

1 **H. B. 3263**

2
3 (By Delegates Armstead, Nelson, Skaff, Kominar,
4 C. Miller and Miley)

5
6 [Introduced February 21, 2011; referred to the
7 Committee on the Judiciary then Finance.]

8
9 **FISCAL
NOTE**

10 A BILL to amend the Code of West Virginia, 1931, as amended by
11 adding thereto a new section, designated §8-15-8d; and to
12 amend and reenact §60-3-17 of said code, all relating to
13 providing assistance to volunteer fire departments; creating
14 new Volunteer Firefighters Workers' Compensation and Volunteer
15 Retention Fund to which the Alcohol Beverage Control
16 Commissioner is directed to transfer funds; providing for the
17 allocation and distribution of state funds to volunteer fire
18 companies and departments for the purpose of defraying the
19 cost of workers' compensation payments; providing duties for
20 State Treasurer and State Insurance Commissioner; imposing
21 requirements for the use of distributed allocations; and
22 providing disposition of undistributed portion of the funds.

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

24 That the Code of West Virginia, 1931, as amended, be amended
25 by adding thereto a new section, designated §8-15-8d; and that §60-
26 3-17 of said code be amended and reenacted, all to read as follows:

1 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

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

4 §8-15-8d. Volunteer Firefighters Workers' Compensation and
5 Volunteer Recruitment and Retention Fund benefits for
6 members of volunteer and part volunteer fire
7 companies and departments; special fund created;
8 allocation of proceeds; duties of State Treasurer and
9 State Insurance Commissioner.

10 (a) There is hereby created in the State Treasury a special
11 revenue fund to be administered by the State Treasurer, designated
12 the "Volunteer Firefighters Workers' Compensation and Volunteer
13 Recruitment and Retention Fund". The fund consists of all moneys
14 deposited pursuant to section seventeen, article three, chapter
15 sixty of this code. The moneys of the fund shall be expended
16 solely for the purposes enumerated in subsection (b) of this
17 section. Any earnings or other return on the investment of the
18 moneys in the fund shall be deposited into the General Revenue Fund
19 but at the end of each fiscal year the moneys deposited into the
20 fund do not revert to the General Revenue Fund but continue to be
21 held in the fund for expenditure during the ensuing fiscal year
22 except as provided in subsection (b) of this section.

23 (b) (1) On and after July 1, 2011, and each year thereafter,
24 the State Treasurer shall distribute an amount equal to the amount

1 of money in the Volunteer Firefighters Workers' Compensation and
2 Volunteer Recruitment and Retention Fund that was collected and
3 deposited into the fund during the next preceding calendar year as
4 provided in this subsection.

5 (2) From the net amount collected and deposited into the fund
6 during the next preceding calendar year as provided in this
7 subsection, the State Treasurer shall distribute a share, not to
8 exceed \$3 million, certified by the State Treasurer as determined
9 in accordance with subdivision (3) of this subsection, to the state
10 Insurance Commissioner for distribution to each volunteer and part
11 volunteer fire company and department for purposes of defraying the
12 increased workers' compensation premium expenses for each volunteer
13 and part volunteer fire company and department which are incurred
14 above and beyond the workers' compensation premiums which were
15 charged to those same departments for the payment year ending on or
16 before June 30, 2011.

17 (3) On or before June 1, 2011, the State Fire Marshal shall
18 report to the state Insurance Commissioner the names and addresses
19 of all volunteer and part volunteer fire companies and departments
20 within the state and the amount the workers' compensation premium
21 of each such volunteer or part volunteer fire department exceeds
22 the premium that was paid by each such department for the payment
23 year ending on or before June 30, 2011. The state Insurance
24 Commissioner shall distribute to each such volunteer or part

1 volunteer fire department the amount necessary for such department
2 to pay any portion of its assessed workers' compensation premium
3 which represents an increase over the workers' compensation
4 premiums charged to such department for the payment year ending on
5 or before June 30, 2011. In the event there are insufficient funds
6 in the special revenue account to pay all of the increased workers'
7 compensation premium expenses for which grants are sought for
8 payment through this fund, the state Insurance Commission shall
9 develop a means for distributing the available funds among the
10 respective fire departments according to the hardship the increased
11 premium places on each department's overall budget.

