WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

Com. Sed for.
HOUSE BILL No. 176

Originating in the House
(By Mr. ____________________________)
Com. on Counties, Districts and Municipalities.

PASSED March 10, 1949

In Effect __________ from __________ Passage
AN ACT to repeal chapter sixty, acts of the Legislature, regular session, one thousand nine hundred thirty-three; chapter seventy-nine, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three; chapter sixty-seven, acts of the Legislature, one thousand nine hundred thirty-five; chapter one hundred seventy-three, acts of the Legislature, one thousand nine hundred thirty-nine; chapter one hundred nineteen, acts of the Legislature, one thousand nine hundred forty-seven; and to amend chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article designated article six-a, relating to the appointment and promotion of members of paid fire departments in cities
and municipalities; and to provide for the creation and maintenance of a civil service commission for that purpose; to establish rules and procedure therefor; to regulate the manner in which demotions and discharge of employees of paid fire departments shall be made, and the rights and limitations of said employees in that respect; to provide for other matters relating to the duties and powers of said civil service commission, defining its powers, limiting its authority, etc.; and to provide penalties for the violations of the provisions of this act.

Be it enacted by the Legislature of West Virginia:

That chapter sixty, acts of the Legislature, regular session, one thousand nine hundred thirty-three; chapter seventy-nine, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three; chapter sixty-seven, acts of the Legislature, one thousand three hundred thirty-five; chapter one hundred seventy-three, acts of the Legislature, one thousand nine hundred thirty-nine; chapter one hundred nineteen, acts of the Legislature, one thousand nine hundred forty-seven, are all hereby repealed, and that chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended,
be further amended by adding thereto a new article designated article six-a, to read as follows:

**Article 6-a. Paid Fire Departments.**

Section 1. *Paid Fire Departments.—*Appointments to and promotions in all paid fire departments of cities of any population whatsoever, regardless of whether heretofore operating under special charter or under the provisions of chapter eight, relating to municipal corporations, or chapter eight-a, relating to municipal home rule, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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. On and after the aforesaid date, no person shall be appointed, reinstated, promoted or discharged as a paid member of said fire department, regardless of rank or position, in any fire department, of any city in the state of West Virginia, in any manner or by any means others than those prescribed in this article.

Sec. 2. *Civil Service Commission Created.*—There shall
be a "civil service commission" in each city or incorporated town having a fire department, any of the members of which are paid by said city or municipality. This civil service commission shall consist of three commissioners, one of whom shall be appointed by the mayor or principal executive officer of said city; one of whom shall be appointed by the local trades board in event that said board shall exist in said city, or in case no such board exists in said city, then by the paid international association of fire fighters; and the third shall be appointed by the local chamber of commerce. The persons appointed commissioners shall be qualified voters of the city or municipality for which they are appointed; and at least two of said commissioners shall be persons in full sympathy with the purposes of this article. Not more than two of the said commissioners, at any one time, shall be adherents of the same political party. The commissioners in each city shall be appointed as follows: Within thirty days after this article takes effect, the person, organization or board having appointive power to this civil serv-
first of which to be appointed by the mayor or principal executive officer shall serve for six years from the date of his appointment; the second commissioner to be appointed by the local trades board, or in the absence of such board, by the international association of fire fighters, shall serve for four years from the date of his appointment; and the third commissioner to be appointed by the chamber of commerce of each city or municipality for a term of two years from the date of his appointment; in the absence of the existence of a board of commerce, at time any appointment is to be made this third appointment shall be made by the other two members by mutual agreement; thereafter all appointments shall be made for periods of four years each by the appointing power hereinbefore designated. In event that any commissioner of said civil service commission shall cease to be a member thereof by virtue of death, removal, or other cause, a new commissioner shall be appointed to fill out the unexpired term of said commissioner within ten days after said excommissioner shall have ceased to be a member of said commission. Such appointment shall be made
by the officer or body who in the first instance appoint-
ed the commissioner who is no longer a member of the
commission. The three members of the commission shall,
together, elect one of their number to act as president
of the commission, who shall serve as president for one
year. Each year thereafter the commissioners shall elect
one of their number president, the member so elected to
serve one year. The mayor or principal executive officer,
may, at any time, remove a commissioner for good cause,
which shall be stated in writing and made a part of the
records of the commission: *Provided, however, That once*
the mayor has to remove any commissioner, such removal
shall be temporary only and shall be in effect for a period
of ten days, if at the end of said period of ten days the
circuit court of the county in which said city or munici-
pality is located, is in term or session. Within said ten
day period the mayor shall file in the office of the clerk
of the circuit court of said county a petition setting forth
in full the reason for said removal and praying for the
confirmation by said circuit court of the action of the
mayor in so removing the said commissioner. A copy of
said petition, in writing, shall be served upon the commissioner so removed simultaneously with its filing in the office of the clerk of the circuit court and shall have precedence on the docket of said court and shall be heard by said court as soon as the removed commissioner shall demand. All rights hereby vested in said circuit court may be exercised by the judge thereof during vacation.

