

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4101**

BY DELEGATES STATLER, BRIDGES, JENNINGS, KIMES,  
LOVEJOY, PAYNTER, PETHEL, TONEY, B. WARD AND  
BOOTH

(By Request of the Joint Committee on Volunteer Fire  
Departments and Emergency Medical Services)

[Introduced January 17, 2022; Referred to the  
Committee on Pensions and Retirement then  
Finance]

1 A BILL to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended, relating  
2 to authorized expenditures of revenues from certain state funds for fire departments;  
3 clarifying and expanding categories of allowable expenditures; permitting state grant funds  
4 to be deposited into a state account and be transferred from the account for unrestricted  
5 use; and setting forth a 60-day time frame for fire departments receiving grant funds to  
6 transfer unrestricted funds from a restricted account.

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

**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, ~~may not~~ shall be  
3 deposited into a bank account dedicated to state received funds and may not be commingled with  
4 moneys received from any ~~other source~~ other than the state. ~~except money received as a grant~~  
5 ~~from the Fire Service Equipment and Training Fund as provided in §29-3-5f of this code~~  
6 Distributions from the Municipal Pensions and Protection Fund and the Fire Protection Fund  
7 allocated to volunteer and part-volunteer fire companies and departments may be expended only  
8 for the following:

9 (1) Personal protective equipment, including ~~protective head gear~~ helmet, bunker coats,  
10 gloves, pants, boots, combination of bunker pants and boots, coats, and gloves, and a Nomex  
11 Hood or equivalent;

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

14 (3) Compliance with insurance service office recommendations relating to fire  
15 departments;

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

20 (5) ~~Capital improvements reasonably required for effective and efficient fire protection~~  
21 ~~service and maintenance of the capital improvements~~ The direct costs incurred due to the  
22 purchase of land, the construction of new facilities, or the expansion of current facilities, when  
23 these costs can be demonstrated by the department to increase the effectiveness and efficiency  
24 of the fire protection services; as well as maintenance required to maintain the functionality of  
25 physical facilities of the department;

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

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

30 (8) Payment of the cost of immunizations, including any laboratory work incident to the  
31 immunizations, for firefighters against hepatitis-b and other blood-borne pathogens *Provided,*  
32 ~~That the vaccine shall be purchased through the state immunization program or from the lowest-~~  
33 ~~cost vendor available: *Provided, however,* That volunteer and part-volunteer fire companies and~~  
34 ~~departments shall seek to obtain no-cost administration of the vaccinations through local boards~~  
35 ~~of health: *Provided further,* That in the event any volunteer or part-volunteer fire company or~~  
36 ~~department is unable to obtain no-cost administration of the vaccinations through a local board of~~  
37 ~~health, the company or department shall seek to obtain the lowest cost available for the~~  
38 ~~administration of the vaccinations from a licensed health care provider;~~

39 (9) ~~Any filing fee required to be paid to the Legislative Auditor's Office under §12-4-14 of~~

40 ~~this code relating to sworn statements of annual expenditures submitted by volunteer or part-~~  
41 ~~volunteer fire companies or departments that receive state funds or grants~~ only when: (A)  
42 purchased through the state immunization program or lowest-cost provider; and (B) no-cost or  
43 low-cost administration from local boards of health or other similar programs are unavailable;

44 ~~(10)~~ (9) Insurance policies, including:

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

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

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

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

53 ~~(11)~~ (10) Operating expenses reasonably required in the normal course of providing  
54 effective and efficient fire protection service, which include, but are not limited to, gasoline, bank  
55 fees, postage, and accounting costs;

56 ~~(12)~~ (11) Dues paid to national, state, and county associations;

57 ~~(13)~~ (12) Workers' compensation premiums;

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

59 and

60 ~~(15)~~ (13) Educational and training supplies and fire prevention promotional materials, not  
61 to exceed \$500 per year; and

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

65 (b) If a volunteer or part-volunteer fire company or department ~~spends~~ uses any amount

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

70 (c) If a volunteer or part-volunteer fire company or department purchases goods or  
71 services authorized by this section, but then returns the goods or cancels the services for a refund,  
72 then any money refunded shall be deposited back into the same, dedicated bank account used  
73 for the deposit of distributions from the Municipal Pensions and Protection Fund and the Fire  
74 Protection Fund.

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

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

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

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

92           ~~(e)~~(f) Volunteer and part-volunteer fire companies and departments may also invest the  
93 received moneys, described in subsection (a) of this section, and collect interest thereon:  
94 *Provided*, That volunteer and part-volunteer fire companies and departments shall not commingle  
95 the received moneys with funds received from any other source, shall not use the invested money  
96 as collateral or security for any loan, and shall retain all resulting statements of accounts and  
97 earnings for a minimum of five years from the date of the statements.

NOTE: The purpose of this bill is to clarify allowable expenditures for fire departments receiving distributions from the Municipal Pensions and Fire Protection Fund or the Fire Protection Fund.

This bill was recommended for passage during the 2022 Regular Session by the Joint Committee on Volunteer Fire Departments and Emergency Medical Services.

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