

OFFICE OF THE STATE FIRE MARSHAL

*Comprehensive Report to the
West Virginia Legislature
Joint Committee
Government and Finance
Review and Recommendations on
Volunteer and Part-Volunteer
Fire Service*





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The Honorable William Cole
President of the Senate
Co-Chair Joint Committee
Government and Finance
West Virginia Capitol Complex
Bldg. 1, Rm. 451-M
1900 Kanawha Blvd. E.
Charleston, WV 25305

The Honorable Tim Armstead
Speaker of the House
Co-Chair Joint Committee on
Government and Finance
West Virginia Capitol Complex
Bldg. 1, Rm. 451-M
1900 Kanawha Blvd. E.
Charleston, WV 25305

Dear President Cole, Speaker Armstead and Committee Members:

The following report is submitted in accordance with the mandates of W. Va. Code § 33-3-33a(d). This report summarizes the review and recommendations of the Office of the State Fire Marshal in regard to the volunteer and part-volunteer fire service. The findings and conclusions of this report are the sum total of two (2) years of work by this office, in conjunction with the Insurance Commissioner, State Auditor, Secretary of Revenue, and Legislative Auditor.

I am honored to submit this report as the State Fire Marshal. I look forward to continuing a positive and effective relationship between this agency and the West Virginia Legislature. It is my expectation and goal to continue to improve and advance the volunteer and part-volunteer fire service in the State of West Virginia.

Respectfully submitted,

Kenneth E. Tyree, Jr.

State Fire Marshal

Enclosure

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EXECUTIVE SUMMARY

This report combines and summarizes the activities, input and accomplishments of the House Bill 103 Working Group (“Working Group”) which consisted of the State Fire Marshal, staff of the State Fire Marshal’s Office, the legal counsel for the State Fire Commission appointed by the Attorney General, the Chairman of the Legislative Rules and Codes Committee of the State Fire Commission, the insurance representative for the State Fire Commission, the Assistant Insurance Commissioner, the Auditor’s delegate, the Deputy Secretary of Revenue, the Fire Department Auditor for the Legislative Auditor, representatives of the State Firemen’s Association, representatives of the State Fire Chief’s Association, a representative from the National Volunteer Fire Council, and other interested persons. The most significant activities of this Working Group are summarized in subsequent sections of this report.

As a matter of background, this legislation was passed during the tenure of State Fire Marshal Sterling Lewis. The beginning steps were undertaken by then Acting, and later officially appointed State Fire Marshal Anthony Carrico. After the resignation of Marshal Carrico, Kenneth Tyree took the helm of the Office in January of 2015. Since that time, Marshal Tyree has labored to bring the vision of the past Marshals to fruition in providing the Legislature with the most thorough and complete analysis of the fire departments in the State.

During the past two (2) years, the Working Group has met on numerous occasions to work through the challenges and concerns posed by the legislation in providing a first-of-its-kind comprehensive examination of the volunteer and part-volunteer fire service in West Virginia. The State Fire Marshal’s Office prepared a survey which went to all four hundred nineteen (419) volunteer and part-volunteer fire departments in this State. The survey sought detailed information from each participant to provide necessary information for use in this report. Two hundred eighty-two (282) departments submitted responses to the requests for information. It is from this information that the review and recommendations herein are made.

In summary, the consensus of the Working Group is that continuing under the current model is unsustainable for a myriad of reasons. *It cannot be overstated that catastrophe looms unless drastic measures are swiftly undertaken.* The marked challenges facing volunteer fire departments are including, but not limited to: unmanageable worker’s compensation liabilities and costs; decreased volunteerism; inadequate funding mechanisms; antiquated statutory structures; and lack of internal and external controls. As will be discussed in greater detail herein, several key recommendations will be made. Key proposals of this report are:

- Increasing the surcharge imposed on property and casualty insurance policies back to the pre-2005 amount of 1% (an increase of .45% resulting in approximately ten million dollars \$10,000,000.00) with the funds predominantly dedicated to:

- Providing sufficient capital necessary to fund a self-insured worker's compensation program modelled after the State Worker Worker's Compensation Program and firefighter worker's compensation efforts in other states; and
- Fully funding firefighter training in West Virginia to ease the financial burden on volunteer departments and their members in obtaining required instruction.
- Suggest legislative changes to authorize the formation of fire protection taxing districts within a fire department's territory to allow West Virginia citizens to decide the level of funding they are willing to commit to providing essential resources to their local department.
- Proposing several studies to be conducted at the behest of this Legislature to examine: the prospects and implementation of a pooled risk self-insurance program as offered; to review the proffered recruitment and retention incentives for their feasibility in this State; and to require counties and municipalities to conduct necessary assessments detailed in this report.

The Working Group acknowledges that there are many initiatives, values, objectives, missions and strategies encompassed in this document. In evaluating the report, the Legislature is encouraged to examine the recommendations of this report using the S.M.A.R.T. method: **S**pecific; **M**easurable; **A**ttainable; **R**ealistic; **T**ime-sensitive. The Working Group also respectfully requests that any or all of the Legislature's resulting actions in response to this report be re-evaluated on a 3-5 year timeline to determine effectiveness.

In sum, you will find an attachment to this report contained in Appendix A. The State Fire Marshal, by incorporating the various positions of the Working Group, proffers the proposed "Volunteer Fire Protection Sustainability Act" for your review. This proposition is merely suggested language intended to achieve the individual goals on the topics contained in this report.

On behalf of the entire group of individuals who worked so hard contributing to this first-of-its-kind body of work - we believe this is an exceptional and comprehensive review, analysis, and proposal for strengthening the volunteer and part-volunteer fire service system of West Virginia.

PRINCIPALS OF THE WORKING GROUP

I. The State Fire Marshal

The State Fire Marshal is the agency head of the Office of the State Fire Marshal. The State Fire Marshal oversees and administers fifty-five (55) sworn personnel and staff. The State Fire Marshal performs administrative and supervisory work in the implementation of fire safety programs to minimize fire hazards and the loss of life and property resulting from fires. The work requires considerable knowledge of fire safety, fire hazard assessment and supervisory techniques.¹

The Office of the State Fire Marshal is divided into three (3) main sections: fire safety inspections and plans review; investigations; and services. The inspections division annually conducts an average of 5714 fire code inspections of buildings and structures, as well as reviews 1494 plans for fire code compliance. The investigations division conducts on average 584 fire investigations annually to determine the origin and cause, as well as enforcing arson and fire laws throughout the state. The services division issues licenses or certifications to 16,525 individuals, conducts 88 annual fire department evaluations, as well as facilitates fire prevention education programs statewide. Whenever referenced in this report, the “State Fire Marshal” will mean the duly appointed State Fire Marshal, or Acting State Fire Marshal, whichever is the case.

II. The State Fire Commission

Pursuant to W. Va. Code 29-3-1 *et seq.*, the “State Fire Commission” is composed of thirteen members, qualified by experience and training to deal with the matters which are the responsibilities of the commission. The Legislature has formed and empowered the State Fire Commission because:

(a) A significant part of the population of this state needs improved fire prevention and control; (b) The establishment and maintenance of a coordination program for fire prevention and control for the entire state is necessary to promulgate the safety and well-being of the citizens and residents of this state; (c) Adequate fire prevention and control are not likely to become a reality unless certain administrative functions and procedures are enacted by law; and (d) Fire prevention and control are a public purpose and a responsibility of government for which public money may be spent.

The members of the commission are appointed by the Governor with advice and consent of the Senate and are comprised of: two (2) designees from the West Virginia fire chiefs association; three (3) designees from the West Virginia firemen's association; three (3) designees from the West Virginia professional fire fighters association; one (1) designee from

¹ See generally, W. Va. Code § 29-3-11.

the West Virginia professional fire chiefs association; two (2) designees from the West Virginia manufacturers association; one (1) designee from the professional independent insurance agents of West Virginia; and one (1) designee from the West Virginia society of architects. The members of the state fire commission serve without compensation.² Whenever referenced in this report, the “State Fire Commission” will mean the duly elected Chairman of the State Fire Commission, and/or appointed Commissioners from the State Fire Commission, whichever is the case.

III. The West Virginia State Firemen’s Association

The mission of the West Virginia State Firemen’s Association (WVSFA) is to organize and promote unity among firefighters in the State of West Virginia. The WVSFA advocates for an active participation in all aspects of the fire service including training, education, fire prevention, law and legislative action. The WVSFA seeks to promote comradely, support and common ground between active and retired firefighters as well as volunteer and career firefighters. The WVSFA represents approximate 75% of all fire departments within the State of West Virginia as of Jan 2012, the WVSFA attempts to represent all departments fairly and equally on all issues that they are involved in. As a collective group of advocates, they are actively involved in legislative lobbying to promote a safer, better trained, adequately staffed and equipped fire service. The WVSFA offers scholarships to college bound firefighters, insurance coverages for individuals pertaining to death benefits, training seminars at various locations across the state, sponsorship of the Junior Firefighter Camp at Jackson’s Mill and many other fire service related endeavors across the State of West Virginia. Over the years, the WVSFA has been instrumental in the development of the West Virginia State Fire Commission and they have always maintained a presence on that Commission by direct appointment of representatives by the Governor. The WVSFA was the primary proponent to obtain the “State Fund” that many departments within the State rely upon as their primary funding source. Through the legislative process and their active lobbying campaigns, many small but very important laws were passed, modified or stricken from the record, dependent upon the ultimate needs of communities and the fire service at-large.³ Whenever referenced in this report, the “West Virginia State Firemen’s Association” will mean the designated representative attending Working Group sessions who spoke or represented the association.

IV. State Fire Chief’s Association

The West Virginia State Fire Chief’s Association (WVSFCA) serves the communities of West Virginia through its fire service leaders. They are an organization formed by the volunteer fire chiefs of the state who saw a need to cooperate for the betterment of the fire service of the State. The group works collaboratively to bring about closer contact between the various fire chiefs of the State for their mutual benefit and welfare. The WVSFCA has

² W. Va. Code § 29-3-1 *et seq.*

³ <http://www.wvsfa.org/about/>

continued to grow over the years and its goals have broadened to keep pace with the challenges facing fire service leaders. The WVSFCA serves to exchange ideas, information, knowledge and experiences affecting the safety of life and property from fires. The organization's leadership also perform in leadership positions in the Southeastern Association of Fire Chiefs. Whenever referenced in this report, the "State Fire Chief's Association" will mean the designated representative attending Working Group sessions who spoke or represented the association.

V. National Volunteer Fire Council

The National Volunteer Fire Council (NVFC) is the leading nonprofit membership association representing the interests of the volunteer fire, EMS, and rescue services. The NVFC serves as the voice of the volunteer in the national arena and provides invaluable tools, resources, programs, and advocacy for first responders across the nation. Their object is to provide a unified voice for volunteer Fire/EMS organizations. The NVFC accomplishes its mission and provides meaningful support to fire and EMS organizations through a wide range of services and programs: Representing the interests of the volunteer fire, emergency medical, and rescue services at the U.S. Congress, federal agencies, and national standards setting committees; Focusing on health and safety; Helping departments recruit and retain personnel; Providing training on topics that matter to the volunteer fire service; Assisting departments in establishing support programs; and Fostering the next generation of firefighters. Their programs include: Fire Corps; Heart-Healthy Firefighter Program; National Junior Firefighter Program; SAFER recruitment and retention programs; the Share the Load program; and the Wildland Fire Assessment Program. Whenever referenced in this report, the "National Volunteer Fire Council" will mean the designated representative attending Working Group sessions who spoke or represented the group.⁴

VI. Insurance Commissioner

The West Virginia Offices of the Insurance Commissioner (OIC) work to ensure that a healthy, competitive insurance industry is available to all West Virginians. The OIC regulates the state's insurance industry, focusing on consumers' needs for available and affordable insurance products offered by financially viable companies, whether directly or through knowledgeable producers. The OIC oversees the workers compensation appellant process, ensuring timely, efficient and balanced resolutions to litigated disputes. The OIC is also responsible for administering the workers compensation Old Fund, the State Agency Workers Compensation Program and leads in the investigation and prosecution of all forms of insurance fraud. Whenever referenced in this report, the "Insurance Commissioner" will mean the designated member who represented this office on the Working Group.

⁴ <http://www.nvfc.org/about-the-nvfc>

VII. Secretary of Revenue

The Department of Revenue (DOR) administers and enforces West Virginia revenue laws, including the regulation of insurance, banking, and gaming industries as well as managing other fiscal responsibilities. The mission of the DOR is to lead, oversee and coordinate each of the 10 agencies that comprise the DOR and assist with the following activities: implementation of agency goals, objectives and policies; communication among the agencies and the Office of the Governor; deployment and alignment of resources to advance administration priorities; and development of fiscal policy and generation of accurate fiscal information for revenue forecasting and budgeting purposes. Whenever referenced in this report, the “Secretary of Revenue” will mean the Deputy Secretary of Revenue or his representative attending Working Group sessions who spoke or represented the agency.

VIII. Legislative Auditor

The West Virginia Legislative Auditor’s mission is to provide useful information to the Legislature for legislative decision-making and hold state government accountable for its performance by: measuring the performance of state agencies by measuring outputs, outcomes, compliance and impact in relation to the purpose for which they were created; determining whether there is still a need for an agency or program; measuring the impact of agencies on citizens of the state; and reporting findings and recommendations to the Legislature in a concise and timely manner. Whenever referenced in this report, the “Legislative Auditor” will mean designated the representative attending Working Group sessions who spoke or represented the agency.

IX. State Auditor

The State Auditor is a constitutional officer who serves as the State’s official bookkeeper, Chief Inspector and Supervisor over Public Offices, Securities Commissioner and Commissioner of Delinquent and Non-entered lands. Specific to this report, his office conducts audits of county governments, county boards, county boards of election, municipalities, boards, commissions, districts, offices, public authorities, public corporations, and county boards of education. Whenever referenced in this report, the “State Auditor” will mean designated the representative of the Auditor attending Working Group sessions who spoke or represented the agency.

X. Attorney General

The Attorney General is the chief legal officer of the State. Lawyers and staff of the office represent a host of state agencies, boards, and commissions.⁵ Whenever referenced in this report, the “Attorney General” will mean the assigned Counsel to the State Fire Marshal attending Working Group sessions who spoke or represented the office.

⁵ See generally, W. Va. Code § 5-3-2.

SUMMARY OF ACTIVITIES IN RESPONSE TO THE LEGISLATION

Surveys, Audits and On-going Evaluations

In the regular session of 2013, H. B. 103 created and formed the statutory changes of what has become W. Va. Code § 33-3-33a. The State Legislature appropriated over four million dollars (\$4,000,000.00) from the Office of the State Fire Marshal to be placed in a fund to assist volunteer fire departments in meeting rising workers' compensation premiums. Disbursement from this subsidy fund is administered by the State Auditor. Nearly \$3,000,000 has been expended from the original amount and claims by VFD's are anticipated to exhaust the remaining amount. That fund expires on **June 30, 2016** and no existing measure is in place to deal with mounting worker's compensation costs after that date.

As part of that action, the law imposed upon the State Fire Marshal a duty to provide this comprehensive report. This report requires an assessment of multiple aspects of the fire service, such as the following:

(1) An assessment of all current funding received by the volunteer fire companies and departments, and a further assessment of the funding necessary to provide the community protections required for the areas served by the volunteer fire companies and departments, the extent to which those needs are being met, the extent to which they are not being met, and recommendations of sources of funds to meet additional needs and the amounts needed, if any;

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

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

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

(5) An assessment of the comparative levels of funding for volunteer fire companies and departments provided by counties, municipalities and other political subdivisions and the means by which that funding is provided, including identification of those which contribute little or no funding to the volunteer fire companies and departments within their jurisdictions, together with recommendations for increasing those levels of contributions;

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

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

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

(9) Other assessments and recommendations which the State Fire Marshal deems appropriate in the circumstances.

In an effort to meet the requirements of this law in a cost effective manner, the Office of the State Fire Marshal developed a "Survey Report Questionnaire," a copy of which is attached in Appendix C. The survey was sent to all 419 volunteer and part-volunteer fire departments of the State. The Office of the State Fire Marshal, the State Fire Commission, and the representative members of the Working Group, were vigilant in encouraging participation by all fire departments in responding to the questionnaire. As of the time of writing, 282 of these surveys have been received and the data summarized for your review in various graphs and outlays.

With the cooperation of representatives of the Legislative Auditor, the findings and conclusions of their processes are included in this report as well. The Legislative Auditor conducts a limited audit of fire department finances. This review is strictly limited to the "state funds" received by the several departments. Audits performed in this regard are focused on ensuring the accounts are properly maintained and that expenditures are lawfully permitted. Volunteer and part-volunteer fire departments are restricted in using these funds only for: (1) Personal protective equipment, including protective head gear, bunker coats, pants, boots, combination of bunker pants and boots, coats and gloves; (2) Equipment for compliance with the national fire protection standard or automotive fire apparatus, NFPA-1901; (3) Compliance with insurance service office recommendations relating to fire departments; (4) Rescue equipment, communications equipment and ambulance equipment: Provided, That no moneys received from the municipal pensions and protection fund or the fire protection fund may be used for equipment for personal vehicles owned or operated by volunteer fire company or department members; (5) Capital improvements reasonably required for effective and efficient fire protection service and maintenance of the capital improvements; (6) Retirement of debts; (7) Payment of utility bills; (8) Payment of the cost of immunizations, including any laboratory work incident to the immunizations, for firefighters against hepatitis-b and other blood borne pathogens; (9) Any filing fee required to be paid to the Legislative Auditor's Office relating to sworn statements of annual expenditures submitted by volunteer or part volunteer fire companies or departments that receive state funds or grants; (10) Property/casualty insurance premiums for protection and

indemnification against loss or damage or liability; (11) Operating expenses reasonably required in the normal course of providing effective and efficient fire protection service, which include, but are not limited to, gasoline, bank fees, postage and accounting costs; (12) Dues paid to national, state and county associations; (13) Workers' Compensation premiums; (14) Life insurance premiums to provide a benefit not to exceed \$20,000 for firefighters; and (15) Educational and training supplies and fire prevention promotional materials, not to exceed \$500 per year.⁶ These financial audits are performed on approximately 17 fire departments per year.

In addition to the audits and surveyed replies, the Office of the State Fire Marshal performs outreach through the Fire Department Services section. As part of its statutory duties, the State Fire Marshal conducts regular and repeated evaluations of all fire departments to determine compliance with training, equipment, and operational guidelines as set forth in W. Va. Code 29-3-5d, W. Va. Code R. 87-6-1 *et seq.*, and W. Va. Code R. § 87-8-1 *et seq.* Input from the departments evaluated, in addition to comments from the fire department services staff, are incorporated into the findings of this report.

Working Group Actions

In late 2013, then State Fire Marshal Anthony W. Carrico, in conjunction with then State Fire Commission Chairman Bob Sullivan, began the process of forming the Working Group. Informal meetings commenced in November of 2013. Marshal Carrico appeared before the Joint Committee on Government and Finance on November 19, 2013, and reported on the status of achieving the mandates of the legislation. A copy of the Prepared Statement of Marshal Carrico is attached in Appendix B.

In December of 2013, and again in February of 2014, the Working Group held a strategy and planning meeting to investigate how best to meet the demands of the law. The Working Group was comprised of the Secretary of Revenue, the Insurance Commissioner, the Legislative Auditor, the State Fire Marshal, the State Fire Commission, and the Attorney General. It was determined that a survey to collect data from the volunteer and part-volunteer fire departments was essential to provide the most accurate data to the Legislature.

In the summer of 2014, the Office of the State Fire Marshal, in conjunction with members of the Working Group, formulated the "Survey Report Questionnaire" a copy of which is attached in Appendix C. In August of 2014, the surveys were delivered by U. S. Mail, sent by electronic mail, and made available on the State Fire Marshal's website. These surveys were returnable by October 31, 2014. On November 19, 2014, Marshal Carrico delivered a status update to the Joint Committee on Government and Finance. A copy of the Prepared Statement of Marshal Carrico is attached in Appendix B.

In December of 2014, Marshal Carrico resigned from the position of State Fire Marshal, and on January 1, 2015, Marshal Kenneth Tyree assumed the office. That same month, Working Group members resumed the task of analyzing and evaluating the progress of the tasks at hand. The data was assembled into workable formats. It was also determined that inclusion of stakeholders into the Working Group meetings would provide valuable

⁶ See generally, W. Va. Code § 8-15-8.

insight for the overall process. As such, Marshal Tyree extended invitations to members of the State Fire Commission, to the West Virginia State Firemen’s Association, to the State Fire Chief’s Association, to the National Volunteer Fire Council, and to West Virginia University.

Members of this newly formed Working Group began holding regular monthly meetings beginning in July of 2013, and continuing through the time of writing. These Working Group meetings consisted of: idea sharing; review of prior studies; examining other states’ initiatives; inspecting internal and external data sources; and drafting for approval this report for accuracy of the recommendations. In compiling the volumes of data for the report, the Working Group wishes to acknowledge the laborious and detailed work program educators and students of West Virginia University’s Master of Public Administration program – especially Dr. Karen Kunz. Without their hard work, none of the statistical data and visual summaries herein would have been possible.

Items for Comprehensive Review and Recommendations

(1) An assessment of all current funding received by the volunteer fire companies and departments, and a further assessment of the funding necessary to provide the community protections required for the areas served by the volunteer fire companies and departments, the extent to which those needs are being met, the extent to which they are not being met, and recommendations of sources of funds to meet additional needs and the amounts needed, if any;

When most people consider the fire service of West Virginia, they might imagine that the fire department members are paid wages by a governmental entity. People may also believe that the needs of fire departments are fully satisfied by state, county and local monies. In fact, most volunteer and part-volunteer fire departments in West Virginia are underfunded and continue to do more with less. Fire departments receive funding from: state funds, county fire fees, county levies, other county appropriations, municipal funds, federal grants, other grants, solicited funds, unsolicited funds, fundraising activities, and other community events (bingo, etc.).

A. State Funds

“State funds” are derived from a 0.55% surcharge on all fire and casualty policies pursuant to W. Va. Code § 33-3-33. The funds are distributed to the “Fire Protection Fund” and administered by the State Treasurer. There are two (2) other taxes with funds dedicated to the Fire Protection Fund. The VFD’s receive .25% of the 1% additional tax of W. Va. Code § 33-3-14D. The VFD’s receive 1.55% of the 4.55% surplus lines tax per W. Va. Code § 33-12C-7. In total, there are three (3) taxes with funds dedicated to the VFD’s. The funds are disbursed by the State Treasurer pursuant to the State Fire Marshal ensuring departments

are eligible to receive based on certification and reporting requirements imposed by state law. The current funding provided to volunteer fire departments by this fund is divided (approximately \$43,000 per department) equally across the volunteer fire departments in the State who meet the statutory requirements, e.g. submitting fire reports, being certified by the State Fire Marshal's Office, etc. Of the 434 fire departments in the State, approximately 419 qualify as all volunteer and would be eligible for funding.

Based upon input from the Working Group, specifically the State Firemen's Association, it appears a key issue with funding is the "equity" of disbursement. The issue is that not all of those 419 fire departments have the same emergency response demands. There are disparities in the size of response areas, call volume(s), hazard(s) within response area(s), infrastructure protected, etc.

The current guaranteed revenue stream – the insurance surcharge – has not kept up with inflation. The cost(s) of basic equipment such as Self-Contained-Breathing-Apparatus (SCBA) have increased 400% since 2001; apparatus costs are rising at a rate of 3-5% per year; and training costs have increased.

The State Firemen's Association has long pushed for an increase in the surcharges allocated to volunteer fire departments. With over 96% of the land area and 85% of the population of the State protected by volunteer fire departments, a disproportionate share of Insurance Surtax funding goes to municipal police and fire pension funds. While they recognize the need to adequately fund pensions, much of the responsibility for funding those pensions comes from citizens who do not derive a direct benefit from the services provided by career municipal fire departments. The argument is furthered by the fact that municipalities have the plenary authority to levy and collect fee(s) and/or taxes to support their pension(s) whereas most volunteer fire departments lack any ability to assess any such fee(s) for support and must rely on voluntary donations to fund their operations.

It is noteworthy to mention that this surtax, on a hypothetical \$1,000 homeowner's policy, would currently result in a cost of \$5.50 added to each policy in West Virginia. The proposal of increasing the surtax to 1% would increase that amount by \$4.50 to a flat \$10.00 per year. It is expected that this modest increase would result in approximately \$10,000,000 in revenue that would fully fund worker's compensation costs, cover all training costs for the nearly 10,000 volunteers of the State, and provide funding to address the many other concerns highlighted by this report (*i.e.* recruitment and retention; sustainability; fire prevention programs, etc.).

