WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

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ENROLLED

HOUSE BILL No. 500

(By Mr. Airsmore and Mrs. Neal)

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PASSED March 9, 1975

In Effect July 1, 1975

Passage
AN ACT to amend and reenact sections nine and nineteen, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section twenty-one, all relating to the department of public safety, and to the uniform, arms and weapons of and equipment for members of such department; relating to group life insurance and medical and hospital services for members of such department; relating to establishment and maintenance of local headquarters of such department; relating to housing and quarters for the accommodation of the members of such department; requiring notice before a member of such department may be transferred, with certain exceptions; authorizing the payment of all reasonable and necessary moving expenses actually incurred in the transfer of a member of such department and his family from one station to another; authorizing a certain relocation expense in the event of a transfer; and relating to restriction of a member's residence.

Be it enacted by the Legislature of West Virginia:

That sections nine and nineteen, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article
be further amended by adding thereto a new section, designated section twenty-one, all to read as follows:

ARTICLE 2. DEPARTMENT OF PUBLIC SAFETY.

§15-2-9. Uniforms, equipment and supplies; local headquarters; quarters for members; life insurance; medical and hospital fees for injuries and illnesses of members incurred in line of duty.

The standard uniform to be used by the department of public safety on and after the first day of July, one thousand nine hundred thirty-five, shall be as follows: Forestry green blouse with West Virginia state police emblem on sleeve; black shoulder strap; one-inch black stripe around sleeve, four inches from end of sleeve; forestry green breeches with one-inch black stripe down the side; trousers (slacks) with one-inch black stripe down the side for officers and clerks regularly enlisted in the department; forestry green shirts with West Virginia state police emblem on sleeve; black shoulder straps; forestry green mackinaw with West Virginia state police emblem on sleeve; black shoulder straps; one-inch black stripe around sleeve four inches from end of sleeve; campaign hat of olive drab color; cordovan Sam Browne belt with holster; cordovan leggings and shoes; the officers' uniform will have one and one quarter inch black stripe around the sleeve of blouse and mackinaw four inches from end of sleeve circumscribed with one-half inch gold braid, also black collars on blouse, with two silver shoulder bars for captains, one silver shoulder bar for first lieutenant and one gold shoulder bar for second lieutenant. For non-commissioned officers the uniform blouse and shirt will have thereon black chevrons of the appropriate rank.

The superintendent shall provide the members of the department of public safety with suitable arms and weapons, and, when and where he shall deem it necessary, with suitably equipped horses, automobiles, motorcycles, watercraft, air-planes and other means of conveyance, to be used by the department of public safety, the governor, and other officers and executives in the discretion of the governor, in times of flood, disaster, and other emergencies, for traffic study and control, criminal and safety work, and in other matters of official
business. He shall also provide the standard uniforms for all members of the department, for officers, noncommissioned officers and troopers herein provided for. All uniforms and all arms, weapons and other property furnished the members of the department of public safety by the state of West Virginia shall be and remain the property of the state.

The superintendent is authorized to purchase and maintain on behalf of members group life insurance not to exceed the amount of five thousand dollars on behalf of each of the commissioned officers and not to exceed four thousand dollars on behalf of each of the noncommissioned officers and troopers.

The superintendent is authorized to contract and furnish at department expense medical and hospital services for treatment of illness and/or injury of a member which shall be determined by the superintendent to have been incurred by such member while engaged in the performance of duty and from causes beyond control of such member.

The superintendent shall establish and maintain local headquarters at such places in West Virginia as are in his judgment suitable and proper to render the department of public safety most efficient for the purpose of preserving the peace, protecting property, preventing crime, apprehending criminals and carrying into effect all other provisions of this article.

The superintendent shall provide, by lease or otherwise, for housing and quarters for the accommodation of the members of the department of public safety, and shall provide all equipment and supplies necessary for them in the performance of the duties of their office.

§15-2-19. Suspension, demotion or discharge of members.

1 The superintendent may suspend, demote in rank or discharge from the service any member of the department of public safety for any of the following causes: Refusing to obey the orders of his superior officer, neglect of duty, drunkenness, immorality, inefficiency, abuse of his authority, interference with the lawful right of any person, participation in political activities, primaries, conventions or elections, or any other cause which may in the opinion of the superintendent
be necessary for the good of the service. The superintendent
shall cause an investigation to be made when notice of any one
or more of such causes is brought to his attention and shall
determine whether or not the member should be suspended,
demoted in rank or discharged. If the superintendent orders
the member suspended, demoted in rank or discharged, a
written statement of the charges and a written order of sus-
pension, demotion in rank or discharge shall be delivered per-
sonally to the member by his commanding officer, or next
in command in the absence of his commanding officer. The
superintendent shall explicitly set forth in any such written
statement of charges the details giving rise to the cause or
causes upon which he ordered such suspension, demotion in
rank or discharge. The member may appeal the superinten-
dent's order to the board of appeals created for such purpose,
and all of the original papers in such cases shall be delivered
by the superintendent to such board, which shall decide such
cases in the manner hereinafter provided.

Any person who shall by the superintendent be appointed
to membership in said department as a replacement appointee,
pursuant to section two, article eleven, chapter six of this
code, may at any time be discharged at the will and pleasure
of the superintendent without the assignment of cause and with-
out right of appeal to the board of appeals.

The right of a member to appeal a suspension or discharge
shall not apply to members until they have completed their
probationary period with said department of public safety.

§15-2-21. Transfer, notice required under certain circumstances;
relocation expense; regulation of member's residence.

Whenever any member of the department is to be trans-
ferred from one station to another station, for a period of
time in excess of sixty days, the superintendent shall give notice
of such proposed transfer to such member at least thirty days
in advance of such transfer. The superintendent shall not,
however, be required to give such notice in the event the
transfer is at the request of the member who is to be trans-
ferred.

Whenever any member of the department is transferred
from one station to another station, for a period of time in
excess of sixty days, all reasonable and necessary transportation
expenses actually incurred in moving the household furniture
and effects of such member and his immediate family from
his former station to his new station shall be paid by the
department: Provided, That if any such member owns and
resides in a single width mobile home, the department shall
pay all reasonable and necessary transportation expenses
actually incurred in moving such mobile home from such
member's former station to his new station, but the depart-
ment may not pay transportation expenses for moving such
mobile home in excess of the amount which would have been
paid for moving an equivalent amount of household furniture
and effects had such member not owned such mobile home.

A member transferred may also be given a relocation
expense not to exceed three hundred dollars.

The superintendent shall not restrict a member from residing
in a county other than that in which the member is stationed,
except that the superintendent may promulgate by appropriate
written regulation to be applied uniformly throughout the de-
partment a restriction as to either: (1) The number of miles
distant from his station which a member may reside, or (2)
The time necessary under ordinary traffic conditions for a
member to travel between his residence and station.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect July 1, 1975.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ____ approved____ this the 25th day of ____________________________, 1975.

Governor
PRESENTED TO THE GOVERNOR
Date 3/19/75
Time 4:10 p.m.