

1 **Senate Bill No. 569**

2 (By Senators Green, McCabe, Beach, Williams, Miller and D. Hall)

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4 [Introduced March 19, 2013; referred to the Committee on
5 Government Organization; and then to the Committee on the
6 Judiciary.]
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11 A BILL to amend and reenact §29-3-11 of the Code of West Virginia,
12 1931, as amended, relating to the appointment of the State
13 Fire Marshal with the advice and consent of the Senate.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §29-3-11 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

18 **§29-3-11. Appointment of State Fire Marshal; term of office;**
19 **removal; salary; qualifications; responsibilities;**
20 **employees; equipment.**

21 (a) The State Fire Commission shall appoint, by and with the
22 advice and consent of the Senate, a State Fire Marshal in
23 accordance with the qualifications approved by the State Civil

1 Service Commission as provided in article six, chapter twenty-nine
2 of this code. He or she can be removed by the commission at any
3 time for neglect of duty or other conduct unbecoming his or her
4 office as provided in article six, chapter twenty-nine of this
5 code.

6 (b) The State Fire Marshal, within policy established by the
7 State Fire Commission, shall have all responsibility for the
8 implementation of fire safety programs in this state designated to
9 minimize fire hazards and disaster and loss of life and property
10 from these causes. These responsibilities include, but are not
11 limited to, the establishment and enforcement of fire safety
12 practices throughout the state, preventive inspection and
13 correction activities, coordination of fire safety programs with
14 volunteer and paid fire departments and critical analysis and
15 evaluation of West Virginia's fire loss statistics for
16 determination of problems and solutions.

17 (c) The State Fire Marshal may employ such technical,
18 clerical, stenographic and other personnel and fix their
19 compensation and may incur such expenses as may be necessary in the
20 performance of the duties of his or her office within the
21 appropriation therefor. Employees of the fire marshal's office
22 shall be members of the State Civil Service System, and all
23 appointments of the office shall be a part of the classified
24 service under the civil service system.

1 Further, any individual who is employed to conduct criminal
2 investigations or who may become actively involved in matters of a
3 criminal nature shall first be required to pass a civil service
4 examination testing his or her competency and proficiency in the
5 law of arrest, search and seizure and other criminal procedures
6 relating to the powers granted to the State Fire Marshal pursuant
7 to the provisions of this article.

8 (d) The State Fire Marshal and other personnel of the State
9 Fire Marshal's office shall be provided with appropriate office
10 space, furniture, equipment, supplies, stationery and printing in
11 the same manner as provided for other state agencies.

NOTE: The purpose of this bill is to provide that the State
Fire Commission shall appoint a State Fire Marshal with the advice
and consent of the Senate.

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