ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4470

(By Mr. Speaker, Mr. Kiss, and Delegates Michael and Trump)

Passed March 8, 2000

In Effect 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 state funds received by volunteer and part volunteer fire companies and departments; allowing funds to be expended on operating expenses; prohibiting the commingling of state funds with other funds; allowing the joint committee on government and finance to determine the amount of the annual expenditure filing fee; providing penalties for not filing statement of annual expenditures and filing late; requiring cooperation with the legislative auditor and providing a penalty for noncooperation; and requiring the state auditor to audit state funds received by volunteer and part volunteer fire companies and departments under certain circumstances.
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.

Revenues allocated to volunteer and part volunteer fire companies and departments may be expended only for the items listed in subdivisions (a) through (k) of this section.

Funds received from the state for volunteer and part volunteer fire companies and departments, pursuant to sections fourteen-d and thirty-three, article three, and section sixteen-a, article twelve, all of chapter thirty-three of this code, may not be commingled with funds received from any other source.

Expenditures may be made for the following:

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

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

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

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

(e) Capital improvements reasonably required for effective and efficient fire protection service and maintenance of the capital improvements;

(f) Retirement of debts;

(g) Payment of utility bills;

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

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

(j) Property/casualty insurance premiums for protection and indemnification against loss or damage or liability; and
(k) Operating expenses reasonably required in the normal course of providing effective and efficient fire protection service, which include, but are not limited to, gasoline, bank fees, postage and accounting costs.

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.

(a) Any corporation, association or other organization in West Virginia, whether nonprofit or for profit, which receives state funds or grants in the amount of fifteen thousand dollars or more shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization and shall show that the funds or grants were spent for the purposes intended when the grant was made.

(b) Audits of state funds or grants under fifteen thousand dollars may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office, at no cost to the grantee: Provided, That volunteer fire departments satisfy the audit requirements of this section by submitting a sworn statement of annual expenditures to the legislative auditor's office, along with a filing fee of seventy-five dollars, on or before the fourteenth day of February of each year, if the volunteer fire department elects not to be audited. The sworn statement of expenditures shall be signed by the chief or director of the volunteer fire department, and shall be made under oath and acknowledged before a notary public. An additional filing fee of twenty-five dollars shall be included with the sworn statement of annual expenditures if the state-
ment is submitted between the fifteenth day of February and the
fifteenth day of March. An additional filing fee of fifty dollars
shall be included with the sworn statement of annual expendi-
tures if the statement is submitted between the sixteenth day of
March and the fifteenth day of April. If the sworn statement is
not submitted on or before the fifteenth day of April the
volunteer fire department shall file an audit of the disbursement
of funds, made by an independent certified public accountant,
with the legislative auditor's office no later than the first day of
July. The audit shall be made at the cost of the volunteer fire
department. If the audit made by the independent certified
public accountant is not filed with the legislative auditor by the
first day of July, the legislative auditor shall notify the state
treasurer who shall withhold payment of one thousand dollars
from any amount that would otherwise be distributed to the fire
department under the provisions of sections fourteen-d and
thirty-three, article three, and section sixteen-a, article twelve,
all of chapter thirty-three of this code, and pay the amount
withheld to the fund from which it was distributed to be
redistributed the following year pursuant to the applicable
provisions of those sections. If the volunteer fire department
does not timely file a sworn statement of annual expenditures
or an audit of the disbursement of funds, made by an independ-
ent certified public accountant, with the legislative auditor's
office for three consecutive years, the legislative auditor shall
notify the state treasurer who shall withhold payment of any
amount that would otherwise be distributed to the fire depart-
ment under the provisions of sections fourteen-d and
thirty-three, article three, and section sixteen-a, article twelve,
all of chapter thirty-three of this code, and pay the amount
withheld to the fund from which it was distributed to be
redistributed the following year pursuant to the applicable
provisions of those sections.

(c) The office of the legislative auditor may assign an
employee or employees to perform audits at the direction of the
legislative auditor of the disbursement of funds or grants to volunteer fire departments. The volunteer fire department shall cooperate with the legislative auditor, the legislative auditor's employees and the state auditor in performing their duties under this section. If the legislative auditor determines a volunteer fire department is not cooperating, the legislative auditor shall notify the state treasurer who shall withhold payment of any amount that would otherwise be distributed to the fire department under the provisions of sections fourteen-d and thirty-three, article three, and section sixteen-a, article twelve, all of chapter thirty-three of this code, until the legislative auditor informs the treasurer that the fire department has cooperated as required by this section. The state treasurer shall pay the amount withheld into a special revenue account hereby created in the state treasury and designated the "Volunteer Fire Department Audit Account". If after one year from payment of the amount withheld into the special revenue account, the legislative auditor informs the state treasurer of continued noncooperation by the fire department, the state treasurer shall pay the amount withheld to the fund from which it was distributed to be redistributed the following year pursuant to the applicable provisions of those sections.

(d) Filing fees paid by volunteer fire departments pursuant to this section shall be paid into a special revenue account created in the state treasury known as the "Special Legislative Audit Fund". Expenditures from the fund are authorized to be made by the legislative auditor's office solely for the purposes of payment of costs associated with the audits conducted pursuant to this section. Any person who files a fraudulent sworn statement of expenditures under this section is guilty of a felony and, upon conviction thereof, shall be fined not less than one thousand dollars nor more than five thousand dollars, or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned.
Whenever the state auditor performs an audit of a volunteer fire department for any purpose, the auditor shall also conduct an audit of other state funds received by the fire department pursuant to sections fourteen-d and thirty-three, article three, and section sixteen-a, article twelve, all of chapter thirty-three of this code. The auditor shall send a copy of any such audit to the legislative auditor. The legislative auditor may accept an audit performed by the auditor in lieu of performing an audit under this section.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 14th day of March, 2000.

Governor