

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Originating

Senate Bill 690

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[Originating in the Committee on the Judiciary;

Reported on March 25, 2017]

1 A BILL to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating
2 to authorizing the Superintendent of the West Virginia State Police to impose and collect
3 a fee for agencies and entities using the facilities under his or her direction for training
4 purposes.

Be it enacted by the Legislature of West Virginia:

1 That §15-2-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-3. State Police structure; how established; training; special revenue account.

1 (a) The superintendent shall create, appoint and equip the State Police which shall consist
2 of the number of troops, districts and detachments required for the proper administration of the
3 State Police. Each troop, district or detachment shall be composed of the number of officers and
4 members the superintendent determines are necessary to meet operational needs and are
5 required for the efficient operation of the State Police. The superintendent shall establish the
6 general organizational structure of the State Police by interpretive rule in accordance with the
7 provisions of article three, chapter twenty-nine-a of this code. The superintendent shall provide
8 adequate facilities for the training of all members of the State Police and shall prescribe basic
9 training requirements for newly enlisted members. He or she shall also provide advanced or in-
10 service training, from time to time, for all members of the State Police. The superintendent shall
11 hold entry-level training classes for other law-enforcement officers in the state without cost to
12 those officers, except actual expenses for food, lodging and school supplies. The superintendent
13 may hold advanced levels of training classes for other law-enforcement officers and those
14 individuals in law enforcement-related professions in the state for a reasonable daily fee per
15 student not to exceed \$100. The superintendent may also allow the use of classrooms, firearms
16 training facilities and other training venues by other agencies or entities for a daily fee not to
17 exceed \$100 per day, per venue.

18 (b) There is hereby created in the State Treasury a special revenue account, which shall
19 be an interest bearing account, to be known as the Academy Training and Professional
20 Development Fund. The special revenue account shall consist of training fees, any appropriations
21 that may be made by the Legislature, income from the investment of moneys held in the special
22 revenue account and all other sums available for deposit to the special revenue account from any
23 source, public or private. No expenditures, for purposes of this section, are authorized from
24 collections except in accordance with the provisions of article three, chapter twelve of this code
25 and upon fulfillment of the provisions set forth in article two, chapter eleven-b of this code. Any
26 balance remaining in the special revenue account at the end of any state fiscal year does not
27 revert to the General Revenue Fund but remains in the special revenue account and shall be
28 used solely in a manner consistent with this article. The superintendent is authorized to expend
29 funds from the account to offset operational and training costs; for building maintenance and
30 repair; for purchases and for equipment repair or replacement for the West Virginia State Police
31 Academy; and to defray necessary expenses incidental to those and other activities associated
32 with law-enforcement training.

33 (c) There is hereby created in the State Treasury a special revenue account, which is an
34 interest bearing account, to be known as the State Police 100th Anniversary Fund. The special
35 revenue account shall consist of merchandise sales, any appropriations that may be made by the
36 Legislature, income from the investment of moneys held in the special revenue account and all
37 other sums available for deposit to the special revenue account from any source, public or private.
38 No expenditures for purposes of this section are authorized from collections except in accordance
39 with the provisions of article three, chapter twelve of this code and upon fulfillment of the
40 provisions set forth in article two, chapter eleven-b of this code. Any balance remaining in the
41 special revenue account at the end of any state fiscal year does not revert to the General Revenue
42 Fund but remains in the special revenue account and shall be used solely in a manner consistent
43 with this article. The superintendent is authorized to expend funds from the account to offset costs

44 for the 100th anniversary celebration; for purchasing 100th anniversary commemorative
45 merchandise, equipment and vehicles; and to defray necessary expenses incidental to those and
46 other activities associated with the 100th anniversary of the West Virginia State Police. This fund
47 expires on December 31, 2019, and remaining funds shall be transferred to the Academy Training
48 and Professional Development Fund.

49 (d) The superintendent may hold training classes for certification to access and use the
50 West Virginia Automated Police Network for a reasonable daily fee per student not to exceed
51 \$100.

52 (e) There is hereby created in the State Treasury a special revenue account, which is an
53 interest bearing account, to be known as the West Virginia State Police Criminal Justice
54 Information Services Fund. The special revenue account shall consist of: Fees collected for
55 training and certification for access to the West Virginia Automated Police Network system; any
56 appropriations that may be made by the Legislature; income from the investment of moneys held
57 in the special revenue account; and all other sums available for deposit to the special revenue
58 account from any source, public or private. Any balance remaining in the special revenue account
59 at the end of any state fiscal year does not revert to the General Revenue Fund but remains in
60 the special revenue account and may be used solely in a manner consistent with this article. The
61 superintendent is authorized to expend funds from the account for the following purposes: To
62 offset operational and training costs; for building maintenance and repair; for purchases and for
63 equipment repair; personal services; software; other associated maintenance costs; and to defray
64 necessary expenses incidental to those and other activities associated with the communications
65 section of the West Virginia State Police.

NOTE: The purpose of this bill is to authorize the Superintendent of the West Virginia State Police to charge fees for certain use of the facilities under his or her direction.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.