

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

House Bill 2283

BY DELEGATE STATLER

[Passed March 8, 2023; in effect ninety days from passage.]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2023 MAR 29 P 1:07

FILED

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1 AN ACT 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, shall be deposited
3 into a bank account dedicated to state received funds and may not be commingled with moneys
4 received from any source other than the state. Distributions from the Municipal Pensions and
5 Protection Fund and the Fire Protection Fund allocated to volunteer and part-volunteer fire
6 companies and departments may be expended only for the following:

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

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

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

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

17 (5) The direct costs incurred due to the purchase of land, the construction of new facilities,
18 or the expansion of current facilities, when these costs can be demonstrated by the department
19 to increase the effectiveness and efficiency of the fire protection services; as well as maintenance
20 required to maintain the functionality of physical facilities of the department;

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

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

25 (8) Payment of the cost of immunizations, including any laboratory work incident to the
26 immunizations, for firefighters against hepatitis-b and other blood-borne pathogens only when:
27 (A) purchased through the state immunization program or lowest-cost provider; and (B) no-cost
28 or low-cost administration from local boards of health or other similar programs are unavailable;

29 (9) Insurance policies, including:

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

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

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

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

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

41 (11) Dues paid to national, state, and county associations;

42 (12) Workers' compensation premiums;

43 (13) Educational and training supplies and fire prevention promotional materials, not to
44 exceed \$500 per year; and

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

48 (b) If a volunteer or part-volunteer fire company or department uses any amount of money
49 received from the Municipal Pensions and Protection Fund or the Fire Protection Fund for an item,
50 service, or purpose not authorized by this section, that amount, when determined by an official
51 audit, review, or investigation, shall be deducted from future distributions to the volunteer fire
52 company or part-volunteer fire department.

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

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

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

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

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

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

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

Steve Morris

Clerk of the House of Delegates

Joe Mori

Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

2023 MAR 29 P 1:01
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

Les Hanshaw

Speaker of the House of Delegates

Ch. Roberts

President of the Senate

The within is *approved* this the *29th*
Day of *March*, 2023.

James Perdue

Governor

MAR 20 2023

Time 1:21 pm