

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2749

By Delegate Burkhammer

[Introduced February 21, 2025; referred to the
Committee on the Judiciary then Finance]

1 A BILL to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended, relating to
2 permitting volunteer and part-volunteer fire companies and departments to use certain
3 funds to employ or contract with certified firefighters; permitting volunteer and part-
4 volunteer fire companies and departments to use money received from the Municipal
5 Pensions and Protection Fund and the Fire Protection Fund to employ or contract with
6 certified firefighters; providing that no such expenditure may be made unless it has first
7 been approved by the county fire board of the county wherein the volunteer or part-
8 volunteer fire company or department is located; providing that a volunteer or part-
9 volunteer fire company or department located in a county where there is no county fire
10 board must receive the approval of the county commission of that county prior to making
11 any such expenditures.

Be it enacted by the Legislature of West Virginia:

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

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

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

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

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

12 departments;

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

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

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

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

25 (8) Payment of the cost of immunizations, including any laboratory work incident to the
26 immunizations, for firefighters against hepatitis-b and other blood-borne pathogens only when: (A)
27 purchased through the state immunization program or lowest-cost provider; and (B) no-cost or
28 low-cost administration from local boards of health or other similar programs are unavailable;

29 (9) Insurance policies, including:

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

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

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

35 (D) Umbrella policies that contain various types of insurance policies to protect against
36 loss and liability, so long as life insurance premiums in the amounts prescribed above and
37 property/casualty insurance are part of any umbrella policy;

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

(14) 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; and

(15) Employing or contracting with certified firefighters for firefighting services: *Provided*, That no volunteer or part-volunteer fire company or department may expend funds pursuant to this subdivision until the county commission of the county in which the volunteer or part-volunteer fire company or department is located has first done the following:

(A) Determined that the volunteer or part-volunteer fire company or department seeking to employ or contract with a certified firefighter is understaffed;

(B) Determined that the expenditure would be used to address that legitimate staffing need; and

(C) Given the volunteer or part-volunteer fire company or department written approval to employ or contract for the services of a certified firefighter.

(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

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to allow understaffed volunteer and post-volunteer fire companies and departments to use money received from the Municipal Pensions and Fire Protection Fund or the Fire Protection Fund to employ or contract for the services of certified firefighters.

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