

1 certain moneys be deposited into the fund for the program;
 2 requiring the State Fire Marshal, in consultation with the
 3 Insurance Commissioner, State Auditor, Secretary of Revenue
 4 and Legislative Auditor, to review, assess and prepare a
 5 comprehensive report to the Joint Committee on Government and
 6 Finance on or before December 31, 2015, of steps that may be
 7 taken to meet the needs of volunteer fire departments and
 8 companies; expiring §12-4-14a and §33-3-33a of this code on
 9 June 30, 2016; and providing for the closure of the fund.

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

11 That §12-4-14a of the Code of West Virginia, 1931, as amended,
 12 be amended and reenacted; and that said code be amended by adding
 13 thereto a new section, designated §33-3-33a, all to read as
 14 follows:

15 **CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

16 **ARTICLE 4. ACCOUNTS, REPORTS AND GENERAL PROVISIONS.**

17 **§12-4-14a. Workers' Compensation Subsidy for Volunteer Fire**
 18 **Departments; creation of program; Auditor to**
 19 **administer.**

20 (a) For the purposes of this section:

21 (1) "Fiscal year" means the fiscal year of the state.

1 (2) "Individual base year premium" means the ~~workers'~~
2 ~~compensation insurance~~ individual premium that became due and
3 payable by a volunteer fire department after June 30, 2010, but
4 before July 1, 2011.

5 (3) "Individual premium" means the workers' compensation
6 insurance premium due and payable by a volunteer fire department
7 for fire fighting services, rapid response emergency medical
8 services, ambulance services or diving services provided by the
9 volunteer fire department in each twelve month period beginning on
10 or after July 1, 2011.

11 (4) "Total base year premium" means the aggregate workers'
12 compensation insurance premium due and payable by all volunteer
13 fire departments for fire fighting services, rapid response
14 emergency medical services, ambulance services or diving services
15 provided by the volunteer fire departments as determined by the
16 Insurance Commissioner after June 30, 2010, but before July 1,
17 2011.

18 (5) "Total premium" means the aggregate workers' compensation
19 insurance premium due and payable by all volunteer fire departments
20 for fire fighting services, rapid response emergency medical
21 services, ambulance services or diving services provided by the

1 volunteer fire departments in each twelve month period beginning on
2 or after July 1, 2011.

3 (b) In recognition of the burden of increasing workers'
4 compensation insurance premiums on volunteer fire departments, the
5 Legislature has determined that additional funding assistance
6 should be made available to eligible departments to pay a portion
7 of those premium increases beginning with invoices due and payable
8 on or after July 1, 2011.

9 (c) There is hereby established a special program which shall
10 be known as the "Volunteer Fire Department Workers' Compensation
11 Subsidy Program." The program shall be administered by the State
12 Auditor from moneys that may be appropriated and designated for the
13 program by the Legislature pursuant to this section and section
14 thirty-three-a, article three, chapter thirty-three of this code.

15 (d) The State Auditor shall administer the distribution of
16 moneys appropriated for the Volunteer Fire Department Workers'
17 Compensation Subsidy Program to volunteer fire departments to help
18 defray workers' compensation insurance premium increases.

19 (1) Volunteer fire departments shall request supplemental
20 funds by submitting to the Auditor the following information:

21 (A) The previous fiscal year's workers' compensation premium

1 invoices with paid receipts;

2 (B) The current fiscal year's workers' compensation premium
3 invoices showing the amount due and due date and any applicable
4 paid receipts; and

5 (C) Any other information the Auditor deems necessary for
6 administering the subsidy on forms and schedules as the Auditor
7 directs. The Auditor is authorized to set up an electronic filing
8 system at his or her discretion for filing of the aforementioned
9 information.

10 (2) After determining that there is a premium increase and the
11 amount of the premium increase for the volunteer fire department
12 requesting the subsidy, the Auditor shall make disbursements in the
13 manner set forth in subsection (e) of this section subject to the
14 following requirements:

15 (A) The volunteer fire department must be in good standing
16 with the State Fire Marshal;

17 (B) The volunteer fire department must be registered with the
18 Auditor's Office in a form and manner prescribed by the Auditor
19 prior to being eligible for consideration of any subsidy, which
20 registration must be completed no fewer than thirty days prior to
21 the due date of the workers' compensation premium;

1 (C) The volunteer fire department must agree that the subsidy
2 for its workers' compensation insurance premium increase will be
3 paid directly to its insurance carrier by the Auditor and that it
4 will timely pay the balance of the premium due; and

