

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 643

FISCAL
NOTE

BY SENATORS SMITH, STOLLINGS, AND PHILLIPS

[Introduced March 15, 2021; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

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

Be it enacted by the Legislature of West Virginia:

CHAPTER 8. MUNICIPAL CORPORATIONS.

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

§8-15-8b. Authorized expenditures of revenues from the Municipal Pensions and Protection Fund and the Fire Protection Fund; deductions for unauthorized expenditures; record retention.

1 (a) Money received from the state for volunteer and part-volunteer fire companies and
 2 departments, pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code, may not be
 3 commingled with moneys received from any other source, except money received as a grant from
 4 the Fire Service Equipment and Training Fund as provided in §29-3-5f of this code. Distributions
 5 from the Municipal Pensions and Protection Fund and the Fire Protection Fund allocated to
 6 volunteer and part-volunteer fire companies and departments may be expended only for the
 7 following:

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

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

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

13 departments;

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

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

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

22 (7) Payment of utility bills;

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

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

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

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

39 postage, and accounting costs;

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

41 (13) Workers' compensation premiums;

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

43 and

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

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

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

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

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

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

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

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

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

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

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

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

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

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

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