

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 3153

By Delegates Jennings, Mallow, Hillenbrand, Warner,
DeVault, Garcia, Dean, Sheedy, Ferrell, Reynolds and

Rowe

[Originating in the Committee on Finance; February

27, 2023]

1 A BILL to amend and reenact §16-4C-24 of the Code of West Virginia, 1931, as amended; to
2 amend and reenact §33-3-33 of said code, all relating to requiring certain transfers and
3 disbursements of certain surplus funds.

Be it enacted by the Legislature of West Virginia:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

1 **§16-4C-24. Emergency Medical Services Equipment and Training Fund; establishment of**
2 **grant program for equipment and training of emergency medical service providers**
3 **and personnel.**

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

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

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

19 (d) On July 1, 2023, and each July 1 thereafter, the State Lottery Commission shall transfer
20 to the Emergency Medical Services Equipment and Training Fund \$6,173,475.11 from the balance
21 of the funds remaining as an unappropriated balance in the State Excess Lottery Revenue Fund
22 for the fiscal year just ended.

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; Public Employees Insurance Agency and municipal pension plans; special fund created; Fire Protection Fund; allocation of proceeds; effective date.

1 (a) (1) For the purpose of providing additional revenue for volunteer fire departments, part-
2 volunteer fire departments and certain retired teachers and the teachers retirement reserve fund,
3 there is hereby authorized and imposed on and after July 1, 1992, on the policyholder of any fire
4 insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or
5 by any risk retention group, a policy surcharge equal to one percent of the taxable premium for
6 each such policy. After June 30, 2005, the surcharge shall be imposed as specified in subdivisions
7 (2) and (3) of this subsection.

8 (2) After June 30, 2005, through December 31, 2005, for the purpose of providing
9 additional revenue for volunteer fire departments, part-volunteer fire departments and to provide
10 additional revenue to the Public Employees Insurance Agency and municipal pension plans, there
11 is hereby authorized and imposed on and after July 1, 2005, on the policyholder of any fire
12 insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or
13 by any risk retention group, a policy surcharge equal to one percent of the taxable premium for
14 each such policy.

15 (3) After December 31, 2005, For the purpose of providing additional revenue for volunteer
16 fire departments and part-volunteer fire departments, there is hereby authorized and imposed on
17 the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer,
18 authorized or unauthorized, or by any risk retention group, a policy surcharge equal to 0.55% of
19 the taxable premium for each such policy.

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

26 (b) The policy surcharges imposed by this section shall be collected and remitted to the
27 commissioner by the insurer, or in the case of surplus lines coverage, by the surplus lines licensee,
28 or if the policy is issued by a risk retention group, by the risk retention group. The amount required
29 to be collected under this section shall be remitted to the commissioner on a quarterly basis on or
30 before the 25th day of the month succeeding the end of the quarter in which they are collected,
31 except for the fourth quarter for which the surcharges shall be remitted on or before March 1 of the
32 succeeding year.

33 (c) Any person failing or refusing to collect and remit to the commissioner any policy
34 surcharge and whose surcharge payments are not postmarked by the due dates for quarterly filing
35 is liable for a civil penalty of up to \$100 for each day of delinquency, to be assessed by the
36 commissioner. The commissioner may suspend the insurer, broker, or risk retention group until all
37 surcharge payments and penalties are remitted in full to the commissioner.

38 (d) Fire Protection Fund allocation and distribution. —

39 (1) All money from the policy surcharge shall be collected by the Commissioner who shall
40 disburse the money received from the surcharge into a special account in the state Treasury,

41 designated the Fire Protection Fund. The net proceeds of this portion of the tax and the interest
42 thereon, after appropriation by the Legislature, shall be distributed quarterly on the first day of the
43 months of January, April, July, and October to each volunteer fire company or department, on an
44 equal share basis by the state Treasurer. After June 30, 2005, the money received from the
45 surcharge shall be distributed as specified in subdivisions (2) and (3) of this subsection.

46 (2)(A) After June 30, 2005, through December 31, 2005, all money from the policy
47 surcharge shall be collected by the Commissioner who shall disburse one half of the money
48 received from the surcharge into the Fire Protection Fund for distribution as provided in
49 subdivision (1) of this subsection.

50 (B) The remaining portion of moneys collected shall be transferred into the fund in the state
51 Treasury of the Public Employees Insurance Agency into which are deposited the proportionate
52 shares made by agencies of this state of the Public Employees Insurance Agency costs of those
53 agencies, until November 1, 2005. After the October 31, 2005, through December 31, 2005, the
54 remain portion shall be transferred to the special account in the state Treasury, known as the
55 Municipal Pensions and Protection Fund.

56 (3) After December 31, 2005, all money from the policy surcharge shall be collected by the
57 Commissioner who shall disburse all of the money received from the surcharge into the Fire
58 Protection Fund for distribution as provided in subdivision (1) of this subsection. Before each
59 distribution date to volunteer fire companies or departments, the State Fire Marshal shall report to
60 the State Treasurer: The names and addresses of all volunteer and part-volunteer fire companies
61 and departments within the state which meet the eligibility requirements established in §8-15-8a of
62 this code during the preceding quarter.

63 (e) The allocation, distribution, and use of revenues provided in the Fire Protection Fund
64 are subject to the provisions of §8-15-8a and §8-15-8b of this code.

65 (f) On July 1, 2023, and each July 1 thereafter, the State Lottery Commission shall transfer
66 to the Fire Protection Fund \$6,173,475.11 from the balance of the funds remaining as an
67 unappropriated balance in the State Excess Lottery Revenue Fund for the fiscal year just ended.