5 (D) Should a volunteer fire department fail to pay the balance
6 of its workers' compensation insurance premium after a disbursement
7 by the Auditor and that insurance policy is subsequently cancelled,
8 the premium paid by the Auditor shall be returned directly to him
9 or her. If the Auditor does not receive a reimbursement for a
10 cancelled policy, he or she shall seek reimbursement for the
11 subsidy portion of the insurance premium from the State Treasurer
12 when the Treasurer makes the next quarterly payment to the
13 volunteer fire department pursuant to sections thirty-three and
14 fourteen-d, article three, chapter thirty-three of this code.

15 (e) Beginning with the fiscal year that starts July 1, 2011,
16 and continuing in each fiscal year thereafter, after the Auditor
17 has verified that a volunteer fire department is eligible for a
18 subsidy pursuant to this section, he or she shall pay on behalf of
19 a volunteer fire department its subsidy, which is calculated by:

20 (1) Dividing the total amount of premium subsidy allocated by
21 the Legislature to the Volunteer Fire Department Workers'

1 Compensation Subsidy Program by the total premium minus the total
2 base year premium, which calculation produces the "total shortfall
3 multiplier"; and

4 (2) Multiplying the total shortfall multiplier determined in
5 subdivision (1) of this subsection by the individual premium less
6 the individual base year premium.

7 (3) In no event shall a volunteer fire department receive a
8 workers' compensation premium subsidy greater than one hundred
9 percent of its premium increase.

10 (f) For fiscal years after July 1, 2011, the Auditor shall
11 consult with the Insurance Commissioner to determine the total
12 amount of workers' compensation premium due by volunteer fire
13 departments for any subsequent fiscal year. The Auditor may
14 determine payment dates based upon information reasonably available
15 for such a determination.

16 (g) The Auditor may promulgate emergency rules and may propose
17 for promulgation legislative rules, in accordance with the
18 provisions of article three, chapter twenty-nine-a of this code, as
19 are necessary to provide for implementation and enforcement of the
20 provisions of this section.

21 (h) The volunteer fire departments' workers' compensation

1 premium subsidy program shall undergo a review to assess its
2 effectiveness after three years of operation. The Auditor shall
3 submit a report to the Joint Committee on Government and Finance
4 not later than February 1, 2015, and provide details of the program
5 operation including funds distributed and departments taking
6 advantage of the subsidy.

7 **CHAPTER 33. INSURANCE.**

8 **ARTICLE 3. LICENSING, FEES AND TAXATION OF INSURERS.**

9 **§33-3-33a. Excess moneys of Fire Protection Fund deposited into**
10 **Volunteer Fire Department Workers' Compensation**
11 **Premium Subsidy Fund; other funding; special report**
12 **from State Fire Marshal by December 15, 2015;**
13 **termination of program June 30, 2016.**

14 (a) There is hereby established a special fund in the State
15 Treasury known as the "Volunteer Fire Department Workers'
16 Compensation Premium Subsidy Fund." The fund shall be administered
17 by the State Auditor and shall consist of moneys deposited in the
18 fund pursuant to this section, any other funds appropriated by the
19 Legislature for volunteer fire departments for the purposes of
20 section fourteen-a, article four, chapter twelve of this code, and
21 the interest or other earnings on the moneys in the fund. The

1 State Auditor shall administer the distribution of moneys of the
2 fund to volunteer fire departments to help defray workers'
3 compensation insurance premium increases pursuant to section
4 fourteen-a, article four, chapter twelve of this code. Balances in
5 the fund at the end of any fiscal year shall not expire, but shall
6 be expended for those purposes in ensuing fiscal years pursuant to
7 appropriation of the Legislature.

8 (b) Beginning July 1, 2013, and in each fiscal year thereafter
9 until June 30, 2016, the excess of the aggregate of amounts
10 collected by the commissioner that are otherwise required under any
11 provision of this code to be deposited into the Fire Protection
12 Fund over the aggregate of those amounts deposited into the Fire
13 Protection Fund during the fiscal year ending June 30, 2013, shall
14 be deposited into the Volunteer Fire Department Workers'
15 Compensation Premium Subsidy Fund and expended solely for the
16 purposes established in section fourteen-a, article four, chapter
17 twelve of this code.