B. County Funds

"County funds" are derived from several sources: county fire fees, county fire levies and other county appropriations. County fire fees are imposed pursuant to W. Va. Code § 7-17-1 *et seq.* This process requires a petition signed by 10% of registered voters in a county directing a county commission to impose such a fee. The fee may be defeated by a petition signed by 30% of registered voters. The funds derived from such a fee are administered by a county fire board for the betterment of departments in the county. County fire levies may be imposed pursuant to W. Va. Code § 7-1-3d. These funds require the passage of the levy by

the same means as other lawfully imposed tax levies. Some counties simply disburse discretionary funds from their general revenue to the several fire departments.

A breakdown of the county fire funding is as follows:

County	Fee	Levy	Neither	Additional Comments
BARBOUR			X	Fund each fire dept. \$10,000 the funding level is determined on revenue received from coal severance. County is examining the prospect of a fire fee.
BERKELEY	X			
BOONE		X		
BRAXTON			X	
BROOKE		X		no additional funding to VFD's
CABELL		X		Fire and Economic Development with a certain percentage going to each
CALHOUN			X	Has emergency services levy that provides a little funding for VFD's
CLAY			X	
DODDRIDGE			X	Used to have a Fire Levy, but last couple elections was defeated. No regular funding to VFD's, will help at times. One time donation was approved and distributed to each fire dept. for purchase of new truck.
FAYETTE		X		
GILMER			X	
GRANT			X	
GREENBRIER			X	Lewisburg recently passed their fire fee, we have provided funding as it was available or in-kind donations like old police cruisers.
HAMPSHIRE	X			
HANCOCK			X	We do provide our six (6) volunteer fire departments and the city of Weirton with an allotment of \$44,000 each fiscal year.
HARDY			X	Unable to budget an allocation this year because of failing ambulance service.
HARRISON			X	General Co. Funding Budget \$314,000 for 16 fire depts.
JACKSON			X	County budgets \$25,000 for each VFD and \$5,000 from ambulance levy fund to each VFD to offset expenses for first responders.
JEFFERSON			X	Has an ambulance fee but no fire fee. The fee is used for salaries and benefits for ambulance.
KANAWHA		X		Commission contributes \$20,000 annually to Fire Departments.
LEWIS		X		
LINCOLN		X		Has Levy until July 2015. Did not pass in election 2014 will run it again in Feb 2015 in a special levy election.
LOGAN		X		
MARION			X	Will have on 2016 Ballot. The Commission does allocate from Coal Severance funds to all Co. VFD's
MARSHALL			X	Contributes \$18,300 to each of 15 VFD's. The VFD's w/ ambulances receive additional \$7,000. 1 truck per year \$25,000 aid. Co. Fire association \$8,250 yearly.

MASON			X	Fund 6 dept.'s ranging from \$12,500 - \$15,500 yearly. 50% reduction since power plant shut down resulting in \$500,000 in lost revenue to co budget.
MCDOWELL			X	
MERCER	X			
MINERAL		X		Just renewed on this ballot passed at 83% \$3,000 to Fire Fighter Association for Fire School.
MINGO			X	
MONONGALIA			X	\$24,000 to each VFD (12) \$25,000 to Fire Association \$15,000 to HAZMAT team \$7,000 to brush fire unit.
MONROE		X		Passed in the primary first one in history of county
MORGAN	X			No funding to VFD's.
NICHOLAS			X	City of Summersville has their own fire fee. This is the first year we have not made a contribution in a number of years.
OHIO	X			
PENDLETON			X	Contributes \$7,500 annually to both the county fire association and the ambulance authority.
PLEASANTS			X	Pleasants County has no fire levy or fee the city does. The county gives 10,000 a piece to the two VFD in our county.
POCAHONTAS			X	
PRESTON			X	Gives \$3,000 annually to each of 12 VFD's and \$3,000 to each of 7 ambulance squads from county budget.
PUTNAM	X			Residential under 2,500 sq. ft. \$37.50 over 2,500 sq. ft. \$45.00 / Commercial up to 2,500 sq. ft. \$75.00 topping out at \$1,125 for 25,000 sq. ft.
RALEIGH		X		
RANDOLPH			X	
RITCHIE			X	County gives to VFD's.
ROANE		X		Has excess levy that generates \$521,622 yearly with 59.04 to fire dept., 20.61 to emergency ambulance services, and 20.35 to public libraries.
SUMMERS			X	
TAYLOR		X		
TUCKER			X	Funding for Tucker County VFDs are Hotel Motel Fees not to exceed \$100,000.00 split equally between 4 fire companies.
TYLER			X	
UPSHUR	X			
WAYNE			X	
WEBSTER				Due to financial restraints our county does not provide funding to our volunteer fire departments. The only fire fee assessed is in the town of Webster Springs.
WETZEL		X		\$300,000 generated from levy County funded 15/16 \$10,000 to each (11 VFD's) Extra funding to 3 VFD's amounts \$10,000- \$132,000-\$4,000.
WIRT			X	
WOOD			X	A petition is being circulated by VFD's to enact a fire fee. The commission give each dept. \$17,000 and \$6,000 to Fire Fighters Assoc. for fire school.
WYOMING			X	

- Information courtesy of West Virginia Association of Counties (Oct. 2015).

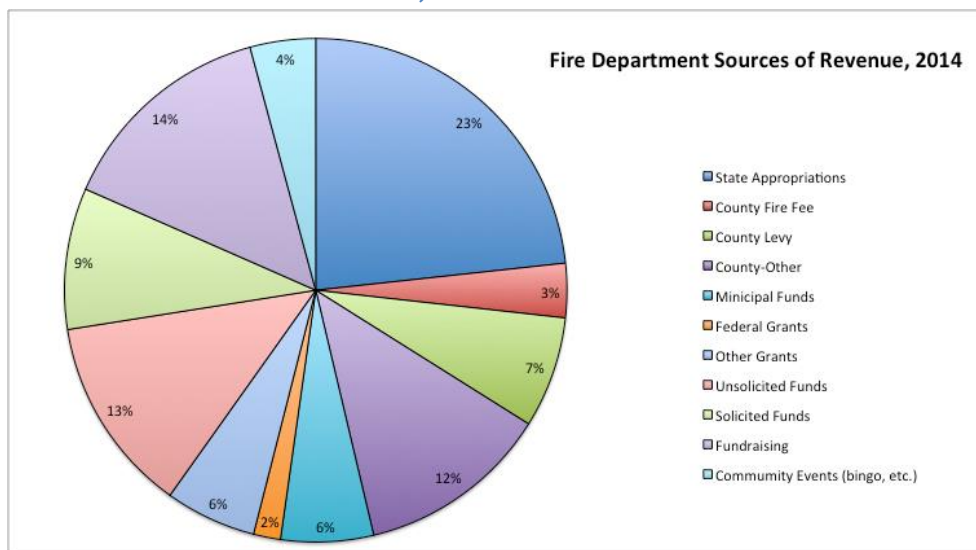
C. Municipal Funds

Some volunteer and part-volunteer fire departments are located within the municipal boundaries of cities and towns. These departments may, or may not, receive funding from the host municipality. Similar to counties, “municipal funds” are derived from: municipal fire protection fund fees, municipal levies and other municipal appropriations. Municipal fire fees are imposed pursuant to W. Va. Code § 8-15-1 *et seq.* Municipal levies may be imposed in the usual and customary manner. Some municipalities simply disburse discretionary funds from their general revenue to the several fire departments.

D. Summary of Sources of Revenue

In order to bring further clarity to the issue, the Working Group surveyed all departments to ascertain the true financial condition of the agencies. It is noteworthy to mention that this data relies upon data in the 2013-2014 timeframe. These amounts have likely been reduced by decreased revenues and charitable contributions from a weakened economy. The first component of the survey sought a detailed examination of how departments are funded. From the amounts self-reported, departments represented the following information:

Overview: Sources of Revenue, 2014

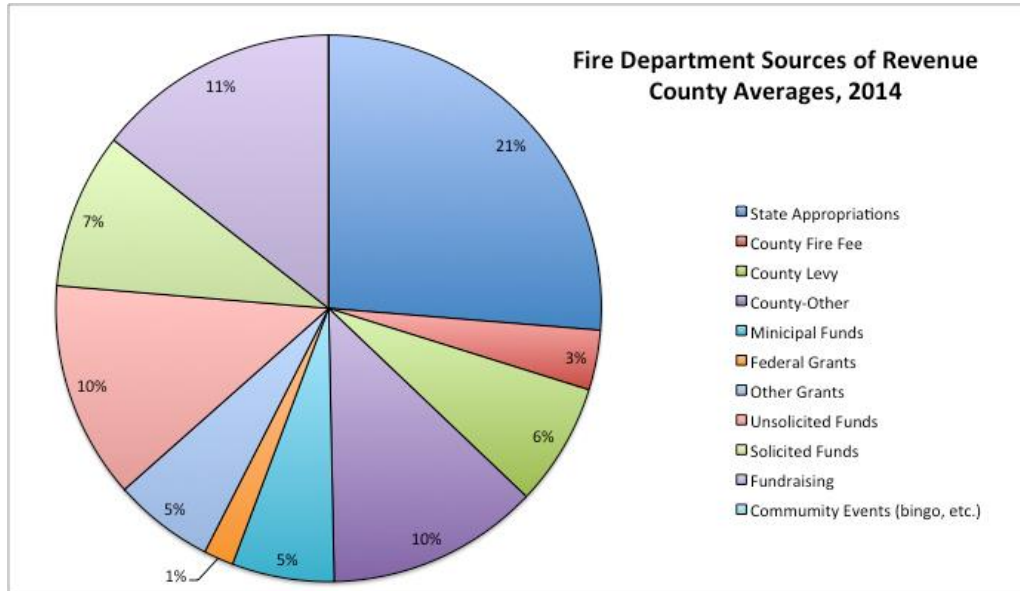


Total survey respondents: 282 Fire Departments

- 254 departments received a total of \$11,545,974 in state appropriations
 - Primary source of revenue for most fire departments (23%)
 - Average per department: \$45,456
 - 28 departments (11% of respondents) reported receiving no state funds
- Most common other sources of revenue
 - Fundraising: 55% of respondents (155/282)
 - Unsolicited funds: 49% of respondents (138/282)
 - County funds-other: 48% of respondents (135/282)

- Least common sources of revenue
 - County fire fees: 13% of respondents (38/282)
 - Community events, i.e., bingo: 16% of respondents (46/282)
 - Municipal funds & other grants: 23% of respondents (64/282)

Sources of Revenue: by County



Averages per county:

- Number of fire departments: 5.13
- Of those:
 - 4.62 received state appropriations
 - 4.56 received county funding (fire fees, levys, grants)
 - 1.18 received municipal funding
 - 2.51 received funds from unsolicited donations
 - .35 (1/3 of 1%) received federal grants
 - 2.82 received funds through fundraising efforts
 - .84 (just over ¼ of 1%) used community events (bingo, etc) to raise revenue

When reviewing similarly comprised states facing challenges of funding, our Working Group focused on the Commonwealth of Kentucky. Kentucky's State Fire Commission faced concerns with a mounting worker's compensation problem. In response, Kentucky's Fire Commission committed to a self-insurance program which has experienced a reduction in costs and loss data. Furthermore, the Commonwealth of Kentucky has created statutory authority for a process whereby their local fire departments may petition the county government, through a block of affected citizens and property owners, to form a fire protection taxing district. This would be a local tax of a *maximum* of \$0.10 per \$100 of assessed value (\$0.20 per \$100 if emergency ambulance service is offered).

With the average home price in West Virginia being \$115,000, that would result in an assessed value of roughly \$70,000. At a median amount of 0.05 on \$100, a taxpayer would expect a \$35 cost added to their tax statement. With nearly 790,000 homes in our State, that means an average VFD protecting 1,880 could expect nearly \$70,000 of added revenue to

assist in their mission. Simply put, local areas could determine what level of fire (or fire/EMS) protection they desire to financially support.

In sum, on this topic, the State Firemen's Association recommendations include:

- Change the "may" in §7-1-3d to "shall" thus requiring County Commissions to take responsibility for funding their volunteer fire departments.
- Modify the WV Code in §7-1-3d. The way it's currently written allows insurance companies to not pay for services they are billed for if their policy holder is involved in an accident/incident. Some policies specifically say they will not pay for fire department services and sometimes insurance companies will state that it does not meet the definition of "Bodily Injury" or "Property Damage". The WVSFA would like to see some language added in some part of the law that specifically states that insurance companies must include payments for auto accidents, structure fires, vehicle fires, and hazardous materials incidents in **ALL** their policies.
- Raise the limit in §7-1-3d to \$1,500.00
- Raise the Insurance Surtax to a full 2.5% with the additional funds being earmarked solely for volunteer fire departments.

The State Fire Chief's Association specifically recommends:

- Requiring utility providers, through the Public Service Commission, that volunteer fire departments are charged the lowest utility rates allowable as does the Commonwealth of Kentucky.
- Exempting VFD's from statutory and local fees (registration/permitting) for fundraising activities like bingo and raffles.

Recommendations of the State Fire Marshal

- The State Fire Marshal is supportive of the recommendations of the WVSFA and SFCA.
- Increase in the Insurance Surtax to 1%
 - With the creation of a formula for the disbursement from the residual increase of the fire protection fund with a portion of that fund going to a fund to provide minimal or "no cost" training to all volunteer fire department members.
 - Decreasing the training cost requirements for all departments statewide and providing the necessary revenue to the instructional service providers.
 - The increased funding would also provide the means to provide all required and necessary training and providing the financial overhead to the instructional service providers.
 - Proposed legislation is attached as Appendix A.

- Establish a mechanism for counties, municipalities, and political subdivisions to create “Fire Protection Taxing Districts” for each fire district; with the intent of establishing model legislation comparative to the State of Kentucky.
 - Proposed Legislation is attached as Appendix A.

2) An assessment of the cost of workers’ compensation coverage for the volunteer fire companies and departments and recommendations for any actions that may be undertaken by the volunteer fire companies and departments and others to reduce those costs;

The State Firemen’s Association reminds us that firefighting and rescue response are inherently dangerous vocations. Members of VFD’s are asked to go out, 24/7/365, in all types of weather, to handle all sorts of emergencies – from trees in the road to house fires; from water rescues to lost person searches; from assisting in weather related emergencies to passing out drinking water. Their job description varies based on community need(s) and situation(s). The divergence of West Virginia communities means that not all volunteer departments do the same thing as another department, *e.g.* some departments provide EMS, others don’t; some do hazardous materials response, others don’t; some do water rescue, many do not, etc.

A. Premium Formulation and Risk Data

West Virginia volunteer fire departments are required to provide worker’s compensation coverage(s) in order to operate within the State. If a department loses its coverage(s) for any reason, the State Fire Marshal is notified and that department must cease operations potentially leaving a gap in emergency response in the area(s) covered by that volunteer fire department. The WVSFA has repeatedly asked for risk/exposure data in order to help control and/or stop loss(es) and/or to develop viable risk management plan(s). To date, all of their requests for said data have been denied. According to the WVSFA, “We cannot be asked to control risk(s) that we are not aware of and/or do not have data to support.”

The Insurance Commissioner requested and provided premium and loss data from NCCI to the Working Group. This data included premium and losses combined for all policies with the class 7711 (firefighters – volunteer) by fiscal year. The data table was subsequently included in the report as support. Further, all VFD policies may request a loss report at any time from the agent of record on the policy. Loss information is readily available for request and should be utilized for loss trending and subsequent risk management plan developments.

The State Firemen’s Association believe the burdens of operating are compounded by VFD’s having to pay increased worker’s compensation costs for the additional hours spent in training. The privatization of worker’s compensation in the State has caused many volunteer fire departments to see a 600-700% increase in Worker’s Compensation premiums despite no significant known increase in claims reported and/or paid.

The Insurance Commissioner, however, asserts that while the workers’ compensation privatization did impact premiums and the premium determination methodology, it is

important to realize that the assigned risk base rate for class 7711 has decreased over 8% since 2013. A key component of the premium determination is member hours. If member hours have increased this will result in the premium increasing as the exposure has increased. If the VFD qualifies for E-mod, this could result in a premium increase. Likewise E-mods can also reduce premium as the E-mods are based on loss experience.⁷

Worker’s compensation premiums for volunteer fire departments in West Virginia are based on reportable man hours. These reportable hours include emergency response(s), training hours, fund raising (in many cases), and other activities related to the operation(s) of the fire department. Simply put, the busier the volunteer fire department and the more they train, the higher their premium(s) will be. As call volume(s) and training level(s) vary widely across the State, so do the premiums paid for Worker’s Compensation coverage(s). One issue discovered by the working group is that VFD’s are assessed a minimum of 1,000 hours per member on the roster. Many of these rosters include members in their rolls who have not reported in some time to the station for meetings, training, or calls. Nevertheless, through this basis, each member costs a VFD \$140 annually for the distinction of remaining on the books assuming an E-mod of 1.

The Insurance Commission noted that member hours are a valid component of the premium calculation. A premium calculation sample is provided for use as reference or to be included as an exhibit in the report.

Premium Determination Example						
Firefighters & Drivers – Volunteer						
Member	Class	Hours	Comparable Wage	Payroll Calculation*	Rate	Manual Premium
A	7711	50	\$14.03	\$ 1,000.00	\$13.25	\$132.50
B	7711	100	\$14.03	\$ 1,403.00	\$13.25	\$185.90
Total Premium						\$318.40

*For 7711 - minimum payroll must be **\$1,000** for premium determination. Payroll = hours x comparable wage
Manual premium = payroll / 100 x rate

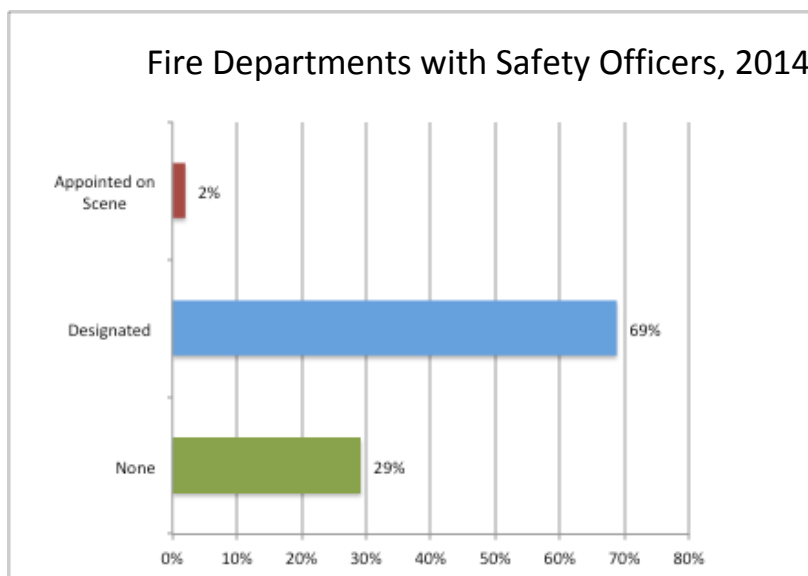
⁷ “E-mods” or “Experience Modification” is a multiplier applied to the premium of a qualifying policy and provides an incentive for loss prevention. The E-mod represents either a credit or debit that is applied to the premium before discounts. If a VFD’s loss experience is more costly on the average than other VFD’s loss experience in the industry, the result is a debit e-mod, or surcharge on premiums. If a VFD’s experience is less costly than the industry average, they will receive a credit e-mod, or discount, on the premium. As an example, an E-Mod of 1 is neutral meaning the claims history is usual and customary and the premium would be neutral. If a VFD has a significant claims history and is assigned an E-Mod of 2, that would mean the premium would be doubled. In the inverse, a VFD with no history having an E-mod of 0.5 would reduce their premium in half.

B. Prior Measures Taken To Reduce Risks

In 2013, in response to mounting safety and operational concerns, the State Fire Commission implemented certain Legislative Rules designed to reduce risk and improve firefighter safety, *e.g.* requiring operators of emergency vehicles to take a class (EVOC); requiring increased training that includes safety components; etc. but even these steps have not resulted in a significant impact on reducing worker's compensation premium costs.

One form of prevention is the assignment of a Safety Officer (or Health and Safety Officer) by each VFD. This individual would function largely in the area of identifying hazards, help forming SOG/SOP for the VFD, working with training providers, assessing and reacting to scene safety issues, and following through in after action. Survey results of the VFD's demonstrate mixed results. The Insurance Commission noted that the following graphs are based on slightly over half of all VFDs (considering previous statement that there are 419 VFDs and using an average of 250 of respondents). Again considering the varying size, activity and safety functions of the VFDs throughout the state, these graphs may not be indicative of the overall VFD loss experience and safety components.

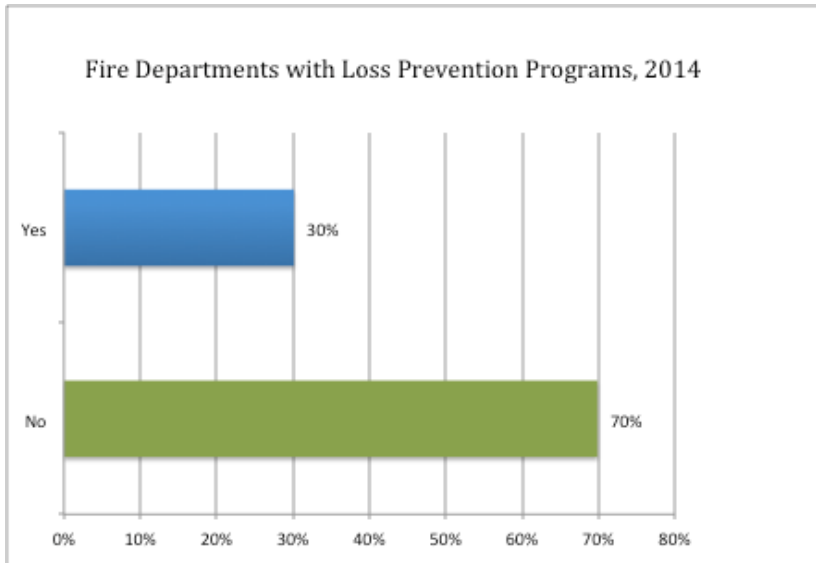
Loss Prevention Data from Survey



Details:

- Number of respondents: 250
- Number of departments with no safety officer: 73
- Number of departments with a safety officer: 172
- Number of departments with officers appointed at scene: 5
- Number who failed to respond to the question: 32

Loss Prevention Programs by Survey



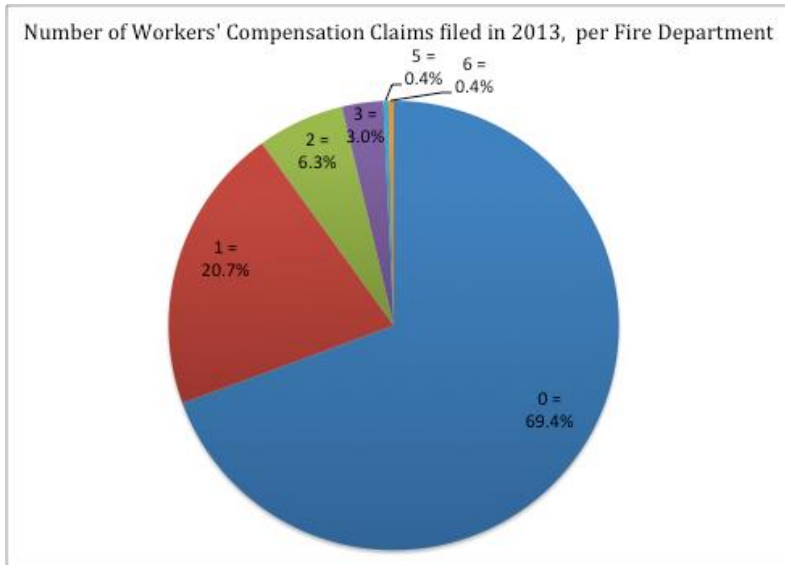
Details:

- Number of respondents: 239
- Number of departments with no programs: 167
- Number of departments with programs: 72
- Number who failed to respond to the question: 43

SAFETY OFFICER & LOSS PREVENTION

- One county with no departments with neither: Taylor
- Counties with at least one fire department with neither
 - Boone
 - Greenbrier
 - Hampshire
 - Hancock
 - Harrison
 - Kanawha
 - Lewis
 - Logan
 - Marion
 - Marshall
 - Mercer
 - Mineral
 - Monroe
 - Ohio
 - Pleasants
 - Preston
 - Raleigh
 - Taylor
 - Tyler
 - Wetzel
 - Wyoming

Number of Workers' Compensation Claims filed per Fire Department in 2013



Details:

Number of respondents: 271

Claims per fire department in 2013

- 0 = 188 (69.4%)
- 1 = 56 (20.7%)
- 2 = 17 (6.3%)
- 3 = 8 (3%)
- 4 = 0
- 5 = 1 (4%)
- 6 = 1 (4%)

Even with limited cost saving measures, the data indicates an increasing exposure to worker's compensation claims. Data provided to the Working Group indicates the following:

Volunteer Fire Department Premium and Loss Summary
as of August 1, 2015

Policy Year / Fiscal Year	Final Audited Premium	Total Incurred
July 2008 – June 2009	\$535,986	\$2,473,483
July 2009 – June 2010	\$574,689	\$574,250
July 2010 – June 2011	\$445,676	\$602,688
July 2011 – June 2012	\$2,120,683	\$1,041,123
July 2012 – June 2013	\$2,284,624	\$1,683,506
Total	\$5,961,658	\$6,375,050

The National Council on Compensation Insurance, NCCI, is our workers' compensation rating and statistical resource.⁸ At the request of the West Virginia Offices of the Insurance Commissioner, NCCI provided premium and loss data for the VFD risks, and related VFD classifications, for the period of FY2009 through FY2013. This was the most recent data available. Based on the data provided, risks in the VFD classification paid \$5,961,658 in workers' compensation premiums for the five fiscal years. This does not include surcharges as surcharges are not considered premium as those payments are dedicated to the WV deficit reduction and workers' compensation regulatory functions and are not used in the payments of claims or losses.

