

Senate Bill No. 31

(By Senators Green and D. Hall)

[Introduced January 8, 2014; referred to the Committee on
Government Organization; and then to the Committee on the
Judiciary.]

11 A BILL to amend and reenact §29-3-11 of the Code of West Virginia,
12 1931, as amended, relating to State Fire Marshal; requiring
13 State Fire Marshal to be appointed by Governor by and with
14 advice and consent of Senate; and permitting Governor to
15 remove Fire Marshal under certain circumstances.

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

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

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

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

23 (a) The ~~State Fire Commission~~ Governor shall appoint, by and

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

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

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

1 appointments of the office shall be a part of the classified
2 service under the civil service system.

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

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

NOTE: The purpose of this bill is to transfer the authority to
appoint the State Fire Marshal from the State Fire Commission to
the Governor by and with the advice and consent of the Senate. The
bill also permits the Governor to remove the Fire Marshall under
certain circumstances.

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