

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2886**

By Delegates Shamblin, Hall, and Kelly

[Introduced February 24, 2025; referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §8-15-4, §8-15-8a, and §8-15-11 of the Code of West Virginia, 1931,  
2 as amended, relating to allowing municipalities to exempt fire chiefs from civil service  
3 protection by ordinance so that the mayor or council (depending on city ordinances and  
4 charter) may appoint the fire chief in the same manner that municipal police chiefs are  
5 selected.

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

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

**PART II. VOLUNTEER FIRE COMPANIES.**

**§8-15-4. Power and authority to form fire companies; recordation of statement;  
organization.**

1 Any number of persons, not less than twenty, residing within the corporate limits of a  
2 municipality without a paid fire department may form themselves into a company for extinguishing  
3 fires therein. A writing stating the formation of such company, with the names of the members  
4 thereof subscribed thereto, shall be recorded in the office of the clerk of the county commission of  
5 the county wherein such municipality or the major portion of the territory thereof is located, after  
6 which the members of the company shall elect its officers, including a commander if permitted by  
7 city ordinance and charter, and make rules and regulations for effecting its object consistent with  
8 the laws of the state and the ordinances of such municipality. A volunteer fire company shall be  
9 subject to the authority of the governing body.

**§8-15-8a. Eligibility for allocation from municipal pensions and protection fund and the Fire  
Protection Fund.**

1 (a) In order to be eligible to receive revenues allocated from the municipal pensions and  
2 protection fund or the Fire Protection Fund, each volunteer or part volunteer fire company or  
3 department must meet the following requirements:

(1) Submit and maintain current submission of fire loss data to the State Fire Marshal;

(2) Complete or be in the process of receiving firefighters training, including section one of the West Virginia University fire service extension or its equivalent. The fire company or department must have at least ten members certified as having completed the training or if a volunteer fire company or department has twenty or fewer members, fifty percent of the active volunteer members must have completed such training; and

(3) Comply with all applicable federal and state laws.

(b) Each volunteer or part volunteer fire company or department shall have a grace period of ninety days, beyond the allocation date in which to comply with submission requirements to the State Fire Marshal. The State Fire Marshal shall notify each volunteer or part volunteer fire company or department of the due date for submitting the information required by this section and the grace period by certified mailing requiring signature and a return receipt.

(c) When the records of a volunteer or part volunteer fire company or department are destroyed by a fire or other natural disaster, then the affected volunteer or part volunteer fire company or department is exempt from the provisions of subdivision (1), subsection (a) of this section, for the three months period immediately following the destruction of the records.

(d) Nothing in this section requires a municipality to include as a civil servant the fire chief of that municipality.

**§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.**

(a) All appointments and promotions to all positions in all paid fire departments shall be made only according to qualifications and fitness to be ascertained by examinations, which, so far as practicable, shall be competitive, as hereinafter provided.

(b) No individual may be appointed, promoted, reinstated, removed, discharged, suspended or reduced in rank or pay as a paid member of any paid fire department, regardless of

rank or position, in any manner or by any means other than those prescribed in this article:  
*Provided*, That in all municipalities in which the office of fire chief of a paid fire department was is  
not covered by ~~the provisions of former article six-a of this chapter on January 1, 1949~~ civil service  
provisions under the municipality's ordinance and the fire chief is appointed by the mayor or  
commission, the office in the municipality shall be excepted from the civil service provisions of  
article fifteen of this chapter, until ~~the~~ such time as the governing body of the municipality ~~shall~~  
should, by appropriate ordinance or resolution adopted by a majority of its members, elect to place  
the office of fire chief under the civil service provisions of this article.

~~(c) Until the office of fire chief is placed under the civil service provisions of this article by~~  
~~the governing body, the member of any paid fire department now occupying such 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 time of his or her appointment to~~  
~~the office of fire chief or which he or she attained during his or her term as fire chief~~

~~(d)~~ (c) The term "appointing officer" as used in this article shall mean the municipal officer  
in whom the power of appointment of members of a paid fire department is vested by charter  
provision or ordinance of the municipality.

NOTE: The purpose of this bill is to allow municipalities to exempt fire chiefs from civil service protection by ordinance so that the mayor or council (depending on city ordinances and charter) may appoint the fire chief in the same manner that municipal police chiefs are selected.

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