

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENROLLED**

**House Bill 2283**

BY DELEGATE STATLER

[Passed March 8, 2023; in effect ninety days from passage.]



1 AN ACT to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended, relating  
2 to authorized expenditures of revenues from certain state funds for fire departments;  
3 clarifying and expanding categories of allowable expenditures; permitting state grant funds  
4 to be deposited into a state account and be transferred from the account for unrestricted  
5 use; and setting forth a 60-day time frame for fire departments receiving grant funds to  
6 transfer unrestricted funds from a restricted account.

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

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

**§8-15-8b. Authorized expenditures of revenues from the Municipal Pensions and  
Protection Fund and the Fire Protection Fund; deductions for unauthorized  
expenditures; record retention.**

1 (a) Money received from the state for volunteer and part-volunteer fire companies and  
2 departments, pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code, shall be deposited  
3 into a bank account dedicated to state received funds and may not be commingled with moneys  
4 received from any source other than the state. Distributions from the Municipal Pensions and  
5 Protection Fund and the Fire Protection Fund allocated to volunteer and part-volunteer fire  
6 companies and departments may be expended only for the following:

7 (1) Personal protective equipment, including helmet, bunker coats, pants, boots, gloves,  
8 or combination of bunker pants and boots, coats, and gloves;

9 (2) Equipment for compliance with the national fire protection standard or automotive fire  
10 apparatus, NFPA-1901;

11 (3) Compliance with insurance service office recommendations relating to fire  
12 departments;

13           (4) Rescue equipment, communications equipment, and ambulance equipment: *Provided*,  
14   That no moneys received from the Municipal Pensions and Protection Fund or the Fire Protection  
15   Fund may be used for equipment for personal vehicles owned or operated by volunteer or part-  
16   volunteer fire company or department members;

17           (5) The direct costs incurred due to the purchase of land, the construction of new facilities,  
18   or the expansion of current facilities, when these costs can be demonstrated by the department  
19   to increase the effectiveness and efficiency of the fire protection services; as well as maintenance  
20   required to maintain the functionality of physical facilities of the department;

21           (6) Retirement of debts, but only if the debts were incurred exclusively for the purchase of  
22   the goods and services allowed under this subsection;

23           (7) Payment of utility bills, including internet and telephone bills which may include cell  
24   phones when the cell phone is used for fire department related work only;

25           (8) Payment of the cost of immunizations, including any laboratory work incident to the  
26   immunizations, for firefighters against hepatitis-b and other blood-borne pathogens only when:  
27   (A) purchased through the state immunization program or lowest-cost provider; and (B) no-cost  
28   or low-cost administration from local boards of health or other similar programs are unavailable;

29           (9) Insurance policies, including:

30           (A) Property/casualty insurance premiums for protection and indemnification against loss  
31   or damage or liability;

32           (B) Life insurance premiums to provide a benefit not to exceed \$20,000 for firefighters;

33           (C) Accident and sickness insurance premiums which may be offered to cover individual  
34   members of a volunteer or part-volunteer fire company; or

35           (D) Umbrella policies that contain various types of insurance policies to protect against  
36   loss and liability, so long as life insurance premiums in the amounts prescribed above and  
37   property/casualty insurance are part of any umbrella policy;

38 (10) Operating expenses reasonably required in the normal course of providing effective  
39 and efficient fire protection service, which include, but are not limited to, gasoline, bank fees,  
40 postage, and accounting costs;

41 (11) Dues paid to national, state, and county associations;

42 (12) Workers' compensation premiums;

43 (13) Educational and training supplies and fire prevention promotional materials, not to  
44 exceed \$500 per year; and

45 (14) Food, bottled water, and food-related items, like disposable plates and utensils, to  
46 provide necessary meals and water to a fire company when responding to an emergency and is  
47 in no way connected to any fundraising events.

48 (b) If a volunteer or part-volunteer fire company or department uses any amount of money  
49 received from the Municipal Pensions and Protection Fund or the Fire Protection Fund for an item,  
50 service, or purpose not authorized by this section, that amount, when determined by an official  
51 audit, review, or investigation, shall be deducted from future distributions to the volunteer fire  
52 company or part-volunteer fire department.

53 (c) If a volunteer or part-volunteer fire company or department purchases goods or  
54 services authorized by this section, but then returns the goods or cancels the services for a refund,  
55 then any money refunded shall be deposited back into the same, dedicated bank account used  
56 for the deposit of distributions from the Municipal Pensions and Protection Fund and the Fire  
57 Protection Fund.

58 (d) A volunteer or part-volunteer fire company or department shall have a dedicated bank  
59 account for all funds received from the Municipal Pensions and Protection Fund, the Fire  
60 Protection Fund, and any other state distribution, including state grant money.

61 (1) Any distributions received from the Municipal Pensions and Protection Fund or the Fire  
62 Protection Fund shall remain in the bank account dedicated to receiving state funds and be used  
63 in accordance with this section.

64           (2) All other moneys, including state grants, must be transferred out of the account used  
65 to receive state funds and transferred into another bank account within 60 days of receipt and  
66 such transfer must be in the exact amount of the deposit. If any money is received from sources  
67 other than the Municipal Pensions and Fire Protection Fund or the Fire Protection Fund and is  
68 not transferred to another account within 60 days, the money may only be used in accordance  
69 with this section.

70           (e) Each volunteer or part-volunteer fire company and department shall retain, for five  
71 calendar years, all invoices, receipts, and payment records for the goods and services paid with  
72 money received from the state for volunteer and part-volunteer fire companies and departments,  
73 pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code and money received as a grant from  
74 the Fire Service Equipment and Training Fund as provided in §29-3-5f of this code.

75           (f) Volunteer and part-volunteer fire companies and departments may also invest the  
76 received moneys, described in subsection (a) of this section, and collect interest thereon:  
77 *Provided*, That volunteer and part-volunteer fire companies and departments shall not commingle  
78 the received moneys with funds received from any other source, shall not use the invested money  
79 as collateral or security for any loan, and shall retain all resulting statements of accounts and  
80 earnings for a minimum of five years from the date of the statements.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....  
*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect ninety days from passage.

.....  
*Speaker of the House of Delegates*

.....  
*President of the Senate*

\_\_\_\_\_

The within is ..... this the.....  
Day of ....., 2023.

.....  
*Governor*