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WEST VIRGINIA LEGISLATURE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

SENATE BILL NO. 545

(By Senator WOOTON, ET AL)



PASSED APRIL 12, 1997

In Effect NINETY DAYS FROM Passage

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ENROLLED

Senate Bill No. 545

(BY SENATORS WOOTON, BALL, BOWMAN, DITTMAR, FANNING,
HUNTER, OLIVERIO, ROSS, SCHOONOVER, SNYDER, WHITE,
BUCKALEW, DEEM, KIMBLE AND SCOTT)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-a, relating to giving the superintendent of the West Virginia state police the right of setoff against any unpaid benefits when a member fails to return assigned clothing or equipment.

Be it enacted by the Legislature of West Virginia:

That article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-a, to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-10a. Duty to return assigned items; superintendent's right of setoff.

1 (a) Whenever any member of the department of public
2 safety retires, resigns or is terminated from employment,
3 he or she shall surrender, in good condition, considering
4 reasonable wear and tear from proper use, all items of
5 equipment and clothing assigned to such member as set
6 forth in section ten of this article: *Provided*, That this
7 section shall not apply to any member awarded his or her
8 service revolver pursuant to the provisions of section
9 forty-three of this article.

10 (b) Notwithstanding any provision of this code to the
11 contrary, the superintendent of the department of public
12 safety shall have a setoff against any West Virginia state
13 police retirement benefits, salary owed, sick leave benefits
14 or vacation day benefits owed such retired, resigning or
15 terminated member in an amount equal to the value of any
16 equipment and clothing not returned. Notwithstanding
17 the fact that a retired, resigning or terminated member is
18 no longer employed by the department of public safety,
19 the member may file a grievance for the sole purpose of
20 protesting the application of the setoff. Such a grievance
21 shall be processed, considered and decided pursuant to the
22 provisions of section six of this article and rules promul-
23 gated thereunder. Prior to applying any setoff under this
24 subsection, the superintendent will notify the retired,
25 resigning or terminated member of his or her opportunity
26 to file a grievance.

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

Randy Schoorover
.....
Chairman Senate Committee

Nick Fontana
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell B. Ross
.....
Clerk of the Senate

Bryony M. Boy
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Paul Kruger
.....
Speaker House of Delegates

The within *is approved* this the *28th*
April
day of, 1997.

Jeff Blanton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/21/07

Time 11:21 am