

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4176**

BY DELEGATES MILLER, HANSHAW (MR. SPEAKER),  
MILEY, SHOTT, D. KELLY, KESSINGER, CANESTRARO AND  
LOVEJOY

[Introduced January 14, 2020; Referred to the  
Committee on Veterans' Affairs and Homeland  
Security then the Judiciary.]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, and §15A-9-7,  
3 establishing the West Virginia Fusion Center Act.

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

1 **“ARTICLE 9. WEST VIRGINIA FUSION CENTER.**

2 **§15A-9-1. West Virginia Fusion Center Established.**

1 (a) The Governor shall establish, organize, equip, staff, and maintain a multiagency  
2 information fusion center (“Fusion Center”) to receive, analyze, and disseminate all hazards, all  
3 crimes, and all threat information. The Department of Homeland Security shall operate the facility,  
4 as directed by the Governor, with oversight auditing and accountability to the select committee of  
5 the legislature as set forth herein, and in collaboration among federal, state, and local agencies,  
6 as well as private sector persons, organizations, entities or agencies, including, but not limited to,  
7 those with the primary purposes of homeland security, counter-terrorism, public safety, public  
8 protection and critical infrastructure: *Provided*, That under no circumstance shall any private  
9 sector persons, organizations, entities or agencies utilizing or collaborating with the Fusion Center  
10 be a contract operator for any federal intelligence agency. The fusion center shall collect,  
11 integrate, analyze, disseminate, and maintain such information to support local, state, and federal  
12 law-enforcement agencies, other governmental agencies, and private persons, organizations,  
13 entities or agencies in detecting, preventing, investigating, preparing for, responding to, and  
14 recovering from any possible or actual criminal and/or terrorist activity, as well as any hazard,  
15 including the state’s critical infrastructure, in compliance with applicable state and federal laws  
16 and regulations, including 28 CFR 23: *Provided*, That as used in this article, “terrorism” shall mean  
17 only foreign or international terrorist groups or individuals, or of domestic groups or individuals  
18 involved in transnational terrorism as defined in 6 U.S.C. §485(a)(5): *Provided further*, That under  
19 no circumstances whatsoever shall the Fusion Center or its officers, directors, agents or  
20 employees engage in, or be ordered or directed to engage in prohibited non-law enforcement

21 intelligence gathering activities on citizens of the United States as set forth in any federal or state  
22 law or in contravention of the Constitution of the United States, including but not limited to, 50  
23 U.S.C. §3036(d) and Executive Order 12333 (December 4, 1981, as amended by Executive  
24 Orders 13284 (2003), 13355 (2004) and 13470 (2008)); nor shall the Fusion Center in any way  
25 be utilized, engage in, or be directed to be utilized or engaged in any information or intelligence  
26 gathering or intelligence operation of any kind for any political purpose whatsoever.

27 (b) The West Virginia Fusion Center shall be housed within secure facilities in order to  
28 access sensitive information, as permitted by state and federal law. Within the secure facilities,  
29 the fusion center shall house a Homeland Secure Data Network (HDSN) in order to access  
30 classified information, as permitted by state and federal law and ensure that appropriate security  
31 measures are in place for: (1) The secure facilities; (2) data collected or stored at the secure  
32 facilities; and (3) personnel working at the secure facilities.

33 (c) The West Virginia Fusion Center shall do all acts necessary and proper to carry out  
34 the powers granted to the board State Resiliency Office

35 **§15A-9-2. Operation of center.**

1 (a) The West Virginia Department of Homeland Security shall operate the West Virginia  
2 Fusion Center under the direction of the Governor, with oversight auditing and accountability to  
3 select committee of the legislature as set forth herein, and shall cooperate with the United States  
4 Department of Homeland Security, local, county, state, or federal government agencies, and  
5 private organizations: *Provided*, That under no circumstance shall any private sector persons,  
6 organizations, entities or agencies utilizing or collaborating with the Fusion Center be a contract  
7 operator for any federal intelligence agency: *Provided further*, That all Fusion Center operations  
8 shall be subject to applicable state and federal laws and regulations, including, but not limited to,  
9 28 CFR Part 23 and shall at all times strictly abide by all restrictions and prohibitions against  
10 conducting non-law enforcement intelligence operations against U.S. citizens as set forth in any  
11 federal or state law or in contravention of the Constitution of the United States, including but not

12 limited to, 50 U.S.C. §3036(d) and Executive Order 12333 (December 4, 1981, as amended by  
13 Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008)).