In event that no term of circuit court is being held at the time of the filing of said petition, and the judge thereof can not be reached in the county wherein the petition was filed, said petition shall be heard at the next succeeding term of said circuit court, whether regular or special, and the commissioner so suspended shall remain suspended until a hearing is had upon the petition of the mayor. The court, or the judge thereof, in vacation, shall hear and decide upon said petition. The contestant against whom the decision of the court, or judge thereof, in vacation, shall be rendered, shall have the right to petition the supreme court of appeals for a review of the decision of the circuit court, or the judge thereof, in vacation, as in chancery cases. In event that the mayor shall fail to
file his petition in the office of the clerk of the circuit court, as hereinbefore provided, within ten days after the removal of said commissioner, such commissioner shall immediately resume his position as a member of the civil service commission.

Any citizen or citizens shall have the right, at any time, to file charges against any member of the civil service commission; such charges shall be filed in the form of a petition in the office of the clerk of the circuit court, a copy of said petition, in writing, to be served upon the commissioner sought to be removed. Said petition shall be matured for hearing and heard by the circuit court of the county wherein the said city or municipality for which such commissioner serves, as a member of the civil service commission, in the same manner as chancery proceedings in the circuit courts of West Virginia are heard, saving the right to petition the supreme court of appeals for a review of the action of the circuit court to the contestant against whom the circuit court's decision is rendered.

No commissioner shall hold any other office under the
United States the state of West Virginia, or any city,

county or other political subdivision thereof; nor shall

any commissioner serve on any political committee or
take any active part in the management of any political
campaign.

Sec. 3. Clerk of Commission; Clerical and Stenographic

Services.—The city clerk or city recorder of any mu-
nicipality under the terms of this article shall ex officio
be clerk of the civil service commission and shall supply
to the commission without extra compensation all neces-
sary clerical and stenographic services for the work of
the civil service commission.

Sec. 4. Rooms, Stationery, etc., to Be Furnished by

Municipality.—It shall be the duty of the mayor, or prin-
cipal executive officer, and heads of departments of every
city to cause suitable and convenient rooms and accomo-
dations to be assigned and provided, and to be furnished,
heated and lighted for carrying on the work and exam-
inations of the civil service commission. The civil ser-
vice commission may order from the proper authorities
the necessary stationery, postage stamps, official seal
and other articles to be supplied, and the necessary printing to be done for its official use. It shall be the duty of the officers of every city to aid the civil service commission in all proper ways in carrying out the provisions of this article, and to allow the reasonable use of public buildings, and to heat and light the same, for holding examinations and investigations, and in all proper ways to facilitate the same.

Sec. 5. Powers and Duties of Commission.—The civil service commission in each city or municipality, within the terms of this article, shall:

First: Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this article. All rules so prepared may, from time to time, be added to, amended or rescinded: Provided, That all rules shall be approved by the mayor or principal executive officer and the council and if no council, the principal governing body, before they go into effect, but when so approved shall not be annulled or changed except by the commission with the approval of the mayor or principal executive officer and the council, or principal governing body: Providing
further, however, That if said executive officer and said governing body takes no action on a rule or amendment submitted to them within a period of twenty days from the date of its submission, then the rule or amendment shall become effective as though approved by the principal executive officer and principal governing body;

Second: Keep minutes of its own proceedings, and records of its examinations and other official actions. All recommendations of applicants for office, received by the said commission or by any officer having authority to make appointments to office, shall be kept and preserved for a period of ten years, and all such records, recommendations of former employees excepted, and all written causes of removal, filed with it, shall, subject to reasonable regulation, be open to public inspection;

