensions and Protection Fund or the Fire  
3 Protection Fund, each volunteer or part-volunteer fire  
4 company or department must meet the following require-  
5 ments: ~~listed in subdivisions (a) through (c) of this section.~~

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

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

11       ~~(b)~~ (2) Complete or be in the process of receiving firefighters

12 training, including section one of the West Virginia Univer-  
13 sity fire service extension or its equivalent. ~~Such~~ The fire  
14 company or department must have at least ten members  
15 certified as having completed ~~such~~ the training or if a  
16 volunteer fire company or department has twenty or fewer  
17 members, fifty percent of the active volunteer members must  
18 have completed ~~such~~ the 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  
22 the allocation date in which to comply with submission  
23 requirements to the State Fire Marshal. The State Fire  
24 Marshal shall notify each volunteer or part-volunteer fire  
25 company or department of the due date for submitting the  
26 information required by this section and the grace period.  
27 The Fire Marshal shall notify each volunteer or part-  
28 volunteer fire company or department in order to ensure  
29 timely compliance with this section.

30 (c) When the records of a volunteer or part-volunteer fire  
31 company or department are destroyed by fire or other  
32 natural disaster, then the affected volunteer or part-volun-  
33 teer fire company or department is exempt from the provi-

34 sions of subdivision (1), subsection (a) of this section, for the  
35 ninety-day period immediately following the destruction of  
36 the records.