NCCI also provided loss data for the same period for these risks. The total incurred losses for this five year period was \$6,375,050. This incurred amount represents the projected ultimate value. Detailed risk specific loss data is not available.

The Working Group examined the success of the recent "State Agency Workers Compensation" program contained in W. Va. Code § 33-2-21a. This program combined the risk of all participants into a program administered by the Insurance Commissioner. The legislation created a "State Entities Workers' Compensation Program Fund" to sustain the program. It is recognized that such a program may attract little if any qualified carriers to insure the risks associated with the volunteer fire service, it is an unknown quantity at this time. The Working Group also acknowledges that a program of this character would require a substantial initial capital outlay from the Legislature in the implementation stage. That being said, if operational, it is believed that such a program could be administered with the addition of approximately three (3) additional staff members to the Office of the State Fire Marshal, resulting in an anticipated cost of \$200,000 to the agency.

In looking to other state models of guidance, the Louisiana State Fire Marshal's Office is empowered to function in such a capacity.⁹ The Louisiana Legislature intended to present their state fire marshal with a means by which he shall provide workers' compensation coverage to volunteer members of fire companies. See L.R.S. 23:1036(A); see also Appendix D.

The Insurance Commission notes of the Louisiana program:

- There is a 2% Fire Insurance Fund allocated to VFDs with 3% of those funds payable to the State Fire Marshal for workers' compensation premium. While

-
- ⁸ Claims valued as of August 1, 2015.
 - Data provided and validated by NCCI.
 - Policy Year / Fiscal Year includes all policies written in the timeframe provided.
 - The summary above includes data extracted from all policies that had class 7711- Volunteer Firefighter on the policy and does include premium from all classes on the policy including clerical, EMS, diving and any other applicable codes.
 - The incurred amounts provided above include a development factor, calculated by NCCI, which adjusts incurred to ultimate value.
 - Premium includes schedule rating, experience rating and all other premium factors applied to the policy.
 - Final audited premium does NOT include the WV Deficit Reduction, WV Regulatory and/or WV Fire and Casualty surcharges.
 - Surcharges are not considered as premium and are not used in the payments of claim/loss experience. Surcharges are remitted by the carrier to the Insurance Commissioner for payment of the old fund liability.

⁹ http://www.lasfm.org/fi-fd_firemans-insurance.htm

we do have the subsidy fund, the Insurance Commission is not aware of a dedicated fund for our Fire Marshal to use to for the payment of WC premiums for VFD's;

- The carrier for the consolidated policy is Louisiana Workers' Compensation Corporation (LWCC). This carrier is a single state, single line workers' compensation carrier. WV does not currently have a similar option available to employers/VFDs. Carrier information is located here: <http://www.lwcc.com/About/History-Overview>;

- The LA code is very specific that if a member is not on a roster then no coverage is awarded to that member in the event of an injury during the course of their VFD activities;

- The LA State Fire Marshal's Office appears to be the "centralized" unit that administers the policy. The webpage lists the data reporting requirements of each department fire chief: http://sfm.dps.louisiana.gov/fi-fd_firemans-insurance.htm. Further, the LA State Fire Marshal must provide attestation that each claim did occur while in the scope of firefighting/fire department activities. If a program like this was implemented here, the Insurance Commission thinks additional resources would be required to administer the program;

- The policy covers approximately 8,500 VFDs as shown on the fiscal note. The last estimate the OIC has for WV VFD members is 10,980 from 2008 (adjusted to an estimated 9,500 in 2014). We do not have any updated numbers to compare;

- It appears the biggest difference in the benefit structures is the payout of indemnity benefits. There is a 7 day waiting period for lost time wage replacement. However, you must be off for 2 weeks before the initial 7 days are included in the benefit. Example: If you are off 9 days, you will receive TTD benefits for 2 days. If you are off 15 days, you will receive TTD benefits for 15 days. With less benefits paid out, the lower the premium. WV has a 3 day wait until benefits are paid and is retroactive if lost time is greater than 7 days. Both states pay a rate of 662/3%;

- The Insurance Commission checked the LA "7711" classification and it is not state specific;

- There are NO indemnity benefits paid for any VFD accident. When priced to include indemnity the premium would have doubled or more due to the unknown exposures;

- There IS an accident and sickness policy written by Hartford that the LA Fire Marshal felt filled some of the gaps from the lack of indemnity benefits on the comp policy;

- The workers compensation policy only provides medical benefits;

- The VFD workers comp policy does not cover junior VFDs (teenagers or those still in training). However, the A&S policy does.

Recommendations discussed by the Working Group consisted of:

- Self-Insurance (pooled risk plan)
- Authorization for an RFP/RFQ to determine qualified carriers and anticipated costs to underwrite such a program, if any.
- Mandated risk reducing/safety programs for evaluation implemented by the State Fire Commission.
- More detailed scrutiny of the percentage of claims per department versus the overall.

Recommendations of the State Fire Marshal

- The State Fire Marshal concurs in the recommendations of the Working Group
- Establish a study for a Worker's Compensation Self-Insurance program and study the possibility of it being administered through the State Fire Marshal's Office similar to Louisiana Workers Comp Self Insurance program.
- Require each department to provide a Risk Management Plan with emphasis to utilize the National Fallen Firefighters Vulnerability Assessment Plan.
- Encourage evaluation of an in-depth review of each department's membership roster and a mechanism for exempting "non-active" members from coverage
- Encourage accurate reporting to ensure fair insurance premium cost.
- Proposed legislation attached as Appendix A.

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

Based upon a study by Dr. Kelly Nix of WVU's Extension Service program, West Virginia is experiencing a marked decline in volunteerism. The volunteer rate in this state has declined from 26.1% in 2005, down to 24.7% in 2009, and trending downward. 90% of respondents cite time requirements as a reason for not volunteering; 59% cite demands of full-time work. The average volunteer firefighter in West Virginia is 20-39 years of age, over 80% are married, over 90% are male, over 45% are blue collar, over 50% have friends who are firefighters, and over 70% volunteer only in a fire department capacity. Based on the study, significant hurdles are: inadequate recruitment efforts; increased turnover; lack of sufficient training; lack of supervision; and poor relations between VFD's and career fire departments. Additional factors are: volunteers availability; retention efforts; lack of time to train; lack of blue collar workers to recruit; experienced "older" members resistant to a new direction; drug problems; volunteer burnout (same 10 people); availability of training; worker's compensation; and a new mindset of a younger generation.

The study found that volunteer participants leave due to: poor or no communication; no recognition; favoritism; low standards; poor attitude; weak training; work pressures; competing priorities; inconvenient meeting times; financial constraints; family responsibilities; and too much downtime. Those leaving fire organizations demonstrated: the work was not what they expected; a mismatch with the organization; too little coaching/feedback; few growth and advancement opportunities; and a lack of recognition.

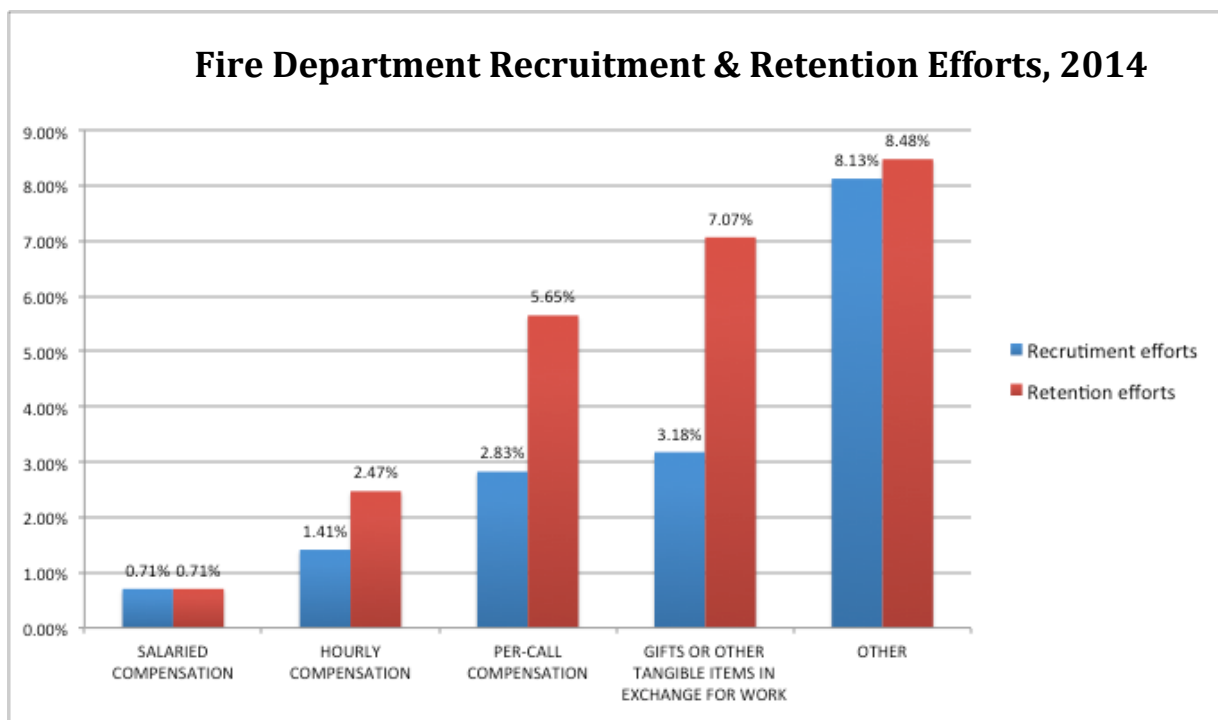
According to the WVSFA, there is no state-wide incentive to be a volunteer firefighter other than the desire to help your community. The cultural shift has been away from a sense of community to a "what's in it for me" mentality. It is a national problem and not just a West Virginia issue. The events of 9/11 saw a resurgence of volunteerism but that resurgence has

long since waned. Increased training demands, lack of benefit(s), economic trends, and other salient factors have contributed to the decline.

According to the WVSFA, every initiative to provide some sort of incentive to volunteers through the legislature has met with failure. Length of Service Award Programs (LOSAP), Waiver of license plate fee(s) for the primary vehicle used for response; tax credits or exemptions; free night stay in a State Park; tuition credit(s); etc. – have met with little to no support in the legislature. We have been told, “...if we give it to you, then we have to give it to others...” – but others don’t do what we do – they don’t have nearly the statutory and/or civic responsibilities that volunteer fire departments have in the State.

In an effort to examine the efforts of the VFD’s to engage in their own recruitment and retention programs, the Working Group evaluated the data from the survey. The results of this examination are as follows:

Retention & Recruitment



The information demonstrated that the vast majority of respondents do not engage in any recruitment or retention efforts at all.

- “Other” means are used for recruitment and retention efforts most often, and that is only by approximately 8-8.5% of respondents, respectively.

Of those that do, many use the same inducement for both retention and recruitment. For example if the department uses per-call compensation to recruit, they tend to also use it to retain.

- Interestingly, per-call compensation and gifts and other tangible items are used to retain firefighters at least twice as much as they are to recruit new personnel. Hourly compensation is also used more often to retain than recruit.
- Only one fire department, Princeton Fire Department in Mercer County, uses all methods for both recruitment & retention.

The counties that reported NO recruitment or retention efforts:

Berkeley	Mingo	Ritchie
Boone	Monroe	Roane
Calhoun	Morgan	Taylor
Hardy	Ohio	Upshur
Lewis	Pendleton	Wyoming
Logan	Pleasants	
Mason	Preston	

Recommendations of the WVSFA are as follows and attached as Appendix E:

- Implementation of a LOSAP Program in the State
- Tax Credit (not a deduction) for being an **active** member of a volunteer fire department
- Tuition credit if an **active** volunteer to attend a public college or university
- Personal property tax waiver on the vehicle primarily used for responding to emergencies
- Waiver of the license plate fee(s) on the vehicle primarily used for responding to emergencies
- Increase State death benefit for line of duty death to \$100,000.00 (W. Va. Code § 5H-1-1 *et seq.*)

Recommendations of WVU include:

- Immediately increase utilization of online tools (website, social media, etc.) to advertise, market, target select groups
- Demonstrations at fairs and festivals, school programs, local events
- Incentivise a buddy system of bringing in new recruits
- Increase benefits, tax breaks, funding sources, and early start programs
- Find better volunteers and give compelling reasons to stay
- Provide a quality organization, show pride, supportive environment, value staff, welcome newcomers, share ideas, limit downtime, follow-up with missing volunteers, avoid burnout, establish clear expectations, make the mission relevant

Recommendations of the State Fire Marshal

- The State Fire Marshal agrees with the recommended items from the WVSFA and WVU

- Advocates fire departments to provide recruitment and retention plans which includes the National Volunteer Fire Council New Initiative “Make Me a Firefighter” campaign and other available resources.
- Create a mechanism for subsidizing training of volunteer fire department members to include reimbursement incentives for meals and lodging expenses.
 - Funds coming from the increase to the surcharge which is mentioned in Item # 1 and Appendix A.
- Establish a local funding mechanism through taxing districts to provide for hourly wages to VFD members. See Appendix A.
- Encourage the establishment of networking opportunities for fire departments to discuss and share their successful ideas and strategies of their programs.
- Foster local programs to utilize federal grants to compensate firefighters (SAFER grants)

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

Increasingly, the lack of accountability in oversight of volunteer fire department monies has resulted in embezzlement and misuse of funds. Several recent high-profile cases have emphasized this point.

The WVSFA fully supports the full and total accountability of any and/or all public funds. But they pose the question as to, “What are public funds?” WVSFA notes that most volunteer fire departments in the State are IRS 501[c] (3) or (4) non-profit corporations. There rely on varying opinions and conflicting State Code sections as to whether they are political subdivisions of the State; one Attorney General’s opinion refers to them as, “Quasi-political subdivisions” of the State; and other opinions that say that they are independent and autonomous organizations. The WVSFA believes that these opinions are conveniently used when it comes to the bottom line question – “Who is responsible to see that volunteer fire departments are adequately funded and supported?” With the follow-up questions by the WVSFA of:

- To what standard(s) will volunteer fire department finances be evaluated?
- Will volunteer fire departments that have been fiscally prudent and/or conservative have their State funding cut to augment other departments who have been irresponsible and/or liberal in their spending?
- Who will determine what a fire department “needs”?

Most volunteer fire departments that receive levy funds are subject to desk audits by an outside auditor (typically a CPA). Departments that run raffles and bingo games and/or raffles are subject to audits by the West Virginia Lottery. Insurance Surtax funds are subject to audit by the Legislative Auditor. Some volunteer fire departments file detailed IRS 990 forms and others, because of their limited income(s) on file the IRS 990 “Short Form”.

Every single WVSFA member fire department polled at the State convention stated that they would have no problem with full and open disclosure of their finances IF they were not forced to have to do boot drives, bean dinners, raffles, bingo, pancake breakfasts, bake sales, water hauling for swimming pools or otherwise begging their community for funds. There is an issue with having to disclose to a third party something in which that third party does not have a vested interest. Does the State - or will the State - do the same for all of the other non-profits and/or private businesses that operate within the State?

In this regard, the Auditor's delegate recommended the following for the financial accountability aspect:

- The departments should be required to prepare a Statement of Net Assets which includes all assets and liabilities by major category that may include but is not but not limited to cash, investments, accounts receivable, capital assets, accounts payable, long term notes payable.
- Each department should be required to prepare a Statement of Revenues, Expenditures and Changes in Fund Balance by major category that may include but is not but not limited to the revenues of Local support, State support, Federal support, Fire service Fees, Bingo and raffle revenue, excess levy allocations, interest, donations and the expenditures of Personal services, payments to other fire departments, repairs and maintenance, depreciation, office and supplies expense, professional services, and interest and fiscal charges.
- Notes to the financial statements should be required in accordance with generally accepted accounting principles for larger fire departments.

This only contemplates some standard financial reporting techniques already in place for some of the departments that fall under State Auditor's auspices (which is a small % of them). There may be other schedules that could be required to help the Fire Marshal evaluate the departments such as calls answered, a schedule of capital assets, number of employees and payroll cost by year, etc. From a practical standpoint it would make sense to prepare a report shell that contains the necessary information to satisfy this and other code requirements (i.e. Legislative Auditors, Tax Commissioner) in order streamline the reporting requirements for the departments.

Recommendations of the State Fire Marshal

- Require all VFDs to provide full financial statements detailing assets (all funds received) and detail of all expense liabilities. The financial statement would be developed by a third party agency of each department's choice. Disclosure of this information could be limited to each county's commission.
- Proposed legislation is attached in Appendix A.

(5) An assessment of the comparative levels of funding for volunteer fire companies and departments provided by counties, municipalities and other political subdivisions and the means by which that funding is provided, including identification of those which contribute little or no funding to the

volunteer fire companies and departments within their jurisdictions, together with recommendations for increasing those levels of contributions;

In the survey data, the responding VFD’s provided financial summaries indicating the amounts received from the sources requested. The table below shows the distribution of income broken down by county as compared to other sources of revenue.

Fire Department Survey: Funding Sources by County, 2014

n=282/460

	Total Fire Depts. ¹⁰	Number of fire departments within the county that have received funding from these sources											Total State Appro	Average Appro per Fire Depart.
		State Appro x.	Co. Fire Fee	Co. Levy	Co. Other	Muni. Funds	Fed. Grant	Other Grant	Unsol Funds	Solicited Funds	Fund-raising	Comm Events (bingo, etc.)		
Barbour	2	2	0		1	1	0	0	1	1	2	2	\$104,900	\$52,450
Berkeley	3	3	3	0	0	0	0	0	3	0	3	1	\$87,824	\$29,275
Boone	4	4	0	4	0	1	0	0	2	0	1	0	\$244,199	\$61,050
Braxton	5	5	0	0	4	3	0	1	3	3	3	0	\$216,116	\$43,223
Brooke	8	8	0	8	0	1	2	2	4	3	4	2	\$362,815	\$45,352
Cabel	4	3	0	4	0	1	0	3	1	1	3	0	\$135,259	\$33,815
Calhoun	3	2	0	3	1	0	0	0	2	0	2	0	\$135,231	\$45,077
Clay	1	1											\$45,010	\$45,010
Doddridge	4	4	0	0	1	0	0	0	3	0	1	0	\$196,533	\$49,133
Fayette	10	7	0	10	1	2	0	4	2	1	0	1	\$271,294	\$27,129
Gilmer	1	1	0	1	0	0	0	0	0	0	0	1	\$45,249	\$45,249
Grant	1	1	0	0	1	0	0	0	1	0	1	0	\$45,010	\$45,010
Greenbrier	8	8	0	0	1	3	1	2	6	4	4	2	\$360,520	\$45,065
Hampshire	6	5	0	6	0	0	1	0	4	0	4	2	\$203,033	\$33,839
Hancock	6	5	0	1	6	3	0	0	2	0	4	1	\$198,989	\$33,165
Hardy	2	2	0	0	2	0	0	0	2	1	2	1	\$488,969	\$244,485
Harrison	11	11	1	2	8	6	0	2	11	5	6	0	\$474,936	\$43,176
Jackson	2	1	0	0	2	1	0	1	1	1	1	1	\$45,182	\$22,591
Jefferson	3	2	0	0	3	2	0	2	2	2	3	2	\$80,242	\$26,747
Kanawha	15	13	0	6	9	3	0	6	4	12	3	6	\$515,596	\$34,373
Lewis	4	4	4	0	3	2	1	2	3	1	4	2	\$122,561	\$30,640
Lincoln	1	1	0	1	0	0	0	0	0	1	0	0	\$47,000	\$47,000
Logan	9	6	0	8	1	1	1	1	0	0	2	0	\$191,676	\$21,297
Marion	8	7	2	1	6	3	1	3	5	6	4	2	\$314,549	\$39,319
Marshall	9	8	0	0	8	1	0	1	4	5	5	1	\$346,162	\$38,462
Mason	5	5	0	0	5	3	0	2	4	2	3	0	\$226,910	\$45,382
McDowell	6	4	0	0	0	1	0	1	0	0	2	0	\$184,011	\$197,335
Mercer	8	8	7	0	1	1	1	5	3	1	2	1	\$333,529	\$41,691
Mineral	7	6	0	7	1	0	2	2	3	5	7	0	\$277,364	\$39,623
Mingo	6	6	0	0	6	1	1	0	3	3	4	1	\$286,094	\$47,682
Monongalia	11	10	0	0	11	2	1	2	5	6	11	3	\$477,556	\$43,414
Monroe	2	1	1	2	0	0	0	0	1	0	2	0	\$42,000	\$21,000
Morgan	4	4	4	0	1	0	0	1	2	2	2	0	\$180,032	\$45,008
Nicholas	5	4	0	0	5	1	0	1	2	2	4	1	\$184,871	\$36,974
Ohio	4	3	2	0	2	2	0	1	4	1	1	0	\$139,816	\$34,954

¹⁰ The “Total Fire Departments” data represents the total number of departments responsive to the survey, rather than the total number of departments located in the representative county.

Pendleton	5	3	0	0	1	0	1	2	3	3	3	1	\$140,010	\$28,002
Pleasants	2	2	0	0	2	2	0	1	1	0	1	0	\$90,010	\$45,005
Pocahontas	4	4	0	0	4	0	0	0	2	3	2	0	\$170,265	\$42,566
Preston	11	10	0	0	10	2	0	1	5	0	9	0	\$445,619	\$40,511
Putnam	7	7	7	0	0	2	2	2	2	1	3	4	\$313,576	\$44,797
Raleigh	5	5	0	1	0	0	0	1	1	0	2	0	\$215,998	\$43,200
Randolph	11	11	0	0	11	2	0	1	5	2	6	2	\$451,820	\$41,075
Ritchie	2	1	0	0	0	0	0	0	2	1	2	0	\$45,000	\$22,500
Roane	4	4	0	3	1	0	0	0	3	0	2	1	\$180,000	\$45,000
Summers	5	4	0	0	0	1	1	2	3	3	1	0	\$185,036	\$37,007
Taylor	1	1	0	1	0	0	0	1	0	0	1	0	\$45,010	\$45,010
Tucker	4	4	1	0	3	2	0	1	2	2	4	1	\$180,980	\$45,245
Tyler	2	2	0	0	0	0	0	1	0	0	0	0	\$90,096	\$45,048
Upshur	2	2	2	0	0	0	0	1	2	0	2	1	\$91,827	\$45,914
Wayne	3	3	1	3	0	2	2	1	1	2	1	0	\$93,510	\$31,170
Webster	3	3	0	0	0	1	0	1	1	1	1	1	\$138,278	\$46,093
Wetzel	9	9	3	6	0	3	0	0	8	4	4	0	\$370,813	\$41,201
Wood	10	10	0	0	10	3	1	1	4	7	10	2	\$509,884	\$50,988
Wyoming	4	4	0	0	3	0	0	2	0	1	1	0	\$177,204	\$44,301

Based on the findings of the Working Group, the amount of funding provided to volunteer fire departments by counties, municipalities and other political subdivisions varies widely across the State. Some counties provide no funding for volunteer fire departments in their county. In other counties without fire fees or levies, the amount of funding provided by the County Commission varies and is subject to budgets and appropriations and should not be considered a reliable and/or a stable source of funding. Not all municipalities provide funding for the fire department(s) located within their jurisdiction(s). Some even collect “emergency services fees” but then do not pass those funds on to the volunteer fire departments serving their communities. It is also important to note that most volunteer fire departments located in municipalities have response areas that far exceed the boundaries of the municipality where they are located.

According to the WVSFA, the existence of a fire levy in a county is no guarantee that a fire department will receive funding through that levy. This leaves the perception with the fire departments that the funds are used for political purposes and not necessarily true need(s).

