

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2953

BY DELEGATES HARDY, WESTFALL, JENNINGS, CLARK,
LINVILLE, HOTT, D. JEFFRIES, GRAVES, TULLY, STORCH
AND FORSHT

[Passed April 10, 2021; in effect ninety days from passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2021 APR 26 P 5:05

FILED

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1 AN ACT to amend and reenact §7-17-3 and §7-17-12 of the Code of West Virginia, 1931, as
2 amended, all relating to county fire protection services; clarifying that county commission
3 may contract with fire department of any political subdivision for fire protection services;
4 and modifying existing method for imposing fire service fees to add procedure for a ballot
5 referendum to be used, if desired, instead of utilizing current procedure requiring 10
6 percent of voters to petition for imposition of such fees.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. COUNTY FIRE BOARDS.

§7-17-3. County fire association creation; prohibiting entrance by a municipality maintaining a full time paid fire department.

1 The fire departments within each county are hereby authorized to create and establish a
2 county fire association, hereinafter referred to as "fire association." The county fire association is
3 created to discuss fire protection services to address fire protection problems at the county level.

4 Upon the creation of a fire association, any full-time paid fire department located in a
5 municipality, as defined in §8-15-9 of this code is excluded from the provisions of this article.

6 However, this provision shall not prohibit the county commission or the fire board with the
7 approval of the county commission from contracting with the fire department of any political
8 subdivision for fire protection services rendered to the county.

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

1 (a) Every county commission which provides fire protection services has plenary power
2 and authority to provide by ordinance for the continuance or improvement of such service, to
3 make regulations with respect thereto and to impose by ordinance, upon the users of such
4 services, reasonable fire service rates, fees and charges to be collected in the manner specified
5 in the ordinance.

6 (b) Any fees imposed under this article are dedicated to the county fire board for the
7 purposes provided in this article.

8 (c) A county commission can impose by ordinance, upon the users of such service, a
9 reasonable fire service fee, by one of two methods:

10 (1) Ten percent of the qualified voters shall present a petition duly signed by them in their
11 own handwriting, and filed with the clerk of the county commission, directing that the county
12 commission impose such a fee. The county commission shall not have a lien on any property as
13 security for payments due under the ordinance. Any ordinance enacted under the provisions of
14 this section shall be published as a Class II legal advertisement in compliance with the provisions
15 of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the county
16 in which the county fire board is located. In the event 30 percent of the qualified voters of the
17 county by petition duly signed by them in their own handwriting and filed with the clerk of the
18 county commission within 45 days after the expiration of such publication protest against such
19 ordinance as enacted or amended, the ordinance may not become effective until it is ratified by a
20 majority of the legal votes cast thereon by the qualified voters of such county at any primary,
21 general or special election as the county commission directs. Voting thereon may not take place
22 until after notice of the submission has been given by publication as above provided for the
23 publication of the ordinance after it is adopted. The powers and authority hereby granted to county
24 commissions are in addition to and supplemental to the powers and authority otherwise granted
25 to them by other provisions of this code; or

26 (2) If the county fire board determines an amendment in the fee imposed in subsection (a)
27 of this article is necessary, it may, by resolution, request the county commission for such a
28 change. Upon receipt of the resolution from the county fire board, the county commission shall,
29 by ballot referendum, amend the ordinance imposing a fire fee and adopt the changes in the fee
30 requested by the county fire board.

31 (A) This referendum, to determine whether it is the will of the voters of a county that an
32 amendment to the fire fee is necessary, may be held at any regular primary or general election,
33 or, in conjunction with any other countywide election. Any election at which the question of

34 amending the fire fee is voted upon shall be held at the voting precincts established for holding
35 primary or general elections. All of the provisions of the election laws, when not in conflict with
36 the provisions of this article, shall apply to voting and elections hereunder, insofar as practicable.
37 The county commission shall, not less than 90 days before the election, order that the issue be
38 placed on the ballot and referendum held at the next primary, general, or special election to
39 determine whether it is the will of the voters of the county that a fire fee be amended: *Provided,*
40 That prior to issuing the order, the county commission shall publish the ordinance which must
41 contain the anticipated allocation of any fees or charges and which would be enacted should the
42 referendum succeed as a Class II legal advertisement in compliance with the provisions of §59-
43 3-1 *et seq.* of this code, and the publication area for such publication shall be the county in which
44 the county fire board is located.

45 (B) The ballot, or the ballot labels where voting machines are used, shall have printed
46 thereon substantially the following:

47 "Shall the county commission be permitted to amend the fire fee in _____ County,
48 West Virginia?

49 ___ For the fee amendment.

50 ___ Against the fee amendment.

51 (Place a cross mark in the square opposite your choice.)"

52 (C) If a majority of legal votes cast upon the question be for the fire fee amendment, the
53 county commission shall, after the certification of the results of the referendum, thereafter adopt
54 an ordinance, within 60 days of certification, establishing the fire fee amendment in the county:
55 *Provided,* That such program shall be implemented and operational no later than 12 months
56 following certification. If a majority of the legal votes cast upon the question be against the fire fee
57 amendment, then the policy shall not take effect, but the question may again be submitted to a
58 referendum at any subsequent election in the manner herein provided.

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

Dean Jeffries
.....
Chairman, House Committee

Mark Sparyak
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Morrison
.....
Clerk of the House of Delegates

Joe Linn
.....
Clerk of the Senate

Don Husk
.....
Speaker of the House of Delegates

C. P. Bell
.....
President of the Senate

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2021 APR 26 P 5:05

FILED

The within *is approved* this the *26th*
day of *April* 2021.

James O. Eastman
.....
Governor

PRESENTED TO THE GOVERNOR

APR 22 2021

Time 2:53 pm