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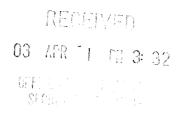
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# WEST VIRGINIA LEGISLATURE Regular Session, 2003

## **ENROLLED**

Committee Substitute for SENATE BILL NO. 505		
(By Senator <u></u>	Downan et al	<b>)</b>
		,
PASSED	March 8, 2003	

In Effect 90 days Com Passage



#### ENROLLED

COMMITTEE SUBSTITUTE

FOR

## Senate Bill No. 505

(SENATORS BOWMAN, JENKINS, BAILEY AND PLYMALE, original sponsors)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to municipal fire chiefs; and authorizing retention of rank attained during service as fire chief when tenure as fire chief ends.

Be it enacted by the Legislature of West Virginia:

That section eleven, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

PART IV. CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

- §8-15-11. Qualifications for appointment or promotion to positions in paid fire departments to be ascertained by examination; provisions exclusive as to appointments, etc.; rights of certain chiefs; "appointing officer" defined.
  - 1 (a) All appointments and promotions to all positions in
  - 2 all paid fire departments shall be made only according to
  - 3 qualifications and fitness to be ascertained by examina-
  - 4 tions, which, so far as practicable, shall be competitive, as
  - 5 hereinafter provided.

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- 6 (b) No individual may be appointed, promoted, rein
  - stated, removed, discharged, suspended or reduced in rank
- 8 or pay as a paid member of any paid fire department,
- 9 regardless of rank or position, in any manner or by any
- 10 means other than those prescribed in this article: Pro-
- 11 *vided*, That in all municipalities in which the office of fire
- 12 chief of a paid fire department was not covered by the
- 13 provisions of former article six-a of this chapter on the
- 14 first day of January, one thousand nine hundred forty-
- 15 nine, the office in the municipality shall be excepted from
- $16\quad the {\it civil service provisions of article fifteen of this chapter,}$
- 17 until the time the governing body of the municipality shall,
- 18 by appropriate ordinance or resolution adopted by a
- 19 majority of its members, elect to place the office of fire
- 20 chief under the civil service provisions of this article.
- 21 (c) Until the office of fire chief is placed under the civil
- 22 service provisions of this article by the governing body, the
- 23 member of any paid fire department now occupying such
- 24 office or hereafter appointed to such office shall in all
- cases of removal, except for removal for good cause, retain
  the status he or she held in the paid fire department at the
- 27 time of his or her appointment to the office of fire chief or
- 28 which he or she attained during his or her term as fire
- 29 chief.
- 30 (d) The term "appointing officer" as used in this article
- 31 shall mean the municipal officer in whom the power of

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- 32 appointment of members of a paid fire department is
- 33 vested by charter provision or ordinance of the municipal-
- 34 ity.

## Enr. Com. Sub. For S. B. No. 505] 4

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.
Carry / / m
Chairman Senate Committee
My Bulley Chajrman House Committee
Originated in the Senate.
In effect ninety days from passage.
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Clerk of the House of Delegates
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