

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

### **ENROLLED**

## **House Bill 4409**

BY DELEGATES MAYNARD, J. JEFFRIES, HOUSEHOLDER,  
SUMMERS, JENNINGS, LINVILLE, HANSHAW, (MR. SPEAKER),  
GRAVES, LOVEJOY, MILLER AND NELSON

[Passed March 5, 2020; in effect ninety days from  
passage.]



1 AN ACT to amend and reenact §33-3-33a of the Code of West Virginia, 1931, as amended,  
2 relating to transferring funds from the Volunteer Fire Department Workers' Compensation  
3 Premium Subsidy Fund to the Fire Service Equipment and Training Fund; and extending  
4 the sunset date to June 30, 2022.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. LICENSING, FEES AND TAXATION OF INSURERS.**

**§33-3-33a. Excess moneys of Fire Protection Fund deposited into Volunteer Fire  
Department Workers' Compensation Premium Subsidy Fund; other funding;  
special report from State Fire Marshal by December 15, 2015; termination of  
program June 30, 2022.**

1 (a) There is hereby established a special fund in the State Treasury known as the  
2 Volunteer Fire Department Workers' Compensation Premium Subsidy Fund. The fund shall be  
3 administered by the State Auditor and shall consist of moneys deposited in the fund pursuant to  
4 this section, any other funds appropriated by the Legislature for volunteer fire departments for the  
5 purposes of §12-4-14a of this code, and the interest or other earnings on the moneys in the fund.  
6 The State Auditor shall administer the distribution of moneys of the fund to volunteer fire  
7 departments to help defray workers' compensation insurance premium increases pursuant to said  
8 section. Balances in the fund at the end of any fiscal year may not expire but shall be expended  
9 for those purposes in ensuing fiscal years pursuant to appropriation of the Legislature.

10 (b) Beginning July 1, 2013, and in each fiscal year thereafter until June 30, 2022, the  
11 excess of the aggregate of amounts collected by the commissioner that are otherwise required  
12 under any provision of this code to be deposited into the Fire Protection Fund over the aggregate  
13 of those amounts deposited into the Fire Protection Fund during the fiscal year ending June 30,  
14 2013, shall be deposited into the Volunteer Fire Department Workers' Compensation Premium  
15 Subsidy Fund and expended solely for the purposes established in §12-4-14a of this code.

16 (c) On or before August 1, 2013, the commissioner shall transfer \$4 million from the Fire  
17 Marshal Fees Fund created under §29-3-12b of this code to the Volunteer Fire Department  
18 Workers' Compensation Premium Subsidy Fund to be expended solely for the purposes  
19 established in §12-4-14a of this code until June 30, 2022.

20 (d) The State Fire Marshal, in consultation with the Insurance Commissioner, the State  
21 Auditor, the Secretary of Revenue and the Legislative Auditor, shall conduct a review of the needs  
22 of each volunteer or part volunteer fire company or volunteer fire department serving in the various  
23 counties of the state. On or before December 31, 2015, the State Fire Marshal shall submit to the  
24 Joint Committee on Government and Finance a comprehensive report of the review and the State  
25 Fire Marshal's recommendations, substantiated by the findings of the review, of steps that may  
26 be taken to meet the needs of and sustain the volunteer and part volunteer fire companies and  
27 volunteer fire departments of this state, including, but not limited to, the following:

28 (1) An assessment of all current funding received by the volunteer fire companies and  
29 departments, and a further assessment of the funding necessary to provide the community  
30 protections required for the areas served by the volunteer fire companies and departments, the  
31 extent to which those needs are being met, the extent to which they are not being met, and  
32 recommendations of sources of funds to meet additional needs and the amounts needed, if any;

33 (2) An assessment of the cost of workers' compensation coverage for the volunteer fire  
34 companies and departments and recommendations for any actions that may be undertaken by  
35 the volunteer fire companies and departments and others to reduce those costs;

36 (3) An assessment of the causes of any decline in recruitment and retention of volunteer  
37 firefighters and recommendations for improvements in this area, including any recommendations  
38 for incentives that have a demonstrated record of significant increases in recruitment and  
39 retention as well as recommendations of sources of funds to provide those incentives, if funds are  
40 necessary;

41 (4) An assessment of the level of financial accountability that should be required of  
42 volunteer fire companies and departments in order to provide the Legislature the information  
43 necessary to target future funding for their activities based upon the safety and fire protection  
44 needs of the various areas of the state;

45 (5) An assessment of the comparative levels of funding for volunteer fire companies and  
46 departments provided by counties, municipalities and other political subdivisions and the means  
47 by which that funding is provided, including identification of those which contribute little or no  
48 funding to the volunteer fire companies and departments within their jurisdictions, together with  
49 recommendations for increasing those levels of contributions;

50 (6) An assessment of the comparative levels of funding for volunteer fire companies and  
51 departments provided by their own efforts, and the means by which that funding is provided,  
52 including identification of those which provide little or no funding through their own efforts, together  
53 with recommendations for increasing these sources of funding;

54 (7) An assessment of the comparative economic and other benefits provided by the  
55 various volunteer fire companies and departments to their particular counties, municipalities and  
56 other political subdivisions, as well as to citizens of the local communities they serve;

57 (8) An assessment of the sustainability of the current model of providing fire and other  
58 protections to the citizens of rural communities through volunteer fire companies and departments  
59 and an assessment of alternative models for providing those protections; and

60 (9) Other assessments and recommendations which the State Fire Marshal deems  
61 appropriate in the circumstances.

62 (e) Upon the conclusion of the fiscal year ending June 30, 2022, the provisions of this  
63 section and §12-4-14a of this code shall expire and be of no further force and effect and the  
64 Volunteer Fire Department Workers' Compensation Premium Subsidy Fund shall be closed. Upon  
65 closure of the fund, from any balances therein remaining, the State Auditor shall first, to the extent  
66 available, transfer to the Fire Protection Fund an amount equal to the aggregate of funds

67 deposited into the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund  
68 during the fiscal years ending June 30, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and  
69 2022 pursuant to subsection (b) of this section that would otherwise have been required to be  
70 deposited into the Fire Protection Fund, and any balances thereafter remaining in the Volunteer  
71 Fire Department Workers' Compensation Premium Subsidy Fund shall expire to the General  
72 Revenue Fund of the state. Notwithstanding any provision of this code to the contrary, on June  
73 30, 2020, the State Auditor shall transfer one million eight hundred thousand dollars from the  
74 Volunteer Fire Department Workers' Compensation Premium Subsidy Fund to the Fire Service  
75 Equipment and Training Fund created pursuant to §29-3-5f of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2020.

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*Governor*