



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

8/28/2024 12:28:22 PM

Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Protective Services TITLE-SERIES: 99-02  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 99-02 Ranks and Duties of Officers Within the Membership of the Division

**PRIMARY CONTACT**

NAME: Brandolyn N Felton-Ernest  
ADDRESS: 1900 Kanawha Blvd E  
Bldg 1 Room W 400  
Charleston, WV 25305  
EMAIL: brandolyn.feltonernest@wv.gov  
PHONE NUMBER: 304-205-6834

CITE STATUTORY AUTHORITY: W. Va. Code 15-2D-3(e).

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code 15-2D-3(3) states the "director shall: Propose legislative rules for promulgation in accordance with the provisions of §29A-3-1 et seq. of this code. The rules shall, at a minimum, establish ranks and the duties of officers within the membership of the division."

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/29/2024

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/28/2024

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This legislative rule establishes the ranks and duties of officers within the membership of the division.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This rule is required to update the authority code citation in the rule and to add sunset provision language to the rule. The rule is also being updated to add the rank of "Capitol Police Officer, Corporal" to the rule.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

0

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

0

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

0

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes  
 Brandolyn N Felton-Ernest -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



TITLE 99  
LEGISLATIVE RULE  
DIVISION OF PROTECTIVE SERVICES

SERIES 2  
RANKS AND DUTIES OF OFFICERS WITHIN THE MEMBERSHIP OF THE DIVISION

**§ 99-2-1. General.**

1.1. Scope. -- This legislative rule establishes the ranks and duties of officers within the membership of the division.

1.2. Authority. -- This legislative rule is issued under authority of W. Va. Code §§ 15-2D-3 (e)(1)(B) W. Va. Code §15-2D-3(e).

1.3. Filing Date. --

1.4. Effective Date. --

1.5 Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2030.

**§ 99-2-2. Organizational Structure.**

2.1. The ranks within the membership of the division shall be Director; Deputy Director; Capitol Police Officer, Lieutenant; Capitol Police Officer, Sergeant; Capitol Police Officer, Corporal; and, Capitol Police Officer.

**§ 99-2-3. Duties.**

3.1. The duties of the "Director" shall be those as described under West Virginia Division of Personnel Class Specifications 8950.

3.2. The duties of the "Deputy Director" shall be those as described under West Virginia Division of Personnel Class Specifications 8951.

3.3. The duties of the "Capitol Police Officer, Lieutenant" shall be those as described under West Virginia Division of Personnel Class Specifications 8954.

3.4. The duties of the "Capitol Police Officer, Sergeant" shall be those as described under West Virginia Division of Personnel Class Specifications 8953.

3.5. The duties of the "Capitol Police Officer, Corporal" shall be those as described under West Virginia Division of Personnel Class Specifications 8955.

~~3.56.~~ The duties of the "Capitol Police Officer" shall be those as described under West Virginia Division of Personnel Class Specifications 8952.