

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5203**

By Delegates Mallow, Jennings, DeVault, Adkins,

Heckert AND Holstein

[Introduced January 25, 2024; Referred to the  
Committee on Fire Departments and Emergency

Medical Services then Finance]

1 A BILL to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; and to  
 2 amend and reenact §16-4C-24 of said code, all relating to volunteer fire departments and  
 3 emergency medical services units; and providing that any increased costs or expenditures  
 4 to volunteer fire departments that result from the implementation of a state legislative rule  
 5 shall be funded respectively by the State Fire Commission and the Commissioner of the  
 6 Bureau for Public Health.

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

**CHAPTER 8. MUNICIPAL CORPORATIONS.**

**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, may not be  
 3 commingled with moneys received from any other source, except money received as a grant from  
 4 the Fire Service Equipment and Training Fund as provided in §29-3-5f of this code. Distributions  
 5 from the Municipal Pensions and Protection Fund and the Fire Protection Fund allocated to  
 6 volunteer and part-volunteer fire companies and departments may be expended only for the  
 7 following:

8 (1) Personal protective equipment, including protective head gear, bunker coats, pants,  
 9 boots, combination of bunker pants and boots, coats, and gloves;

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

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

13 departments;

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

18 (5) Capital improvements reasonably required for effective and efficient fire protection  
19 service and maintenance of the capital improvements;

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

22 (7) Payment of utility bills;

23 (8) Payment of the cost of immunizations, including any laboratory work incident to the  
24 immunizations, for firefighters against hepatitis-b and other blood-borne pathogens: *Provided,*  
25 That the vaccine shall be purchased through the state immunization program or from the lowest-  
26 cost vendor available: *Provided, however,* That volunteer and part-volunteer fire companies and  
27 departments shall seek to obtain no-cost administration of the vaccinations through local boards of  
28 health: *Provided further,* That in the event any volunteer or part-volunteer fire company or  
29 department is unable to obtain no-cost administration of the vaccinations through a local board of  
30 health, the company or department shall seek to obtain the lowest cost available for the  
31 administration of the vaccinations from a licensed health care provider;

32 (9) Any filing fee required to be paid to the Legislative Auditor's Office under §12-4-14 of  
33 this code relating to sworn statements of annual expenditures submitted by volunteer or part-  
34 volunteer fire companies or departments that receive state funds or grants;

35 (10) Property/casualty insurance premiums for protection and indemnification against loss  
36 or damage or liability;

37 (11) Operating expenses reasonably required in the normal course of providing effective  
38 and efficient fire protection service, which include, but are not limited to, gasoline, bank fees,

39 postage, and accounting costs;

40 (12) Dues paid to national, state, and county associations;

41 (13) Workers' compensation premiums;

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

43 and

44 (15) Educational and training supplies and fire prevention promotional materials, not to  
45 exceed \$500 per year.

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

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

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

61 (e) Volunteer and part-volunteer fire companies and departments may also invest the  
62 received moneys, described in subsection (a) of this section, and collect interest thereon:  
63 *Provided*, That volunteer and part-volunteer fire companies and departments shall not commingle  
64 the received moneys with funds received from any other source, shall not use the invested money

65 as collateral or security for any loan, and shall retain all resulting statements of accounts and  
66 earnings for a minimum of five years from the date of the statements.

67 (f) Notwithstanding any other provision of this article or code to the contrary, any increased  
68 costs or expenditures to volunteer fire departments that result from the implementation of a  
69 legislative rule shall be funded by the State Fire Commission.

## CHAPTER 16. PUBLIC HEALTH.

### ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

#### **§16-4C-24. Emergency Medical Services Equipment and Training Fund; establishment of grant program for equipment and training of emergency medical service providers and personnel.**

1 (a) There is hereby created in the State Treasury a special revenue fund to be known as  
2 the Emergency Medical Services Equipment and Training Fund. Expenditures from the fund by  
3 the Office of Emergency Medical Services, Bureau for Public Health, Department of Health and  
4 Human Resources are authorized from collections. The fund may only be used for the purpose of  
5 providing grants to equip emergency medical services providers and train emergency medical  
6 services personnel, as defined in §16-4C-3 of this code. Any balance remaining in the fund at the  
7 end of any fiscal year does not revert to the General Revenue Fund but remains in the special  
8 revenue fund.

9 (b) The Commissioner of the Bureau for Public Health shall establish a grant program for  
10 equipment and training of emergency medical services providers and personnel. Such grant  
11 program shall be open to all emergency medical services personnel and providers, but priority  
12 shall be given to rural and volunteer emergency medical services providers.

13 (c) The Commissioner of the Bureau for Public Health shall propose legislative rules for  
14 promulgation in accordance with §29A-3-1 *et seq.* of this code to implement the grant program  
15 established pursuant to this section.

- 16            (d) Notwithstanding any other provision of this article or code to the contrary, any increased  
17 costs or expenditures to emergency medical services units that result from the implementation of a  
18 legislative rule shall be funded by the Commissioner of the Bureau for Public Health.

NOTE: The purpose of this bill is to provide that any increased costs or expenditures to volunteer fire departments that result from the implementation of a state legislative rule shall be funded respectively by the State Fire Commission and the Commissioner of the Bureau for Public Health.

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