18 (c) On or before August 1, 2013, the commissioner shall
19 transfer \$4 million from the Fire Marshal Fees Fund created under
20 section twelve-b, article three, chapter twenty-nine of this code
21 to the Volunteer Fire Department Workers' Compensation Premium

1 Subsidy Fund to be expended solely for the purposes established in
2 section fourteen-a, article four, chapter twelve of this code until
3 June 30, 2016.

4 (d) The State Fire Marshal, in consultation with the Insurance
5 Commissioner, the State Auditor, the Secretary of Revenue and the
6 Legislative Auditor, shall conduct a review of the needs of each
7 volunteer or part volunteer fire company or volunteer fire
8 department serving in the various counties of the state. On or
9 before December 31, 2015, the State Fire Marshal shall submit to
10 the Joint Committee on Government and Finance a comprehensive
11 report of the review and the State Fire Marshal's recommendations,
12 substantiated by the findings of the review, of steps that may be
13 taken to meet the needs of and sustain the volunteer and part
14 volunteer fire companies and volunteer fire departments of this
15 state, including, but not limited to, the following:

16 (1) An assessment of all current funding received by the
17 volunteer fire companies and departments, and a further assessment
18 of the funding necessary to provide the community protections
19 required for the areas served by the volunteer fire companies and
20 departments, the extent to which those needs are being met, the
21 extent to which they are not being met, and recommendations of

1 sources of funds to meet additional needs and the amounts needed,
2 if any;

3 (2) An assessment of the cost of workers' compensation
4 coverage for the volunteer fire companies and departments and
5 recommendations for any actions that may be undertaken by the
6 volunteer fire companies and departments and others to reduce those
7 costs;

8 (3) An assessment of the causes of any decline in recruitment
9 and retention of volunteer firefighters and recommendations for
10 improvements in this area, including any recommendations for
11 incentives that have a demonstrated record of significant increases
12 in recruitment and retention as well as recommendations of sources
13 of funds to provide those incentives, if funds are necessary;

14 (4) An assessment of the level of financial accountability
15 that should be required of volunteer fire companies and departments
16 in order to provide the Legislature the information necessary to
17 target future funding for their activities based upon the safety
18 and fire protection needs of the various areas of the state;

19 (5) An assessment of the comparative levels of funding for
20 volunteer fire companies and departments provided by counties,
21 municipalities and other political subdivisions and the means by

1 which that funding is provided, including identification of those
2 which contribute little or no funding to the volunteer fire
3 companies and departments within their jurisdictions, together with
4 recommendations for increasing those levels of contributions;

5 (6) An assessment of the comparative levels of funding for
6 volunteer fire companies and departments provided by their own
7 efforts, and the means by which that funding is provided, including
8 identification of those which provide little or no funding through
9 their own efforts, together with recommendations for increasing
10 these sources of funding;

11 (7) An assessment of the comparative economic and other
12 benefits provided by the various volunteer fire companies and
13 departments to their particular counties, municipalities and other
14 political subdivisions, as well as to citizens of the local
15 communities they serve;

16 (8) An assessment of the sustainability of the current model
17 of providing fire and other protections to the citizens of rural
18 communities through volunteer fire companies and departments and an
19 assessment of alternative models for providing those protections;
20 and

21 (9) Other assessments and recommendations which the State Fire

1 Marshal deems appropriate in the circumstances.

2 (d) Upon the conclusion of the fiscal year ending June 30,
3 2016, the provisions of this section and section fourteen-a,
4 article four, chapter twelve of this code shall expire and be of no
5 further force and effect and the Volunteer Fire Department Workers'
6 Compensation Premium Subsidy Fund shall be closed. Upon closure of
7 the fund, from any balances therein remaining, the State Auditor
8 shall first, to the extent available, transfer to the Fire
9 Protection Fund an amount equal to the aggregate of funds deposited
10 into the Volunteer Fire Department Workers' Compensation Premium
11 Subsidy Fund during the fiscal years ending June 30, 2014, 2015 and
12 2016 pursuant to subsection (b) of this section that would
13 otherwise have been required to be deposited into the Fire
14 Protection Fund, and any balances thereafter remaining in the
15 Volunteer Fire Department Workers' Compensation Premium Subsidy
16 Fund shall expire to the General Revenue Fund of the state.

NOTE: The purpose of the bill is to provide for distribution of certain state funds to volunteer fire departments under a Volunteer Fire Department Workers' Compensation Subsidy Program.

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

§33-3-33a is new; therefore, strike-throughs and underscoring have been omitted.