

# Senate Bill No. 325

(By Senators Kessler (Mr. President) and M. Hall,  
By Request of the Executive)

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[Introduced January 10, 2014; referred to the Committee on  
Government Organization.]

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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 providing that the State Fire Marshal shall serve at the will and pleasure of the Fire Commission and shall be exempt from the classified civil service system.

*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. ~~in accordance with the qualifications approved by~~  
3 ~~the state civil service commission as provided in article six,~~  
4 ~~chapter twenty-nine of this code. He can be removed by the~~  
5 ~~commission at any time for neglect of duty or other conduct~~  
6 ~~unbecoming his office as provided in article six, chapter~~  
7 ~~twenty-nine of this code~~ The State Fire Marshal serves at the  
8 will and pleasure of the commission and is exempt from  
9 coverage under the classified civil service system.

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 Fire  
27 Marshal's Office shall be members of the state civil service  
28 system, and all appointments of the office shall be a part of  
29 the classified service under the civil service system.

30 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) The State Fire Marshal and other personnel of the  
38 State Fire Marshal's Office shall be provided with

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

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(NOTE: The purpose of this bill is to provide that the State Fire Marshal serves at the will and pleasure of the state fire commission and is exempt from coverage under the classified civil service system.

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