

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2283**

By Delegate Statler

[Introduced January 11, 2023; 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 to  
2 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, shall be deposited  
3 into a bank account dedicated to state received funds and may not be commingled with moneys  
4 received from any other source *other than the state*. ~~except money received as a grant from the~~  
5 ~~Fire Service Equipment and Training Fund as provided in §29-3-5f of this code~~ Distributions from  
6 the Municipal Pensions and Protection Fund and the Fire Protection Fund allocated to volunteer  
7 and part-volunteer fire companies and departments may be expended only for the following:

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

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

12 (3) Compliance with insurance service office recommendations relating to fire  
13 departments;

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

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

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

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

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

37 (9) ~~Any filing fee required to be paid to the Legislative Auditor's Office under §12-4-14 of~~  
38 ~~this code relating to sworn statements of annual expenditures submitted by volunteer or part-~~  
39 ~~volunteer fire companies or departments that receive state funds or grants~~ only when: (A)

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

42 (9) Insurance policies, including:

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

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

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

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

51 ~~(11)~~ (10) Operating expenses reasonably required in the normal course of providing  
52 effective and efficient fire protection service, which include, but are not limited to, gasoline, bank  
53 fees, postage, and accounting costs;

54 ~~(12)~~ (11) Dues paid to national, state, and county associations;

55 ~~(13)~~ (12) Workers' compensation premiums;

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

57 and

58 ~~(15)~~ (13) Educational and training supplies and fire prevention promotional materials, not  
59 to exceed \$500 per year; and

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

63 (b) If a volunteer or part-volunteer fire company or department ~~spends~~ uses any amount of  
64 money received from the Municipal Pensions and Protection Fund or the Fire Protection Fund for  
65 an item, service, or purpose not authorized by this section, that amount, when determined by an

66 official audit, review, or investigation, shall be deducted from future distributions to the volunteer  
67 fire company or part-volunteer fire department.

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

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

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

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

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

90 ~~(e)~~ (f) Volunteer and part-volunteer fire companies and departments may also invest the  
91 received moneys, described in subsection (a) of this section, and collect interest thereon:

92 *Provided*, That volunteer and part-volunteer fire companies and departments shall not commingle  
93 the received moneys with funds received from any other source, shall not use the invested money  
94 as collateral or security for any loan, and shall retain all resulting statements of accounts and  
95 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.