12 (4) On or before June 1, 2011, the State Fire Marshal shall
13 propose rules in accordance with the provisions of article three,
14 chapter twenty-nine-a of this code for legislative approval to
15 provide to volunteer and part volunteer fire departments incentives
16 for recruitment and retention of members for volunteer and part
17 volunteer fire companies and departments. Such incentives may
18 include academic scholarships for use by recruits, members or
19 member's dependents, length of service awards, automobile licensing
20 discounts or fee waiver or such other incentives as the State Fire
21 Marshal shall deem useful or expedient for recruitment and
22 retention of volunteer firefighters. The State Fire Marshal shall
23 report such rules to the Legislature no later than July 1, 2011.

24 (5) From funds remaining after the distribution of funds

1 required to be distributed in accordance with subdivision (3) of
2 this subsection, if any, as well as any other funds remaining from
3 the net amount collected and deposited into the Volunteer Fire
4 Department Operation and Recruitment and Retention Fund during the
5 next preceding calendar year as provided in this subsection, the
6 State Treasurer shall distribute to individual volunteer and part
7 volunteer fire departments, in accordance with those rules proposed
8 by the State Fire Marshal in accordance with subdivision (4) of
9 this subsection, to provide incentives for recruitment and
10 retention of members for volunteer and part volunteer fire
11 companies and departments.

12 (c) Funds received by volunteer and part volunteer fire
13 companies and departments pursuant to this section shall be used
14 solely for the cost of:

15 (1) Paying any portion of their assessed workers' compensation
16 premium which represents an increase over the workers' compensation
17 premiums charged to those same departments for the funding year
18 ending on or before June 30, 2011; or

19 (2) Providing incentives for recruitment and retention for
20 their members as determined by the rules promulgated by the State
21 Fire Marshal under subsection (b)(4) of this section.

22 Any volunteer or part volunteer fire company or department
23 that fails to expend those funds for those purposes shall repay the
24 amount of the funds to the State Treasurer within one year of

1 receipt. The State Treasurer shall deposit all repaid amounts into
2 the Fire Protection Fund administered pursuant to section thirty-
3 four of this article.

4 **CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.**

5 **ARTICLE 3. SALES BY COMMISSIONER.**

6 **§60-3-17. Regulations as to handling and depositing of moneys**
7 **collected; monthly remittances; remittances to the**
8 **West Virginia Volunteer Firefighters Workers'**
9 **Compensation and Volunteer Retention Fund beginning**
10 **July 1, 2011; criminal penalty.**

11 (a) The commissioner, with the approval of the State
12 Treasurer, shall prescribe regulations for the handling and
13 depositing of all moneys collected by the commissioner. All
14 receipts accruing to and available for the General Revenue Fund in
15 excess of the requirements of the operating fund, the requirements
16 of subsection (b) of this section and the license fee and
17 additional sales tax imposed by the provisions of this chapter
18 shall be remitted by the commissioner to the State Treasury monthly
19 within fifteen days next after the end of each calendar month.

20 (b) Beginning July 1, 2011, from the moneys collected annually
21 by the commissioner in excess of the requirements of the operating
22 fund, \$5 million of the excess amount shall be remitted by the
23 commissioner to the State Treasury and deposited by the State
24 Treasurer into the West Virginia Volunteer Firefighters Workers'

1 Compensation and Volunteer Recruitment and Retention Fund
2 established in section eight-d, article fifteen, chapter eight of
3 this code. After the requirements of the operating fund have been
4 met, the amounts required by this subsection shall be remitted by
5 the commissioner to the State Treasury monthly within fifteen days
6 next after the end of each calendar month and deposited in pro rata
7 amounts into that funds.

8 (c) If the commissioner fails to remit such moneys to the
9 State Treasury within the time specified in accordance with the
10 provisions of this section, he or she shall be guilty of a
11 misdemeanor and, upon conviction thereof, shall be fined \$1000.

NOTE: The purpose of this bill is to add new language allocating funds to a Volunteer Firefighters Workers' Compensation and Volunteer Retention Fund.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.