Recommendations of the State Fire Marshal

- Require a county-wide assessment giving consideration to each county’s, municipalities, and political subdivisions contribution to their local fire department to ensure adequate funding is provided for the established services provided. Establish specific criteria for the maintaining the certain number of departments based on number of “active” membership within the department, call volume and responses of each fire department. A reduction of the number of departments may have to be considered based the assessment and its findings and should be determined by each county and the rules of the Fire Commission.

- Examine and evaluate Fire Board (W.Va. Code §7-17-1 et seq.) and EMS (W. Va. Code §16-4C-1 et seq.) to find ways of strengthening emergency service protection and promoting efficiencies in the existing system.
- Study underserved geographic areas of the State to explore ways of increasing emergency service protection at the local level.
- Proposed legislation is attached as Appendix A.

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

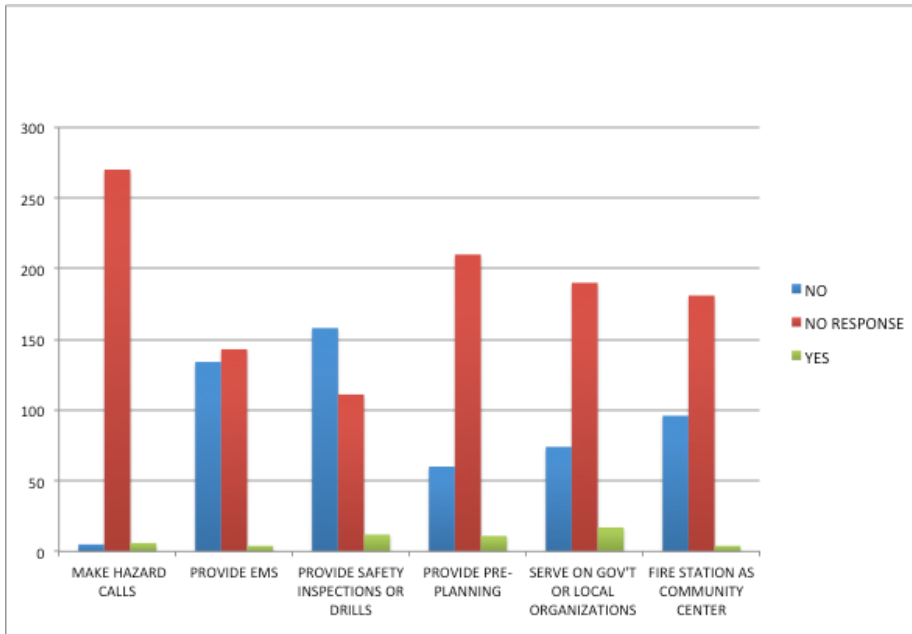
The WVSFA member departments polled take issue with this item. The perception of this item is that the State is looking to see how much of the State’s responsibility to volunteer fire departments can be shifted back to them – what is their capacity to fundraise. Further, not all communities and/or volunteer fire departments have the capacity to hold substantial fundraisers. It is important to note that it takes manpower, start-up expenses, etc. to hold fundraisers. It is also critical to note that volunteer fire departments are also competing for fundraising dollars with other civic groups – little leagues, school groups, churches, etc. (Please see the questions listed in Item #4.)

Recommendations of the State Fire Marshal

- Require the creation of a Financial Management training program for all senior level leadership to include chief officers, fire board presidents and directors, and department secretary and treasurers with the choice of classroom style or web based program use.
- Recommend all fire departments pursue available grants at all levels.
 - With the WV Homeland Security Administration and Fire Marshal’s Office establishing grant writing workshops throughout the state at established regional locations.
- Proposed legislation is attached as Appendix A.

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

This topic was one of the more difficult tangible items to discuss. Many West Virginia communities rely heavily on the services provided by their VFD. It was noted during the Working Group meetings, “If the police can’t arrest it, and EMS can’t take it to the hospital, the fire department is expected to fix it.” In an effort to quantify the services of the VFD’s, the survey data presented the following:



The WVSFA provided the following data for valuing the service provided by VFD's. Data suggests that the value of a volunteer in this arena is \$20.24 per hour in West Virginia.¹¹ Applying that figure to the VFD's of our State:

- With the 419 VFD's multiplied by four (4) members as recommended by NFPA, that would equal a minimum of 1676 personnel for the minimal coverage of 1 engine;
- With 168 hours in a week multiplied by a 52 week year = 8736 yearly hours to provide minimum protection;
- Extrapolating that number out would result in 34,944 man hours per VFD - 14,641,536 total man hours annually; **\$296,344,688.64 in total labor costs saved.**
- That figure is without fringe benefits, overhead, employer contributions, health care, etc.
- With a modest standard burden rate used by Bureau of Labor Statistics of 35.1%, the total labor savings is **\$400,065,329.66.**
- Not considering any added costs, the taxpayers return on investment is 21.1 to 1.

Recommendations of the State Fire Marshal

- Require a statewide study of each county to evaluate the economic needs and benefits that are provided by each fire department within each said county.
 - Possibly utilizing graduate study programs (*i.e.* WVU Public Administration) for research and report development which could provide vital information to ensure the best fire protection is provided throughout the state.

¹¹ https://www.independentsector.org/volunteer_time

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

The current model of fire protection in the State, at the current rate of funding, and with the current lack of incentives for recruitment and retention is not sustainable. There are currently dozens of volunteer fire departments under review by the State Fire Commission for deficiencies in training, equipment, and manpower.

- Funding mechanisms have not kept up with inflation – costs (fuel, equipment, training, insurance[s], administrative, etc.) are skyrocketing while funding is neutral
- There is a general perception that everyone wants to dictate how we operate and impose rules and/or regulations but then no one wants to take the responsibility to ensure that volunteer fire departments are adequately funded.
- Many volunteer fire departments are struggling with recruitment and retention.
- Volunteer fire departments are concerned about how they are going to pay their Worker's Compensation premium(s) should the current State subsidy go away.

There is currently little or no State support for volunteer fire department managers and/or boards of directors. There is also currently no required training for Board members and/or municipal managers who oversee the fiscal operations.

Recommendations of the State Fire Marshal

- Utilizing the previously established recommendations from Items #1, 2, & 7; the information provided could provide the necessary information for the establishment of a statewide Fire Service Sustainability Model.
- Recommended legislation included in this report will provide necessary financial resources to incentivise sustainability
- Proposed legislation is attached as Appendix A.

SUMMATION AND CONCLUSION

Other assessments and recommendations which the State Fire Marshal deems appropriate in the circumstances.

- Encourage each county commission to require annual reporting by each of their servicing fire departments on their recruitment and retention efforts with an emphasis on the strength (# of active members); emergency response/call volume statistics; public education statistical efforts, and financial accountability of each of the said county's fire departments.
- Encourage the establishment of regional fire service training which would be conducted semi-annually in regionally located areas giving consideration to training needs and resource capabilities of each area. This training should be conducted during the same time each year of Mid-April to Mid-May and Mid-October to Mid-November.
 - The recommended re-establishment of the full 1 percent insurance surtax and the increased to the fire protection fund would be set aside to cover this “minimal or no cost” training for all fire department members.
 - The State Fire Commission through the State Fire Marshal's Office could administer the “training” fund.
- Encourage each county to provide a participation based award and incentive program based on activities including but not limited to training drill attendance, a certain percentage of the department's call and alarm responses. The awards could include cash or merchandize based award incentives or whatever established criteria each county and their fire departments determined as reasonable and adequate.
- Proposed legislation is attached as Appendix A.

FINAL REMARKS

The key concepts presented by the Working Group are multidimensional. This report was developed to summarize the various positions involved and to promote a way of moving forward through the most efficient use of available resources. This report is intended to provide a succinct overview of efforts past efforts and proposed new directions to sustain our volunteer and part-volunteer fire service. The report provides critical information that this Legislature can use to formulate law to aid in providing a means of supporting, fostering, and flourishing this needed profession. The study that generated this product was the first-of-its-kind and would not have been conducted without the inducement of the Legislature, and the hard work of the members of the Working Group.

The Legislature should consider a wide range of issues when determining whether the recommendations are appropriate both legally and practically. Experience in other states provides a wealth of experience from which these agencies can learn to make informed decisions. Careful consideration of these issues can help ensure that a robust and effective volunteer fire service continues for generations to come, without having negative immediate impacts on safety and operations.

The following succinct results can be taken away from this report:

- VFD's are clearly underfunded by all levels of government;
- VFD's current worker's compensation model is unsustainable;
- VFD's membership is declining;
- VFD's are sometimes mismanaged;
- VFD's are under supported by local government;
- VFD's are understandably reducing their own efforts to derive funds;
- VFD's are essential to their local community;
- VFD's in West Virginia are in danger of extinction if nothing is done.

As a result of the information gained from this study, consideration should be given to the following:

- A modest increase to the insurance surtax is essential to provide funding for needed programs (*i.e.* worker's compensation funding; training needs; necessary programs, etc.);
- A concerted effort must be made by the Legislature to empower VFD's to seek local funding;
- An alternative model of buttressing worker's compensation must be found;
- Efforts must be made to incentivise productive membership in VFD's;
- Transparency and accountability should be a required component of any program formed by the Legislature;
- West Virginia cannot "kick-the-can" any longer on these issues. We cannot.

APPENDIX A:
“Proposed Volunteer Fire Service Sustainability Act”

PROPOSED VOLUNTEER FIRE SERVICE SUSTAINABILITY ACT

BILL NO. _____

(By _____
By Request of the State Fire Marshal)

[Introduced _____; referred to the Committee on the
_____; and then to the Committee on _____.]

A BILL to amend the Code of West Virginia, 1931, as amended, by repealing and replacing §5H-1-1, §7-1-3d, §8-15-4, §8-15-5, §8-15-6, §8-15-8a, §8-15-8b, §8-15-8c, and §33-3-33; by repealing, §8-15-7, by adding thereto a new section, designated, §29-3-33, by adding thereto a new article, designated §29-3E-1, §29-3E-2, §29-3E-3, §29-3E-4, §29-3E-5, §29-3E-6, §29-3E-7, §29-3E-8, §29-3E-9, §29-3E-10, §29-3E-11, §29-3E-12; all relating to the sustainability of the volunteer and part-volunteer fire service; increasing the payment of death benefits for line of duty death to \$100,000; by authorizing counties to form fire and rescue units; clarifying provisions relating to billing for fire department services; requiring annual reporting to county commissions by local fire departments; establishing of fire protection taxing districts; clarifying provisions of municipal law relating to municipal volunteer and part-volunteer fire departments; authorizing a pooled risk self-insurance system for volunteer and part-volunteer fire departments; creating a "Volunteer Fire Protection Worker's Compensation Fund"; reforming the organizational structure of volunteer and part-volunteer fire departments; establishing a process for fire protection taxing districts and merger thereof; providing for the expenditure of revenues; defining the powers of the district; prohibiting certain conduct; and increasing the surcharge on property and casualty policies in this state from 0.55% to 1% with the increased amount designated for workers compensation programs and statewide emergency service program training costs.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, be amended, by repealing and replacing §5H-1-1, §7-1-3d, §8-15-4, §8-15-5, §8-15-6, §8-15-8a, §8-15-8b, §8-15-8c, and §33-3-33; by repealing, §8-15-7; by adding thereto a new section, designated, §29-3-33; by adding thereto a new article, designated §29-3E-1, §29-3E-2,

§29-3E-3, §29-3E-4, §29-3E-5, §29-3E-6, §29-3E-7, §29-3E-8, §29-3E-9, §29-3E-10, §29-3E-11, §29-3E-12 to read as follows:

CHAPTER 5H. SURVIVOR BENEFITS.

ARTICLE 1. WEST VIRGINIA FIRE AND EMS SURVIVOR BENEFIT ACT.

§5H-1-1. Title and legislative intent.

(a) This article is known as the "West Virginia Fire, EMS and Law-Enforcement Officer Survivor Benefit Act."

(b) It is the intent of the Legislature to provide for the payment of death benefits to the surviving spouse, designated beneficiary, children or parents of firefighters, EMS and law-enforcement personnel killed in the performance of their duties. §5H-1-2. Death benefit for survivors.

(a) In the event a firefighter, EMS or law-enforcement provider is killed in the performance of his or her duties, the department chief, within thirty days from the date of death shall submit certification of the death to the Governor's office.

(b) This act includes both paid and volunteer fire, EMS and law-enforcement personnel acting in the performance of his or her duties of any fire, EMS or law-enforcement department certified by the State of West Virginia.

(c) A firefighter, EMS or law-enforcement provider is considered to be acting in the performance of his or her duties for the purposes of this act when he or she is participating in any role of a fire, EMS or law-enforcement department function. This includes training, administration meetings, fire, EMS or law-enforcement incidents, service calls, apparatus, equipment or station maintenance, fundraisers and travel to or from such functions.

(d) Travel includes riding upon or in any apparatus or vehicle which is owned or used by the fire, EMS or law-enforcement department, or any other vehicle going to or directly returning from a firefighter's home, place of business or other place where he or she shall have been prior to participating in a fire, EMS or law-enforcement department function or upon the authorization of the chief of the department, agency head or other person in charge.

(e) Certification shall include the name of the certified fire, EMS or law-enforcement program, the name of the deceased firefighter, EMS or law-enforcement provider, the name and address of the beneficiary, any documentation designating a beneficiary or beneficiaries and setting forth the circumstances that qualify the deceased individual for death benefits under this act. Upon receipt of the certification from the certified fire, EMS or law-enforcement program, the state shall, from moneys from the State Treasury, General Fund, pay to the certified fire, EMS or law-enforcement

program the sum of ~~\$50,000~~ \$100,000 in the name of the beneficiary of the death benefit. Within five days of receipt of this sum from the state, the fire, EMS or law-enforcement program certified by the state shall pay the sum as a benefit to the surviving spouse or designated beneficiary. If there is no surviving spouse or designated beneficiary, then to the minor children of the firefighter, EMS or law-enforcement provider killed in the performance of duty. When no spouse, designated beneficiary, or minor children survive, the benefit shall be paid to the parent or parents of the firefighter, EMS or law-enforcement provider. It is the responsibility of the certified fire or EMS program to document the surviving spouse or beneficiary for purposes of reporting to the Governor's office.

(f) Any death ruled by a physician to be a result of an injury sustained during any of the above mentioned performance of fire department, EMS or law-enforcement duties will be eligible for this benefit, even if this death occurs at a later time.

(g) Those individuals who are covered by this article are eligible for only one death benefit payment.

(h) Every department or agency head employing persons to which this article applies shall provide notice of the benefit provided hereby to such employees and encourage covered employees to provide a written designation of beneficiary to be maintained in the employee's personnel file.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3d. Levy for, establishment and operation of county fire prevention and rescue units; financial aid; service fees; fire protection taxing district; reporting requirements.

The county commission in any county may:

(a) levy for and may erect, maintain and operate fire stations; ~~and~~

(b) form county fire prevention and rescue units, and supply equipment therefor in the county: Provided, That if a county commission establishes a separate county fire protection and rescue unit in any city in West Virginia that is now operating under the provisions of the state civil service act for paid fire departments, then the new unit shall be operated in accordance with the provisions of the civil service act. Any such unit shall be formed and recognized under the regulations of the state fire commission for local fire departments;

(c) Any county commission may shall render reasonable financial aid to any one or more public fire protection facilities in operation in the county for the general benefit of the public in the prevention of fires.

(d) Any county commission may also authorize volunteer fire companies or paid fire departments to charge reasonable reimbursement fees for personnel and equipment used in performing fire-fighting services, victim rescue or cleanup of debris or hazardous materials by department personnel.

(1) The rate for any such fees to be charged to property owners or other persons responsible or liable for payment for such services must be approved by the county commission and must be reasonable: Provided, however, That no fee for any single incident or accident shall exceed one thousand five hundred dollars, except an incident or accident involving hazardous materials may exceed this amount based on the necessary and reasonable costs incurred.

(2) The county commission shall require that any fees charged pursuant to the authority conferred by this section must be in writing and be itemized by specific services rendered and the rate for each service.

(3) Unless exempt by law, any person, partnership, corporation or governmental agency shall be fully responsible for all charges levied by this section within thirty (30) days of the date of the response resulting in such charge. Payment to the fire department shall be in full, unless a written agreement has been reached between the fire department and the responsible party to establish a payment schedule to satisfy all charges.

(4) If payment for services rendered has not been received within ninety (90) days from the date of response, and if a payment schedule has not been established, a fire department may proceed in magistrate court or in other appropriate court action to recover from the responsible party all fees associated with the response, including attorney fees and court costs.

(e) In addition to the powers conferred by this section, county commissions may also authorize and impose a local tax within fire protection taxing districts as established and set forth in article three-e, chapter twenty-nine of this code.

(f) County commissions shall conduct a biannual county-wide assessment of their fire service protection giving consideration to contributions made to the several departments from the county, municipalities, and the political subdivisions to ensure adequate funding is provided for the services provided.

(1) This assessment shall use specific criteria for the maintaining the certain number of departments based on number of "active" membership within the department, call volume and responses of each department.

(2) The results of this assessment shall be provided to the state fire commission for its consideration of the fire protection needs of the state.

CHAPTER 8. MUNICIPAL CORPORATIONS.

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

PART II. MUNICIPAL VOLUNTEER FIRE COMPANIES DEPARTMENTS.

§8-15-4. Power and authority to form municipal volunteer fire companies departments; recordation of statement; organization.

Any number of persons, not less than ~~twenty~~ fifteen, residing within the corporate limits of a municipality without a paid career fire department may form themselves into a ~~company~~ department for extinguishing fires therein. A writing stating the formation of such company, with the names of the members thereof subscribed thereto, shall be recorded in the office of the clerk of the county commission of the county wherein such municipality or the major portion of the territory thereof is located, after which the members of the company shall elect its officers, including a commander, and make rules and regulations for effecting its object consistent with the laws of the state and the ordinances of such municipality. A municipal volunteer fire company department shall be subject to the authority of the governing body and the regulations of the state fire commission. The fire protection district of such department shall be the corporate limits of the municipality. Such district may extend beyond such corporate limits if expressly approved by the State Fire Commission.

§8-15-5. Duties of company members; meetings to inspect equipment; report; penalty for noncompliance.

Every member of a volunteer fire company shall, upon any alarm of fire, attend, according to the ordinances of the municipality, and the company's department's rules and regulations, as well as all regulations of the state fire commission, and endeavor to extinguish the fire.

In addition to the meetings required by the ordinances of the municipality and the rules and regulations of the company, ~~semiannual meetings of the company shall be held in April and October, on such days as the commander thereof may appoint, to examine the state of the engine, hose and other equipment, practice therewith and see that the same are in good condition. Within one month after any such semiannual meeting the commander of such company shall make to the governing body a written report of the names of those attending such meeting, together with a written report of the condition of the engine, hose and other equipment. For any failure to comply with the provisions of this section, the commander shall be fined not less than ten nor more than twenty-five dollars~~ such municipal volunteer fire department shall meet or exceed the regulations

of the state fire commission for the recognition and certification of local fire departments.

§8-15-6. Dissolution of municipal volunteer fire company.

Whenever the governing body shall ascertain that such company has failed, ~~for three months successively, to consist of twenty effective members, or shall ascertain that it has failed for a like period of time to have and keep in good, serviceable condition an engine, hose or other proper equipment~~ to adhere to the ordinances of the municipality, or to satisfy regulations of the state fire commission for recognition and certification, such governing body shall declare such failure and by order dissolve the company.

Whenever a company is dissolved, the order of dissolution shall be recorded in the office of the clerk of the county court of the county wherein such municipality or the major portion of the territory thereof is located.

~~§8-15-7. Incorporation of volunteer fire companies; duties and obligations; dissolution.~~

~~In lieu of forming a company as specified in section four of this article, interested persons may cause the incorporation of a volunteer fire company as a nonstock, nonprofit corporation under the general corporation laws of this state. The corporation and the members thereof shall have all of the duties and obligations imposed upon unincorporated volunteer fire companies and the members thereof by the provisions of sections four and five of this article. The provisions of section six of this article shall be applicable to any such corporation, except that instead of entering an order of dissolution, the governing body shall enter an order directing the members of the corporation to take the necessary action under the general corporation laws of this state to bring about the dissolution of such corporation. Upon the entry of any such order, it shall be the duty of the members of such corporation to comply therewith~~ **Repealed**.

§8-15-8. Support of municipal volunteer and part-volunteer fire ~~company~~ department; return of property upon dissolution.

Any municipality may contribute to the support of its municipal volunteer or part-volunteer fire ~~company~~ department by providing a firehouse, ~~fire-fighting~~ equipment, necessary paid personnel and incidental requirements to maintain such ~~company~~ department upon an efficient basis. Upon the dissolution of any such ~~company~~ department, all of the property contributed by the municipality shall become the property of and be returned to such municipality.

§8-15-8a. Eligibility for allocation from municipal pensions and protection fund and the Fire Protection Fund.

(a) In order to be eligible to receive revenues allocated from the municipal pensions and protection fund or the Fire Protection Fund, each municipal volunteer or part volunteer fire ~~company or~~ department must meet the following requirements:

(1) Submit and maintain current submission of fire loss data to the State Fire Marshal;

(2) Complete or be in the process of receiving firefighters training, including section one of the West Virginia University fire service extension or its equivalent. The fire company or department must have at least ten members certified as having completed the training or if a volunteer fire company or department has twenty or fewer members, fifty percent of the active volunteer members must have completed such training; and

(3) Comply with all applicable federal and state laws.

(b) Each municipal volunteer or part volunteer fire company or department shall have a grace period of ninety days, beyond the allocation date in which to comply with submission requirements to the State Fire Marshal. The State Fire Marshal shall notify each municipal volunteer or part volunteer fire company or department of the due date for submitting the information required by this section and the grace period by certified mailing requiring signature and a return receipt.

(c) When the records of a municipal volunteer or part volunteer fire company or department are destroyed by a fire or other natural disaster, then the affected volunteer or part volunteer fire company or department is exempt from the provisions of subdivision (1), subsection (a) of this section, for the three months period immediately following the destruction of the records.

§8-15-8b. Authorized expenditures of revenues from the municipal pensions and protection fund and the fire protection fund.

Revenues allocated to municipal volunteer and part volunteer fire companies and departments may be expended only for the items listed in subdivisions (1) through (15) of this section.

Funds received from the state for municipal volunteer and part volunteer fire companies and departments, pursuant to sections fourteen-d and thirty-three, article three, and section seven,

article twelve-c, all of chapter thirty-three of this code, may not be commingled with funds received from any other source. Expenditures may be made for the following:

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

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

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

(4) Rescue equipment, communications equipment and ambulance equipment: Provided, That no moneys received from the municipal pensions and protection fund or the fire protection fund may be used for equipment for personal vehicles owned or operated by volunteer fire company or department members;

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

(6) Retirement of debts;

(7) Payment of utility bills;

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

(9) Any filing fee required to be paid to the Legislative Auditor's Office under section fourteen, article four, chapter twelve of this code relating to sworn statements of annual expenditures submitted by volunteer or part volunteer fire companies or departments that receive state funds or grants;

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

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

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

(13) Workers' Compensation premiums;

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

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

§8-15-8c. Donation of equipment.

(a) Effective the first day of July, two thousand two, no person, company or other organization who donates fire control or rescue equipment, including federal excess or surplus property, to a municipal volunteer or part-volunteer fire department is subject to civil liability for any personal injury, property damages or death resulting from any defect in the equipment unless the person, company or organization acted with malice, gross negligence, recklessness or intentional misconduct which proximately caused the personal injury, property damages or death.

(b) For purposes of this section, "fire control or rescue equipment" means a vehicle, fire fighting tool, protective gear, breathing apparatus or other supply or tool used in fire fighting or fire rescue. No breathing apparatus may be donated unless, prior to the donation, it has been recertified to the manufacturer's specifications by a technician approved by the manufacturer.

(c) Unless the insured has executed a specific written rejection of such coverage in the policy, any insurer who has sold, issued or delivered an insurance policy providing liability coverage to any person, company or other organization who donates fire control or rescue equipment is barred and estopped from asserting the civil immunity granted to the insured by this section against claims or suits covered by the terms of the policy, up to the limits of the policy.

The limitation on civil liability set forth in the provisions of this section applies only to policies of insurance issued

or renewed on or after the first day of July, two thousand one.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT

§29-3-33. Volunteer and part-volunteer workers' compensation programs.

(a) The intent of this section is to provide a means of managing workers' compensation coverage for the volunteer and part-volunteer fire service of the State of West Virginia. For the purposes of this section:

(1) "Discretionary participant" means the municipal volunteer fire departments, county fire and rescue units, volunteer fire departments, part-volunteer fire departments and any local fire protection organization subject to regulation by the state fire commission and required by law to provide fire protection coverage to a geographic area of this state. Provided, That the term "discretionary participant" does not include any federal entity, state entity, any career fire department formed under article fifteen, chapter eight of this code, any industrial fire brigade, any other county entity or its instrumentality other than that defined herein, or any municipality or its instrumentality other than that defined herein.

