

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4528

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EVANS, HAMILTON, AMBLER, ANDERSON, BORDER, D.

EVANS, IRELAND AND WESTFALL

[Introduced February 12, 2016; Referred
to the Committee on Political Subdivisions then
Finance]

1 A BILL to amend and reenact §7-17-3 of the Code of West Virginia, 1931, as amended; to amend
 2 and reenact §8-15-9 of said code; and to amend said code by adding thereto a new
 3 section, designated §33-3-33b, all relating to permitting an all-volunteer fire department to
 4 consolidate with certain other fire departments while retaining their rights to receive funds
 5 from the Fire Protection Fund as if they had not consolidated.

Be it enacted by the Legislature of West Virginia:

1 That §7-17-3 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; that §8-15-9 of said code be amended and reenacted; and that said code be amended
 3 by adding thereto a new section, designated §33-3-33b, all to read as follows:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

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 section nine, article fifteen, chapter eight of this code is excluded from
 6 the provisions of this article.

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

10 Notwithstanding any provision in this code to the contrary, local all-volunteer fire
 11 departments that were in existence on January 1, 2016, may, for cost savings, efficiencies and
 12 other legitimate purposes, consolidate with a county fire department, a municipal fire department

13 or other all-volunteer fire departments, while retaining their individual rights to receive funds from
 14 the Fire Protection Fund, pursuant to section thirty-three, article three, chapter thirty-three of this
 15 code, as if they had not consolidated.

CHAPTER 8. MUNICIPAL CORPORATIONS.

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

PART III. PAID FIRE DEPARTMENTS.

§8-15-9. Establishment and maintenance of paid fire department.

1 Any municipality may provide for, establish, equip and maintain a full-time paid fire
 2 department. A paid fire department shall be subject to the authority, control and discipline of the
 3 administrative authority. For the purposes of this article, the term "paid fire department" shall be
 4 taken to mean only a municipal fire department maintained and paid for out of public funds and
 5 whose employees are paid on a full-time basis out of public funds. The term shall not be taken to
 6 mean a department whose employees are paid nominal salaries or wages or are only paid for
 7 services actually rendered on an hourly basis.

8 Notwithstanding any provision in this code to the contrary, a local all-volunteer fire
 9 department that was in existence on January 1, 2016, may, for cost savings, efficiencies and other
 10 legitimate purposes, consolidate with a municipal fire department, a county fire department or
 11 other all-volunteer fire departments, while retaining their individual rights to receive funds from
 12 the Fire Protection Fund, pursuant to section thirty-three, article three, chapter thirty-three of this
 13 code, as if they had not consolidated.

CHAPTER 33. INSURANCE.

ARTICLE 3. LICENSING, FEES AND TAXATION OF INSURERS.

§33-3-33b. Volunteer fire departments; consolidation; continuation of funding.

1 Notwithstanding any provision in this code to the contrary, local volunteer fire departments,

2 that were in existence on January 1, 2016, may, for cost savings, efficiencies and other legitimate
3 purposes, consolidate with a municipal fire department, a county fire department or other all-
4 volunteer fire departments, while retaining their individual rights to receive funds from the Fire
5 Protection Fund, pursuant to section thirty-three, article three, chapter thirty-three of this code, as
6 if they had not consolidated.

NOTE: The purpose of this bill is to permit an all-volunteer fire department to consolidate with certain other fire departments while retaining their rights to receive funds from the Fire Protection Fund as if they had not consolidated.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.