

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 282

FISCAL
NOTE

By Senators Smith and Phillips

[Introduced January 11, 2024; referred
to the Committee on Government Organization; and
then to the Committee on 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, 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, or
 8 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 to
19 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: (A)
27 purchased through the state immunization program or lowest-cost provider; and (B) no-cost or
28 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 in
47 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 for
56 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 in
63 accordance with this section.

64 (2) All other moneys, including state grants, must be transferred out of the account used to

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

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

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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 require the State Fire Commission and the Commissioner of the Bureau for Public Health, respectively, to fund volunteer fire departments and emergency medical services units for any increased costs or expenditures that result from the implementation of a state legislative rule.

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