

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014



ENROLLED

Senate Bill No. 325

(BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,
BY REQUEST OF THE EXECUTIVE)

[PASSED MARCH 8, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

E N R O L L E D

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(BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,
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[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §29-3-11 of the Code of West Virginia, 1931, as amended, relating to the State Fire Marshal; providing that the State Fire Marshal be appointed by and serve at the will and pleasure of the Fire Commission; exempting the State Fire Marshal from the classified civil service system; and providing requirements to serve as the State Fire Marshal.

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 shall appoint a State Fire
2 Marshal. The State Fire Marshal serves at the will and
3 pleasure of the commission and is exempt from coverage
4 under the classified civil service system.

5 (b) The State Fire Marshal shall have a baccalaureate
6 degree from an accredited four-year college or university, or
7 equivalent experience as determined by the commission, and
8 six years of full-time or part-time equivalent paid or
9 volunteer experience in fire prevention or fire safety
10 including two years in a supervisory capacity in fire
11 prevention and fire safety.

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

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

32 Further, any individual who is employed to conduct
33 criminal investigations or who may become actively involved
34 in matters of a criminal nature shall first be required to pass
35 a civil service examination testing his or her competency and

36 proficiency in the law of arrest, search and seizure and other
37 criminal procedures relating to the powers granted to the
38 State Fire Marshal pursuant to the provisions of this article.

39 (e) The State Fire Marshal and other personnel of the
40 State Fire Marshal's Office shall be provided with
41 appropriate office space, furniture, equipment, supplies,
42 stationery and printing in the same manner as provided for
43 other state agencies.

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

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this
the Day of, 2014.

.....
Governor