

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2898

**FISCAL
NOTE**

By Delegate Burkhammer

[Introduced February 24, 2025; referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §7-1-3 and §7-1-3d of the Code of West Virginia, 1931, as amended;
2 and to repeal §7-17-1, §7-17-2, §7-17-3, §7-17-4, §7-17-5, §7-17-6, §7-17-7, §7-17-8, §7-
3 17-9, §7-17-10, §7-17-11, §7-17-12,, §7-17-13, §7-17-14, §7-17-15, §7-17-16, §7-17-17,
4 §7-17-18, §7-17-19, and §7-17-20, all relating fire departments within a county and county
5 fire boards; granting administrative control of fire departments within a county to the county
6 commission of that county when they are not already under administrative control of a
7 municipal corporation; and abolishing county fire boards.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY

§7-1-3. Jurisdiction, powers, and duties.

1 (a) The county commissions, through their clerks, shall have the custody of all deeds and
2 other papers presented for record in their counties and the same shall be preserved therein, or
3 otherwise disposed of as now is, or may be prescribed by law. They shall have jurisdiction in all
4 matters of probate, the appointment and qualification of personal representatives, guardians,
5 committees, curators and the settlement of their accounts and in all matters relating to
6 apprentices. They shall also, under the rules as now are, or may be prescribed by law, have the
7 superintendence and administration of the internal police and fiscal affairs of their counties,
8 including the establishment and regulation of roads, ways, streets, avenues, drives and the like,
9 and the naming or renaming thereof, in cooperation with local postal authorities, the Division of
10 Highways and the directors of county emergency communications centers, to assure uniform,
11 nonduplicative conversion of all rural routes to city-type addressing on a permanent basis,
12 bridges, public landings, ferries and mills, with authority to lay and disburse the county levies. They
13 shall, in all cases of contest, judge of the election, qualification and returns of their own members,
14 and of all county and district officers, subject to appeal as prescribed by law. The tribunals as have
15 been heretofore established by the Legislature under and by virtue of section thirty-four, article VIII
16 of the Constitution of 1872, for police and fiscal purposes, shall, until otherwise provided by law,

17 remain and continue as at present constituted in the counties in which they have been respectively
18 established, and shall be and act as to police and fiscal matters in lieu of the county commission
19 herein mentioned, until otherwise provided by law. And until otherwise provided by law, the clerk
20 as is mentioned in section twenty-six of said article, as amended, shall exercise any powers and
21 discharge any duties heretofore conferred on, or required of, any court or tribunal established for
22 judicial purposes under said section, or the clerk of the court or tribunal, respectively, respecting
23 the recording and preservation of deeds and other papers presented for record, matters of
24 probate, the appointment and qualification of personal representatives, guardians, committees,
25 curators and the settlement of their accounts and in all matters relating to apprentices. The county
26 commission may not limit the right of any person to purchase, possess, transfer, own, carry,
27 transport, sell or store any revolver, pistol, rifle or shotgun or any ammunition or ammunition
28 components to be used therewith nor to so regulate the keeping of gunpowder so as to, directly or
29 indirectly, prohibit the ownership of the ammunition: *Provided*, That no provision in this section
30 may be construed to limit the authority of a county to restrict the commercial use of real estate in
31 designated areas through planning or zoning ordinance. The county commission will also be
32 responsible for the administration of any fire departments within county borders that are not
33 already controlled by a municipal corporation.

34 (b) County commissions may not adopt or enact an ordinance, rule, license requirement, or
35 other authorization that contravenes or is stricter than any state law, rule, or regulation relating to
36 agricultural operations, as defined in §19-19-2 of this code. Any ordinance, rule, regulation,
37 license requirement, or other authorization previously adopted by a county commission that
38 contravenes or is stricter than any state law, rule, or regulation regarding agricultural operations is
39 revoked.

40 (c) County commissions may not adopt an ordinance, rule, or regulation, or take other
41 action, that prohibits the purchase, or alters the permissible use or application, of any federally or
42 state-registered pesticide, herbicide, or insecticide product.

§7-1-3d. Levy for, establishment, and operation of fire prevention units; financial aid.