14 (b) The West Virginia Fusion Center shall: (1) Be the primary clearing house for the State  
15 of West Virginia for the collection, the analysis of and the proper distribution of information and  
16 actionable intelligence as defined in this section; (2) generate intelligence analysis critical for  
17 homeland security policy and relevant threat warning in order to protect life, liberty and property  
18 in West Virginia; (3) promote and improve intelligence sharing among public safety and public  
19 service agencies at the federal, state, and local levels, and with critical infrastructure and key  
20 resource entities within the private sector subject to all restrictions and prohibitions recited in  
21 Chapter 15A, Article 9 of this code; (4) receive and integrate intelligence and information related  
22 to terrorism and other homeland security threats; (5) collect, analyze, produce, disseminate, and  
23 maintain such intelligence and information, as allowed by law, to support local, state, and federal  
24 law enforcement agencies, other governmental agencies and private organizations in: preventing,  
25 preparing for, responding to, and recovering from any possible or actual terrorist attack or other  
26 homeland security threat; and (6) maximize intelligence and information sharing in strict  
27 accordance with all applicable state and federal laws, restrictions and prohibitions: *Provided, That*  
28 under no circumstance shall any private sector persons, organizations, entities or agencies  
29 utilizing or collaborating with the Fusion Center be a contract operator for any federal intelligence  
30 agency.

31 (c) The Governor shall provide facilities, budget, and administrative support for the West  
32 Virginia Fusion Center and its employees and participants. The cabinet secretary for the West  
33 Virginia Department of Homeland Security shall be the custodian of all records collected and  
34 maintained at the West Virginia Fusion Center, and also shall serve as security manager for the  
35 West Virginia Fusion Center.

36 (d) Private sector persons, organizations, entities or agencies participating in the West  
37 Virginia Fusion Center shall not be considered governmental entities, nor shall employees or

38 agents of private sector persons, organizations, entities or agencies assigned to the West Virginia  
39 Fusion Center be considered state employees; however, private sector entities and their  
40 employees or agents are subject to the same confidentiality requirements and held to the same  
41 standards as an employee of the West Virginia Fusion Center; including but not limited to, any  
42 and all restrictions and prohibitions against conducting non-law enforcement intelligence  
43 operations against U.S. citizens as set forth in any federal or state law or in contravention of the  
44 Constitution of the United States, including but not limited to, 50 , including but not limited to, 50  
45 U.S.C. §3036(d) and Executive Order 12333 (December 4, 1981, as amended by Executive  
46 Orders 13284 (2003), 13355 (2004) and 13470 (2008)); *Provided*, That under no circumstance  
47 shall any private sector persons, organizations, entities or agencies utilizing or collaborating with  
48 the Fusion Center be a contract operator for any federal intelligence agency.

49 (e) The operations of the West Virginia Fusion Center shall be overseen by cabinet  
50 secretary and deputy cabinet secretary of the West Virginia Department of Homeland Security,  
51 with oversight auditing and accountability to select committees of the legislature as set forth  
52 herein.

53 (f) The cabinet secretary and deputy cabinet secretary shall have a current, valid federal  
54 security clearance at the appropriate level.

55 (g) The cabinet secretary and deputy cabinet secretary may adopt policies and procedures  
56 for the operation of the West Virginia Fusion Center. The cabinet secretary and deputy cabinet  
57 secretary may adopt rules and regulations as may be necessary to carry out the provisions of this  
58 act, including rules and regulations concerning the operations of the West Virginia Fusion Center:  
59 *Provided*, That all policies, procedures, rules and regulations shall be subject to any and all  
60 restrictions and prohibitions against conducting non-law enforcement intelligence operations  
61 against U.S. citizens as set forth in any federal or state law or in contravention of the Constitution  
62 of the United States, including but not limited to, 50 U.S.C. §3036(d) and Executive Order 12333  
63 (December 4, 1981, as amended by Executive Orders 13284 (2003), 13355 (2004)

64 and 13470 (2008)).

