

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2170

By Delegates Statler, Heckert, and Funkhouser

[Originating in the Committee on the Judiciary,

Reported on February 21, 2025]

1 A BILL to amend the Code of West Virginia, 1931, as amended by adding thereto a new section,
2 designated §8-15-8b, relating to allowing volunteer fire departments to use Fire Protection
3 Fund monies to fund expenses associated with the purchase of health insurance, Worker's
4 compensation supplemental wage replacement coverage, and implementation of the State
5 Auditor's West Virginia Checkbook fiscal reporting system, also amending the code to
6 increase the permissible amount volunteer fire departments may expend on educational
7 and training supplies and fire prevention promotional materials, from up to \$500 to up to
8 \$5,000 per year.

Be it enacted by the Legislature of West Virginia:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL

SERVICE FOR PAID FIRE DEPARTMENTS.

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

1 (a) Money received from the state for volunteer and part-volunteer fire companies and
2 departments, pursuant to §33-3-14d, §33-3-33, and §33-12C-7 of this code, shall be deposited
3 into a bank account dedicated to state received funds and may not be commingled with moneys
4 received from any source other than the state. Distributions from the Municipal Pensions and
5 Protection Fund and the Fire Protection Fund allocated to volunteer and part-volunteer fire
6 companies and departments may be expended only for the following:

7 (1) Personal protective equipment, including helmet, bunker coats, pants, boots, gloves, or
8 combination of bunker pants and boots, coats, and gloves;

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

(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 or part-volunteer fire company or department members;

(5) The direct costs incurred due to the purchase of land, the construction of new facilities, or the expansion of current facilities, when these costs can be demonstrated by the department to increase the effectiveness and efficiency of the fire protection services; as well as maintenance required to maintain the functionality of physical facilities of the department;

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

(7) Payment of utility bills, including internet and telephone bills which may include cell phones when the cell phone is used for fire department related work only;

(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 only when: (A) purchased through the state immunization program or lowest-cost provider; and (B) no-cost or low-cost administration from local boards of health or other similar programs are unavailable;

(9) Insurance policies, including:

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

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

(C) Accident and sickness insurance premiums which may be offered to cover individual members of a volunteer or part-volunteer fire company; or

(D) Umbrella policies that contain various types of insurance policies to protect against loss and liability, so long as life insurance premiums in the amounts prescribed above and

property/casualty insurance are part of any umbrella policy; or

(E) Health insurance premiums which may be offered to cover individual members of a volunteer or part-volunteer fire company.

(10) 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;

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

(12) Workers' compensation premiums;

(13) Worker's compensation supplemental wage replacement coverage premiums which may be offered to cover individual members of a volunteer or part-volunteer fire company;

~~(13)~~ (14) Educational and training supplies and fire prevention promotional materials, not to exceed \$~~500~~ 5,000 per year; and

~~(14)~~ (15) Food, bottled water, and food-related items, like disposable plates and utensils, to provide necessary meals and water to a fire company when responding to an emergency and is in no way connected to any fundraising events.

(16) Expenses associated with the transition to the West Virginia Checkbook fiscal reporting system, including, but not limited to computers, computer hardware, computer software and programs, the use of a certified public accountant ("CPA"), other necessary technologies, and any other associated expenses necessary for volunteer fire departments to transition to the West Virginia Checkbook fiscal reporting system before January 1, 2026.

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

(c) If a volunteer or part-volunteer fire company or department purchases goods or

services authorized by this section, but then returns the goods or cancels the services for a refund, then any money refunded shall be deposited back into the same, dedicated bank account used for the deposit of distributions from the Municipal Pensions and Protection Fund and the Fire Protection Fund.

(d) A volunteer or part-volunteer fire company or department shall have a dedicated bank account for all funds received from the Municipal Pensions and Protection Fund, the Fire Protection Fund, and any other state distribution, including state grant money.

(1) Any distributions received from the Municipal Pensions and Protection Fund or the Fire Protection Fund shall remain in the bank account dedicated to receiving state funds and be used in accordance with this section.

(2) All other moneys, including state grants, must be transferred out of the account used to receive state funds and transferred into another bank account within 60 days of receipt and such transfer must be in the exact amount of the deposit. If any money is received from sources other than the Municipal Pensions and Fire Protection Fund or the Fire Protection Fund and is not transferred to another account within 60 days, the money may only be used in accordance with this section.

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

(f) Volunteer and part-volunteer fire companies and departments may also invest the received moneys, described in subsection (a) of this section, and collect interest thereon: *Provided*, That volunteer and part-volunteer fire companies and departments shall not commingle the received moneys with funds received from any other source, shall not use the invested money as collateral or security for any loan, and shall retain all resulting statements of accounts and

89 earnings for a minimum of five years from the date of the statements.

NOTE: The purpose of this committee substitute is to expand the items that a volunteer fire departments may make expenditures from the Fire Protection Fund.

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