

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

Committee Substitute for
SENATE BILL NO. 567

(By Senator *Tenkovich, Mr. President, et al.*)



PASSED *March 8,* 1986

In Effect *90 days from* Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 367

(SENATORS TONKOVICH, MR. PRESIDENT (BY REQUEST) AND HARMAN, *original sponsors*)

[Passed March 8, 1986; in effect ninety days from passage.]

AN ACT to amend and reenact sections four, nine and ten, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article two by adding thereto a new section, designated section one-a, relating to the West Virginia department of public safety rank restructure act; effective date; the appointment of commissioned officers; promotions and the establishment of a promotion evaluation board; the uniforms; and other activities of the department.

Be it enacted by the Legislature of West Virginia:

That sections four, nine and ten, 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 two be further amended by adding thereto a new section, designated section one-a, all to read as follows:

ARTICLE 2. DEPARTMENT OF PUBLIC SAFETY.

§15-2-1a. West Virginia department of public safety rank restructure act.

1 There is hereby created, on and after the first day of July,

2 one thousand nine hundred eighty-seven, the "West
3 Virginia Department of Public Safety Rank Restructure
4 Act." The superintendent shall, only in the initial
5 implementation of the rank restructure act, promote
6 members without benefit or requirement of a promotion
7 evaluation board process as long as those advanced in rank
8 hold the present rank immediately preceding that rank to
9 which they are advanced in accordance with the new rank
10 structure, i.e., master or first sergeant shall be promoted to
11 second lieutenant; lieutenants shall be promoted to first
12 lieutenants; sergeants shall be promoted to master or first
13 sergeant; corporals shall be promoted to sergeant and
14 trooper first class shall be promoted to corporal so long as
15 persons promoted hold those ranks which are being
16 advanced by this act to the next higher rank.

**§15-2-4. Appointment of commissioned officers,
noncommissioned officers, other members;
temporary and permanent positions.**

1 The superintendent shall appoint, from the enlisted
2 membership of the department, a deputy superintendent
3 who shall hold the rank of lieutenant colonel and be next in
4 authority to the superintendent. The superintendent shall
5 appoint, from the enlisted membership of the department,
6 the number of other officers and members he deems
7 necessary to operate and maintain the executive offices,
8 training school, scientific laboratory, keep records relating
9 to crimes and criminals, coordinate traffic safety activities,
10 maintain a system of supplies and accounting and perform
11 other necessary services.

12 The ranks within the membership of the department shall
13 be colonel, lieutenant colonel, major, captain, lieutenant,
14 master sergeant, first sergeant, sergeant, corporal, trooper
15 first class or trooper. On and after the first day of July, one
16 thousand nine hundred eighty-seven, the rank of lieutenant
17 within the membership of the department shall be changed
18 to first lieutenant and second lieutenant. Each such
19 member while in uniform shall wear the insignia of rank as
20 provided by law and departmental regulations.

21 The superintendent may appoint from the membership of
22 the department eleven principal supervisors who shall
23 receive the compensation and hold the temporary rank of

24 lieutenant colonel, major or captain at the will and pleasure
25 of the superintendent. Such appointments shall be exempt
26 from any merit standards established by the promotion
27 evaluation board. Any person appointed to a temporary
28 rank under the provisions of this article shall retain his
29 permanent rank and shall remain eligible for promotion if
30 his permanent rank is below that of captain. Upon the
31 termination of a temporary appointment by the
32 superintendent, the member shall be entitled to the full
33 rights and privileges of his permanent rank and shall
34 remain eligible for subsequent appointment to a temporary
35 rank.

§15-2-9. Promotions; promotion evaluation board to be established.

1 The superintendent shall establish within the department
2 of public safety a promotion evaluation board, which shall
3 be representative of commissioned and noncommissioned
4 officers within the department. The promotion evaluation
5 board shall prescribe merit standards for promotion and
6 maintain lists of eligible candidates.

7 The superintendent shall promote a member to the
8 permanent rank of trooper first class, corporal, sergeant,
9 first sergeant, master sergeant or lieutenant, and, on and
10 after the first day of July, one thousand nine hundred
11 eighty-seven, second lieutenant or first lieutenant from
12 among the top three names on the current list of eligible
13 candidates established by the promotion evaluation board
14 for each rank.

