

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 569**

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

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[Originating in the Committee on Government Organization;  
reported March 27, 2013.]

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A BILL to amend and reenact §29-3-11 of the Code of West Virginia, 1931, as amended, relating to the State Fire Marshal; and requiring the State Fire Marshal to be appointed by the Governor by and with the advice and consent of the Senate.

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

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

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

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

1 (a) The ~~State Fire Commission~~ Governor shall appoint,  
2 by and with the advice and consent of the Senate, a State Fire  
3 Marshal in accordance with the qualifications approved by  
4 the ~~State Civil Service Commission~~ Division of Personnel, as  
5 provided in article six, chapter twenty-nine of this code. ~~He~~  
6 The State Fire Marshal can be removed by the ~~commission~~  
7 Governor at any time for neglect of duty or other conduct  
8 unbecoming his or her office as provided in article six,  
9 chapter twenty-nine of this code.

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

20 Virginia's fire loss statistics for determination of problems  
21 and solutions.

22 (c) The State Fire Marshal may employ such technical,  
23 clerical, stenographic and other personnel and fix their  
24 compensation and may incur such expenses as may be  
25 necessary in the performance of the duties of his or her office  
26 within the appropriation therefor. Employees of the State  
27 Fire Marshal's office shall be members of the state civil  
28 service system, and all appointments of the office shall be a  
29 part of the classified service under the civil service system.

30 (d) Further, any individual who is employed to conduct  
31 criminal investigations or who may become actively involved  
32 in matters of a criminal nature shall first be required to pass  
33 a civil service examination testing his or her competency and  
34 proficiency in the law of arrest, search and seizure and other  
35 criminal procedures relating to the powers granted to the  
36 State Fire Marshal pursuant to the provisions of this article.

37 ~~(d)~~ (e) The State Fire Marshal and other personnel of the  
38 State Fire Marshal's office shall be provided with appropriate

39 office space, furniture, equipment, supplies, stationery and  
40 printing in the same manner as provided for other state  
41 agencies.