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SERVICE OF
OFFICE OF THE STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

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ENROLLED

HOUSE BILL No. 800

(By Mr. Winsmore and Mrs. Neal)

— ● —

PASSED March 9, 1975

In Effect July 1, 1975 Passage



ENROLLED

H. B. 800

(By MR. DINSMORE and MRS. NEAL)

[Passed March 9, 1975; in effect July 1, 1975.]

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.

1 The standard uniform to be used by the department of
2 public safety on and after the first day of July, one thou-
3 sand nine hundred thirty-five, shall be as follows: Forestry
4 green blouse with West Virginia state police emblem on
5 sleeve; black shoulder strap; one-inch black stripe around
6 sleeve, four inches from end of sleeve; forestry green breeches
7 with one-inch black stripe down the side; trousers (slacks)
8 with one-inch black stripe down the side for officers and
9 clerks regularly enlisted in the department; forestry green
10 shirts with West Virginia state police emblem on sleeve;
11 black shoulder straps; forestry green mackinaw with West
12 Virginia state police emblem on sleeve; black shoulder straps;
13 one-inch black stripe around sleeve four inches from end
14 of sleeve; campaign hat of olive drab color; cordovan Sam
15 Browne belt with holster; cordovan leggings and shoes; the
16 officers' uniform will have one and one quarter inch black
17 stripe around the sleeve of blouse and mackinaw four inches
18 from end of sleeve circumposed with one-half inch gold
19 braid, also black collars on blouse, with two silver shoulder
20 bars for captains, one silver shoulder bar for first lieutenant
21 and one gold shoulder bar for second lieutenant. For non-
22 commissioned officers the uniform blouse and shirt will have
23 thereon black chevrons of the appropriate rank.

24 The superintendent shall provide the members of the de-
25 partment of public safety with suitable arms and weapons,
26 and, when and where he shall deem it necessary, with suitably
27 equipped horses, automobiles, motorcycles, watercraft, air-
28 planes and other means of conveyance, to be used by the de-
29 partment of public safety, the governor, and other officers and
30 executives in the discretion of the governor, in times of flood,
31 disaster, and other emergencies, for traffic study and control,
32 criminal and safety work, and in other matters of official

33 business. He shall also provide the standard uniforms for
34 all members of the department, for officers, noncommissioned
35 officers and troopers herein provided for. All uniforms and
36 all arms, weapons and other property furnished the members
37 of the department of public safety by the state of West Virginia
38 shall be and remain the property of the state.

39 The superintendent is authorized to purchase and maintain
40 on behalf of members group life insurance not to exceed the
41 amount of five thousand dollars on behalf of each of the com-
42 missioned officers and not to exceed four thousand dollars
43 on behalf of each of the noncommissioned officers and
44 troopers.

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

51 The superintendent shall establish and maintain local head-
52 quarters at such places in West Virginia as are in his judg-
53 ment suitable and proper to render the department of public
54 safety most efficient for the purpose of preserving the peace,
55 protecting property, preventing crime, apprehending criminals
56 and carrying into effect all other provisions of this article.
57 The superintendent shall provide, by lease or otherwise, for
58 housing and quarters for the accommodation of the members
59 of the department of public safety, and shall provide all
60 equipment and supplies necessary for them in the performance
61 of the duties of their office.

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

1 The superintendent may suspend, demote in rank or dis-
2 charge from the service any member of the department of
3 public safety for any of the following causes: Refusing to
4 obey the orders of his superior officer, neglect of duty, drunken-
5 ness, immorality, inefficiency, abuse of his authority, inter-
6 ference with the lawful right of any person, participation in
7 political activities, primaries, conventions or elections, or
8 any other cause which may in the opinion of the superintendent

9 be necessary for the good of the service. The superintendent
10 shall cause an investigation to be made when notice of any one
11 or more of such causes is brought to his attention and shall
12 determine whether or not the member should be suspended,
13 demoted in rank or discharged. If the superintendent orders
14 the member suspended, demoted in rank or discharged, a
15 written statement of the charges and a written order of sus-
16 pension, demotion in rank or discharge shall be delivered per-
17 sonally to the member by his commanding officer, or next
18 in command in the absence of his commanding officer. The
19 superintendent shall explicitly set forth in any such written
20 statement of charges the details giving rise to the cause or
21 causes upon which he ordered such suspension, demotion in
22 rank or discharge. The member may appeal the superinten-
23 dent's order to the board of appeals created for such purpose,
24 and all of the original papers in such cases shall be delivered
25 by the superintendent to such board, which shall decide such
26 cases in the manner hereinafter provided.

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

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

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

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

9 Whenever any member of the department is transferred

10 from one station to another station, for a period of time in
11 excess of sixty days, all reasonable and necessary transportation
12 expenses actually incurred in moving the household furniture
13 and effects of such member and his immediate family from
14 his former station to his new station shall be paid by the
15 department: *Provided*, That if any such member owns and
16 resides in a single width mobile home, the department shall
17 pay all reasonable and necessary transportation expenses
18 actually incurred in moving such mobile home from such
19 member's former station to his new station, but the depart-
20 ment may not pay transportation expenses for moving such
21 mobile home in excess of the amount which would have been
22 paid for moving an equivalent amount of household furniture
23 and effects had such member not owned such mobile home.

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

26 The superintendent shall not restrict a member from residing
27 in a county other than that in which the member is stationed,
28 except that the superintendent may promulgate by appropriate
29 written regulation to be applied uniformly throughout the de-
30 partment a restriction as to either: (1) The number of miles
31 distant from his station which a member may reside, or (2)
32 The time necessary under ordinary traffic conditions for a
33 member to travel between his residence and station.

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

James L. Davis
Chairman Senate Committee

Clarence L. Christensen Jr.
Chairman House Committee

Originated in the House.

Takes effect July 1, 1975.

J. C. Wells
Clerk of the Senate

C. J. Blankenship
Clerk of the House of Delegates

W. B. Bostwick
President of the Senate

Lewis F. M. Manna
Speaker House of Delegates

The within approved this the 25th
March
day of _____, 1975.

Anna. Shantz
Governor



PRESENTED TO THE
GOVERNOR

Date 3/19/75

Time 4:10 p.m.