§15-2-10. Uniforms; authorized equipment, weapons 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 (a) The standard uniform to be used by the department
2 of public safety after the effective date of this article shall
3 be as follows: Forestry green blouse with West Virginia
4 state police emblem on sleeve; black shoulder strap, one-
5 inch black stripe around sleeve, four inches from end of
6 sleeve; forestry green breeches with one-inch black stripe
7 down the side; trousers (slacks) with one-inch black stripe

8 down the side for officers and clerks regularly enlisted in
9 the department; forestry green shirts with West Virginia
10 state police emblem on sleeve; black shoulder straps;
11 forestry green mackinaw with West Virginia state police
12 emblem on sleeve; black shoulder straps; one-inch black
13 stripe around sleeve four inches from end of sleeve;
14 campaign hat of olive drab color; black Sam Browne belt
15 with holster; black leggings and shoes; the officer's uniform
16 will have one and one-quarter inch black stripe around the
17 sleeve of blouse and mackinaw four inches from end of
18 sleeve circumposed with one-half inch gold braid, also
19 black collars on blouse, with two silver shoulder bars for
20 captains, one silver shoulder bar for first lieutenant, one
21 gold shoulder bar for second lieutenant. For
22 noncommissioned officers the uniform blouse and shirt will
23 have thereon black chevrons of the appropriate rank.

24 (b) The superintendent shall establish the weapons and
25 enforcement equipment which shall be authorized for use
26 by members of the department, and shall provide for
27 periodic inspection of such weapons and equipment. He
28 shall provide for the discipline of members using other than
29 authorized weapons and enforcement equipment.

30 (c) The superintendent shall provide the members of the
31 department with suitable arms and weapons, and, when he
32 deems it necessary, with suitably equipped automobiles,
33 motorcycles, watercraft, airplanes and other means of
34 conveyance, to be used by the department of public safety,
35 the governor, and other officers and executives in the
36 discretion of the governor, in times of flood, disaster, and
37 other emergencies, for traffic study and control, criminal
38 and safety work, and in other matters of official business.
39 He shall also provide the standard uniforms for all members
40 of the department, for officers, noncommissioned officers
41 and troopers herein provided for. All uniforms and all arms,
42 weapons and other property furnished the members of the
43 department by the state of West Virginia shall be and
44 remain the property of the state.

45 (d) The superintendent is authorized to purchase and
46 maintain on behalf of members group life insurance not to
47 exceed the amount of five thousand dollars on behalf of
48 each member.

49 (e) The superintendent is authorized to contract and

50 furnish at department expense medical and hospital
51 services for treatment of illness or injury of a member which
52 shall be determined by the superintendent to have been
53 incurred by such member while engaged in the performance
54 of duty and from causes beyond control of such members.

55 (f) The superintendent shall establish and maintain
56 local headquarters at such places in West Virginia as are in
57 his judgment suitable and proper to render the department
58 of public safety most efficient for the purpose of preserving
59 the peace, protecting property, preventing crime,
60 apprehending criminals and carrying into effect all other
61 provisions of this article. The superintendent shall provide,
62 by lease or otherwise, for housing and quarters for the
63 accommodation of the members of the department of public
64 safety, and shall provide all equipment and supplies
65 necessary for them to perform their duties.

Handwritten signatures and initials:
J. M. ...
...
...

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

Bruce O. Williams
.....
Chairman Senate Committee

Floyd Fuller
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Wills
.....
Clerk of the Senate

Donald G. Kopp
.....
Clerk of the House of Delegates

James T. ...
.....
President of the Senate

Joseph P. Allright
.....
Speaker House of Delegates

The within *approved* this the *25th*
March
day of 1986.

Anna Marie Jr.
.....
Governor



PRESENTED TO THE

GOVERNOR

Date 3/20/86

Time 4:00 p.m.

RECEIVED
1986 MAR 26 PM 4: 30
OFFICE OF THE
SECRETARY OF STATE

FILE IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86 *pe*