(b) Notwithstanding any provision of this code to the contrary, the state fire commission has the responsibility for managing the workers' compensation risks of the volunteer and part-volunteer fire service and for supervising and controlling the workers' compensation programs for such entities: Provided, That any discretionary participant may participate in the program upon application to the state fire commission under the same terms and conditions as are applicable to other entities: Provided further, That a discretionary participant is, in accordance with rules governing the program, permitted to withdraw from continued participation in the program.

(c) The state fire commission may assess such fees or surcharges on participants in the program necessary to manage the workers' compensation risks of those participants. All premiums, fees and surcharges shall be established in accordance with generally acceptable actuarial standards applicable to workers compensation coverage as to each participant and as to all participants in the aggregate. The state fire commission shall establish criteria for assessments of premiums, fees and surcharges designed to provide the most cost efficient coverage for all participants.

(d) The provisions of article three, chapter five-a of this code relating to the Purchasing Division of the Department of Administration do not apply to any contract

entered into by the commissioner in furtherance of the requirements of this section: Provided, That those contracts shall be awarded on a competitive basis.

(e) (1) There is hereby established the "Volunteer Fire Protection Workers' Compensation Program Fund." All premiums, surcharges, assessments, deposits or any other moneys or funds deposited or otherwise designated or accruing to the fund as well as all earnings payable to it, shall be deposited in the State Treasury to the credit of the fund. Expenditures from the fund shall be for the purposes set forth in this section, are authorized from collections and revenues, and shall not revert to the General Fund. The fund shall be a separate and distinct fund upon the books and records of the Auditor and Treasurer, and disbursements therefrom shall be made upon requisitions signed by the State Fire Marshal.

(2) Any premiums, assessments or deposits or any other moneys or funds received for the purposes of this section shall be invested by the State Treasurer at the request of the state fire commission.

(3) The state fire commission may borrow funds as is determined necessary from the Fire Protection Fund, created in section thirty-three, article three, chapter thirty-three of this code, for the initial operations of the workers' compensation program for the fire service: Provided, That any borrowed funds shall be deposited to the credit of the Volunteer Fire Protection Workers' Compensation Program Fund: Provided, however, That these borrowed funds shall be repaid, without interest, and redeposited to the credit of the Fire Protection Fund as determined by the state fire commission.

(f) The state fire commission may promulgate emergency rules and shall propose for legislative approval legislative rules, in accordance with the provisions of article three, chapter twenty-nine-a of this code, as are necessary to provide for implementation and enforcement of the provisions of this section.

(g) The state fire commission shall submit reports on the status and progress of the program established in this section to the joint committee on government and finance quarterly and upon request, together with any other specific information on the program requested by the committee.

(h) The state fire commission shall consult with the State Board of Risk and Insurance Management to solicit any applicable experience and expertise in establishing and managing a program to provide insurance coverage to state agencies.

ARTICLE 3E. VOLUNTEER AND PART-VOLUNTEER FIRE PROTECTION SUSTAINABILITY ACT.

§29-3A-1.Legislative Findings.

(a) This article shall be called the Volunteer and Part-Volunteer Fire Protection Sustainability Act.

(b) The Legislature finds that the State of West Virginia relies heavily on the protection offered by volunteer and part-volunteer fire departments - protecting nearly 90% of the State.

(c) The Legislature further finds that the volunteer fire service structure of this state exists in a undefined and antiquated system of organization which gives little regard to existing law, community involvement, and transparency.

(d) The Legislature further finds that other states have implemented a system which permits the citizens of the community directly protected by a local department to decide the level of funding they are willing to collectively provide to this necessary public service.

(e) The Legislature further finds that immediate action is imperative in order to promote fire protection statewide; to reduce the financial burdens posed by self-funding costly equipment, subsidizing required training, as well as addressing a mounting worker's compensation debt; and to enhance the quality of life for all West Virginians.

§29-3A-1. Recognition and certification of volunteer and part-volunteer fire departments; dissolution; obligations.

In lieu of forming a company as specified in section four, article fifteen, chapter eight of this code, interested persons may cause the incorporation of a volunteer or part-volunteer fire department as a nonstock, nonprofit corporation under the general corporation laws of this state. The corporation and the members thereof shall have all of the duties and obligations imposed upon public agencies and the members thereof by the provisions of sections four and five of article fifteen, chapter eight of this code. The provisions of section six, article fifteen, chapter eight of this code shall be applicable to any such corporation, except that instead of entering an order of dissolution, the governing body shall enter an order directing the members of the corporation to take the necessary action under the general corporation laws of this state to bring about the dissolution of such corporation. Upon the entry of any such order, it shall be the duty of the members of such corporation to comply therewith. Every volunteer or part-volunteer fire department in this state shall comply with all certification regulations and policies of the state fire commission.

§29-3A-2 Directors; elections; appointments; terms; vacancies; removal; appeal.

(1) (a) When not otherwise provided by general law, every volunteer or part-volunteer fire department of this state

shall be administered by a board of directors consisting of seven (7) members, four (4) to be elected by the members of the department and three (3) to be appointed by the fire chief of the department as citizen representatives who personally reside in the fire protection district. All members of the board of directors shall have attained the age of eighteen (18).

At the first election held after the first day of July, two thousand sixteen, two (2) members shall be elected to serve on the board of directors for a period of one (1) year, and two (2) members for a period of three (3) years, and one (1) nonmember citizen representative shall be selected to serve on the board of directors for a period of two (2) years and two (2) for a period of four (4) years. On the expiration of the respective terms, the successors to each shall serve for a term of three (3) years. In the event of a vacancy in the term of an appointed or elected director, the fire chief shall appoint with the approval of the board of directors a director for the remainder of the term.

(b) An appointed director may be removed from office as provided by a majority vote of the directors after proper notice and an opportunity to be heard by a quorum of the board. Unless otherwise provided by law, an appointed or elected director trustee may be removed from office after a hearing consistent with a contested case. Cause for removal shall be due to inefficiency, neglect of duty, malfeasance, misfeasance, or conflict of interest. The hearing shall be initiated and chaired by the president of the board of directors, who shall prepare a written statement setting forth the reasons for removal. The director to be removed shall be notified of his or her proposed removal and the reasons for the proposed removal by registered mail sent to his or her last known address at least ten (10) days prior to the hearing. The director proposed to be removed may employ counsel to represent him or her. A record of the hearing shall be made by electronic or stenographic recordation.

(c) An elected director removed pursuant to this section may appeal, within ten (10) days of the rendering of the decision of the board of directors to the Circuit Court of the county in which the greater part of the district is located. The scope of the appeal shall be limited to whether the board of directors abused their discretion in removing the director.

(2) The directors shall elect from their number a president, a secretary, and a treasurer, the latter of whom shall give bond in an amount as shall be determined by the county commission in which the greater part of the fire protection district is located, conditioned upon the faithful discharge of the duties of his or her office, and the faithful accounting for all funds which may come into his or her possession as treasurer.

The premiums on the bonds shall be paid out of the funds of the department.

§29-3A-3. Board to control fire department and property; expenditures of volunteer and part-volunteer fire departments; reporting to county commission; open meetings; penalties.

(1) The board shall control the fire department or departments within their district and the property and equipment in these departments.

(2) The board may oversee the chief of the fire department and all subordinates and the number of members in the fire departments shall be determined by the board in their sole discretion. The board shall, by resolution, fix the number of all members and/or employees of the department, provide for their payment and for the payment of other expenses of the fire protection department. The board may, in their sole discretion, appoint volunteer firemen and fix, by resolution, their

compensation, if any, and provide for payment of this compensation. The board may likewise reduce the number of members and/or employees of their district so long as their action is not capricious or arbitrary.

(3) Every volunteer or part-volunteer fire department in this state shall make expenditures of all funds using the provisions of article three, section five-a of this code as a guideline where permissible.

(4) The governing body of every volunteer or part-volunteer fire department of this state shall provide an annual report to the county commission of the county in which the greater part of the fire protection district is located. This report shall contain:

(a) The names and addresses of the members of the fire department;

(b) The names and addresses of the board of directors of the fire department;

(c) A total of the emergency and non-emergency calls responded to by the department in the district;

(d) A total of the calls responded to out of the district;

(e) A general summary of all activities and responses of the department in the preceding year;

(f) A breakdown of revenue received by the department from federal, state, county, municipal, local, and other sources;

(g) A reporting of assets, expenditures, and other liabilities of the department.

(h) A copy of this report shall also be forwarded to the state fire commission for its review of the statewide fire service provided in this state.

(6) Regular meetings of the board of directors shall be held not less than every quarter to conduct the business of the department. Meetings of the board of directors shall be held in conformity with article nine-a, chapter six of this code.
(7) Failure to comply with the provisions of this section may result in decertification of the department by the state fire commission and/or dissolution of the department by the governing body in their discretion.

§29-3E-4. Powers, duties and responsibilities of board of directors of volunteer and part-volunteer fire department generally.

The board of directors of the volunteer or part-volunteer fire department may exercise all powers necessary or appropriate to carry out the purposes and duties provided in this article, including the following:

(1) Sue and be sued, plead and be impleaded and have and use a common seal.

(2) To conduct its business in the name of the volunteer or part-volunteer fire department, as the case may be.

(3) The board of directors shall promulgate rules to implement the provisions of this article and is authorized to promulgate rules for purposes of this article and the general operation and administration of fire department affairs.

(4) Adopt, and from time to time, amend and repeal bylaws necessary and proper for the conduct of its affairs consistent with this article.

(5) To promulgate such rules as may be proper and necessary to implement the purposes and duties of this article.

(6) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, lease or rent or contract for the operation by any person, partnership, corporation or governmental agency, any volunteer or part-volunteer fire department related thereto.

(7) Issue negotiable bonds, notes, debentures or other evidences of indebtedness and provide for the rights of the holders thereof, incur any proper indebtedness and issue any obligations and give any security therefor which it may deem necessary or advisable in connection with exercising powers as provided herein.

(8) Make available the use or services of any fire department facilities related thereto, to any person, partnership, corporation or governmental agency consistent with this article.

(9) Acquire by gift or purchase, hold and dispose of real and personal property in the exercise of its powers and duties.

(10) Make and enter all contracts, leases and agreements and to execute all instruments necessary or incidental to the performance of its duties and powers.

(11) Employ staff, engineers, accountants, attorneys, planners and such other professional and support personnel as are necessary in its judgment to carry out the provisions of this article.

(12) Receive and accept from any source such grants, fees, real and personal property, contributions, funds of any nature as may become available to the fire department, in order to carry out the purposes of this article including but not limited to the development, operation or management of billing for services or provision of other fire prevention programs.

(13) Cooperate with and make such recommendations to local, state and federal government and the private sector in the technical, planning and public policy aspects of fire suppression or prevention as the board of directors may find appropriate and effective to carry out the purposes of this article.

(14) Charge, alter and collect rentals, fees, service charges and other charges for the use or services of any fire department facilities or any services provided by the volunteer or part-volunteer fire department.

(15) Prohibit activities in the fire protection district consistent with any fire safety order of the governor, order of the state fire marshal, or regulation of the state fire code set forth in series one, title eighty-seven, of the code of state rules.

(16) Make referrals for violations of law to the state fire marshal or the appropriate law-enforcement authorities.

(17) Do all acts necessary and proper to carry out the powers expressly granted to the authority by this article and powers conferred upon the authority by this article.

All rules promulgated by the authority pursuant to this article are exempt from the provisions of article three, chapter twenty-nine-a of this code.

§29-3A-5. Formation of fire protection taxing district; Tax levy; Expenditure of tax revenues.

(1) A fire protection taxing district may be formed according to the provisions of this section. Any volunteer or part-volunteer fire department recognized and approved by the West Virginia State Fire Commission shall have the authority to seek to form a fire protection taxing district. A fire protection taxing district shall:

(a) Be located within the territorial limits of a fire protection district approved by the West Virginia State Fire Commission;

(b) Have a continuous boundary; and

(c) Be managed by the board of directors of the volunteer or part-volunteer fire department, which may:

1. Request the imposition of an ad valorem tax on property in the district in addition to any other ad valorem tax imposed on property in the district as a whole; and

2. Expend the revenue from that additional tax on improving fire protection facilities and services for the district.

(2) Persons desiring to form a fire protection taxing district shall present a petition to the county clerk and to the County Commission. The petition shall be accompanied by a map and a metes and bounds description or other description which specifically identifies the boundaries of the proposed district. The petition shall be signed by more than ten percent (10%) of the persons who both:

(a) Are registered to vote within the proposed district; and

(b) Own property that is located within the proposed district and is subject to taxation by the district.

(3) The petition shall contain the name and address of each petitioner and the address of each petitioner's property that is located within the proposed district. It shall be in substantially the following form: "The following owners of property located within (insert the name of the fire protection district or volunteer fire department district) hereby petition the County Commission (or County Council as the case may be) to form a fire protection taxing district located at (insert a brief description of the location of the proposed district). The board of directors of (insert the name of the fire protection district or volunteer fire department district) shall have the authority to receive revenues a special ad valorem tax of (insert amount, not to exceed the maximum allowed under subsection (6) of this section) on each one hundred dollars (\$100) worth of property assessed for local taxation in the district, in order to provide sustainable fire protection for the district. This tax shall be in addition to any other ad valorem tax imposed by the State, County or local government on the district as a whole."

(4) Upon receipt of the petition, the County Commission shall hold a hearing and provide notification in the manner required for creation of a taxing district. Following the hearing, the County Commission shall set forth its written findings of fact and shall approve or disapprove the formation of the district. The creation of the district shall be of legal effect only upon the adoption of a valid ordinance. A certified copy of the ordinance creating the fire protection taxing district shall be filed with the county clerk.

(5) Without the need for hearing, the Petition shall be defeated upon the County Commission receiving an opposing Petition, signed by more than thirty percent (30%) of persons who both:

(a) Are registered to vote within the proposed district; and

(b) Own property that is located within the proposed district and is subject to taxation by the district.

(6) Upon the creation of a fire protection taxing district, the Sheriff of the County shall levy a tax, not to exceed the amount stated in the petition, on the property in the district, for the purpose of improving fire protection facilities and services in the district.

(6) The tax levied under this section, combined with any other fees for fire and emergency services levied on the entire district under, shall not exceed:

(a) Ten cents (\$0.10) per one hundred dollars (\$100) of valuation as assessed for county taxes if the fire district does not operate an emergency ambulance service; or

(b) Twenty cents (\$0.20) per one hundred dollars (\$100) of valuation as assessed for county taxes if the fire district operates an emergency ambulance service.

(c) At no time shall either of these taxes be increased so that the combined total exceeds this limit.

(7) The county clerk shall add the levy to the tax bills of the affected property owners.

For taxing purposes, the effective date of the tax levy shall be first day of July of the year following the creation and certification of the fire protection taxing district. The tax shall be administered in the same manner as the tax on the entire district.

(8) The County Commission shall not reduce the tax rate imposed on property in the district as a whole as a result of receiving extra revenue from the additional tax on property in the district. The board of directors shall expend the extra revenue solely on improving fire protection facilities and services in the district and shall not expend the extra revenue on facilities or services that are shared by the entire district.

(9) Fire district taxes shall be placed on the tax bill in a place separate from the bill of all other taxes so that ratepayers can ascertain the amount of each tax and its rate.

(10) The sheriff shall separately account to the fire district for the funds collected for each district within the fire County.

(11) Fire departments shall maintain a separate accounting of all district funds, and if there is more than one (1) subdistrict, a separate accounting for each sub district.

§29-3A-6. Annexation or reduction of territory; Expansion into territory served by other fire department; Merger of districts.

a) The territorial limits of an established fire protection taxing district, as established under this article may be enlarged or diminished in the following way: The board of directors of the volunteer or part-volunteer fire department

district shall first obtain the express written approval of the West Virginia State Fire Commission to such boundary adjustment. Upon such approval, the board of directors must timely file a petition in the county clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication as provided for in article three, of chapter fifty-nine of this code. On the day fixed in the notice, the county commission shall, if the proper notice has been given, and the publication made, and no written objection or remonstrance is interposed enter an order annexing or striking off the territory described in the petition. Fifty-one percent (51%) or more of the property owners of the territory sought to be annexed or stricken off may, at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance is filed, the clerk shall promptly give notice to the board of directors of the volunteer or part-volunteer fire department, and the county commission shall hear and determine the same. If upon such hearing, the county commission finds from the evidence that a failure to annex or strike off such territory will significantly diminish the functioning of the volunteer or part-volunteer fire department and materially affect adversely the owners and the inhabitants of the territory sought to be annexed or stricken off, he or she shall enter an order, granting the annexation or striking off the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two (2) years. Any aggrieved person may bring an action in the appropriate Circuit Court to contest the decision of the county commission.

(b) In addition to the provisions of paragraph (a) of this subsection, if the trustees of a volunteer or part-volunteer fire department district, are seeking to expand territory into an area served by a fire department created under section 9, article 15, chapter eight of this code, then the directors of the volunteer or part-volunteer fire department shall, prior to executing the provisions of paragraph (a) of this subsection, enter into a written agreement with the fire chiefs of both departments, the board of the volunteer or part-volunteer fire department, and the governing body of the paid fire department. The agreement shall establish the proposed new boundary. On the day the agreement is finalized, the board of directors of the district shall send by certified mail, return receipt requested, or have personally delivered a copy of the agreement to the county clerk of the county containing the territory subject to the expansion. The notice

required in paragraph (a) of this subsection shall, in lieu of the applicable publication requirements set out article three, chapter fifty-nine, be published at least once a week, for a minimum of two (2) weeks. The last publication shall occur no less than seven (7) days before the date fixed in the notice.

(2) The property in any territory annexed to a fire protection taxing district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the volunteer or part-volunteer fire department prior to the date of the annexation of such territory, except such indebtedness as represents the balance owing on the purchase price of firefighting

equipment. The property in any territory stricken off from a fire protection district or a volunteer fire department district by the incorporation of or annexation by a municipality of this State shall not be relieved of liability of such taxes as may be

necessary to pay its proportionate share of the indebtedness incurred while such property was a part of that district. Territories stricken by action of the county commission under the provisions of subsection (1) shall be relieved of liability

for all indebtedness incurred by the the volunteer or part-volunteer fire department district.

(3) The territorial limits of two (2) or more fire protection districts, may be merged into one (1) fire protection taxing district as follows:

(a) The board of directors of each fire protection district or shall first obtain the express written approval of the West Virginia State Fire Commission for such a boundary adjustment. Upon such approval, the board of directors of each fire protection district shall file a joint petition in the county clerk's office of the county in which all of the districts and the territory to be merged into one (1) district, or the greater part of the district, is located, describing the territory to be merged into the district and setting out the reasons for the merger;

(b) Notice of the filing of the petition shall be given by publication as provided article three, chapter fifty-nine of this code for public notices;

(c) On the day fixed in the notice, the county commission shall, if proper notice by publication has been given, and no written objection demonstrating good cause as to why the merger should not occur has been made, enter an order merging the fire protection taxing districts described in the petition;

(d) Fifty-one percent (51%) or more of the property owners of the territory sought to be merged into one (1) district may, at any time before the date fixed in the notice, remonstrate by written petition to the county clerk regarding their

objection to the merger of the districts. If a petition is filed, the county clerk shall give prompt notice to the boards of directors of the volunteer or part-volunteer fire departments and the county commission;

(e) The county commission shall schedule a hearing regarding the petition and shall give public notice as to the date, time, and place of the hearing. If after the hearing, the county commission finds from the evidence that a failure to merge the territory will significantly diminish the functioning of the volunteer or part-volunteer fire department districts and materially affect adversely the owners and the inhabitants of the territory sought to be merged, the county commission shall enter an order granting or denying the merger of the districts into one (1) fire protection taxing district; and

(f) Any aggrieved person may bring an action in Circuit Court to contest the decision of the county commission regarding the merger of fire protection taxing districts.

(5) The property in any fire protection district or volunteer fire department district which is merged with another fire protection taxing district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the other fire protection taxing district prior to the date of the merger into one (1) fire protection taxing district, except indebtedness which represents a balance owed on the purchase price of firefighting equipment from the other fire protection district or volunteer fire department district.

§29-3E-7. Eligibility for allocation from the Fire Protection Fund.

(a) In order to be eligible to receive revenues allocated from the Fire Protection Fund, each volunteer or part volunteer fire company or department must meet the following requirements:

(1) Submit and maintain current submission of fire loss data to the State Fire Marshal;

(2) Complete or be in the process of receiving firefighters training, including section one of the West Virginia University fire service extension or its equivalent. The fire company or department must have at least ten members certified as having completed the training or if a volunteer fire company or department has twenty or fewer members, fifty percent of the active volunteer members must have completed such training; and

(3) Comply with all applicable federal and state laws.

(b) Each volunteer or part volunteer fire company or department shall have a grace period of ninety days, beyond the allocation date in which to comply with submission requirements to the State Fire Marshal. The State Fire Marshal shall notify each volunteer or part volunteer fire company or

department of the due date for submitting the information required by this section and the grace period by certified mailing requiring signature and a return receipt.

(c) When the records of a volunteer or part volunteer fire company or department are destroyed by a fire or other natural disaster, then the affected volunteer or part volunteer fire company or department is exempt from the provisions of subdivision (1), subsection (a) of this section, for the three months period immediately following the destruction of the records. §8-15-8b. Authorized expenditures of revenues from the municipal pensions and protection fund and the fire protection fund.

(d) Revenues allocated to volunteer and part volunteer fire companies and departments may be expended only for the items listed in subdivisions (1) through (15) of this section.

(e) Funds received from the state for volunteer and part volunteer fire companies and departments, pursuant to sections fourteen-d and thirty-three, article three, and section seven, article twelve-c, all of chapter thirty-three of this code, may not be commingled with funds received from any other source. Expenditures may be made for the following:

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

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

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

(4) Rescue equipment, communications equipment and ambulance equipment: Provided, That no moneys received from the municipal pensions and protection fund or the fire protection fund may be used for equipment for personal vehicles owned or operated by volunteer fire company or department members;

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

(6) Retirement of debts;

(7) Payment of utility bills;

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

administration of the vaccinations from a licensed health care provider;

(9) Any filing fee required to be paid to the Legislative Auditor's Office under section fourteen, article four, chapter twelve of this code relating to sworn statements of annual expenditures submitted by volunteer or part volunteer fire companies or departments that receive state funds or grants;

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

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

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

(13) Workers' Compensation premiums;

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

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

§29-3E-7. Audits and financial reports.

(a) With respect to audits and financial reports, the board of directors of volunteer and part-volunteer fire departments shall follow the procedures of this section.

(b) The provisions of this section shall apply for fiscal periods ending after the first day of July, two thousand sixteen. For fiscal periods beginning on or before the first day of July, two thousand sixteen, the provisions of this section shall not apply.

(1) Volunteer and part-volunteer fire departments shall cooperate with the county government, the State Auditor, and the Legislative Auditor, to ensure an orderly transition to the reporting requirements of this section.

(2) The board of directors of each department shall annually prepare a budget and, as appropriate, shall classify budget units in the same fashion as county budgets are classified in applicable law. The state fire commission shall prepare standard budget forms for use by the board of directors and shall furnish them to county clerks for distribution. No moneys shall be expended from any funds or any sources, except in accordance with the budget which has been filed with the county clerk to be available for public inspection. No budget of a volunteer or part-volunteer fire department shall become effective until filed with the clerk of the county in which the

department is located. For those districts with multicounty jurisdictions, the district shall file a copy with the county clerk with the greater portion of its fire protection district. If the budget is not filed with the county clerk at least thirty (30) days prior to the start of the fiscal year, the county clerk shall immediately notify the county

commission as well as the state fire commission. The county commission and/or the state fire commission may then proceed with any steps necessary to prevent the expenditure of funds by the fire department until it comes into compliance.

(3) The board of directors of each volunteer or part-volunteer fire department which for the year in question receives from all

sources or expends for all purposes less than two hundred fifty thousand dollars (\$250,000) shall annually prepare a financial statement, except that once every four (4) years the department's board of directors shall provide for the performance of an audit from a certified public accountant.

(4) board of directors of each volunteer or part-volunteer fire department which for the year in question receives from all

sources or expends for all purposes more than two hundred thousand fifty dollars (\$250,000) shall provide for the performance of an annual audit from a certified public accountant.

(5) To provide for the performance of an audit, the board of directors of each volunteer or part-volunteer fire department shall employ an independent certified public accountant or contract with the State Auditor to perform an audit of the funds in the district budget. The audit shall conform to:

(a) Generally accepted governmental auditing standards, which means those standards for audits of governmental organizations, programs, activities, and functions issued by the Comptroller General of the United States; and

(b) Additional procedures and reporting requirements as may be required by the State Auditor. A unit of government furnishing funds directly to a volunteer or part-volunteer fire department may require additional audits at its own expense. Upon request, the State Auditor may review the final report and all related

work papers and documents of the independent certified public accountant relating to the audit. If a volunteer or part-volunteer fire department is required by law to audit its funds more often than is required by this section, it shall perform those audits and may submit them in lieu of the requirements of this section, if the audits meet the requirements of this subsection.

