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
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.

(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 not covered by the provisions of former article six-a of this chapter on the first day of January, one thousand nine hundred forty-nine, the office in the municipality shall be excepted from the civil service provisions of article fifteen of this chapter, until the time the governing body of the municipality shall, 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) 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.
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 15th Day of April, 2003.

Governor
PRESENTED TO THE
GOVERNOR

Date 3-20-03
Time 9:50 AM