

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Originating

Senate Bill 872

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[Originating in the Committee on Government
Organization; reported February 23, 2024]

1 A BILL to amend and reenact §7-17-12 of the Code of West Virginia, 1931, as amended, relating
2 to county fire service fees; expanding authority of county commission after receipt of
3 resolution from county fire board; and providing for amendment of fire fee by ballot
4 referendum upon county commission determination that amendment of fee is necessary.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. COUNTY FIRE BOARDS.

§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 or
21 general election as the county commission directs. Voting thereon may not take place until after
22 notice of the submission has been given by publication as above provided for the publication of
23 the ordinance after it is adopted. The powers and authority hereby granted to county commissions
24 are in addition to and supplemental to the powers and authority otherwise granted to them by
25 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 may
29 take such action on the resolution as, in the sole exercise of its discretion, the commission
30 determines is appropriate, including, but not limited to, rejection thereof. If the county commission
31 agrees that an amendment of the fee is necessary, it shall, by ballot referendum, amend the
32 ordinance imposing a fire fee and adopt the changes in the fee ~~requested by the county fire board.~~
33 it has determined is necessary.

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

46 this code, and the publication area for such publication shall be the county in which the county
47 fire board is located.

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

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

52 For the fee amendment.

53 Against the fee amendment.

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

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

62 (d) In the event that a majority of the votes cast upon a question submitted pursuant to
63 this section at any primary election be against the question, the question may again be submitted
64 to the voters at the next succeeding general election.