Third: Make investigations, either sitting as a body or through a single commissioner, concerning all matters touching the enforcement and effect of the provisions of this article, and the rules and regulations prescribed thereunder, concerning the action of any examiner or subordinate of the commission, or any person in the pub-
lic service in respect to the execution of this article; and,
in the course of such investigations, each commissioner
shall have the power to administer oaths and affirmations,
and to take testimony;
Fourth: Have power to subpoena and require the at-
tendance of witnesses, and the production thereby of
books and papers pertinent to the investigations and in-
quiries hereby authorized, and to examine them and such
public records as it shall require, in relation to any mat-
ter which it has the authority to investigate. The fees of
such witnesses for attendance and travel shall be the
same as for witnesses before the circuit courts, and shall
be paid from the appropriation for the incidental ex-
penses of the commission. All officers in the public ser-
vise, and their deputies, clerks, subordinates and employ-
ees shall attend and testify when required to do so by
said commission. Any disobedience to, or neglect of any
subpoena issued by the said commissioners, or any one
of them, to any person, shall be held a contempt of court,
and shall be punished by any circuit court, within the
county in which is the city from the civil service com-
mission of which the said subpoena had issued, as if such
subpoena had been issued therefrom. Any judge of any
of said courts shall, upon the application of any one
of said commissioners, in such cases, cause the process
of said court to issue to compel such person or persons,
disobeying or neglecting any such subpoena, to appear
and to give testimony before the said commissioners,
or any one of them, and shall have power to punish any
such contempt;

Fifth: Make an annual report to the mayor or prin-
cipal executive officer, showing its own action, and rules
and regulations, and all the exceptions thereto in force,
and the practical effects thereof, and any suggestions
it may approve for the more effectual accomplishment
of the purposes of this article. Such report shall be avail-
able for public inspection five days after the same shall
have been delivered to the mayor or principal executive
officer of any city or municipality.

Sec. 6. Rules and Regulations for Examinations: Pro-
bationary Appointments.—The civil service commission,
in each city, shall make rules and regulations providing
for examinations for positions in the paid fire department in each municipality under this article, and for appointments to and promotions therein, and for such other matters as are necessary to carry out the purposes of this article. Due notice of the contents of such rules and regulations and of any modifications thereof shall be given, by mail, in due season, to appointing officers affected thereby; and said rules and regulations and modifications thereof shall also be printed for public distribution. All original appointments to any positions in fire departments within the terms of this article shall be for a probationary period of six months: Provided, however, That at any time during the probationary period the appointee may be dismissed for just cause, in the manner provided in section thirteen. If, at the close of this probationary term, the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified, in writing, that he will not receive absolute appointment, whereupon his employment shall cease; otherwise, his reten-
tion in the service shall be equivalent to his final appointment.

Sec. 7. Character and Notice of Examinations; Qualifications of Applicants; Press Representatives; Posting Eligible Lists.—All examinations for positions or promotions shall be practical in their character, and shall relate to such matters, and include such inquiries, as will fairly and fully test the comparative merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have fulfilled the preliminary requirements, stated in other sections of this article. All applicants for any position in the fire department shall, as hereinafter stated, subject to regulations adopted by the civil service commission, be required to submit to a physical examination before being admitted to the regular examinations held by the commission. Said applicant shall have been a resident for three years next preceding date of his application, of the city or municipality in which he seeks to obtain employment on the fire department:

Provided, That if the commission deems it necessary it
may consider applicants who are not residents of the city
or municipality but who have been residents of the county
in which the city or municipality is situated for a period
of at least three years and who shall agree, if accepted
for employment, to reside within the corporate limits of
the municipality where employed: Provided, further, That
employees who shall have been employed by the fire de-
partment for a period exceeding twenty years shall have
the right to reside outside the city limits in the county
of said corporate limits. Adequate public notice of the
time and place of every examination held under the pro-
visions of this article together with information as to the
kind of position or place to be filled, shall be given at least
one week prior to such examinations. The said commis-
sion shall adopt reasonable regulations for permitting the
presence of representatives of the press at the examina-
tions. The commission shall post, in a public place at its
office, the eligible list, containing the names and grades
of those who have passed examinations for positions in
fire departments, under this article, and shall indicate
thereon such appointments as may be made from said lists.
Sec. 8. Form of Application for Examination; Refusal to Examine.—The civil service commission, in each city, shall require persons applying for admission to any examination provided for under this article or under the rules and regulations of the said commission, to file in its office, within a reasonable time prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation:

1. First: His full name, residence, and post office address;
2. Second: His citizenship, age, and the place and date of his birth;
3. Third: His health, and his physical capacity for public service;
4. Fourth: His business and employments and residences for at least three previous years;
5. Fifth: Such other information as may reasonably be required, touching the applicant's qualifications and fitness for the public service.

