

No: 34

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



ENROLLED

COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 34

(By Senators BRACKENRICH, ET AL)



PASSED MARCH 12, 1988

In Effect 90 days from Passage



***ENROLLED**
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 34

(SENATORS BRACKENRICH AND CHERNENKO, *original sponsors*)

[Passed March 12, 1988; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and twelve, article seventeen, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to county fire boards; definitions of qualified voters; time limits on completion of petitions; and election for county fire service fees.

Be it enacted by the Legislature of West Virginia:

That sections two and twelve, article seventeen, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 17. COUNTY FIRE BOARDS.

§7-17-2. Definitions.

- 1 As used in this article unless the context clearly indicates
- 2 otherwise:
- 3 (1) "User" means any person to whom fire service is
- 4 made available under the provisions of this article.
- 5 (2) "County commission" means the county commission
- 6 or tribunal in lieu thereof of every county within the state of

7 West Virginia as provided in section nine, article nine of the
8 constitution of the state of West Virginia.

9 (3) "County fire association" means an association
10 created in §7-17-3.

11 (4) "County fire board" means that board created in
12 §7-17-6.

13 (5) "Fire service" means an organization that provides
14 fire prevention and fire protection to a community, the
15 members of such an organization or the fire fighting
16 profession as a whole.

17 (6) "Qualified voters" means registered voters who
18 reside in the affected fire service district and are users or
19 prospective users of the fire prevention and fire protection
20 services provided by the fire service under the provisions of
21 this article.

**§7-17-12. County fire service fees; petition; election;
dedication; and increase.**

1 Every county commission which provides fire protection
2 services has plenary power and authority to provide by
3 ordinance for the continuance or improvement of such
4 service, to make regulations with respect thereto and to
5 impose by ordinance, upon the users of such services,
6 reasonable fire service rates, fees and charges to be
7 collected in the manner specified in the ordinance.
8 However, before a county commission can impose by
9 ordinance, upon the users of such service, a reasonable fire
10 service fee, ten percent of the qualified voters shall present
11 a petition duly signed by them in their own handwriting,
12 and filed with the clerk of the county commission directing
13 that the county commission impose such a fee. The county
14 commission shall not have a lien on any property as security
15 for payments due under the ordinance. Any ordinance
16 enacted under the provisions of this section shall be
17 published as a Class II legal advertisement in compliance
18 with the provisions of article three, chapter fifty-nine of
19 this code, and the publication area for such publication
20 shall be the county in which the county fire board is located.
21 In the event thirty percent of the qualified voters of the
22 county by petition duly signed by them in their own
23 handwriting and filed with the clerk of the county
24 commission within forty-five days after the expiration of
25 such publication protest against such ordinance as enacted

26 or amended, the ordinance may not become effective until it
27 is ratified by a majority of the legal votes cast thereon by the
28 qualified voters of such county at any primary, general or
29 special election as the county commission directs. Voting
30 thereon may not take place until after notice of the
31 submission has been given by publication as above
32 provided for the publication of the ordinance after it is
33 adopted. The powers and authority hereby granted to
34 county commissions are in addition to and supplemental to
35 the powers and authority otherwise granted to them by
36 other provisions of this code.

37 Any fees imposed under this article are dedicated to the
38 county fire board for the purposes provided in this article.

39 In the event the county fire board determines an increase
40 in any such fee imposed by this section is necessary, it shall
41 by resolution request the county commission for such an
42 increase. Procedures set forth in this section for the initial
43 levy of such a fee shall be followed by the county
44 commission in the event an increase is sought.

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

Gene O. Williams
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Joseph C. Neiths
.....
Clerk of the Senate

Donald G. Kopp
.....
Clerk of the House of Delegates

Don Tankersley
.....
President of the Senate

Robert M. ...
.....
Speaker House of Delegates

The within *Approved* this the *30th*
March
day of 1988.

Russ A. ...
.....
Governor



PRESENTED TO THE
GOVERNOR
Date 3/23/88
Time 11:27 a.m.

*Returned 3/23/88
per request of
Senate Clerk, Todd
Willis, due to
computer error.*

A.T.
Second Receipt
PRESENTED TO THE
GOVERNOR
Date 3/25/88
Time 2:28 p.m.

RECEIVED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE