

HB 4206

FILED

2008 MAR 13 PM 4:18

OFFICE OF THE  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

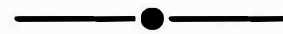
SECOND REGULAR SESSION, 2008



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 4206**

(By Delegates Brown, Miley, Burdiss,  
Talbot and Overington)



Passed March 5, 2008

In Effect from Passage

**E N R O L L E D** FILED

2008 MAR 13 PM 4:18

COMMITTEE SUBSTITUTE

FOR

SECRETARY OF STATE

## **H. B. 4206**

---

(BY DELEGATES BROWN, MILEY, BURDISS,  
TALBOTT AND OVERINGTON)

---

[Passed March 5, 2008; in effect from passage.]

AN ACT to amend and reenact article 6, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Military Affairs and Public Safety and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the Department of Military Affairs and Public Safety; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended

by the Legislature; authorizing the State Fire Marshal to promulgate a legislative rule relating to the supervision of fire protection work; authorizing the Regional Jail and Correctional Facility Authority to promulgate a legislative rule relating to a furlough program for regional jails; authorizing the Regional Jail and Correctional Facility Authority to promulgate a legislative rule relating to a work program for regional jail inmates; authorizing the State Police to promulgate a legislative rule relating to cadet selection; authorizing the State Police to promulgate a legislative rule relating to the West Virginia State Police Career Progression System; and authorizing the State Police to promulgate a legislative rule relating to the West Virginia State Police professional standards investigations, employee rights, early identification system, psychological assessment and progressive discipline.

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

That article 6, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 6. AUTHORIZATION FOR THE DEPARTMENT  
OF MILITARY AFFAIRS AND PUBLIC  
SAFETY TO PROMULGATE  
LEGISLATIVE RULES.**

**§64-6-1. State Fire Marshal.**

1       The legislative rule filed in the state register on the  
2 twenty-sixth day of July, two thousand seven, authorized  
3 under the authority of section four, article three-d, chapter  
4 twenty-nine, of this code, modified by the State Fire Marshal  
5 to meet the objections of the legislative rule-making review  
6 committee and refiled in the state register on the sixteenth  
7 day of January, two thousand eight, relating to the State Fire  
8 Marshal (supervision of fire protection work, 103 CSR 3), is  
9 authorized with the following amendment:

10 On page one, by striking out subsections 3.4 and 3.5 in  
11 their entirety and renumbering the remaining subsections  
12 accordingly;

13 On page two, by striking out subsections 3.11, 3.12 and  
14 3.13 in their entirety and renumbering the remaining  
15 subsections accordingly;

16 On page five, by striking out subsections 7.2 through 7.6  
17 in their entirety and renumbering the remaining subsections  
18 accordingly; and

19 On page nine, by striking out subsections 13.3 through  
20 13.7 in their entirety and renumbering the subsection  
21 accordingly.

**§64-6-2. Regional Jail and Correctional Facility Authority.**

1 (a) The legislative rule filed in the state register on the  
2 twenty-seventh day of July, two thousand seven, authorized  
3 under the authority of section twenty-nine, article twenty,  
4 chapter thirty-one, of this code, modified by the Regional Jail  
5 and Correctional Facility Authority to meet the objections of  
6 the legislative rule-making review committee and refiled in  
7 the state register on the third day of January, two thousand  
8 eight, relating to the Regional Jail and Correctional Facility  
9 Authority (furlough program for regional jails, 94 CSR 6), is  
10 authorized.

