| 1 | ENROLLED |
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| 2 | Senate Bill No. 325 |
| 3 | (By Senators Kessler (Mr. President) and M. Hall, |
| 4 | BY REQUEST OF THE EXECUTIVE) |
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| 6 | [Passed March 8, 2014; in effect ninety days from passage.] |
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| 10 | AN ACT 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 be appointed by and |
| 13 | serve at the will and pleasure of the Fire Commission; |
| 14 | exempting the State Fire Marshal from the classified civil |
| 15 | service system; and providing requirements to serve as the |
| 16 | State Fire Marshal. |
| 17 | Be it enacted by the Legislature of West Virginia: |
| 18 | That §29-3-11 of the Code of West Virginia, 1931, as amended, |
| 19 | be amended and reenacted to read as follows: |
| 20 | ARTICLE 3. FIRE PREVENTION AND CONTROL ACT. |
| 21 | §29-3-11. Appointment of State Fire Marshal; term of office; |
| 22 | removal: salary: qualifications: responsibilities: |

1 employees; equipment.

- 2 (a) The State Fire Commission shall appoint a State Fire 3 Marshal. The State Fire Marshal serves at the will and pleasure of 4 the commission and is exempt from coverage under the classified 5 civil service system.
- 6 (b) The State Fire Marshal shall have a baccalaureate degree 7 from an accredited four-year college or university, or equivalent 8 experience as determined by the commission, and six years of full-9 time or part-time equivalent paid or volunteer experience in fire 10 prevention or fire safety including two years in a supervisory 11 capacity in fire prevention and fire safety.
- 12 (c) The State Fire Marshal, within policy established by the 13 State Fire Commission, shall have all responsibility for the 14 implementation of fire safety programs in this state designated to 15 minimize fire hazards and disaster and loss of life and property 16 from these causes. These responsibilities include, but are not 17 limited to, the establishment and enforcement of fire safety 18 practices throughout the state, preventive inspection 19 correction activities, coordination of fire safety programs with 20 volunteer and paid fire departments and critical analysis and West Virginia's fire 21 evaluation of loss statistics for 22 determination of problems and solutions.

- 1 (d) The State Fire Marshal may employ such technical,
 2 clerical, stenographic and other personnel and fix their
 3 compensation and may incur such expenses as may be necessary in the
 4 performance of the duties of his or her office within the
 5 appropriation therefor. Employees of the Fire Marshal's office
 6 shall be members of the state civil service system and all
 7 appointments of the office shall be a part of the classified
 8 service under the civil service system.
- 9 Further, any individual who is employed to conduct criminal 10 investigations or who may become actively involved in matters of a 11 criminal nature shall first be required to pass a civil service 12 examination testing his or her competency and proficiency in the 13 law of arrest, search and seizure and other criminal procedures 14 relating to the powers granted to the State Fire Marshal pursuant 15 to the provisions of this article.
- 16 (e) The State Fire Marshal and other personnel of the State
 17 Fire Marshal's office shall be provided with appropriate office
 18 space, furniture, equipment, supplies, stationery and printing in
 19 the same manner as provided for other state agencies.