

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

**Introduced**

### **House Bill 2105**

**FISCAL  
NOTE**

BY DELEGATE CAPUTO

[Introduced January 9, 2019; Referred  
to the Committee on Veterans' Affairs and Homeland  
Security then Finance.]

1 A BILL to amend and reenact §15-2-3 and §15-2-5 of the Code of West Virginia, 1931, as  
2 amended, all relating to maintaining a minimum of 800 state troopers by July 1, 2018; and  
3 increasing the salary increase received at the end of two years of service with the West  
4 Virginia State Police from \$500 to \$580.

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

## **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

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

1 (a) (1) The superintendent shall create, appoint and equip the State Police which shall  
2 consist of the number of troops, districts and detachments required for the proper administration  
3 of the State Police. Each troop, district or detachment shall be composed of the number of officers  
4 and 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 §29A-3-1 *et seq.* of this code. The superintendent shall provide adequate facilities  
8 for the training of all members of the State Police and shall prescribe basic training requirements  
9 for newly enlisted members. He or she shall also provide advanced or in-service training, from  
10 time to time, for all members of the State Police. The superintendent shall hold entry-level training  
11 classes for other law-enforcement officers in the state without cost to those officers, except actual  
12 expenses for food, lodging and school supplies. The superintendent may hold advanced levels of  
13 training classes for other law-enforcement officers and those individuals in law enforcement-  
14 related professions for a reasonable daily fee per student not to exceed \$100. The superintendent  
15 may also allow the use of classrooms, firearms training facilities and other training venues by  
16 other agencies or entities for a daily fee not to exceed \$100 per day, per venue.

17 (2) Notwithstanding any other provision of this code to the contrary, the superintendent  
18 shall implement a program to increase the number of state troopers in the state to attain and  
19 maintain a minimum number of 800 state troopers by July 1, 2020.

20 (b) There is hereby created in the State Treasury a special revenue account, which shall  
21 be an interest bearing account, to be known as the Academy Training and Professional  
22 Development Fund. The special revenue account shall consist of training fees, any appropriations  
23 that may be made by the Legislature, income from the investment of moneys held in the special  
24 revenue account and all other sums available for deposit to the special revenue account from any  
25 source, public or private. No expenditures, for purposes of this section, are authorized from  
26 collections except in accordance with the provisions of §12-3-1 *et seq.* of this code and upon  
27 fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code. Any balance remaining in  
28 the special revenue account at the end of any state fiscal year does not revert to the General  
29 Revenue Fund but remains in the special revenue account and shall be used solely in a manner  
30 consistent with this article. The superintendent is authorized to expend funds from the account to  
31 offset operational and training costs; for building maintenance and repair; for purchases and for  
32 equipment repair or replacement for the West Virginia State Police Academy; and to defray  
33 necessary expenses incidental to those and other activities associated with law-enforcement  
34 training.

35 (c) There is hereby created in the State Treasury a special revenue account, which is an  
36 interest bearing account, to be known as the State Police 100th Anniversary Fund. The special  
37 revenue account shall consist of merchandise sales, any appropriations that may be made by the  
38 Legislature, income from the investment of moneys held in the special revenue account and all  
39 other sums available for deposit to the special revenue account from any source, public or private.  
40 No expenditures for purposes of this section are authorized from collections except in accordance  
41 with the provisions of §12-3-1 *et seq.* of this code and upon fulfillment of the provisions set forth  
42 in §11B-2-1 *et seq.* of this code. Any balance remaining in the special revenue account at the end  
43 of any state fiscal year does not revert to the General Revenue Fund but remains in the special  
44 revenue account and shall be used solely in a manner consistent with this article. The  
45 superintendent is authorized to expend funds from the account to offset costs for the 100th

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

51 (d) The superintendent may hold training classes for certification to access and use the  
52 West Virginia Automated Police Network for a reasonable daily fee per student not to exceed  
53 \$100.

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

**§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with  
supplemental payment; bond; leave time for members called to duty in guard or  
Reserves.**

1 (a) The superintendent shall establish within the West Virginia State Police a system to

2 provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant,  
 3 second lieutenant, and first lieutenant; the classification of nonsupervisory members within the  
 4 field operations force to the ranks of trooper, senior trooper, trooper first class, or corporal; the  
 5 classification of members assigned to the forensic laboratory as criminalist I-VIII; and the  
 6 temporary reclassification of members assigned to administrative duties as administrative support  
 7 specialist I-VIII.

8 (b) The superintendent may propose legislative rules for promulgation in accordance with  
 9 §29A-3-1 *et seq.* of this code for the purpose of ensuring consistency, predictability, and  
 10 independent review of any system developed under the provisions of this section.

11 (c) The superintendent shall provide to each member a written manual governing any  
 12 system established under the provisions of this section and specific procedures shall be identified  
 13 for the evaluation and testing of members for promotion or reclassification and the subsequent  
 14 placement of any members on a promotional eligibility or reclassification recommendation list.

