

VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PILOT PROGRAM LAW

A89, R124, H3045)

AN ACT TO ENACT THE "VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PILOT PROGRAM" (V-SAFE) WHOSE PURPOSE, CONTINGENT UPON THE GENERAL ASSEMBLY APPROPRIATING APPROPRIATE FUNDS, IS TO OFFER GRANTS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS FOR THE PURPOSE OF PROTECTING LOCAL COMMUNITIES AND REGIONAL RESPONSE AREAS FROM INCIDENTS OF FIRE, HAZARDOUS MATERIALS, TERRORISM, AND TO PROVIDE FOR THE SAFETY OF VOLUNTEER FIREFIGHTERS, TO PROVIDE DEFINITIONS OF CERTAIN TERMS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE GRANTS, AND TO PROVIDE THAT THE PILOT PROGRAM WILL CEASE TO EXIST ON JUNE 30, 2008; AND TO AMEND SECTION [23-9-10](#), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF THE OFFICE OF THE STATE FIRE MARSHAL TO THE STATE BUDGET AND CONTROL BOARD AND THE DUTIES, QUALIFICATIONS, AND APPOINTMENT OF THE STATE FIRE MARSHAL, SO AS TO SUSPEND THE REQUIREMENT THAT THE STATE FIRE MARSHAL MUST POSSESS A CERTAIN LEVEL OF EDUCATION AND WORK EXPERIENCES UNTIL AFTER JANUARY 20, 2011, AND TO PROVIDE THAT THE STATE FIRE MARSHAL SHALL SERVE AS THE DEPUTY DIRECTOR OF THE DIVISION OF FIRE AND LIFE SAFETY.

Be it enacted by the General Assembly of the State of South Carolina:

Volunteer Strategic Assistance and Fire Equipment Pilot Program

SECTION 1. (A) It is the purpose of this section to create the "Volunteer Strategic Assistance and Fire Equipment Pilot Program" (V-SAFE).

(B) This section is contingent upon the General Assembly appropriating funds for the offering of grants of not more than thirty thousand dollars to eligible volunteer and combination fire departments for the purpose of protecting local communities and regional response areas from incidents of fire, hazardous materials, terrorism, and to provide for the safety of volunteer firefighters.

(C)(1) As contained in this section:

(a) "chartered fire department" means a public or governmental sponsored organization providing fire suppression activities with a minimum of a Class 9 rating from the Insurance Services Office;

(b) "chartered volunteer fire department" means a fire department whose personnel serves with no compensation or is paid on a per-call basis; and

(c) "chartered combination fire department" means a fire department with both members who are paid and members who serve as volunteer firefighters.

(2) Chartered volunteer fire departments and chartered combination fire departments with a staffing level that is at least fifty percent volunteer are eligible to receive grants pursuant to this section. A chartered fire department that receives a grant must comply with the firefighter registration provisions of Act 60 of 2001 and sign the statewide mutual aid agreement with the South Carolina Emergency Management Division.

(D) The amount of the grants awarded shall not exceed thirty thousand dollars per year for each eligible chartered fire department, with no matching or in-kind money required. A chartered fire department may be awarded only one grant in a three-year period.

(E) The grant money received by a chartered fire department must be used for the following purposes:

- (1) fire suppression equipment;
- (2) self-contained breathing apparatus;
- (3) portable air refilling systems;
- (4) hazardous materials spill leak detection, repair, and recover equipment;
- (5) protective clothing and equipment;
- (6) new and used fire apparatus;
- (7) incident command vehicles;
- (8) special operations vehicles;
- (9) training;
- (10) rescue equipment;
- (11) medical equipment;
- (12) decontamination equipment; and
- (13) safety equipment.

(F)(1) The State Fire Marshal shall administer the grants in conjunction with a peer review panel.

(2) The peer review panel shall consist of nine voting members who shall serve without compensation. Seven members must be fire chiefs from each of the seven regions of the State as defined by the State Fire Marshal. The Chairman of the House Ways and Means Committee shall appoint fire chiefs from Regions 1, 2, and 7. The Chairman of the Senate Finance Committee shall appoint fire chiefs from Regions 3, 4, and 6. The Governor shall appoint one fire chief from Region 5 and one fire chief from the State at large. The State Fire Marshal also shall serve as a member. The President of the South Carolina State Firefighters' Association shall serve as a nonvoting member and chairman of the committee.

(3) An applicant for grant money must submit justification for their project that provides details regarding the project and the project's budget, the benefits to be derived from the project, the applicant's financial need, and how the project would affect the applicant's daily operations in protecting lives and property within their community. Each application must be judged on its own merits. The panelists must consider all expenses budgeted, including administrative and/or indirect costs, as part of the cost-benefit review. An applicant may demonstrate cost-benefit by describing, as applicable, how the grant award will:

(a) enhance a regional approach that is consistent with current capabilities and requests of neighboring organizations or otherwise benefits other organizations in the region;

(b) implement interoperable communications capabilities with other local, state, and federal first responders and other organizations;

(c) allow first responder organizations to respond to all hazards, including incidents involving seismic, atmospheric, or technological events, or chemical, biological, radiological, nuclear, or explosive incidents, as well as fire prevention and suppression.

Applications that best address the grant funding priorities shall score higher than applications that are inconsistent with the priorities. During the panel review process, panelists shall provide a subjective but qualitative judgment on the merits of each request.

