WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008

ENROLLED

COMMITTEE SUBSTITUTE FOR
House Bill No. 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.

The legislative rule filed in the state register on the twenty-sixth day of July, two thousand seven, authorized under the authority of section four, article three-d, chapter twenty-nine, of this code, modified by the State Fire Marshal to meet the objections of the legislative rule-making review committee and refiled in the state register on the sixteenth day of January, two thousand eight, relating to the State Fire Marshal (supervision of fire protection work, 103 CSR 3), is authorized with the following amendment:
On page one, by striking out subsections 3.4 and 3.5 in their entirety and renumbering the remaining subsections accordingly;

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

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

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

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

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

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

§64-6-3. State Police.

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

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

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

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

On page four, subdivision 4.1.1.c, following the word “sergeants” by inserting a comma and the words “that have at least one year in the present rank” an a comma;
On page four, paragraph 4.1.1.c, by deleting the following words: “Effective July 1, 2012 and continuing thereafter, a first sergeant must possess a post-secondary education bachelor’s degree in order to be eligible for promotion to the rank of second lieutenant or first lieutenant.”;

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

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

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

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

And,

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

(c) The legislative rule filed in the state register on the twenty-fifth day of June, two thousand seven, authorized under the authority of section twenty-five, article two, chapter fifteen, of this code, relating to the State Police (West
Virginia State Police professional standards investigations, employee rights, early identification system, psychological assessment and progressive discipline, 81 CSR 10), is 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 13th day of March, 2008.

Governor
PRESENTED TO THE
GOVERNOR

MAR 10 2008

Time 1:30 PM