

1 **H. B. 4410**

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3 (By Delegates Butcher, Stowers, R. Phillips and Walker)  
4 [Introduced February 3, 2012; referred to the  
5 Committee on Government Organization.]  
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10 A BILL to amend and reenact §29-3-11 of the Code of West Virginia,  
11 1931, as amended, relating to the appointment of the State  
12 Fire Marshal by the Governor.

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

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

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

17 **§29-3-11. Appointment of State Fire Marshal; term of office;**  
18 **removal; salary; qualifications; responsibilities;**  
19 **employees; equipment.**

20 (a) ~~The State Fire Commission shall appoint a State Fire~~  
21 ~~Marshal in accordance with the qualifications approved by the state~~  
22 ~~civil service commission as provided in article six, chapter~~  
23 ~~twenty-nine of this code. He can be removed by the commission at~~

1 ~~any time for neglect of duty or other conduct unbecoming his office~~  
2 ~~as provided in article six, chapter twenty-nine of this code. The~~  
3 ~~State Fire Marshal shall be appointed by the Governor, by and with~~  
4 ~~the advice of the Senate. He or she serves at the will and~~  
5 ~~pleasure of the Governor for the term which the Governor was~~  
6 ~~elected and until a successor has been appointed or qualified.~~

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

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

1 service under the civil service system.

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

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

NOTE: The purpose of the bill is to allow the State Fire  
Marshal to be appointed by the Governor and serve at the will and  
pleasure of the Governor.

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