Panelists shall evaluate and score the proposed project's clarity, including the project's budget detail, the organization's financial need, the benefits that would result from an award relative to the cost, and the extent to which the grant would enhance daily operations or how the grant will positively impact an organization's ability to protect life and property. Each element shall be equally important for purposes of the panelists' scores. Panelists must review each application in its entirety and rate the application according to the evaluation criteria.

Applications shall be evaluated by the panelists relative to the critical infrastructure within the applicant's area of first-due response. Critical infrastructure includes any system or asset that, if attacked or impacted by a hazardous event, would result in catastrophic loss of life or catastrophic economic loss. Critical infrastructure includes public water or power systems, major business centers, chemical facilities, nuclear power plants, major rail and highway bridges,

petroleum and natural gas transmission pipelines or storage facilities, telecommunications facilities, or facilities that support large public gatherings such as sporting events or concerts. Panelists shall assess the infrastructure and the hazards confronting the community to determine the benefits to be realized from a grant to the applicant.

Applicants that falsify their application, or misrepresent their organization in any material manner, shall have their applications deemed ineligible and referred to the Attorney General for further action, as the Attorney General deems appropriate.

(4) The project period for any award grant shall be twelve months from the date of the award. Any equipment purchased with the grant must meet all mandatory regulatory requirements, as well as, all state, national, and Department of Homeland Security adopted standards.

Award recipients must agree to:

(a) perform, within the designated period of performance, all approved tasks as outlined in the application;

(b) retain grant files and supporting documentation for three years after the conclusion and close out of the grant or any audit subsequent to close out;

(c) ensure all procurement actions are conducted in a manner that provides, to the maximum extent possible, open and free competition. In doing so, the recipient must follow its established procurement law when purchasing vehicles, equipment, and services with the grant. If possible, the recipient must obtain at least two quotes or bids for the items being procured and document the process used in the grant files. Sole-source purchasing is not an acceptable procurement method except in circumstances allowed by law;

(d) submit a performance report to the peer review panel six months after the grant is awarded. If a grant's period of performance is extended for any reason, the recipient must submit performance reports every six months until the grant is closed out. At grant closeout, the recipient must report how the grant funding was used and the benefits realized from the award in a detailed final report. An accounting of the funds must also be included; and

(e) make grant files, books, and records available, if requested by any person, for inspection to ensure compliance with any requirement of the grant program.

(5) A recipient that completes the approved scope of work prior to the end of the performance period, and still has grant funds available, may:

(a) use the greater of one percent of their award amount or three hundred dollars to continue or expand, the activities for which they received the award;

(b) use excess funds to create or expand, a fire or injury prevention program. Excess funds above the amounts discussed in subitem (a) must be used for fire or injury prevention activities or returned to the program. In order to use excess funds for fire or injury prevention activities, a

recipient must submit an amendment to its grant. The amendment request must explain fire or injury prevention efforts currently underway within the organization, where the use of excess funds would fit within the existing efforts, the target audience for the fire or injury prevention project and how this audience was identified, and how the effectiveness of the requested fire or injury prevention project will be evaluated;

(c) use a combination of subitems (a) and (b); or

(d) return excess funds to the program. To return the excess funds, a recipient must close out its award and state in the final performance report that the remaining funds are not necessary for the fulfillment of grant obligations. The recipient also must indicate that it understands that the funds will be unavailable for future expenses.

(6) The State Fire Marshal shall:

(a) develop a grant application package utilizing the established guidelines;

(b) establish and market a written and electronic version of the grant application package;

(c) provide an annual report of all grant awards and corresponding chartered fire department purchases to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor;

(d) provide all administrative support to the peer review committee; and

(e) provide a grants web page for electronic applications.

(7) By March fifteenth, the peer review panel must submit a report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor detailing actions made by the panel regarding the awarding of grants and evaluating the success of the program. The report also must include a summary of each performance report received.

(G)(1) Two percent of these funds may be awarded to the South Carolina State Firefighters Association annually for the express purpose of establishing and maintaining a recruitment and retention program for volunteer firefighters. The association must apply for the grant to the peer review panel.

(2) By March fifteenth, the association must submit a report to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor explaining and itemizing the expenditure of any of the funds awarded in subsection (A).

(H) The provisions of this section expire June 30, 2008.

State Fire Marshal

SECTION 2. Section [23-9-10](#) of the 1976 Code is amended to read:

"Section [23-9-10](#). Effective July 1, 1979, the Division of State Fire Marshal is hereby transferred to the State Budget and Control Board to operate as a division under the Office of Executive Director. The State Fire Marshal shall have all of the duties and responsibilities formerly exercised by the Chief Insurance Commissioner as State Fire Marshal, ex officio. Notwithstanding another provision of law, after January 20, 2011, the State Fire Marshal shall have a master's degree from an accredited institution of higher learning and at least four years experience in fire prevention and control or a bachelor's degree and eight years experience in fire prevention and control. The Governor shall appoint the State Fire Marshal who shall serve as the Deputy Director of the Division of Fire and Life Safety."

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 8th day of June, 2007.

Vetoed by the Governor -- 6/14/07.

Veto overridden by House -- 6/19/07.

Veto overridden by Senate -- 6/20/07.