

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 20

**FISCAL
NOTE**

By Senator Smith (Mr. President)

[Introduced February 12, 2025; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

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

38 (10) Operating expenses reasonably required in the normal course of providing effective
39 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.

(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 may not commingle the received moneys with funds received from any other source, shall may not use the invested money as collateral or security for any loan, and shall retain all resulting statements of accounts and earnings for a minimum of five years from the date of the statements.

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

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CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

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

(a) There is continued in the State Treasury a special revenue fund to be known as the

Emergency Medical Services Equipment and Training Fund. Expenditures from the fund by the Office of Emergency Medical Services and Bureau for Public Health, are authorized from collections. The fund may only be used for the purpose of providing grants to equip emergency medical services providers and train emergency medical services personnel, as defined in §16-4C-3 of this code, and for the program established in §16-4C-6(p). Any balance remaining in the fund at the end of any fiscal year does not revert to the General Revenue Fund but remains in the special revenue fund.

(b) The secretary shall establish a grant program for equipment, training of emergency medical services providers and personnel, and for the program established in §16-4C-6(p). Such grant program shall be open to all emergency medical services personnel and providers, but priority shall be given to rural and volunteer emergency medical services providers.

(c) The secretary shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement the grant program established pursuant to this section and for the program established in §16-4C-6(p).

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