Blank forms for such applications shall be furnished by the said commission, without charge, to all persons requesting the same. The said commission may require, in
connection with such application, such certificate of citizens, physician or others, having knowledge of the applicant, as the good of the service may require. The said commission may refuse to examine an applicant; or, after examination, to certify as eligible, one who is found to lack any of the established preliminary requirements for the examination or position or employment for which he applies; or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment; or who is addicted to the habitual use of intoxicating liquors or drugs; or who has been guilty of any crime, or of infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has made a false statement of any material fact, or practiced or attempted to practice any deception or fraud in his application, in his examination, or in securing his eligibility; or who refuse to comply with the rules and regulations of the commission.

If any applicant feels himself aggrieved by the action of the commission in refusing to examine him, or after
an examination, to certify him as an eligible, as provided in this section, the commission shall, at the request of such applicant, appoint a time and place for a public hearing; at which time such applicant may appear, by himself or counsel, or both, and the commission shall then review its refusal to make such examination or certification, and testimony shall be taken. The commission shall subpoena, at the expense of the applicant, any competent witnesses requested by him. After such review, the commission shall file the testimony taken, in its records, and shall again make a decision, which decision shall be final.

Sec. 9. Appointments from List of Eligibles; Appointing Officer; Special Examinations for Electricians or Mechanics.—Every position or employment, unless filled by promotion, reinstatement, or reduction, shall be filled only in the following manner: The appointing officer shall notify the civil service commission of any vacancy in the service which he desires to fill, and shall request the certification of eligibles. The commission shall forthwith certify, from the eligible list, the names of the three persons thereon who received the highest averages at pre-
ceding examinations held under the provisions of this article within a period of three years next preceding the date of such appointment. The appointing officer shall, thereupon, with sole reference to the relative merit and fitness of the candidates, make an appointment from the three names so certified: Provided, however, That should he make objection, to the commission, to one or more of these persons for any of the reasons stated in section eight, and should such objections be sustained by the commission, as provided in section eight, the commission shall thereupon strike the name of such person from the eligible list, and certify the next highest name for each person so stricken off. As each subsequent vacancy occurs, in the same or another position, precisely the same procedure shall be followed: Provided, however, That after any name has been three times rejected, for the same or another position, in favor of a name or names below it on the same list, the said name shall be stricken from the list. When there are a number of positions of the same kind to be filled at the same time, each appointment shall, nevertheless, be made separately and in accordance with
the foregoing provisions. When an appointment is made under the provisions of this section it shall be, in the first instance, for the probationary period of six months, as provided in section six: Provided, however, That in event any position as an electrician or mechanic is to be filled upon any paid fire department, then the examinations to be given to applicants for either the positions of electrician or mechanic shall be so drawn as to test only the qualifications of such applicants in regard to their ability as electricians or mechanics, such examinations to be special examinations.

The term "appointing officer" as used in this article shall be construed to mean the municipal officer in whom the power of appointment of members to a paid fire department is vested by the charter of a city or municipality in which an appointment shall be made.

Sec. 10. Noncompetitive Examination for Filling Vacancy and Provisional Appointment.—Whenever there are urgent reasons for filing a vacancy in any position in the fire department and there is no list of persons eligible for appointment after a competitive examination, the ap-
pointing officer may nominate a person to the civil service commission for noncompetitive examination; and if such nominee shall be certified by the said commission as qualified, after such noncompetitive examination, he may be appointed provisionally, to fill such vacancy until a selection and appointment can be made after competitive examination, in the manner prescribed in section nine; but such provisional appointment shall not continue for a longer period than three months, nor shall successive provisional appointments be made to the same position, under this provision.

