

FILED

2002 APR -3 P 9:07

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

House Bill No. 4540

(By Delegates Fleischauer, Caputo, Manuel,
R. Thompson, Wills, Hrutkay and Givens)



Passed March 9, 2002

In Effect Ninety Days from Passage

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H. B. 4540

(BY DELEGATES FLEISCHAUER, CAPUTO, MANUEL,
R. THOMPSON, WILLS, HRUTKAY AND GIVENS)

[Passed March 9, 2002; 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 the political activities of members of paid fire departments; amending the list of prohibited political activities by members of paid fire departments and exceptions thereto; prohibiting such members from being candidates for or holding public office in the municipality in which they are employed, but permitting such members to be candidates for or hold other public office; prohibiting a member of a paid fire department from soliciting political contributions or donations from members or employees of his or her own fire department; reenacting civil service protections related to unauthorized and permissible political activity; and amending penalties for violations of this section.

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; exceptions.

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

2 (1) Solicit any assessment, subscription or contribution for
3 any political party, committee or candidate from any person
4 who is a member or employee of the same fire department by
5 which they are employed;

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

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

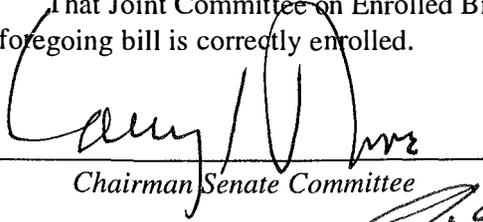
18 (4) Be a candidate for or hold any other public office in the
19 municipality in which he or she is employed: *Provided*, That
20 any paid member of a fire department that is subject to the
21 provisions of 15 U.S.C. §1501 et seq., may not be a candidate
22 for elective office.

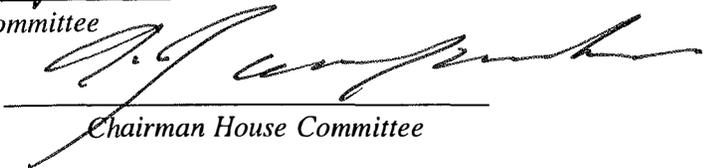
23 (b) Other types of partisan or nonpartisan political activities
24 not inconsistent with the provisions of subsection (a) of this

25 section are permissible political activities for members of paid
26 fire departments.

27 (c) No person shall be appointed or promoted to or demoted
28 or dismissed from any position in a paid fire department or in
29 any way favored or discriminated against because of his or her
30 engagement in any political activities authorized by the
31 provisions of this section. Any elected or appointed official who
32 violates the provisions of this subsection shall be guilty of a
33 misdemeanor and, upon conviction thereof, shall be punished
34 by the penalties contained in section twenty-six, article fifteen,
35 chapter eight of this code.

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


Chairman Senate Committee

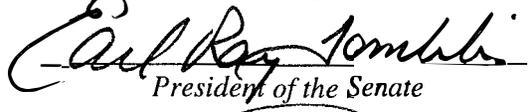

Chairman House Committee

Originating in the House.

In effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 3rd
day of April 2002.


Governor

DATE: 3/27/02

TIME: 10:00a

BY: [Signature]