11 (b) The legislative rule filed in the state register on the  
12 twenty-seventh day of July, two thousand seven, authorized  
13 under the authority of section thirty-one, article twenty,  
14 chapter thirty-one, of this code, modified by the Regional Jail  
15 and Correctional Facility Authority to meet the objections of  
16 the legislative rule-making review committee and refiled in  
17 the state register on the third day of January, two thousand  
18 eight, relating to the Regional Jail and Correctional Facility

19 Authority (work program for regional jail inmates, 94 CSR  
20 8), is authorized.

**§64-6-3. State Police.**

1 (a) The legislative rule filed in the state register on the  
2 seventeenth day of July, two thousand seven, authorized  
3 under the authority of section twenty-five, article two,  
4 chapter fifteen, of this code, modified by the State Police to  
5 meet the objections of the legislative rule-making review  
6 committee and refiled in the state register on the twenty-ninth  
7 day of August, two thousand seven, relating to the State  
8 Police (cadet selection, 81 CSR 2), is authorized.

9 (b) The legislative rule filed in the state register on the  
10 twenty-fifth day of June, two thousand seven, authorized  
11 under the authority of section five, article two, chapter  
12 fifteen, of this code, modified by the State Police to meet the  
13 objections of the legislative rule-making review committee  
14 and refiled in the state register on the eleventh day of  
15 October, two thousand seven, relating to the State Police  
16 (West Virginia State Police Career Progression System, 81  
17 CSR 3), is authorized with the amendments set forth below:

18 On page four, subdivision 4.1.1.a, by striking “seven  
19 (7)” and inserting in lieu thereof the words “nine (9)”;

20 On page four, subdivision 4.1.1.b, following the word  
21 “sergeants” on the first line of the subdivision by inserting a  
22 comma and the words “that have at least one year in the  
23 present rank” an a comma;

24 On page four, subdivision 4.1.1.c, following the word  
25 “sergeants” by inserting a comma and the words “that have  
26 at least one year in the present rank” an a comma;

27 On page four, paragraph 4.1.1.c, by deleting the  
28 following words: “Effective July 1, 2012 and continuing  
29 thereafter, a first sergeant must possess a post-secondary  
30 education bachelor’s degree in order to be eligible for  
31 promotion to the rank of second lieutenant or first  
32 lieutenant.”;

33 On page four, subdivision 4.2.2.d, following the words  
34 “bachelor’s degree - “ by striking the words “two (2)” and  
35 inserting in lieu thereof “one (1)”;

36 On page four, subdivision 4.2.2.d, following the words  
37 “master’s degree - “ by striking the words “three(3)” and  
38 inserting in lieu thereof “one and one half (1.5)”;

39 On page four, subdivision 4.2.2.d, following the words  
40 “PHD“ by striking the words “four (4)” and inserting in lieu  
41 thereof “two (2)”;

42 On page six, following subdivision 4.5.2, by inserting  
43 “The 34% removed members shall be done at the end of the  
44 ordered promotional list or prior to the oral evaluation  
45 whichever the Superintendent chooses.”

46 And,

47 On page eleven, On page four, subdivision 7.1.5. by  
48 deleting the following words: “Effective July 1, 2012 and  
49 continuing thereafter, a member must possess a post-  
50 secondary education bachelor’s degree in order to be eligible  
51 for reclassification to administrative support specialist VII or  
52 VIII.”.

53 (c) The legislative rule filed in the state register on the  
54 twenty-fifth day of June, two thousand seven, authorized  
55 under the authority of section twenty-five, article two,  
56 chapter fifteen, of this code, relating to the State Police (West

57 Virginia State Police professional standards investigations,  
58 employee rights, early identification system, psychological  
59 assessment and progressive discipline, 81 CSR 10), is  
60 authorized.

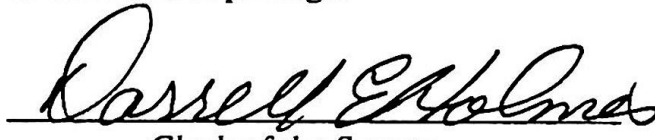
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee


  
Chairman House Committee

Originating in the House.

In effect from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 13<sup>th</sup>  
day of March, 2008.

  
Governor



PRESENTED TO THE  
GOVERNOR

MAR 10 2008

Time 4:30 pm