(6) The provisions of subsection (3) of this section shall not apply to any volunteer or part-volunteer fire department that is required by law to annually submit a financial report to an agency of state government. The districts shall annually submit a copy of their financial report to the county commission and to the state fire commission and once every four (4) years provide for the performance of an audit as provided in subsection (5) of this section.

(7) Any resident of the district may bring an action in the Circuit Court to enforce the provisions of this section. The Circuit Court shall hear the action and, on a finding that the governing body of the district has violated the provisions of this section, shall order the district to comply with the provisions. The Circuit Court, in its discretion, may allow the prevailing party, other than the district, a reasonable attorney's fee and court costs, to be paid from the volunteer or part-volunteer fire department's financial accounts.

§29-3E-8. Donation of equipment.

(a) Effective the first day of July, two thousand sixteen, no person, company or other organization who donates fire control or rescue equipment, including federal excess or surplus property, to a volunteer or part-volunteer fire department is subject to civil liability for any personal injury, property damages or death resulting from any defect in the equipment unless the person, company or organization acted with malice, gross negligence, recklessness or intentional misconduct which proximately caused the personal injury, property damages or death.

(b) For purposes of this section, "fire control or rescue equipment" means a vehicle, fire fighting tool, protective gear, breathing apparatus or other supply or tool used in fire fighting or fire rescue. No breathing apparatus may be donated unless, prior to the donation, it has been recertified to the manufacturer's specifications by a technician approved by the manufacturer.

(c) Unless the insured has executed a specific written rejection of such coverage in the policy, any insurer who has sold, issued or delivered an insurance policy providing liability coverage to any person, company or other organization who donates fire control or rescue equipment is barred and estopped from asserting the civil immunity granted to the insured by this section against claims or suits covered by the terms of the policy, up to the limits of the policy.

The limitation on civil liability set forth in the provisions of this section applies only to policies of insurance issued or renewed on or after the first day of July, two thousand sixteen.

§29-3E-9. Reserved.

§29-3E-10. Reserved.

§29-3E-11. Construction.

Being in the interest of public safety, the provisions of this article shall be liberally construed.

§29-3E-9. Severability.

If any section, subsection, subdivision, subparagraph, sentence or clause of this article is adjudged to be unconstitutional or invalid, such invalidation shall not affect the validity of the remaining portions of this article, and, to this end, the provisions of this article are hereby declared to be severable.

CHAPTER 33. INSURANCE.

ARTICLE 3. LICENSING, FEES AND TAXATION OF INSURERS.

§33-3-33. Surcharge on fire and casualty insurance policies to benefit volunteer and part-volunteer fire departments; special fund created; allocation of proceeds; effective date.

(a) (1) For the purpose of providing additional revenue for volunteer fire departments, part-volunteer fire departments, as well as workers compensation coverage and training costs, ~~and certain retired teachers and the teachers retirement reserve fund,~~ there is hereby authorized and imposed on and after the ~~first day of July, one thousand nine hundred ninety-two~~ two thousand sixteen, on the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or by any risk retention group, a policy surcharge equal to one percent of the taxable premium for each such policy. ~~After the thirtieth day of June, two thousand five, the surcharge shall be imposed as specified in subdivisions (2) and (3) of this subsection.~~

~~(2) After the thirtieth day of June, two thousand five, through the thirty-first day of December, two thousand five, for the purpose of providing additional revenue for volunteer fire departments, part-volunteer fire departments and to provide additional revenue to the Public Employees Insurance Agency and municipal pension plans, there is hereby authorized and imposed on and after the first day of July, two thousand five, on the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or by any risk retention group, a policy surcharge equal to one percent of the taxable premium for each such policy.~~

~~(3) After the thirty-first day of December, two thousand five, for the purpose of providing additional revenue for volunteer fire departments and part-volunteer fire departments, there is hereby authorized and imposed on the policyholder of any fire insurance policy or casualty insurance policy issued by any~~

~~insurer, authorized or unauthorized, or by any risk retention group, a policy surcharge equal to fifty-five one hundredths of one percent of the taxable premium for each such policy.~~

(4) For purposes of this section, casualty insurance may not include insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction or insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy. The policy surcharge may not be subject to premium taxes, agent commissions or any other assessment against premiums.

(b) The policy surcharge shall be collected and remitted to the Commissioner by the insurer, or in the case of surplus lines coverage, by the surplus lines licensee, or if the policy is issued by a risk retention group, by the risk retention group. The amount required to be collected under this section shall be remitted to the Commissioner on a quarterly basis on or before the twenty-fifth day of the month succeeding the end of the quarter in which they are collected, except for the fourth quarter for which the surcharge shall be remitted on or before the first day of March of the succeeding year.

(c) Any person failing or refusing to collect and remit to the Commissioner any policy surcharge and whose surcharge payments are not postmarked by the due dates for quarterly filing is liable for a civil penalty of up to one hundred dollars for each day of delinquency, to be assessed by the Commissioner. The Commissioner may suspend the insurer, broker or risk retention group until all surcharge payments and penalties are remitted in full to the Commissioner.

(d) (1) All money from the policy surcharge shall be collected by the Commissioner who shall disburse the money received from the surcharge into a special account in the State Treasury, designated the Fire Protection Fund. The net proceeds of this portion of the tax and the interest thereon, after appropriation by the Legislature, shall be distributed quarterly on the first day of the months of January, April, July and October to each volunteer fire company or department on ~~an equal share basis~~ by the State Treasurer. After the thirtieth day of June, two thousand five, the money received from the surcharge shall be distributed as specified in subdivisions (2) and (3) of this subsection.

(2) (A) After the thirtieth day of June, two thousand ~~five sixteen, through the thirty-first day of December, two thousand five,~~ all money from the policy surcharge shall be collected by the Commissioner who shall disburse one half of

the money received from the surcharge into the Fire Protection Fund for distribution as provided in subdivision (1) of this subsection.

(B) One-fourth of the remaining portion of moneys collected shall be transferred to the special account in the State Treasury, designated as the Fire Service Training Fund.

(C) The remaining portion of moneys collected shall be transferred into the fund in the State Treasury of the ~~Public Employees Insurance Agency~~ designated as the Fire Protection Workers Compensation Fund into which are deposited the proportionate shares made by agencies of this state of the Public Employees Insurance Agency costs of those agencies, until the first day of November, two thousand five to be used consistent with the provisions of section thirty-three, article three, chapter twenty-nine of this code. After the ~~thirty-first day of October, two thousand five, through the thirty-first day of December, two thousand five, the remain~~ portion shall be transferred to the special account in the State Treasury, known as the Municipal Pensions and Protection Fund.

~~(3) After the thirty-first day of December, two thousand five, all money from the policy surcharge shall be collected by the Commissioner who shall disburse all of the money received from the surcharge into the Fire Protection Fund for distribution as provided in subdivision (1) of this subsection.~~

~~(4) Before each distribution date to volunteer or part-volunteer fire companies or departments, the State Fire Marshal shall report to the State Treasurer the names and addresses of all volunteer and part-volunteer fire companies and departments within the state which meet the eligibility requirements established in section eight-a, article fifteen, chapter eight, and article three-e, chapter twenty-nine of this code.~~

(e) The allocation, distribution and use of revenues provided in the Fire Protection Fund are subject to the provisions of sections eight-a and eight-b, article fifteen, chapter eight, and article three-e, chapter twenty-nine of this code.

(f) The allocation, distribution and use of revenues provided in the Fire Service Training Fund shall be approved by the state fire commission. Expenditures from this fund may be made for the following:

(1) to provide reimbursement or subsidy for costs of tuition, educational materials, reasonable and necessary travel costs, or other expenditures authorized by the state fire commission

to be made to volunteer or part-volunteer fire departments subject to the provisions of article fifteen, chapter eight, and article three-e, chapter twenty-nine of this code;

(2) to provide necessary funding to approved fire service instructional agencies.

(i) "fire service instructional agencies" shall mean those organizations or entities approved as an educational provider by the state fire commission pursuant to section nine, article three, chapter twenty-nine of this code.

(ii) fire service instructional agencies may use funds disbursed under this section to support staffing, provide program delivery costs, purchase educational materials, acquire or maintain facilities, acquire or maintain equipment, acquire or maintain vehicles and mobile property, and other necessary and reasonable expenditures approved by the state fire commission.

(3) to provide required funding to the state fire marshal for fire safety training, prevention, and educational programs throughout the state.

APPENDIX B:
“Prepared Statements of the State Fire Marshal”

WEST VIRGINIA STATE FIRE MARSHAL

PREPARED STATEMENT

JOINT COMMITTEE ON FINANCE

SUBCOMMITTEE A

SCR45 - Financial Solvency of Volunteer and Part-Volunteer Fire Departments

1207 QUARRIER STREET
CHARLESTON, WV 25301

PREPARED STATEMENT

NOVEMBER 19, 2013

Good afternoon to the Members of this Joint Committee. I am Anthony Carrico and I am the Acting State Fire Marshal. I am the interim agency head of the State Fire Marshal's Office. Our office is responsible for investigating fires; conducting fire safety inspections; regulating fire departments in respect to training and equipment; conducting fire safety architectural plan review; administration of licensing and certification programs for electricians; licensing of building code officials; fire protection workers; electrical inspectors; and home inspectors; regulation of the storage and use of commercial explosives; regulation of all commercial/display fireworks; and conducting public fire safety education. The office conducted about 900 fire investigations. We issued nearly 20,000 licenses and permits to the various entities. The office conducted 4,300 life safety code inspections and reviewed approximately 1,600 plans for compliance. This effort was performed by the 53 sworn officers and staff of the agency.

I am here before this Joint Committee to express our concerns in the application of W.Va. Code §33-3-33b (formerly H.B. 103).

To begin, while I understand the magnitude of the concerns in the legislative intent of this law, it has sweeping implications to my office and to the four hundred nineteen (419) volunteer fire departments of this State.

As a point of background, my office was, to my knowledge, not consulted with by anyone from this body or the legislature. Further no fiscal note was sought from my agency for attachment to the bill – yet, one was sought from the State Auditor, the Insurance Commissioner and the Office of Miner's Health and Safety. Therefore, our response to the legislation has been reactionary to the monumental challenges imposed upon my office.

Also, as you may be aware, the legislation took effect during a time of transition in the office. State Fire Marshal Sterling Lewis retired and departed from our office on or about April 22, 2013. Since that time, I have been the acting Marshal on a temporary appointment. That appointment will not be resolved until the Legislature takes up an amendment to W.Va. Code §29-3-11 concerning the appointment procedure for the State Fire Commission. I have been assured this will take up for vote in a Special Session or during Regular Session next year. As the interim agency head, I have concerns that my vision in accomplishing the goals of this law may be different than those of the permanent agency head should I not be fortunate enough to obtain that permanent appointment.

That being said, here are my specific concerns in meeting the deadlines of this law:

- FUNDING SOURCES ASSESSMENT OF §1, 4, 5 & 6.
 - These subsections require of the State Fire Marshal to provide a comprehensive assessment of all current funding by volunteer departments.
 - Neither the State Fire Marshal nor the State Fire Commission has oversight authority to obtain financial information from fire departments. Volunteer Fire Departments are either individual corporations operating independently, or they are functioning in a volunteer status under the auspice of a municipality. The State Fire Commission merely certifies departments to have the authority to exercise the duties of a fire department in a specific area. The Commission has the power to regulate departments with regard to minimum training, minimum equipment and fire reporting requirements.
 - Departments obtain roughly \$40,000 each annually from the fund for insurance surcharges on consumer premiums. The Legislative Auditor has authority to oversee the use and administration of these funds by each department. However, this \$40,000 is not the sole funding source for most fire departments of this State. Departments may receive funding from County Commissions, from County levies, from County Fire Boards through a fire service fee, from private revenues derived from EMS or other services, from grants, and from charitable contributions. These outside funding sources are not subject to oversight by any of the State actors addressed in the law. Thus, reporting of financial conditions would be purely self-reported and likely lead to conclusion which are largely speculative in nature.

- WORKER’S COMPENSATION ANALYSIS
 - With regard to the issues addressed in analyzing Worker’s Compensation, with the help of the Insurance Commission and others, these assessments could be provided in the current timeframe.

- RECRUITMENT / RETENTION and COMPARITIVE MODELS
 - Recruitment and retention issues as well as sustainability of the current models from providing service are a nationwide issue. These same points are part of a growing trend nationally and have been evaluated by the U.S. Fire Administration and many states in analyzing the marked decline in volunteerism as well as the increasing costs of providing the necessary services.

- DECEMBER 31, 2015 DEADLINE
 - Lastly, to meet the overall goal of December 31, 2015 established in the law is impracticable. Our office simply does not have the personnel or the expertise to conduct such a study. Further, the cost of employing the assistance of a third-party consultant is simply not within our means. As a matter of comparison, when the City of Charleston contacted to an outside entity to study the efficacy of their fire department, it cost the

City \$50,000. To extrapolate that same cost to the size and scope of the tasks imposed by this law may cost as much as \$3,000,000.

I'm addressing these concerns not to win your sympathy, nor to shirk our agency's responsibilities. Rather, I am making these comments to ensure you understand the implications of this law. Simply put, we cannot currently meet the demands without significantly more time, added statutory authority and/or additional funds to satisfy the demands. I would ask that a copy of this statement and a copy of the FY 2013 report be made a part of this record.

Thank you for your time and consideration of my remarks and I will be happy to accept any questions you may have.

Sincerely,

ANTHONY W. CARRICO

STATE FIRE MARSHAL (ACTING)

Prepared Statement

November 19, 2014

Good afternoon to the members of this Joint Committee. I am Anthony Carrico and I am the State Fire Marshal. I am the agency head of the State Fire Marshal's Office. I appeared before this body exactly one year ago today to provide a status on the progress in completing the tasks imposed in W.Va. Code § 33-3-33b (formerly H.B. 103). You may recall the concerns I expressed to the Joint Committee in meeting the demands of the legislation. Nevertheless, since that time we have taken significant steps toward completing the goals of the law.

Shortly after last year's meeting, our office organized a workgroup of the essential parties in the legislation, that being myself, the Legislative Auditor, and the Commissioner of Insurance. The State Auditor's office was invited but did not attend sessions of the work group. The Chairman of the Fire Commission and our agency's General Counsel also attended and participated. Meetings of this working group were held. In sum, it was determined that a substantial preliminary step in meeting the objectives was to obtain the needed data from the fire departments of the State. A survey seeking the information was deliberately created and sent to every fire department in the State on August 8, 2014. See Attachment "A" October 31, 2014 was set as the completion date in the survey. As of today's date, approximately two hundred fifty of the completed surveys have been returned. See Attachment "B" The information will be useful to meet the requirements of the law though the data is not complete or thorough in many of the responses.

I have also enlisted the assistance of the full Fire Commission to complete this analysis. During the October 6, 2014 meeting of the Fire Commission, I informed the members of the ongoing work toward this issue. Several members of the Fire Commission volunteered their time and efforts to assist. I believe the Commission is forming a Committee to help form this comprehensive report to the Legislature.

Lastly, our office has reached out to West Virginia State University to enlist the help of undergraduate and graduate students. Discussions are continuing toward this endeavor. These students would be used to enter the data into a useable format. They would also assist in analyzing the information to provide the recommendations set forth in the law.

I thank you for your time and consideration of my remarks and I will be happy to accept any questions you may have. I would ask that a copy of this statement and a copy of supporting documentation be made a part of this record.

Sincerely,

ANTHONY W. CARRICO

STATE FIRE MARSHAL

APPENDIX C:
“Survey Questionnaire of West Virginia Fire Departments”

Survey Report Questionnaire

Prepared by: [Name]
[Title]

Address:

Phone:

Mobile phone:

E-mail:

Date:

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NOTE: Please attach additional sheets to answer any of the following questions if necessary. Again, if you have the exact information readily available, please provide the same. If, however, you do not have this information, you may provide reasonable estimates to answer the questions.

ORGANIZATION INFORMATION

Profile	
Fire Chief:	
Board President (if applicable):	
Number of Chief Officers:	
Number of Line Officers:	
Number of Active Members:	
Number of Inactive/Support/Honorary:	
Does the Department have current Bylaws and are they actively followed and enforced:	

General Information	
Type of Organization	
<input type="checkbox"/> County (Paid)	<input type="checkbox"/> Corporation/Incorporated (Paid)
<input type="checkbox"/> County (Volunteer)	<input type="checkbox"/> Corporation/Incorporated (Combination)
<input type="checkbox"/> Municipal (Paid)	<input type="checkbox"/> Corporation/Incorporation (Vol.)
<input type="checkbox"/> Municipal (Combination)	<input type="checkbox"/> Other
Number of Stations/Substations	Comments
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> More	
Number of Engines	Comments
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 or more	

Number of Aerial/Ladder/Quint	Comments
<input type="checkbox"/> 1+ <input type="checkbox"/> 2+ <input type="checkbox"/> 3+ <input type="checkbox"/> 4 or more	
Number of Rescues or Squads	Comments
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 or more	

Detailed Information	
Mailing address:	
Primary Physical Address:	
Primary phone:	E-mail:
Number of all calls dispatched in 2013:	Number responded:
Structure/Vehicle Fires:	Vehicle Crashes/Technical Rescues:
Medical Calls:	Other:
Number of all members:	Number of Board members (if any):
Average age:	Avg. years of service:
Avg. % responses:	
Percentage of members holding full time employment:	Percentage of members holding part time employment:
Number of members receiving social security retirement, social security disability, workers' compensation, or other entitlement supplemental income?	
Is there any other biographical information about the department which you feel may be helpful in this assessment? If yes, please explain:	

FUNDING/INCOME SOURCES

Specific Funding Sources			
Source	Yes	Amount Received	Amount Needed
Federal Appropriations	<input type="checkbox"/>		
State Appropriations	<input type="checkbox"/>		
County Fire Fee	<input type="checkbox"/>		
County Fire Levy	<input type="checkbox"/>		
Other County Allocation	<input type="checkbox"/>		
Municipal Allocations	<input type="checkbox"/>		
Federal Grant	<input type="checkbox"/>		
Other Grant	<input type="checkbox"/>		

Unsolicited Donations	<input type="checkbox"/>		
Solicited Donations	<input type="checkbox"/>		
Fundraising Activities	<input type="checkbox"/>		
Bingo, photography or other service exchanged fundraising	<input type="checkbox"/>		
Ambulance / EMS Services	<input type="checkbox"/>		
Other	<input type="checkbox"/>		
List any comment you may have to explain the above information:			

OPERATIONAL COSTS

Current Assets	
Total checking account balance: \$	Bank:
Total savings account balance: \$	Bank:
Value of stocks and bonds: \$	
Value of real estate owned: \$	
Value of personal property/equipment: \$	
Value of vehicle(s): \$	
Other current assets: \$	
Total asset value: \$	

Current Liabilities	
Real estate mortgage loan amount: \$	Annual Cost: \$
improvement or other loan amount: \$	Annual Cost: \$
Charge accounts (include all account balances): \$	Annual Cost: \$
Vehicle loan amount(s): \$	Annual Cost: \$
Workers' Compensation Premiums: \$	Annual Cost: \$
All other liabilities (e.g. utilities, insurance, repairs, maintenance, etc.): \$	Annual Cost: \$
	Total Annually: \$

RECRUITMENT AND RETENTION

Recruitment	Retention
<input type="checkbox"/> Salaried Compensation	<input type="checkbox"/> Salaried Compensation
<input type="checkbox"/> Hourly Compensation	<input type="checkbox"/> Hourly Compensation
<input type="checkbox"/> Per-call Compensation	<input type="checkbox"/> Per-Call Compensation
<input type="checkbox"/> Gifts or other tangible items in exchange for work	<input type="checkbox"/> Gifts or other tangible items in exchange for work
<input type="checkbox"/> Other	<input type="checkbox"/> Other
Please detail attempts and costs of these programs:	

FINANCIAL AND LOSS PREVENTION ACCOUNTABILITY

Financial Accountability	
<input type="checkbox"/> Last Audit by State Legislative Auditor	Date:
<input type="checkbox"/> Last Audit by State Auditor’s Office (Municipality Only)	Date:
<input type="checkbox"/> Last Audit by other Governmental Auditor (if any)	Date:
<input type="checkbox"/> Last Audit by Independent Auditor or CPA	Date:
<input type="checkbox"/> Last In-house (uncertified) Financial Audit	Date:
<input type="checkbox"/> Findings of Audit(s). Specify:	
Financial Record Keeper	
Name:	Address:
Phone:	E-mail:
Comments:	
Risk Analysis / Loss Prevention	
Does the department have a Health, Safety or Health/Safety Officer: Y / N	Is that person responsible for only scene safety or general safety and welfare of the membership: Y / N
Who is designated as being responsible for safe practices for department:	Does the Department have a loss prevention program: Y / N

What steps could your department take to reduce injuries and losses :	
Workers' Compensation Specific Information	
Number of Workers' Compensation Claims Filed in 2013:	W/C Claims in last 10 years:
Number of 2013 claimants who did not return to work:	Number of claimants in 10 year period who did not return:
Comments:	

COMMUNITY ORIENTED BENEFITS

Community Benefits Derived	
Last ISO review date:	
ISO ratings received:	
Does the department respond to "all hazards" (e.g. fallen trees, traffic control, flooded basements, etc.):	
List examples of recent "all hazard" responses:	
If "all hazard" services were not provided, what agency or entity would:	
Does the department provide EMS response:	
Annual EMS response(s):	
Does the department provide ALS or BLS service(s):	
If these services were not provided, what agency or entity would:	
Does your department conduct fire safety inspections in the community:	
How many annually:	
Does your department conduct pre-planning of the community:	
How many annually:	
Do members of the department serve on federal, state, county, municipal or local organizations concerning emergency services or fire service functions:	
How many members serve in this capacity:	

Does your fire station(s) serve as a community center for local events:
How many annually:
Describe all other community outreach activities:

SUSTAINABILITY OF FIRE SERVICE MODEL

Short-Term/Long-Term Projection	
Last short -term assessment and plan (5 or less years):	
Made by (<i>i.e.</i> Chief, Membership, Board, etc.):	
Comments:	
Next steps:	

Last long -term assessment and plan (5 or more years):	
Made by (<i>i.e.</i> Chief, Membership, Board, etc.):	
Comments:	
Next steps:	

Recommendations for sustainability of your Department:	
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Other

If you have any other comments, suggestions, or details, which you believe may be useful in providing the Legislature a full and complete understanding of the West Virginia Fire Service, please let us know:

APPENDIX D:
“Data in Regard to Louisiana State Fire Marshal’s Workers Compensation Program”

- [Original Louisiana House Bill 729/ Act 304 of 2009](#)
- [Resume Digest for HB729](#)
- [Fiscal Note - HB729 Enrolled](#)
- [Excerpt From Louisiana Revised Statutes \(La. R. S.\) 22:347:](#)

§347. Disposition of tax money

A. Monies collected under R.S. 22:342 through 349, after being first credited to the Bond Security and Redemption Fund in accordance with Article VII, Section 9(B) of the Constitution of Louisiana, shall be credited to a special fund hereby established in the state treasury and known as the "Two Percent Fire Insurance Fund" hereinafter the "fund". Monies in the fund shall be available in amounts appropriated annually by the legislature for the following purposes in the following order of priority:

(1)(a) For the state fire marshal, an amount necessary to satisfy the requirements of R.S. 40:1593, relative to the purchase of group insurance for volunteer firefighters.

(b) For the state fire marshal, an amount necessary to satisfy the requirements of R.S. 23:1036, relative to the purchase of workers' compensation insurance for volunteer firefighters.

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*
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- [L.A.R.S 23:1036:](#)

§1036. Volunteer firefighters

A. It is hereby declared by the Legislature of Louisiana that the fire prevention and suppression services provided by volunteer fire companies are vital to the protection of the safety of the citizens of the state. This Section is intended to present the state fire marshal with a means by which he shall provide workers' compensation coverage to volunteer members of fire companies. The remedies provided herein shall constitute the exclusive remedy of the volunteer member against the fire company as provided in R.S. 23:1032.

B. The provisions of this Chapter shall apply to claims brought under this Section to the extent that such provisions do not conflict with this Section.

C.(1) The state fire marshal shall obtain workers' compensation insurance for volunteer members, as defined herein, who participate in the normal functions of the fire company. Nothing shall prohibit the state fire marshal from obtaining an insurance policy to provide coverage for a single fire company or multiple fire companies.

(2) A person covered under this Subsection is entitled to medical benefits pursuant to R.S. 23:1203, which benefits shall not be subject to a copayment, deductible, or any other method to shift the cost of compensable medical care to the injured volunteer member.