15 (d) Beginning on July 1, 2018, members shall receive annual salaries payable at least  
 16 twice per month as follows:

17 ANNUAL SALARY SCHEDULE (BASE PAY)  
 18 SUPERVISORY AND NONSUPERVISORY RANKS

19	Cadet During Training .....	\$36,154
20	Cadet Trooper After Training .....	43,414
21	Trooper Second Year .....	44,426
22	Trooper Third Year .....	44,809
23	Senior Trooper .....	45,208
24	Trooper First Class .....	45,814
25	Corporal .....	46,420
26	Sergeant.....	50,721
27	First Sergeant.....	52,872

28	Second Lieutenant .....	55,022
29	First Lieutenant.....	57,173
30	Captain.....	59,324
31	Major .....	61,474
32	Lieutenant Colonel .....	63,625

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

35	I .....	44,426
36	II .....	45,208
37	III .....	45,814
38	IV .....	46,420
39	V .....	50,721
40	VI .....	52,872
41	VII .....	55,022
42	VIII .....	57,173

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

45	I .....	44,426
46	II .....	45,208
47	III .....	45,814
48	IV .....	46,420
49	V .....	50,721
50	VI .....	52,872
51	VII .....	55,022
52	VIII .....	57,173

53           Each member of the West Virginia State Police whose salary is fixed and specified in this  
54 annual salary schedule is entitled to the length of service increases set forth in §15-2-5(e) of this  
55 code and supplemental pay as provided in §15-2-5(g) of this code.

56           (e) Each member of the West Virginia State Police whose salary is fixed and specified  
57 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in  
58 §15-2-5(d) of this code for grade in rank, based on length of service, including that service served  
59 before and after the effective date of this section with the West Virginia State Police as follows:  
60 Beginning on January 1, 2015, and continuing thereafter, at the end of two years of service with  
61 the West Virginia State Police, the member shall receive a salary increase of ~~\$500~~ \$580 to be  
62 effective during his or her next year of service and a like increase at yearly intervals thereafter,  
63 with the increases to be cumulative.

64           (f) In applying the salary schedules set forth in this section where salary increases are  
65 provided for length of service, members of the West Virginia State Police in service at the time  
66 the schedules become effective shall be given credit for prior service and shall be paid the salaries  
67 the same length of service entitles them to receive under the provisions of this section.

68           (g) The Legislature finds and declares that because of the unique duties of members of  
69 the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour  
70 laws to them. Accordingly, members of the West Virginia State Police are excluded from the  
71 provisions of state wage and hour law. This express exclusion shall not be construed as any  
72 indication that the members were or were not covered by the wage and hour law prior to this  
73 exclusion.

74           In lieu of any overtime pay they might otherwise have received under the wage and hour  
75 law, and in addition to their salaries and increases for length of service, members who have  
76 completed basic training and who are exempt from federal Fair Labor Standards Act guidelines  
77 may receive supplemental pay as provided in this section.

78           The authority of the superintendent to propose a legislative rule or amendment thereto for  
79 promulgation in accordance with §29A-3-1 *et seq.* of this code to establish the number of hours  
80 per month which constitute the standard pay period for the members of the West Virginia State  
81 Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the  
82 criteria for receipt of a portion or all of supplemental payment when hours are worked in excess  
83 of the standard pay period. The superintendent shall certify at least twice per month to the West  
84 Virginia State Police's payroll officer the names of those members who have worked in excess of  
85 the standard pay period and the amount of their entitlement to supplemental payment. The  
86 supplemental payment may not exceed \$200 per pay period. The superintendent and civilian  
87 employees of the West Virginia State Police are not eligible for any supplemental payments.

88           (h) Each member of the West Virginia State Police, except the superintendent and civilian  
89 employees, shall execute, before entering upon the discharge of his or her duties, a bond with  
90 security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful  
91 performance of his or her duties, and the bond shall be approved as to form by the Attorney  
92 General and as to sufficiency by the Governor.

93           (i) In consideration for compensation paid by the West Virginia State Police to its members  
94 during those members' participation in the West Virginia State Police Cadet Training Program  
95 pursuant to §30-29-8 of this code, the West Virginia State Police may require of its members by  
96 written agreement entered into with each of them in advance of such participation in the program  
97 that, if a member should voluntarily discontinue employment any time within one year immediately  
98 following completion of the training program, he or she shall be obligated to pay to the West  
99 Virginia State Police a pro rata portion of such compensation equal to that part of such year which  
100 the member has chosen not to remain in the employ of the West Virginia State Police.

101           (j) Any member of the West Virginia State Police who is called to perform active duty  
102 training or inactive duty training in the National Guard or any reserve component of the armed  
103 forces of the United States annually shall be granted, upon request, leave time not to exceed 30



104 calendar days for the purpose of performing the active duty training or inactive duty training and  
105 the time granted may not be deducted from any leave accumulated as a member of the West  
106 Virginia State Police.

NOTE: The purpose of this bill is to establish a minimum number of troopers to provide basic law- enforcement services. The bill further provides that the salary increase at the end of two years of service for members of the West Virginia State Police will increase from \$500 to \$580.

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