

HB 4100

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

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ENROLLED

Com. Sub. for
HOUSE BILL No. 4100

(By Delegate S Love, Pettit and Thomas)

— • —

Passed March 9, 1996

In Effect Ninety Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 4100

(BY DELEGATES LOVE, PETTIT AND THOMAS)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section eight-b, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section fourteen, article four, chapter twelve of said code, all relating to volunteer fire companies; authorizing expenditure of state funds or grants for certain filing fees required by the legislative auditor's office and for certain insurance premiums; requiring deposit of filing fees in special revenue account; and authorizing expenditures from said account for payment of costs associated with conducting audits.

Be it enacted by the Legislature of West Virginia:

That section eight-b, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section fourteen, article four, chapter twelve of said code be amended and reenacted, all to read as follows:

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.**

1 Revenues allocated to volunteer and part volunteer fire
2 companies and departments may be expended only for
3 the items listed in subdivisions (a) through (j) of this
4 section. Such expenditures may be made for the
5 following:

6 (a) Personal protective equipment, including protective
7 head gear, bunker coats, pants, boots, combination of
8 bunker pants and boots, coats and gloves;

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

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

14 (d) Rescue equipment, communications equipment
15 and ambulance equipment: *Provided*, That no moneys
16 received from the municipal pensions and protection fund
17 or the fire protection fund may be used for equipment for
18 personal vehicles owned or operated by volunteer fire
19 company or department members;

20 (e) Capital improvements reasonably required for
21 effective and efficient fire protection service and
22 maintenance thereof;

23 (f) Retirement of debts;

24 (g) Payment of utility bills;

25 (h) Payment of the cost of immunizations, including
26 any laboratory work incident thereto, for firefighters
27 against hepatitis-b and other blood borne pathogens:
28 *Provided*, That the vaccine shall be purchased through the
29 state immunization program or from the lowest cost

30 vendor available: *Provided, however,* That volunteer and
 31 part volunteer fire companies and departments shall seek
 32 to obtain no cost administration of the vaccinations
 33 through local boards of health: *Provided further,* That in
 34 the event any volunteer or part volunteer fire company or
 35 department is unable to obtain no cost administration of
 36 the vaccinations through a local board of health, the
 37 company or department shall seek to obtain the lowest
 38 cost available for the administration of the vaccinations
 39 from a licensed health care provider;

40 (i) Any filing fee required to be paid to the legislative
 41 auditor's office under section fourteen, article four,
 42 chapter twelve of this code relating to sworn statements of
 43 annual expenditures submitted by volunteer or part
 44 volunteer fire companies or departments that receive state
 45 funds or grants; and

46 (j) Property/casualty insurance premiums for pro-
 47 tection and indemnification against loss or damage or
 48 liability.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

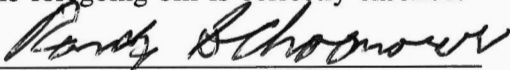
ARTICLE 4. ACCOUNTS, REPORTS AND GENERAL PROVISIONS.

§12-4-14. Audits of corporations, associations or other organizations which receive state funds or grants.

1 Any corporation, association or other organization in
 2 West Virginia, whether nonprofit or for profit, which
 3 receives state funds or grants in the amount of fifteen
 4 thousand dollars or more shall file an audit of the
 5 disbursement of funds with the legislative auditor's office.
 6 The audit shall be filed within two years of the
 7 disbursement of funds or grants by the grantee and shall
 8 be made by an independent certified public accountant at
 9 the cost of the corporation, association or other
 10 organization and must show that the funds or grants were
 11 spent for the purposes intended when the grant was made.
 12 Audits of state funds or grants under fifteen thousand

13 dollars may be authorized by the joint committee on
14 government and finance to be conducted by the legislative
15 auditor's office, at no cost to the grantee: *Provided*, That
16 volunteer fire departments will satisfy the audit require-
17 ments of this section by submitting a sworn statement of
18 annual expenditures to the legislative auditor's office,
19 along with a filing fee of seventy-five dollars, on or before
20 the fourteenth day of February of each year, if such
21 volunteer fire department elects not to be audited. The
22 sworn statement of expenditures must be signed by the
23 chief or director of the volunteer fire department, and
24 shall be made under oath and acknowledged before a
25 notary public. The office of the legislative auditor may
26 assign an employee or employees to perform audits per
27 the direction of the legislative auditor of the disbursement
28 of funds or grants to volunteer fire departments. Filing
29 fees paid by volunteer fire departments pursuant to this
30 section shall be paid into a special revenue account created
31 in the state treasury known as the "Special Legislative
32 Audit Fund". Expenditures from the fund are authorized
33 to be made by the legislative auditor's office solely for the
34 purposes of payment of costs associated with the audits
35 conducted pursuant to this section. Any person who files
36 a fraudulent sworn statement of expenditures under this
37 section is guilty of a felony, and, upon conviction thereof,
38 shall be fined not less than one thousand dollars nor more
39 than five thousand dollars, or imprisoned in the state
40 penitentiary for a period of time not less than one year
41 nor more than five years, or both fined and imprisoned.

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

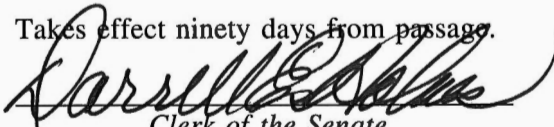


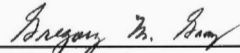
Chairman Senate Committee


Chairman House Committee

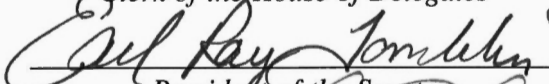
Originating in the House.

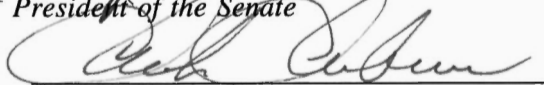
Takes effect ninety days from passage.


Clerk of the Senate



Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 21st
day of March, 1996.


Governor

PRESENTED TO THE
GOVERNOR

Date 3/19/96

Time 3:42pm