1 (a) The county commission in any county may:

2 (1) Levy for and erect, maintain, and operate fire stations; and

3 (2) Form county fire prevention units, and supply equipment therefor in the county:

4 *Provided*, That if a county commission establishes a separate county fire prevention unit in any city
5 in West Virginia that is now operating under the provisions of the state civil service act for paid fire
6 departments, then the new unit shall be operated in accordance with the provisions of the civil
7 service act. Any such unit shall be formed and recognized under the regulations of the State Fire
8 Commission for local fire departments.

9 (3) The county commission will be responsible for all fire departments within a county if the
10 fire departments are not already under the control of a municipal corporation.

11 (b) Any county commission may render financial aid to any one or more public fire
12 protection facilities in operation in the county for the general benefit of the public in the prevention
13 of fires.

14 (c) Any county commission may also authorize volunteer fire companies or paid fire
15 departments to charge reasonable reimbursement fees for personnel and equipment used in
16 performing firefighting services, victim rescue, or cleanup of debris or hazardous materials by
17 department personnel.

18 (1) The rate for any such fees to be charged to property owners or other persons
19 responsible or liable for payment for such services must be approved by the county commission
20 and must be reasonable: *Provided*, That no fee for any single incident or accident shall exceed
21 \$1,500, except that the fee for an incident or accident involving hazardous materials or extended
22 search and rescue and water rescue incidents may exceed this amount based on the necessary
23 and reasonable costs incurred.

24 (2) The county commission shall require that any fees charged pursuant to the authority
25 conferred by this section must be in writing and be itemized by specific services rendered and the

26 rate for each service.

27 (3) Unless exempt by law, any person, partnership, corporation, or governmental agency
28 shall be fully responsible for all charges levied by this section within 75 days of the date of the
29 response resulting in such charge. Payment to the fire department or company rendering the
30 services shall be in full, unless a written agreement has been reached between the fire department
31 or company and the responsible party to establish a payment schedule to satisfy all charges.

32 (4) If payment for services rendered has not been received within 90 days from the date of
33 response, and if a payment schedule has not been established, a fire department or company may
34 proceed in magistrate court or in other appropriate court action to recover from the responsible
35 party all fees associated with the response, including attorney fees and court costs.

ARTICLE 17. COUNTY FIRE BOARDS.

§7-17-1. Findings.

1 [Repealed.]

§7-17-2. Definitions.

1 [Repealed.]

§7-17-3. County fire association creation; prohibiting entrance by a municipality maintaining a full time paid fire department.

1 [Repealed.]

§7-17-4. Management and control vested in the county fire association; appointment.

1 [Repealed.]

§7-17-5. Sale or lease of property; reversion of assets upon dissolution.

1 [Repealed.]

§7-17-6. County fire board creation and management; membership; terms of members; vacancies.

1 [Repealed.]

§7-17-7. Resident requirement of county fire board members; municipality location.

1 [Repealed.]

§7-17-8. Compensation; expenses.

1 [Repealed.]

§7-17-9. Board to be a public corporation.

1 [Repealed.]

§7-17-10. Powers generally.

1 [Repealed.]

§7-17-11. Limitations.

1 [Repealed.]

§7-17-12. County fire service fees; petition; election; dedication; and amendment.

1 [Repealed.]

§7-17-13. Incurring indebtedness; rights of creditors.

1 [Repealed.]

§7-17-14. Agreements in connection with obtaining funds.

1 [Repealed.]

§7-17-15. Property, bonds and obligations of authority exempt from taxation.

1 [Repealed.]

§7-17-16. Appropriations authorized.

1 [Repealed.]

§7-17-17. Contributions by county commissions, municipalities and others; funds and accounts; reports; audit and examination of books, records and accounts and penalties.

1 [Repealed.]

§7-17-18. Sale or lease of property; reversion of assets upon dissolution.

1 [Repealed.]

§7-17-19. Employees to be covered by workers' compensation.

1 [Repealed.]

§7-17-20. Liberal construction of article.

1 [Repealed.]

NOTE: The purpose of this bill is to grant administrative control of fire departments within a county to the county commission in that county when they are not already under administrative control of a municipal corporation, and to abolish fire county boards.

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