Sec. 11. Vacancies Filled, as Far as Practicable, by Promotions; Eligibility for Promotion.—Vacancies in positions in the fire department shall be filled, so far as practicable, by promotions from among persons holding positions in the next lower grade in the department. Promotions shall be based upon merit to be ascertained by tests to be provided by the civil service commission and upon the superior qualifications of the persons promoted, as shown by his previous service and experience: Provided, however, That no person shall be eligible for promotion
from the lower grade to the next higher grade until such
person shall have completed at least two years' service
in the next lower grade in the department. The com-
mission shall have the power to determine in each in-
stance whether an increase in salary constitutes a pro-
motion: *Provided, however,* That in all cities in which
the office of chief was not covered by the provisions of
this article on the first day of January, one thousand nine
hundred forty-nine, such office in such city shall be ex-
cepted from the provisions of this article until such time
as the governing body in said city shall, by appropriate
resolution or ordinance adopted by a majority of its mem-
bers, elect to place the office of chief under the provisions
of this article: *And provided further,* That those chiefs
now in office, or hereinafter appointed to such office, shall
in all cases of removal, except for removals for malfeas-
ance or misfeasance of office, revert to that status they
held at the time of their appointment to the office of chief.

Sec. 12. Physical Examination and Age of Applicant;

*Exceptions.*—All applicants for any position in the fire
department shall undergo a physical examination which
shall be conducted under the supervision of a commission composed of two doctors of medicine appointed for that mission by the mayor or principal executive officer of the city or municipality. Said commission shall certify that an applicant is free from any bodily or mental defects, deformity or diseases that might incapacitate him from the performance of the duties of the position desired before said applicant shall be permitted to take further examinations. No application will be received if the person applying is less than twenty-one years of age or more than thirty-five years of age at the date of his application: Provided, however, That in event any applicant has formerly served upon the fire department of the city to which he makes application, for a period of more than six months, and has resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against such applicant, within a period of two years next preceding the date of his application, and is a resident of the city or municipality, and is still a resident of the city or municipality of the fire department on which he seeks reinstatement, then such person
shall be eligible for reinstatement in the discretion of the civil service commission, even though such applicant shall be over the age of thirty-five years. Such applicant, providing the former term of service so justifies, may be reappointed to the fire department without examination other than a physical examination; if such person shall be so reinstated to the fire department he shall be the lowest in rank in the department next above the probationers of the department.

Sec. 13. Removal, Discharge or Reduction in Rank or Pay.—No member of any fire department within the terms of this article shall be removed, discharged or reduced in rank or pay except for just cause, which shall not be religious or political; further, no such employee shall be removed, discharged or reduced except as provided in this article, and in no event until he shall have been furnished with a written statement of the reasons for such action. In every case of such removal or reduction, a copy of the statement of reasons therefor and of the written answer thereto, if the person sought to be removed desires to file such written answer, shall be fur-
nished to the civil service commission and entered upon its records. If the person sought to be removed or reduced shall demand it, the civil service commission shall grant him a public hearing, which hearing shall be held within a period of ten days from the filing of the charges in writing and the written answer thereto. At such hearing the burden shall be upon the removing officer to justify his action. In event that the civil service commission fails to justify the action of the removing officer, then the person sought to be removed shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment, and no charges be officially recorded against his record. A written record of all testimony taken at such hearing shall be kept and preserved by the civil service commission, which record shall be sealed and not be available for public inspection, in event that no appeal shall be taken from the action of the commission. In event that the civil service commission shall sustain the action of the removing officer the person removed shall have an immediate right of appeal to the circuit court of the
county wherein the city or municipality is situated. Said appeal shall be taken within ninety days from the entry by the civil service commission of its final order; upon such an appeal being taken and docketed with the clerk of the circuit court of said county, the circuit court shall proceed to hear the appeal upon the original record taken therein and no additional proof shall be permitted to be introduced. The circuit court's decision shall be final, saving to the employee, however, the right to petition the supreme court of appeals for a review of the circuit court's decision.

The removing officer and the person sought to be removed shall at all times, both before the civil service commission and upon appeal, be given the right to employ counsel to represent either of them before said civil service commission and upon appeal; should the person removed elect to appeal to the circuit court as hereinbefore provided: Provided, however, That if for reasons of economy or other reasons it shall be deemed necessary by any city or municipality to reduce the number of paid members of any fire department then said munici-
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55 pality shall follow the following procedure:
56 First: If there be any paid firemen eligible for retire-
57 ment under the terms of a pension fund act, if such fund
58 exists in said city or municipality, then such reduction
59 in numbers shall be made by retirement on pension of
60 all such eligible paid members of the fire department;
61 Second: If the number of paid firemen eligible for re-
62 tirement under the pension fund of said city or munici-
63 pality, if such pension fund exists, is insufficient to effect
64 the reduction in numbers of said paid fire department
65 desired by said city or municipality, or if there is no eli-
66 gible person for retirement under the pension fund of said
67 city or municipality, or if no pension fund exists in said
68 city or municipality, then reduction in members of the
69 paid fire department of said city or municipality shall
70 be effected by suspending the last man or men, includ-
71 ing probationers, that have been appointed to said fire
72 department. Such removal shall be accomplished by
73 suspending in numerical order commencing with the last
74 man appointed to the fire department, all recent ap-
75 pointees to said fire department until such reduction shall


