

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2014**

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**ENROLLED**

**Senate Bill No. 325**

(BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,  
BY REQUEST OF THE EXECUTIVE)

[PASSED MARCH 8, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

**FILED**

2014 MAR 24 P 4: 02

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SB 325

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**E N R O L L E D**

**Senate Bill No. 325** OFFICE WEST VIRGINIA  
SECRETARY OF STATE

(BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,  
BY REQUEST OF THE EXECUTIVE)

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**AN ACT to amend and reenact §29-3-11 of the Code of West Virginia, 1931, as amended, relating to the State Fire Marshal; providing that the State Fire Marshal be appointed by and serve at the will and pleasure of the Fire Commission; exempting the State Fire Marshal from the classified civil service system; and providing requirements to serve as the State Fire Marshal.**

*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. The State Fire Marshal serves at the will and  
3 pleasure of the commission and is exempt from coverage  
4 under the classified civil service system.

SO :/ 5 6

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5 (b) The State Fire Marshal shall have a baccalaureate  
6 degree from an accredited four-year college or university, or  
7 equivalent experience as determined by the commission, and  
8 six years of full-time or part-time equivalent paid or  
9 volunteer experience in fire prevention or fire safety  
10 including two years in a supervisory capacity in fire  
11 prevention and fire safety.

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

24 (d) The State Fire Marshal may employ such technical,  
25 clerical, stenographic and other personnel and fix their  
26 compensation and may incur such expenses as may be  
27 necessary in the performance of the duties of his or her office  
28 within the appropriation therefor. Employees of the Fire  
29 Marshal's Office shall be members of the state civil service  
30 system and all appointments of the office shall be a part of  
31 the classified service under the civil service system.

32 Further, any individual who is employed to conduct  
33 criminal investigations or who may become actively involved  
34 in matters of a criminal nature shall first be required to pass  
35 a civil service examination testing his or her competency and

36 proficiency in the law of arrest, search and seizure and other  
37 criminal procedures relating to the powers granted to the  
38 State Fire Marshal pursuant to the provisions of this article.

39 (e) The State Fire Marshal and other personnel of the  
40 State Fire Marshal's Office shall be provided with  
41 appropriate office space, furniture, equipment, supplies,  
42 stationery and printing in the same manner as provided for  
43 other state agencies.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Rocky Fitzharris*  
.....  
Member ~~Chairman~~ Senate Committee

*Danny Wells*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Joseph W. Minard*  
.....  
Clerk of the Senate

*Ray M. Sand*  
.....  
Clerk of the House of Delegates

*Jeffrey H. ...*  
.....  
President of the Senate

*...*  
.....  
Speaker of the House of Delegates

FILED  
2014 MAR 24 P 4:02  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within *is approved* ..... this  
the *24th* Day of *March* ....., 2014.

*Earl Ray Tomblin*  
.....  
Governor

**PRESENTED TO THE GOVERNOR**

MAR 21 2014

Time 2:50 pm