

HB 4383

FILED

2008 APR -1 AM 11: 08

OFFICE OF THE CLERK  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2008



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4383**

(By Delegates Stemple, Williams, Webster, Shaver,  
Perry and Varner)



Passed March 7, 2008

In Effect Ninety Days from Passage

**ENROLLED**

**FILED**

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COMMITTEE SUBSTITUTE

FOR

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SECRETARY OF STATE

**H. B. 4383**

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(BY DELEGATES STEMPLER, WILLIAMS, WEBSTER,  
SHAVER, PERRY AND VARNER)

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[Passed March 7, 2008; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3-32, all relating to fire marshal service weapons; providing for awarding service weapon to any active or retired state fire marshal, a deputy fire marshal or assistant fire marshal; and providing for the sale of service weapon when taken out of service due to routine wear.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §29-3-32, to read as follows:

**ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

**§29-3-32. Awarding service weapon upon retirement of fire marshal or service weapon.**

1 (a) Upon the retirement of a state fire marshal, any full-  
2 time deputy fire marshal or any full-time assistant fire  
3 marshal employed by the state fire marshal pursuant to  
4 section eleven of this article, the State Fire Commission shall  
5 award to the retiring member his or her service weapon,  
6 without charge, upon determining:

7 (1) That the retiring member is retiring honorably with at  
8 least twenty years of service; or

9 (2) The retiring member is retiring with less than twenty  
10 years of service based upon a determination that the member  
11 is totally physically disabled as a result of his or her service  
12 with the state fire marshal.

13 (b) Notwithstanding the provisions of subsection (a) of  
14 this section, the State Fire Commission may not award a  
15 service weapon to any member whom the State Fire  
16 Commissioner finds to be mentally incapacitated or who  
17 constitutes a danger to any person or the community.

18 (c) If a service weapon is taken out of service due to  
19 routine wear, the fire marshal may offer the service weapon  
20 for sale to any active or retired state fire marshal, assistant  
21 state fire marshal or deputy state fire marshal, at fair market  
22 value, with the proceeds from any sales used to offset the cost  
23 of new service weapons. The disposal of service weapons  
24 pursuant to this subsection does not fall within the  
25 jurisdiction of the purchasing division of the department of  
26 administration.

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

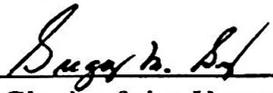
  
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Chairman Senate Committee

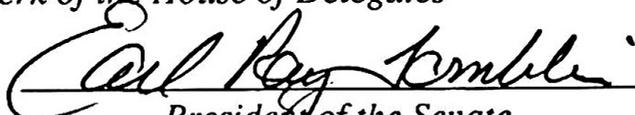
  
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Chairman House Committee

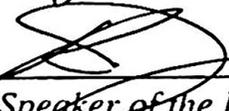
Originating in the House.

In effect ninety days from passage.

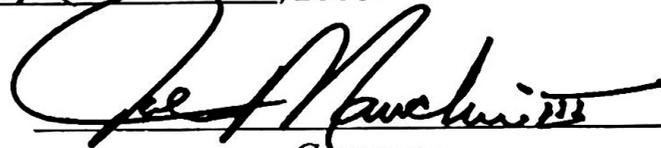
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 31<sup>st</sup>  
day of June, 2008.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 18 2008

Time

9:30am