(3) Any member who is not carried on the membership list of the organization as of the date of the member's injury shall not be entitled to the benefits of this Section.

(4) The fire chief shall by written affidavit attest to the fact that the injury to the volunteer member occurred while the volunteer member was in the line of duty.

D. As used in this Section, unless the context clearly indicates otherwise, the following terms shall be given the meaning ascribed to them in this Subsection:

(1) "Fire company" means any organization established to provide fire prevention and suppression services for the general public.

(2) "Normal functions" means any response to, participation in, or departure from an incident scene, training, meetings, performance of equipment maintenance, or participation in organization functions as authorized by the chief of the fire company.

(3) Repealed by Acts 2009, No. 304, §3, July 1, 2009.

(4) "Volunteer members" means individuals who are carried on the membership list of the organization as active participants in the normal functions of the organization and who receive nominal or no remuneration for their services.

E. Medical benefits payable under this Section shall be paid within sixty days after the fire company, its insurer, or third-party administrator receives written notice thereof. If the volunteer member or his representative knows or reasonably should know that the fire company's coverage is administered or underwritten by an insurance carrier or third-party administrator, then the sixty-day payment period begins when written notice is received by the carrier or third-party administrator.

F, G. Repealed by Acts 2009, No. 304, §3, eff. July 1, 2009.

H. For injury causing death within two years after the last treatment resulting from the accident, there shall be paid reasonable expenses of burial of the volunteer member, not to exceed seven thousand five hundred dollars.

I. In addition to all other defenses available under other provisions of the Louisiana Workers' Compensation Act, a fire company may assert any of the following as defenses to a claim for benefits under this Section:

(1) The presumption under R.S. 33:2581 relating to the development of heart and lung disease during fire service shall not be available to volunteer members claiming benefits under this Section.

(2) No fire company or its insurer shall be liable for benefits under this Section for injuries occurring within the course of, or arising out of, the volunteer member's other employment.

(3) No benefits shall be payable under this Section for a volunteer member's injury during his participation in a parade or other activity unless his participation is authorized by the chief of the fire company.

J. Repealed by Acts 2009, No. 304, §3, eff. July 1, 2009.

K. Any written notice contemplated or required to be made to warrant any award of attorney fees or penalties must be received by the insurance carrier or third party administrator for the fire company when the volunteer member knows or reasonably should know that the coverage provided by the fire company under this Section is administered or underwritten by a carrier or third party administrator, notwithstanding any other provision of law.

L. A fire company shall provide upon request and within a reasonable time period documents, materials, or other information to the state fire marshal in order to effectuate the provisions of this Section.

M. The state fire marshal is authorized to promulgate rules and regulations in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., necessary to administer the provisions of this Section.

Acts 1997, No. 1047, §1, eff. July 11, 1997; Acts 1999, No. 234, §1, eff. June 11, 1999; Acts 2009, No. 304, §§2, 3, eff. July 1, 2009; Acts 2014, No. 259, §1.

- [A link to the page of the Louisiana State Fire Marshal's website which explains how the program is implemented: Louisiana Volunteer Fire Service Medical, Workmen's Comp, Death and Disability](#)



LEGISLATIVE FISCAL OFFICE

Fiscal Note

Fiscal Note On: HB 729 HLS 09RS 1359

Bill Text Version: ENROLLED

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Table with metadata: Date: July 8, 2009 11:07 AM, Author: BILLIOT, Dept./Agy.: State Fire Marshal, Subject: workers' compensation benefits for volunteer firemen, Analyst: Travis McIlwain

FIRE PROTECT/FIREMEN EN +\$1,000,000 SD Ex See Note Page 1 of 2
Provides workers' compensation coverage for volunteer firefighters

This bill requires the state fire marshal to obtain workers' compensation coverage to volunteer members of fire companies and the cost of such coverage will be paid from the 2% Fire Insurance Fund. Repeals R.S. 23:1036(D)(3), (F), (G), and (J). Proposed bill also provides for up to \$7,500 for burial expense. This bill provides that any member who is not carried on the membership list of the organization as of the date of the member's injury will not be entitled to these benefits. Proposed legislation allows the state fire marshal to be paid up to 3% by each fire department from their funds for the 2008-2009 fiscal year for the implementation of the volunteer workers' compensation coverage.

Effective upon governor's signature.

Table with 7 columns: EXPENDITURES, REVENUES, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 5-YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total for both expenditure and revenue sections.

EXPENDITURE EXPLANATION

Proposed legislation would result in an increase of \$1.0 million in state fire marshal expenditures for insurance premiums that would be paid on behalf of volunteer firefighters and a decrease by a like amount of expenditures that could be made by local entities. This bill provides for the state fire marshal to obtain workers' compensation insurance coverage to approximately 8,500 active volunteer firefighters at a projected cost of \$1.0 million annually to be paid from the 2% Fire Insurance Fund. The premium projection is provided to the state fire marshal by the Louisiana Workers' Compensation Corporation (LWCC) and is currently based upon a 3-year average of current claims payments of approximately \$600,000.

Previously, the state fire marshal paid approximately \$0.3 million for an accident & sickness policy, provided by the Hartford Group, that initially included workers compensation coverage with an overall benefit policy cap of \$30,000 and the locals paid approximately \$0.2 million for a secondary workers' compensation policy, provided by the LWCC (\$30 per year per person). The LWCC policy was considered a secondary policy to the Hartford Group Policy. However, the new accident & sickness policy currently provided by the Hartford Group, at an annual premium of approximately \$0.5 million, excludes workers' compensation coverage and will require LWCC's secondary coverage to be primary. This will likely result in LWCC discontinuing the workers' compensation for volunteer firefighters. This legislation would grant the state fire marshal additional revenues to pay for an insurance vehicle that will provide accident, sickness and workers compensation insurance coverage for volunteer firefighters in Louisiana.

There are other projected expenditures for administrative costs to maintain a list of covered volunteer firefighters in the amount of \$16,875, which will likely be funded with the Louisiana State Fire Marshal Fund. Those specific costs include: \$15,488 overtime hours, \$225 related benefits, \$500 travel, \$524 operating services, \$138 supplies. According to the latest REC estimates, this fund is projected to collect \$17.5 million in FY 10 and currently only \$17,308,196 in total funding is in HB 1. Thus, there is approximately \$0.2 million of unappropriated FY 10 projected revenues that could be added to the local allocation, 20-932, to alleviate the potential \$1.0 million impact. To the extent the remaining \$191,804 unappropriated balance is appropriated to the locals, the net impact of this bill to the locals is a reduction of approximately \$0.8 million. (Cont. Page 2)

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure. This legislation merely adds another prioritized expenditure to the list of items to be funded with the 2% Fire Insurance Fund (R.S. 22:347(A)(1)).



LEGISLATIVE FISCAL OFFICE

Fiscal Note

Fiscal Note On: **HB 729** HLS 09RS 1359
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: July 8, 2009	11:07 AM	Author: BILLIOT
Dept./Agy.: State Fire Marshal		Analyst: Travis McIlwain
Subject: workers' compensation benefits for volunteer firemen		

CONTINUED EXPLANATION from page one:

Below is an illustration of the projected FY 10 allocation as it appears in HB 1-original of the 2% Fire Insurance Fund.

<u>Current law allocation:</u>			<u>Proposed law allocation:</u>		
08-422	State Fire Marshal	\$528,196	08-422	State Fire Marshal	\$1,528,196
19-600	LSU Board of Supervisors	\$210,000	19-600	LSU Board of Supervisors	\$210,000
<u>20-932</u>	<u>Local allocations</u>	<u>\$16,570,000</u>	<u>20-932</u>	<u>Local allocations</u>	<u>\$15,570,000</u>
TOTAL		\$17,308,196	TOTAL		\$17,308,196

In current law, R.S. 40:1593 authorizes the state fire marshal to negotiate for and to purchase out of the 2% Fire Insurance Fund, R.S. 22:347(A) a group insurance to provide medical benefits, death benefits and burial benefits for volunteer firefighters. Although this bill does not amend Title 40, it appears this legislation will require the state fire marshal to negotiate workers' compensation policy for the projected 8,500 volunteer firefighters with the funding source being the 2% Fire Insurance Fund by amending Title 22 and Title 23.

This legislation allows the state fire marshal to be paid up to 3% of the local entities' FY 09 2% Fire Insurance Fund allocation to purchase the workers' compensation insurance policy as discussed within this bill.

APPENDIX E:

“Previously Proposed Legislation from 2012 – 2015 Pertaining to the West Virginia Fire Services”

Personalized Bill Tracking List

Firemen - 2012 Regular Session					
Bill	Title	SA(Same As)/ SI(Similar To)	Last Action	Committee Reference	Notes
SB 69	Providing certain firefighters personal income tax credit		01/11/12 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	
SB 181	Requiring fire insurance premium invoices indicate additional cost due to lack of local fire service		01/13/12 - To Senate Banking and Insurance	Senate Reference 1 - Banking and Insurance	
SB 212	Creating criminal offense for disrupting communications and public utility services	SA HB 4105	04/10/12 - To House Chapter 42, Acts, Regular Session, 2012	House Reference 1 - Government Organization House Reference 2 - Judiciary Senate Reference 1 - Judiciary	
SB 213	Authorizing State Fire Commission establish volunteer firefighter training requirements	SA HB 4107	01/17/12 - To Senate Government Organization	Senate Reference 1 - Government Organization	
SB 222	Creating criminal offense for interfering with emergency service call	SI HB 4397	02/09/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary	
SB 343	Providing volunteer and part-volunteer fire departments' grace period to meet eligibility for certain funds allocation	SA HB 4114	04/10/12 - To House Chapter 132, Acts, Regular Session, 2012	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	
SB 440	Reinstating certain former fire chiefs and appointing deputy chiefs		01/27/12 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
SB 482	Reinstating certain former fire chiefs and appointing deputy chiefs		02/02/12 - To Senate Government Organization	Senate Reference 1 - Government Organization	

<u>SB</u> <u>535</u>	Strengthening WV Municipal Pensions Oversight Board's authority	<u>SA</u> <u>HB</u> <u>4489</u>	02/06/12 - To Senate Pensions	Senate Reference 1 - Pensions Senate Reference 2 - Government Organization
<u>SB</u> <u>535</u>	Relating to allocation of additional fire and casualty insurance premium tax proceeds	<u>SI</u> <u>HB</u> <u>2429</u>	02/06/12 - To Senate Banking and Insurance	Senate Reference 1 - Banking and Insurance
<u>SB</u> <u>539</u>	Relating to rebuttable presumption for firefighters' disability and death benefits for certain cancers	<u>SI</u> <u>HB</u> <u>2006</u> <u>SI</u> <u>HB</u> <u>4535</u>	02/10/12 - To Senate Judiciary	Senate Reference 1 - Judiciary
<u>SB</u> <u>537</u>	Relating to meeting and conference rights of police or fire departments' members	<u>SI</u> <u>HB</u> <u>2085</u> <u>SA</u> <u>HB</u> <u>2341</u>	02/10/12 - To Senate Labor	Senate Reference 1 - Labor Senate Reference 2 - Judiciary
<u>SB</u> <u>537</u>	Requiring installation of carbon monoxide detectors in certain public facilities	<u>SI</u> <u>HB</u> <u>4434</u>	04/10/12 - To House Chapter 22, Acts, Regular Session, 2012	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary
<u>SB</u> <u>517</u>	Increasing State Fire Commission membership		02/16/12 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Finance
<u>SB</u> <u>530</u>	Relating to charitable organizations' audit requirements		02/20/12 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary
<u>HB</u> <u>2006</u>	Providing a rebuttable presumption that a firefighter has developed a pulmonary disease or sustained a cardiovascular injury		01/11/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB</u> <u>2034</u>	Relating to the adoption of the 2008 National Electric Code		01/11/12 - To House House Government Organization	House Reference 1 - Government Organization
<u>HB</u> <u>2047</u>	Establishing a lottery scratch-off game for the benefit of West Virginia firefighters		01/11/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance

HB 2055	Prohibiting charitable organizations from soliciting contributions on public highways		01/11/12 - To House House Roads and Transportation	House Reference 1 - Roads and Transportation House Reference 2 - Judiciary
HB 2079	Relating to the Fire Prevention and Control Act		01/11/12 - To House House Judiciary	House Reference 1 - Judiciary
HB 2085	Providing meetings and conference rights for members of municipal fire departments		01/11/12 - To House House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary
HB 2187	Including volunteer firefighters within the Public Employees Insurance Act		01/11/12 - To House House Finance	House Reference 1 - Finance
HB 2286	Providing discounted motor registration fees for members of volunteer fire departments		01/11/12 - To House House Roads and Transportation	House Reference 1 - Roads and Transportation House Reference 2 - Finance
HB 2296	Income tax deduction for gifts to West Virginia charities		01/11/12 - To House House Finance	House Reference 1 - Finance
HB 2341	Relating to meeting and conference rights for members of police or fire departments employed by political subdivisions	SA SB 567	01/11/12 - To House House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary
HB 2473	Clarifying that fire chiefs working with paid and volunteer fire departments are employees that are provided immunity under the Governmental Tort Claims		01/11/12 - To House House Judiciary	House Reference 1 - Judiciary
HB 2494	Allowing certain vehicles for emergency response by West Virginia police reserves to use red flashing lights		01/11/12 - To House House Judiciary	House Reference 1 - Judiciary
HB 2634	Permitting members of volunteer fire departments to participate in the state's public employees insurance plan		01/11/12 - To House House Banking and Insurance	House Reference 1 - Banking and Insurance House Reference 2 - Finance
HB 2690	Reverting the 911 fee on wireless telephones from three dollars to seventy-five cents		01/11/12 - To House House Finance	House Reference 1 - Finance
HB 2727	Providing an exemption from gross income for certain members of volunteer fire departments		01/11/12 - To House House Finance	House Reference 1 - Finance

<u>HB 2751</u>	Clarifying that fire chiefs and their duly appointed officers are provided immunity under the Governmental Tort Claims and Insurance Reform Act	<i>01/11/12 - To House <u>House Judiciary</u></i>	House Reference 1 - Judiciary
<u>HB 2894</u>	Changing surcharge on fire and casualty insurance policies to one percent and dedicating the money to volunteer and part-volunteer fire departments	<i>01/11/12 - To House <u>House Banking and Insurance</u></i>	House Reference 1 - Banking and Insurance House Reference 2 - Finance
<u>HB 3002</u>	Requiring the sheriff of a county to issue, upon request, a blue flashing warning light to the prosecuting attorney	<i>01/11/12 - To House <u>House Roads and Transportation</u></i>	House Reference 1 - Roads and Transportation House Reference 2 - Judiciary
<u>HB 3027</u>	Authorizing the sale of prohibited fireworks	<i>01/11/12 - To House <u>House Government Organization</u></i>	House Reference 1 - Government Organization House Reference 2 - Finance
<u>HB 3056</u>	Eliminating the reporting requirement for public fire departments of nonfire incidents	<i>01/11/12 - To House <u>House Government Organization</u></i>	House Reference 1 - Government Organization House Reference 2 - Judiciary
<u>HB 4028</u>	Authorizing the temporary suspension of certification of emergency medical service personnel without a hearing or prior notice if there is probable cause	<i>04/10/12 - To House Chapter 73, Acts, 2012</i>	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary
<u>HB 4029</u>	Relating to training requirements of certain members of volunteer fire departments	<i>01/12/12 - To House <u>House Judiciary</u></i>	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB 4069</u>	Relating to charitable raffles	<i>02/27/12 - To House <u>House Finance</u></i>	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB 4102</u>	Relating to the regulation of fireworks	<i>07/23/12 - To House <u>House Judiciary</u></i>	House Reference 1 - Government Organization House Reference 2 - Judiciary

HB 407	Relating to volunteer firefighter training	SA SB 213	04/10/12 - To House Chapter 79, Acts, 2012	House Reference 1 - Government Organization Senate Reference 1 - Government Organization
HB 414	Providing a grace period for volunteer fire companies or departments to comply with submission of data in order to meet eligibility requirements to receive allocations from municipal pensions and protection fund	SA SB 343	02/16/12 - To House Tabled on 2nd reading, Special Calendar 2nd Reading, Special Calendar	House Reference 1 - Pensions and Retirement House Reference 2 - Finance
HB 424	Making West Virginia law consistent with federal law on withholding of personal income tax on gambling winnings	SA SB 410	01/25/12 - To House House Finance	House Reference 1 - Finance
HB 433	Requiring that the building code be the state building code		02/09/12 - To House House Judiciary	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary
HB 437	Relating to Open Governmental Proceedings		02/15/12 - To House House Judiciary	House Reference 1 - Government Organization House Reference 2 - Judiciary
HB 439	West Virginia Fire, EMS and Law-Enforcement Officer Survivor Benefit Act		04/10/12 - To House Chapter 181, Acts, 2012	House Reference 1 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance
HB 440	Allowing the State Fire Marshal to be appointed by the Governor		02/03/12 - To House House Government Organization	House Reference 1 - Government Organization
HB 443	Relating to carbon monoxide detectors	SI SB 597	02/06/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance
HB 444	Relating to commercial mobile radio service providers		02/07/12 - To House House Government Organization	House Reference 1 - Government Organization House Reference 2 - Finance

<u>HB</u> <u>443</u>	Conveying property to a nonprofit		<u>02/21/12 - To House</u> <u>House Judiciary</u>	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary
<u>HB</u> <u>443</u>	Strengthening authority of the West Virginia Municipal Pensions Oversight Board	<u>SA SB</u> <u>515</u>	<u>03/16/12 - To House</u> <u>Vetoed by Governor</u> <u>3/21/12 - Senate</u> <u>Journal</u>	House Reference 1 - Pensions and Retirement House Reference 2 - Finance Senate Reference 1 - Pensions Senate Reference 2 - Government Organization
<u>HB</u> <u>453</u>	Allowing county fire companies and departments to charge reasonable reimbursement fees		<u>02/15/12 - To House</u> <u>House Political</u> <u>Subdivisions</u>	House Reference 1 - Political Subdivisions House Reference 2 - Finance
<u>HB</u> <u>453</u>	Providing a rebuttable presumption that a volunteer firefighter has developed a pulmonary disease or sustained a cardiovascular injury for workers' compensation benefits	<u>SI SB</u> <u>559</u>	<u>02/15/12 - To House</u> <u>House Judiciary</u>	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB</u> <u>453</u>	Permitting the Lottery Commission to authorize and regulate limited charity fundraising events		<u>02/17/12 - To House</u> <u>House Judiciary</u>	House Reference 1 - Government Organization House Reference 2 - Judiciary
<u>HB</u> <u>453</u>	Exempting volunteer fire departments from the definition of "public authority" if they are constructing a facility to replace one that has been destroyed		<u>03/10/12 - To House</u> <u>On 3rd reading,</u> <u>House Calendar</u> <u>3rd Reading</u>	House Reference 1 - Judiciary
<u>HB</u> <u>453</u>	Permitting volunteer firefighters to automatically qualify for Promise Scholarships		<u>02/17/12 - To House</u> <u>House Education</u>	House Reference 1 - Education House Reference 2 - Finance

Personalized Bill Tracking List

Firemen - 2013 Regular Session					
Bill	Title	SA(Same As)/ SI(Similar To)	Last Action	Committee Reference	Notes
<u>SJR 7</u>	Proposing constitutional amendment designated Simple Majority Approval Amendment	<u>SA HJR 29</u> <u>SI HJR 30</u>	03/01/13 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
<u>HJR 29</u>	The "Simple Majority Approval Amendment"	<u>SA SJR 7</u>	02/20/13 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Judiciary	
<u>SB 42</u>	Providing state income tax credit for certain firefighters		02/13/13 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	
<u>SB 67</u>	Reinstating former paid fire department chiefs under certain circumstances	<u>SI HB 2789</u>	02/13/13 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
<u>SB 154</u>	Relating to charitable organizations' audit requirements		02/14/13 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
<u>SB 179</u>	Relating to meeting and conference rights of police or fire departments' members	<u>SI HB 2001</u> <u>SI HB 2380</u>	02/15/13 - To Senate Labor	Senate Reference 1 - Labor Senate Reference 2 - Judiciary	
<u>SB 251</u>	Authorizing State Fire Commission promulgate legislative rule relating to State Building Code		02/28/13 - To Senate Judiciary	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
<u>SB 252</u>	Authorizing State Fire Commission promulgate legislative rule relating to volunteer firefighters' training, equipment and operating standards		02/28/13 - To Senate Judiciary	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	

<u>SB</u> <u>358</u>	Relating to municipal policemen and firemen pensions	<u>SA HB</u> <u>2896</u>	<u>03/19/13 - To House</u> <u>House Finance</u>	House Reference 1 - Finance Senate Reference 1 - Pensions Senate Reference 2 - Government Organization
<u>SB</u> <u>372</u>	Creating criminal offense for interfering with emergency service call		<u>03/14/13 - To House</u> <u>House Judiciary</u>	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary
<u>SB</u> <u>392</u>	Relating to regulation of fireworks	<u>SI HB</u> <u>2939</u>	<u>02/27/13 - To Senate</u> <u>Judiciary</u>	Senate Reference 1 - Judiciary
<u>SB</u> <u>456</u>	Relating to rebuttable presumption for firefighters' disability and death benefits for certain cancers		<u>03/06/13 - To Senate</u> <u>Judiciary</u>	Senate Reference 1 - Judiciary
<u>SB</u> <u>483</u>	Increasing life and casualty insurance policies surcharge to benefit fire departments	<u>SA HB</u> <u>2057</u>	<u>03/26/13 - To Senate</u> <u>Finance</u>	Senate Reference 1 - Banking and Insurance Senate Reference 2 - Finance
<u>SB</u> <u>509</u>	Imposing statutory liens on certain fire insurance proceeds		<u>03/26/13 - To Senate</u> <u>Government</u> <u>Organization</u>	Senate Reference 1 - Banking and Insurance Senate Reference 2 - Government Organization
<u>SB</u> <u>589</u>	Requiring appointment of State Fire Marshal be with advice and consent of Senate		<u>04/01/13 - To Senate</u> <u>On 3rd reading</u> <u>3rd Reading</u>	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary
<u>SB</u> <u>576</u>	Transferring moneys from Unclaimed Property Trust Fund to Municipal Pensions and Protection Fund		<u>03/25/13 - To Senate</u> <u>Finance</u>	Senate Reference 1 - Pensions Senate Reference 2 - Finance
<u>SB</u> <u>582</u>	Extending time limit for payment of transfer costs to EMS Retirement System		<u>03/25/13 - To Senate</u> <u>Finance</u>	Senate Reference 1 - Pensions Senate Reference 2 - Finance

<u>HB 2001</u>	Providing meetings and conference rights for members of municipal fire departments	<u>SI SB 179</u>	02/13/13 - To House <u>House Political Subdivisions</u>	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary
<u>HB 2004</u>	Exempting nonprofit organizations from paying an annual motor vehicle registration fee		02/13/13 - To House <u>House Roads and Transportation</u>	House Reference 1 - Roads and Transportation House Reference 2 - Finance
<u>HB 2043</u>	Authorizing the sale of prohibited fireworks		02/13/13 - To House <u>House Government Organization</u>	House Reference 1 - Government Organization House Reference 2 - Finance
<u>HB 2057</u>	Changing surcharge on fire and casualty insurance policies to one percent and dedicating the money to volunteer and part-volunteer fire departments	<u>SA SB 483</u>	02/13/13 - To House <u>House Finance</u>	House Reference 1 - Finance
<u>HB 2105</u>	Making it a misdemeanor to make more than three separate calls to 911 for nonemergency health concerns		02/13/13 - To House <u>House Judiciary</u>	House Reference 1 - Judiciary
<u>HB 2140</u>	Allowing certain vehicles for emergency response by West Virginia police reserves to use red flashing lights		02/13/13 - To House <u>House Judiciary</u>	House Reference 1 - Judiciary
<u>HB 2300</u>	Relating to meeting and conference rights for members of police or fire departments employed by political subdivisions	<u>SI SB 179</u>	02/13/13 - To House <u>House Political Subdivisions</u>	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary
<u>HB 2302</u>	Relating to the Fire Prevention and Control Act		02/13/13 - To House <u>House Judiciary</u>	House Reference 1 - Judiciary
<u>HB 2393</u>	Making it a criminal offense for any person to intentionally interfere with or prevent an individual from calling for the assistance of emergency service personnel		03/13/13 - To House <u>House Finance</u>	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB 2423</u>	Allowing county fire companies and departments to charge reasonable reimbursement fees		02/13/13 - To House <u>House Political Subdivisions</u>	House Reference 1 - Political Subdivisions House Reference 2 - Finance
<u>HB 2517</u>	Permitting volunteer firefighters to automatically qualify for Promise Scholarships		02/15/13 - To House <u>House Education</u>	House Reference 1 - Education House Reference 2 - Finance

