

SB 257
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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

ENROLLED

SENATE BILL NO. 257

(By Senator WAGNER, ET AL)

PASSED MARCH 9, 1996
In Effect NINETY DAYS FROM Passage

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SECRETARY OF STATE

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Senate Bill No. 257

(BY SENATORS WAGNER, MACNAUGHTAN,
SCHOONOVER AND GRUBB)

[Passed March 9, 1996; 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 political activities of members of paid fire departments; setting forth prohibitions and exceptions thereto; authorizing such members to be a candidate for or to hold a public office; prohibiting such members from being a candidate for or from holding a public office in the municipality in which they are employed; providing for the removal from office of such member; when employment status to be protected; and setting forth criminal penalties.

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.**

**§8-15-24. Political activities of members prohibited; excep-
tions.**

- 1 (a) No member of any paid fire department may:
 - 2 (1) Solicit or receive any assessment, subscription or
 - 3 contribution, except for his or her own candidacy, or
 - 4 perform any service for any political party, committee or
 - 5 candidate for compensation, other than for expenses
 - 6 actually incurred;
 - 7 (2) Use any official authority or influence, including,
 - 8 but not limited to, the wearing by a member of a paid
 - 9 fire department of his or her uniform, for the purpose of
 - 10 interfering with or affecting the nomination, election or
 - 11 defeat of any candidate or the passage or defeat of any
 - 12 ballot issue: *Provided*, That this subdivision shall not be
 - 13 construed to prohibit any member of a paid fire depart-
 - 14 ment from casting his or her vote at any election while
 - 15 wearing his or her uniform;
 - 16 (3) Coerce or command anyone to pay, lend or contrib-
 - 17 ute anything of value to a party, committee, organiza-
 - 18 tion, agency or person for the nomination, election or
 - 19 defeat of a ballot issue; or
 - 20 (4) Be a candidate for or hold any other public office in
 - 21 the municipality in which he or she is employed.
- 22 (b) Other types of partisan or nonpartisan political
- 23 activities not inconsistent with the provisions of subsec-
- 24 tion (a) of this section are permissible political activities
- 25 for members of paid fire departments.
- 26 (c) Any member of a paid fire department who violates
- 27 the provisions of this section shall have his or her
- 28 appointment vacated and shall be removed, in accor-
- 29 dance with the provisions of section twenty-five of this
- 30 article.
- 31 (d) No person shall be appointed or promoted to or
- 32 demoted or dismissed from any position in a paid fire

33 department or in any way favored or discriminated
34 against because of his or her engagement in any political
35 activity authorized by the provisions of this section. Any
36 elected or appointed official who violates the provisions
37 of this subsection shall be guilty of a misdemeanor, and,
38 upon conviction thereof, shall be punished by the
39 penalties contained in section twenty-six of this article.



and a copy



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

Randy Schooner
.....
Chairman Senate Committee

Randy Seaman
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Harold Atkins
.....
Clerk of the Senate

Burgess W. Long
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Paul Cabree
.....
Speaker House of Delegates

The within *is disapproved* is the *1st*
day of *April*, 1996.

Walter C. Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/96

Time 3:58 pm