WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1993

ENROLLED

SENATE BILL NO. 96
(By Senator Claypole, et al.)

PASSED March 19, 1993
In Effect 90 days from Passage
ENROLLED

Senate Bill No. 96
(BY SENATORS CLAYPOLE, HUMPHREYS, WAGNER AND WIEDEBUSCH)

[Passed March 19, 1993; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-four, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing members of fire departments to participate in political activities; setting forth exceptions thereto; establishing the misdemeanor offense of discriminating against employees lawfully engaged in political activities; and providing penalties therefor.

Be it enacted by the Legislature of West Virginia:

That section twenty-four, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.


1 (a) No member of any paid fire department may:

2 (1) Solicit or receive any assessment, subscription or
contribution, or perform any service for any political party, committee or candidate for compensation, other than for expenses actually incurred;

(2) Use any official authority or influence, including, but not limited to, the wearing by a member of a paid fire department of his or her uniform, for the purpose of interfering with or affecting the nomination, election or defeat of any candidate or the passage or defeat of any ballot issue: Provided, That this subdivision shall not be construed to prohibit any member of a paid fire department from casting his or her vote at any election while wearing his or her uniform;

(3) Coerce or command anyone to pay, lend or contribute anything of value to a party, committee, organization, agency or person for the nomination, election or defeat of a ballot issue;

(4) Be a candidate for or hold any other public office;

or

(5) Be a candidate or delegate to any state or national political party convention or a member of any national, state or local committee of a political party, or serve as a financial agent or treasurer within the meaning of sections three, four or five-e, article eight, chapter three of this code.

(b) Other types of partisan or nonpartisan political activities not inconsistent with the provisions of subsection (a) of this section are permissible political activities for members of paid fire departments.

(c) Any member of a paid fire department who violates the provisions of this section shall have his or her appointment vacated and shall be removed, in accordance with the provisions of section twenty-five of this article.

(d) No person shall be appointed or promoted to or demoted or dismissed from any position in a paid fire department or in any way favored or discriminated against because of his or her engagement in any political activities authorized by the provisions of this section. Any elected or appointed official who violates
the provisions of this subsection shall be guilty of a
misdemeanor and, upon conviction thereof, shall be
punished by the penalties contained in section twenty-
six, article fifteen, chapter eight of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 31st day of __________, 1993.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/27/43
Time 10:24 am