

RECEIVED

03 APR 11 PM 3:32

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2003

ENROLLED

Committee Substitute for
SENATE BILL NO. 505

(By Senator Bowman et al)

PASSED March 8, 2003

In Effect 90 days from Passage

RECEIVED

03 APR 11 PM 3:32

OFFICE OF THE CLERK
SENATE

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.

6 (b) No individual may be appointed, promoted, rein-
7 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 the 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
25 cases of removal, except for removal for good cause, retain
26 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

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

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

.....
Chairman Senate Committee

.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

.....
President of the Senate

.....
Speaker House of Delegates

The within is approved this the 1st
Day of April, 2003.

.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3-20-03

Time 9:50AM

