

1 **H. B. 4153**

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3 (By Mr. Speaker, (Mr. Miley) and Delegate Armstead)

4 [By Request of the Executive]

5 [Introduced January 14, 2014; referred to the
6 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 State Fire Marshal;
12 providing that the State Fire Marshal shall serve at the will
13 and pleasure of the fire commission and shall be exempt from
14 the classified civil service system.

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

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

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

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

22 (a) The State Fire Commission shall appoint a State Fire
23 Marshal ~~in accordance with the qualifications approved by the state~~

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

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

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

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.