have been accomplished: *Provided, further,* That in event
the said fire department shall again be increased in num-
bers to the strength existing prior to such reduction of
members the said firemen suspended under the terms of
this article shall be reinstated before any new appoint-
ments to said fire department shall be made.

Sec. 14. *Political or Religious Opinions or Affiliations*

or Applicants.—No question in any form of application
or in any examination shall be so framed as to elicit
information concerning the political or religious opinions
or affiliations of any applicant; nor shall inquiry be made
concerning such opinions or affiliations; and all disclo-
sures thereof shall be discountenanced. No discrimina-
tion shall be exercised, threatened, or promised by any
person in the fire department against, or in favor of, an
applicant, eligible, or employee in fire departments un-
der this article because of his political or religious opin-
ions or affiliations.

Sec. 15. *Misdemeanors.*—Whoever makes an appoint-
ment to office, or selects a person for employment, con-
trary to the provisions of this article, or wilfully refuses
or neglects otherwise to comply with, or to conform to, any of the provisions of this article, or violates any of such provisions, shall be deemed guilty of a misdemeanor. Any commissioner or examiner, or any other person, who shall wilfully, by himself or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his right of examination or registration according to this article, or to any rules or regulations prescribed pursuant thereto, or who shall wilfully or corruptly, falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified, pursuant to the provisions of this article, or aid in so doing, or who shall wilfully or corruptly furnish to any person any special or secret information, for the purpose of either improving or injuring the prospects or chances of appointment of any person so examined, registered, or certified, or to be examined, registered, or certified; or who shall personate any other person, or permit or aid in any manner any other person to impersonate him in connection with any examination or registration, or application, or request
to be examined or registered, shall, for each offense, be
deeemed guilty of a misdemeanor.

Sec. 16. Penalties.—Misdemeanors under the provisions
of this article shall be punishable by a fine of not less
than fifty dollars, nor more than one thousand dollars,
or by imprisonment for a term not exceeding one year,
or by both fine and imprisonment, in the discretion of
the court.

Sec. 17. Political Activity of Members of Fire Depart-
ments under Civil Service.—No member of any fire de-
partment within the terms of this article shall engage in
any political activity of any kind, character or nature
whatsoever, except to cast his vote at any election, and
shall not act as an officer of election in any election, mu-
nicipal or general. Any member of any fire department
engaging in any political activity herein prohibited shall
be subject to dismissal, as provided by the provisions of
this article.

Sec. 18. Repeal of Conflicting Laws; Intent of Article.—
All acts and parts of acts of the Legislature of the state
of West Virginia, general, special, local or municipal
charters, or parts thereof, in relation to any civil service measure affecting the paid fire departments of any city or municipality inconsistent with this article shall be, and the same are hereby repealed insofar as such inconsistencies shall exist. It is understood and intended by this article to furnish a complete and exclusive system for the appointment, promotion, reduction, removal and reinstatement of all officers, firemen or other employees of said fire departments in all cities and municipalities wherein the members of the fire department are paid. And it is further intended that this act shall not in any way affect the status or tenure in office of those employees and personnel now employed by the paid fire departments or the present commissioners.

Chapter sixty, acts of the Legislature, regular session, one thousand nine hundred thirty-three; chapter seventy-nine, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-five; chapter one hundred seventy-three, acts of the Legislature, one thousand nine hundred thirty-nine;
and chapter one hundred nineteen, acts of the Legislature, one thousand nine hundred forty-seven, are all hereby repealed.

Sec. 19. Severability.—If any provision of this act or the application thereof to any person, city, office, or circumstances, shall be held invalid, such invalidity shall not affect the provisions or applications of this act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within APPROVED this the 18th
day of MARCH, 1949.

[Signature]
Governor.

Filed in the Office of the Secretary of State of West Virginia MAR 18 1949
D. Pitt O'Brien, Secretary of State