HB 2543	Specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium increases apply to increases attributable to the fire fighting service		03/28/13 - To Senate Finance	House Reference 1 - Finance Senate Reference 1 - Finance
HB 2545	Exempting nondisciplinary letters of recommendations or counseling from the definition of punitive action for municipal police officers and firefighters		02/19/13 - To House House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary
HB 2626	Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules		04/01/13 - To House On 3rd reading, House Calendar 3rd Reading	House Reference 1 - Judiciary
HB 2660	State Fire Commission, state building code		03/26/13 - To House Reported in Com. Sub. for H. B. 2626	House Reference 1 - Government Organization House Reference 2 - Judiciary
HB 2661	State Fire Commission, volunteer firefighters' training, equipment and operating standards		03/26/13 - To House Reported in Com. Sub. for H. B. 2626	House Reference 1 - Government Organization House Reference 2 - Judiciary
HB 2724	Relating to the Emergency Medical Services Act		02/25/13 - To House House Health and Human Resources	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary
HB 2759	Relating to standards for emergency medical service personnel		04/01/13 - To House On 3rd reading, Special Calendar 3rd Reading, Special Calendar	House Reference 1 - Health and Human Resources House Reference 2 - Finance
HB 2789	Reinstating former fire chiefs and deputy chiefs to previously held positions in paid fire departments	SL SB 67	03/01/13 - To House House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Government Organization
HB 2890	Increasing criminal penalties for violating provisions of the civil service law for paid fire departments		03/18/13 - To House House Finance	House Reference 1 - Judiciary House Reference 2 - Finance

HB 2896	Relating to municipal policemen and firemen pensions	SA SB 358	03/14/13 - To House House Finance	House Reference 1 - Pensions and Retirement House Reference 2 - Finance
HB 2936	Relating to the regulation of fireworks	SI SB 392	03/22/13 - To House House Judiciary	House Reference 1 - Government Organization House Reference 2 - Judiciary
HB 2945	Relating to the distribution of state funds to volunteer fire departments		03/28/13 - To Senate Finance	House Reference 1 - Finance Senate Reference 1 - Finance
HB 2960	Relating to workers' compensation		03/18/13 - To House House Finance	House Reference 1 - Finance
HB 2964	Authorizing the mayor to appoint chiefs of police and deputy chiefs of police		04/01/13 - To House From House Calendar , 1st reading, placed on Special Calendar 1st Reading, Special Calendar	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary
HB 2996	Relating to smoke detectors in one-and two-family dwellings		03/27/13 - To House House Finance	House Reference 1 - Judiciary House Reference 2 - Finance
HB 3017	Requiring the State Fire Marshal to propose rules for legislative approval to set standards for minimum acceptable fire company on-duty staffing levels		03/21/13 - To House House Government Organization	House Reference 1 - Government Organization House Reference 2 - Judiciary
HB 3127	Providing discounted motor vehicle registration fees for members of volunteer fire departments		03/25/13 - To House House Roads and Transportation	House Reference 1 - Roads and Transportation House Reference 2 - Finance

Personalized Bill Tracking List

Firemen - 2014 Regular Session					
Bill	Title	SA(Same As) SI(Similar To)	Last Action	Committee Reference	Notes
SB 20	Revising laws relating to regulation of fireworks		01/08/14 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
SCR 57	Requesting Joint Committee on Government and Finance study financial solvency of volunteer and part-volunteer fire companies		02/25/14 - To Senate Referred to Rules	Senate Reference 1 - Banking and Insurance Senate Reference 2 - Rules	
SCR 71	Requesting Joint Committee on Government and Finance study State Building Code enforcement		02/27/14 - To Senate Referred to Rules	Senate Reference 1 - Government Organization Senate Reference 2 - Rules	
SB 90	Creating criminal offense for interfering or preventing call for assistance of emergency service personnel		04/14/14 - To House Chapter 3A, Acts, Regular Session, 2014	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	
SB 136	Authorizing Fire Commission promulgate legislative rule relating to State Fire Code		01/22/14 - To Senate Judiciary	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
SB 157	Authorizing Fire Commission promulgate legislative rule relating to certification of home inspectors		01/24/14 - To Senate Judiciary	Senate Reference 1 - Finance Senate Reference 2 - Judiciary	
SB 164	Authorizing State Fire Marshal promulgate legislative rule relating to certification of electrical inspectors		01/24/14 - To Senate Judiciary	Senate Reference 1 - Finance Senate Reference 2 - Judiciary	
SB 197	Authorizing Municipal Pensions Oversight Board promulgate legislative rule relating to policemen's and firemen's pensions disability calculation		02/04/14 - To Senate Judiciary	Senate Reference 1 - Pensions Senate Reference 2 - Finance Senate Reference 3 - Judiciary	

<u>SB</u> <u>240</u>	Relating to meeting and conference rights for members of municipal police or fire departments	<u>SI HB</u> <u>2001</u> <u>SI HB</u> <u>2380</u>	01/08/14 - To Senate Labor	Senate Reference 1 - Labor Senate Reference 2 - Judiciary
<u>SB</u> <u>255</u>	Increasing fire and casualty insurance policies surcharge to benefit fire departments	<u>SI HB</u> <u>4559</u>	02/18/14 - To Senate Finance	Senate Reference 1 - Banking and Insurance Senate Reference 2 - Finance
<u>SB</u> <u>319</u>	Increasing membership of State Fire Commission		01/10/14 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Finance
<u>SB</u> <u>325</u>	Providing State Fire Marshal serve at will and pleasure of Fire Commission	<u>SA HB</u> <u>4153</u>	04/14/14 - To House Chapter 68, Acts, Regular Session, 2014	House Reference 1 - Government Organization House Reference 2 - Judiciary Senate Reference 1 - Government Organization
<u>SB</u> <u>340</u>	Creating EMT-industrial certification		01/31/14 - To Senate Government Organization	Senate Reference 1 - Health and Human Resources Senate Reference 2 - Government Organization
<u>SB</u> <u>347</u>	Making supplementary appropriation of unappropriated moneys to various accounts	<u>SA HB</u> <u>4182</u>	01/14/14 - To Senate Finance	Senate Reference 1 - Finance
<u>SB</u> <u>361</u>	Relating to Office of Emergency Medical Services		01/16/14 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary
<u>SB</u> <u>378</u>	Relating to special speed limitations as to waste service vehicles		04/14/14 - To House Chapter 178, Acts, Regular Session, 2014	House Reference 1 - Judiciary Senate Reference 1 - Transportation and Infrastructure Senate Reference 2 - Judiciary
<u>SB</u> <u>389</u>	Regulating and legalizing sale of fireworks and imposing fee to benefit Veterans Program Fund	<u>SA HB</u> <u>4267</u>	01/21/14 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance

<u>SB</u> <u>400</u>	Relating to air-ambulance service fees under PEIA		01/21/14 - To Senate Health and Human Resources	Senate Reference 1 - Health and Human Resources Senate Reference 2 - Finance
<u>SB</u> <u>508</u>	Establishing Volunteer Departments Loan Fund within Treasurer's Office		02/07/14 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Finance
<u>SB</u> <u>518</u>	Relating to workers' compensation benefits for firefighters; other provisions		02/10/14 - To Senate Judiciary	Senate Reference 1 - Judiciary
<u>SB</u> <u>519</u>	Relating to workers' compensation benefits for occupational pneumoconiosis	<u>SA HB</u> <u>4607</u>	02/10/14 - To Senate Judiciary	Senate Reference 1 - Judiciary
<u>SB</u> <u>520</u>	Declaring remedial component of workers' compensation laws receive liberal construction	<u>SA HB</u> <u>4606</u>	02/10/14 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance
<u>HB</u> <u>2269</u>	Making it a crime for preventing an individual from calling emergency service personnel		01/09/14 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB</u> <u>2382</u>	Relating to the Fire Prevention and Control Act		01/09/14 - To House House Judiciary	House Reference 1 - Judiciary
<u>HB</u> <u>2410</u>	Prohibiting declination, cancellation or nonrenewal of a property insurance policy if the insured does not file a claim relating to the loss or damage to insured property		01/09/14 - To House House Banking and Insurance	House Reference 1 - Banking and Insurance House Reference 2 - Judiciary
<u>HB</u> <u>2423</u>	Allowing county fire companies and departments to charge reasonable reimbursement fees		01/09/14 - To House House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Finance
<u>HB</u> <u>2517</u>	Permitting volunteer firefighters to automatically qualify for Promise Scholarships		01/09/14 - To House House Education	House Reference 1 - Education House Reference 2 - Finance
<u>HB</u> <u>2724</u>	Relating to the Emergency Medical Services Act		01/09/14 - To House House Health and Human Resources	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary

HB 2936	Relating to smoke detectors in one-and two-family dwellings		01/09/14 - To House Judiciary	House Reference 1 - Judiciary
HB 3017	Requiring the State Fire Marshal to propose rules for legislative approval to set standards for minimum acceptable fire company on-duty staffing levels		01/09/14 - To House Government Organization	House Reference 1 - Government Organization House Reference 2 - Judiciary
HB 4011	Government Fraud Prevention Act		02/25/14 - To House rejected (Roll No. 155)	House Reference 1 - Judiciary
HB 4067	Authorizing the Department of Military Affairs and Public Safety to promulgate legislative rules		04/10/14 - To House Chapter 110, Acts, Regular Session, 2014	House Reference 1 - Government Organization House Reference 2 - Judiciary Senate Reference 1 - Judiciary
HB 4068	Fire Commission, certification of home inspectors		02/14/14 - To House Com. Sub. for H. B. 4067	House Reference 1 - Government Organization House Reference 2 - Judiciary
HB 4069	State Fire Marshal, certification of electrical inspectors		02/14/14 - To House Com. Sub. for H. B. 4067	House Reference 1 - Government Organization House Reference 2 - Judiciary
HB 4126	Improving state emergency preparedness.	SI SB 04	01/14/14 - To House Veterans' Affairs and Homeland Security	House Reference 1 - Veterans' Affairs and Homeland Security House Reference 2 - Finance
HB 4147	Relating to emergency preparedness	SA SB 321	04/10/14 - To House Chapter 62, Acts, Regular Session, 2014	House Reference 1 - Veterans' Affairs and Homeland Security House Reference 2 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary

HB 4153	Providing that the State Fire Marshal shall serve at the will and pleasure of the fire commission	SA SB 325	01/14/14 - To House House Government Organization	House Reference 1 - Government Organization
HB 4161	Allowing State Police, police, sheriffs and fire and emergency service personnel to possess Naloxone or other approved opioid antagonist	SA SB 17 SA SB 336	01/14/14 - To House House Health and Human Resources	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary
HB 4182	Supplementing, amending, increasing, decreasing, and adding items of appropriations in various accounts	SA SB 347	04/10/14 - To House Chapter 10, Acts, Regular Session, 2014	House Reference 1 - Finance Senate Reference 1 - Finance
HB 4249	Allowing proceeds of a hotel occupancy tax not exceeding \$200,000 per fiscal year to be expended for medical care and emergency services in certain counties		01/29/14 - To House House Finance	House Reference 1 - Health and Human Resources House Reference 2 - Finance
HB 4254	Providing that certain state employees may be granted a leave of absence with pay during a declared state of emergency		03/31/14 - To House Vetoes by Governor 3/31/14	House Reference 1 - Finance Senate Reference 1 - Government Organization
HB 4267	Legalizing and regulating the sale and use of fireworks and creating the West Virginia Veterans Program Fund	SA SB 389	02/27/14 - To Senate Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance
HB 4312	Creating a certification for emergency medical technician-industrial		04/10/14 - To House Chapter 77, Acts, Regular Session, 2014	House Reference 1 - Industry and Labor House Reference 2 - Government Organization Senate Reference 1 - Government Organization
HB 4314	Providing a \$500 credit for certain members of volunteer fire departments against state personal income tax		01/24/14 - To House House Finance	House Reference 1 - Finance
HB 4412	Relating to special one-day licenses for charitable events to sell nonintoxicating beer or wine	SI SB 548	02/27/14 - To Senate Finance	House Reference 1 - Judiciary Senate Reference 1 - Judiciary Senate Reference 2 - Finance

<u>HB 4451</u>	Continuing the Office of Emergency Medical Services as an independent office within the Department of Military Affairs and Public Safety		<u>02/14/14 - To House House Finance</u>	House Reference 1 - Government Organization House Reference 2 - Finance
<u>HB 4460</u>	Relating to violating provisions of the civil service law for paid fire departments		<u>04/10/14 - To House Chapter 67, Acts, Regular Session, 2014</u>	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>HB 4466</u>	Requiring that the Legislative Auditor conduct audits of all spending units	<u>SA SB 511</u>	<u>02/11/14 - To House House Judiciary</u>	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB 4539</u>	Taking back the surcharge on fire and casualty insurance policies to one percent	<u>SI SB 255</u>	<u>02/17/14 - To House House Banking and Insurance</u>	House Reference 1 - Banking and Insurance House Reference 2 - Finance
<u>HB 4930</u>	Relating to the Volunteer Fire Departments Workers' Compensation Subsidy Program and the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund		<u>02/17/14 - To House House Finance</u>	House Reference 1 - Finance
<u>HB 4904</u>	Providing discounted motor vehicle registration fees for members of volunteer fire departments		<u>02/17/14 - To House House Finance</u>	House Reference 1 - Finance

Personalized Bill Tracking List

Firemen - 2015 Regular Session					
Bill	Title	SA(Same As)/ SI(Similar To)	Last Action	Committee Reference	Notes
SB 7	Requiring CPR and care for conscious choking instruction in public schools	sa HB 2007 si HB 2443	04/15/15 - To House Chapter 75, Acts, Regular Session, 2015	House Reference 1 - Education House Reference 2 - Finance Senate Reference 1 - Education	
SB 9	Allowing law enforcement and emergency service personnel possess opioid antagonists	sa HB 2009 si HB 2044 si SB 231	01/14/15 - To Senate Health and Human Resources	Senate Reference 1 - Health and Human Resources	
SB 11	Relating to workers' compensation disbursements when injury is self-inflicted or intentional; permitting recovery in private suit	sa HB 2011	01/14/15 - To Senate Judiciary	Senate Reference 1 - Judiciary	
SB 50	Relating to workers' compensation benefits for firefighters; other provisions		01/14/15 - To Senate Banking and Insurance	Senate Reference 1 - Banking and Insurance Senate Reference 2 - Judiciary	
SB 51	Relating to workers' compensation benefits for occupational pneumoconiosis		01/14/15 - To Senate Banking and Insurance	Senate Reference 1 - Banking and Insurance Senate Reference 2 - Judiciary Senate Reference 3 - Finance	
SB 75	Legalizing and regulating sale and use of fireworks; establishing WV Veterans Program Fund		02/05/15 - To Senate Referred to Judiciary then Finance	Senate Reference 1 - Military Senate Reference 2 - Finance Senate Reference 3 - Judiciary	
SB 119	Relating to meeting and conference rights for police or fire departments	si HB 2070	01/14/15 - To Senate Labor	Senate Reference 1 - Labor Senate Reference 2 - Judiciary	

<u>SB</u> <u>134</u>	Authorizing State Fire Commission promulgate legislative rule relating to volunteer firefighters' training, equipment and operating standards		02/18/15 - To Senate Reported in Com. Sub. for S. B. 182	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary
<u>SB</u> <u>135</u>	Authorizing State Fire Marshal promulgate legislative rule relating to fire protection work supervision		02/18/15 - To Senate Reported in Com. Sub. for S. B. 182	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary
<u>SB</u> <u>231</u>	Allowing certain law-enforcement and public safety personnel to possess and administer opioid antagonist	<u>sj HB</u> <u>2009</u> <u>sa HB</u> <u>2044</u> <u>sl SB 9</u>	01/14/15 - To Senate Health and Human Resources	Senate Reference 1 - Health and Human Resources
<u>SB</u> <u>242</u>	Creating criminal penalties for certain automated telephone calls during state of emergency or preparedness	<u>SA HB</u> <u>2117</u>	04/15/15 - To House Chapter 195, Acts, Regular Session, 2015	House Reference 1 - Judiciary Senate Reference 1 - Judiciary Senate Reference 2 - Finance
<u>SB</u> <u>254</u>	Relating to Fire, EMS and Law-Enforcement Officer Survivor Benefit Act	<u>SA HB</u> <u>2525</u>	03/03/15 - To House House Finance	House Reference 1 - Finance Senate Reference 1 - Pensions Senate Reference 2 - Finance
<u>SB</u> <u>301</u>	Modifying definition of "member" in Municipal Police and Firefighters Retirement System	<u>SA HB</u> <u>2507</u>	02/05/15 - To Senate Finance	Senate Reference 1 - Pensions Senate Reference 2 - Finance
<u>SB</u> <u>351</u>	Relating to charitable organization contribution levels requiring independent audit reports	<u>SA HB</u> <u>2716</u>	04/15/15 - To House Chapter 44, Acts, Regular Session, 2015	House Reference 1 - Finance Senate Reference 1 - Judiciary
<u>SB</u> <u>431</u>	Relating to municipal policemen's and firemen's pension and relief funds' investment		04/15/15 - To House Chapter 210, Acts, Regular Session, 2015	House Reference 1 - Pensions and Retirement House Reference 2 - Finance Senate Reference 1 - Pensions Senate Reference 2 - Finance

<u>SB</u> <u>483</u>	Relating to municipal policemen's and firemen's pension and relief funds' trustees		04/15/15 - To House Chapter 209, Acts, Regular Session, 2015	House Reference 1 - Finance Senate Reference 1 - Pensions
<u>SB</u> <u>496</u>	Creating Statewide Interoperable Radio Network Act	<u>SI</u> <u>HB</u> <u>2785</u> <u>SA</u> <u>HB</u> <u>2871</u> <u>SA</u> <u>HB</u> <u>2952</u>	02/16/15 - To Senate Finance	Senate Reference 1 - Finance
<u>SB</u> <u>555</u>	Continuing Office of EMS as independent office within DMAPS	<u>SA</u> <u>HB</u> <u>2971</u>	02/23/15 - To Senate Government Organization	Senate Reference 1 - Government Organization
<u>SB</u> <u>571</u>	Requiring log call sheets for 911 calls		02/23/15 - To Senate Government Organization	Senate Reference 1 - Government Organization
<u>HB</u> <u>2009</u>	Allowing State Police, police, sheriffs and fire and emergency service personnel to possess naloxone or other approved opioid antagonist	<u>SI</u> <u>SB</u> <u>231</u> <u>SA</u> <u>SB</u> <u>9</u>	01/23/15 - To House House Judiciary	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary
<u>HB</u> <u>2011</u>	Relating to disbursements from the Workers' Compensation Fund where an injury is self-inflicted or intentionally caused by the employer	<u>SA</u> <u>SB</u> <u>11</u>	04/15/15 - To House Chapter 243, Acts, Regular Session, 2015	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>HB</u> <u>2070</u>	Providing meetings and conference rights for members of municipal fire departments	<u>SI</u> <u>SB</u> <u>119</u>	01/15/15 - To House House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary
<u>HB</u> <u>2117</u>	Providing criminal penalties for using automated telephone calls to disseminate false, misleading or deceptive information during a proclaimed state of emergency	<u>SA</u> <u>SB</u> <u>242</u>	01/20/15 - To House House Veterans' Affairs and Homeland Security	House Reference 1 - Veterans' Affairs and Homeland Security House Reference 2 - Judiciary
<u>HB</u> <u>2167</u>	Providing a \$500 tax credit to volunteer firefighters		01/21/15 - To House House Finance	House Reference 1 - Finance
<u>HB</u> <u>2170</u>	Including volunteer firefighters within the Public Employees Insurance Act		01/21/15 - To House House Banking and Insurance	House Reference 1 - Banking and Insurance House Reference 2 - Finance

<u>HB 2199</u>	Relating to the surcharge on fire and casualty insurance policies		01/21/15 - To House <u>House Banking and Insurance</u>	House Reference 1 - Banking and Insurance House Reference 2 - Finance
<u>HB 2225</u>	Relating to roof-mounted off-road light bar lighting devices		02/17/15 - To House <u>House Judiciary</u>	House Reference 1 - Roads and Transportation House Reference 2 - Judiciary
<u>HB 2242</u>	Requiring health insurers to reimburse ambulance service providers directly for ambulance services covered under a person's health insurance policy		01/23/15 - To House <u>House Banking and Insurance</u>	House Reference 1 - Banking and Insurance House Reference 2 - Finance
<u>HB 2292</u>	State Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment and operating standards		02/09/15 - To House <u>House Judiciary</u>	House Reference 1 - Government Organization House Reference 2 - Judiciary
<u>HB 2325</u>	State Fire Marshal, legislative rule relating to supervision of fire protection work		02/09/15 - To House <u>House Judiciary</u>	House Reference 1 - Government Organization House Reference 2 - Judiciary
<u>HB 2392</u>	Improving state emergency preparedness		01/27/15 - To House <u>House Veterans' Affairs and Homeland Security</u>	House Reference 1 - Veterans' Affairs and Homeland Security House Reference 2 - Finance
<u>HB 2426</u>	Relating to the Volunteer Fire Departments Workers' Compensation Subsidy Program and the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund		01/27/15 - To House <u>House Finance</u>	House Reference 1 - Finance
<u>HB 2507</u>	Relating to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System	<u>SA SB 301</u>	04/15/15 - To House Chapter 211, Acts, Regular Session, 2015	House Reference 1 - Pensions and Retirement House Reference 2 - Finance Senate Reference 1 - Pensions
<u>HB 2525</u>	Relating to the West Virginia Fire, EMS and Law-Enforcement Officer Survivor Benefit Act	<u>SA SB 254</u>	01/30/15 - To House <u>House Judiciary</u>	House Reference 1 - Judiciary House Reference 2 - Finance

<u>HB 2532</u>	Reducing federal adjusted gross income for volunteer fire department and rescue squad members	<u>SA SB 367</u>	02/02/15 - To House <u>House Finance</u>	House Reference 1 - Finance
<u>HB 2558</u>	Providing a \$500 credit against state personal income tax for certain members of volunteer fire departments		02/02/15 - To House <u>House Judiciary</u>	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB 2607</u>	Relating to the violation of interfering with emergency services communications and clarifying penalties		04/15/15 - To House Chapter 76, Acts, Regular Session, 2015	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>HB 2646</u>	Legalizing and regulating the sale and use of fireworks	<u>SI SB 75</u>	03/14/15 - To House Conference report filed - Senate Conference	House Reference 1 - Veterans' Affairs and Homeland Security House Reference 2 - Finance Senate Reference 1 - Judiciary
<u>HB 2647</u>	Allowing an employer to extend workers' compensation insurance coverage to an employee engaged in volunteer fire fighting and allowing employers a tax credit		02/06/15 - To House <u>House Judiciary</u>	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB 2648</u>	Allowing authorized entities to maintain a stock of epinephrine auto-injectors to be used for emergency		04/15/15 - To House Chapter 129, Acts, Regular Session, 2015	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary Senate Reference 1 - Judiciary
<u>HB 2659</u>	Providing that paid county or municipal fire departments and duly incorporated volunteer fire departments pay reduced workers' compensation premiums when not actively engaged in fire fighting		02/09/15 - To House <u>House Finance</u>	House Reference 1 - Finance
<u>HB 2716</u>	Relating to charitable organizations	<u>SA SB 391</u>	03/14/15 - To House On 3rd reading, House Calendar 3rd Reading	House Reference 1 - Finance
<u>HB 2720</u>	Increasing the amount a person receiving a disability benefit from a municipal policemen's or firemen's pension and relief fund may earn from employment or self employment without penalty		02/13/15 - To House <u>House Pensions and Retirement</u>	House Reference 1 - Pensions and Retirement House Reference 2 - Finance

<u>HB 2752</u>	Deregulating persons who perform work on heating, ventilating and cooling systems and fire dampers		02/20/15 - To House House Judiciary	House Reference 1 - Industry and Labor House Reference 2 - Judiciary
<u>HB 2785</u>	Statewide Interoperable Radio Network Act	<u>SI SB 496</u>	02/28/15 - To House House Finance	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB 2796</u>	Providing paid leave for certain state officers and employees during a declared state of emergency		03/05/15 - To Senate Finance	House Reference 1 - Judiciary Senate Reference 1 - Finance
<u>HB 2852</u>	Relating to legalizing and regulating the sale and use of fireworks		02/20/15 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB 2871</u>	Creating the statewide Interoperable Radio Network	<u>SA SB 496</u>	02/20/15 - To House House Government Organization	House Reference 1 - Government Organization
<u>HB 2932</u>	Relating to the distribution of wireless enhanced 911 fees		02/24/15 - To House House Finance	House Reference 1 - Finance
<u>HB 2982</u>	Relating to net metering		02/24/15 - To House House Energy	House Reference 1 - Energy House Reference 2 - Judiciary