65 (h) Subject to appropriations, the West Virginia Fusion Center shall have the following  
66 employees, all in the unclassified service of the civil service act:

67 (1) A director, who shall be appointed by and serve at the pleasure of the cabinet  
68 secretary. The director shall have a current, valid federal security clearance at the appropriate  
69 level and training and certifications commensurate with the position and shall:

70 (A) Be responsible for all operations of the West Virginia Fusion Center and shall report  
71 to the cabinet secretary or deputy cabinet secretary;

72 (B) Be responsible for:

73 (2) Facilitating and implementing applicable federal standards and programs by the West  
74 Virginia Fusion Center;

75 (3) Ensuring compliance with all applicable laws and federal requirements, including but  
76 not limited to, any and all restrictions and prohibitions against conducting non-law enforcement  
77 intelligence operations against U.S. citizens as set forth in any federal or state law or in  
78 contravention of the Constitution of the United States, including but not limited to, 50 U.S.C.  
79 §3036(d) and Executive Order 12333 (December 4, 1981, as amended by Executive Orders  
80 13284 (2003), 13355 (2004) and 13470 (2008)); and

81 (4) Maintaining proper separation between military and civilian capacities;

82 (C) Provide support, as needed, to the cabinet secretary and deputy cabinet secretary;  
83 and

84 (D) Other duties and responsibilities as may be assigned by the cabinet secretary and  
85 deputy cabinet secretary, subject to all restrictions and prohibitions described in Chapter 15A,  
86 Article 9 of this code;

87 (5) A deputy director shall have a current, valid federal security clearance at the  
88 appropriate level, training and certifications commensurate with the position who shall be  
89 responsible for assisting the director in: (A) Facilitating and implementing applicable federal

90 standards and programs by the West Virginia Fusion Center; (B) ensuring compliance with all  
91 applicable laws and federal requirements; (C) maintaining proper separation between military and  
92 civilian capacities; (D) providing support, as needed, to the cabinet secretary and deputy cabinet  
93 secretary; and (E) other duties and responsibilities as may be assigned by the fusion center  
94 director, other employees as may be authorized by cabinet secretary and deputy cabinet  
95 secretary to administer properly the provisions of this act.

96 **§15A-9-3. Joint Oversight Committee.**

97 (a) The Speaker of the House of Delegates and President of the Senate shall establish a  
98 select committee which shall have oversight of the information collected by the West Virginia  
99 Fusion Center to ensure the proper collection, dissemination, storage, and destruction of  
100 information or intelligence. The committee shall be comprised of: (i) the Speaker of the House of  
101 Delegates and four members of the House of Delegates, to be appointed by the Speaker of the  
102 House of Delegates, no more than two of whom shall be appointed from the same political party;  
103 (ii) the President of the Senate and four members of the Senate, to be appointed by the President  
104 of the Senate, no more than two of whom shall be from the same political party; and counsel to  
105 the Speaker and the Senate President: *Provided*, That in the event the membership of a political  
106 party is less than 15 percent in the House of Delegates or Senate, then the membership of that  
107 political party from the legislative house with less than 15 percent membership may be one from  
108 that house. The commission shall be chaired by the President of the Senate and the Speaker of  
109 the House of Delegates. All members appointed to the Select Committee by the Select Committee  
110 chairs serve until their successors are appointed as provided in this section. The Select  
111 Committee members must have the appropriate security clearance in order to obtain information  
112 that is classified and shall be subject to the same rules, regulations, and laws as the employees  
113 of the West Virginia Fusion Center for safeguarding both classified and law enforcement sensitive  
114 information or intelligence. These Select Committee members shall be advised of the restrictions



115 and protocol for handling such information or intelligence and shall sign a statement of  
116 understanding as well as a confidentiality agreement.

117 (b) Members of the Select Committee may enter and inspect the West Virginia Fusion  
118 Center at any time, with Select Committee counsel, with or without notice to the West Virginia  
119 Fusion Center.

120 (c) Meetings of the Select Committee shall be confidential and the information, materials,  
121 in any medium, including hard copy and electronic, coming to the knowledge of or placed in the  
122 custody of the Select Committee and shall not be subject to the West Virginia Freedom of  
123 Information Act (§29B-1-1 et seq. of this code).

124 (d) The Select Committee may conduct proceedings in a confidential executive session  
125 for the purpose of establishing business, establishing policy, reviewing investigations, and  
126 interrogating a witness or witnesses.

127 (e) All witnesses appearing before the Select Committee shall testify under oath or  
128 affirmation, and any member of the Select Committee or its counsel may administer oaths or  
129 affirmations to such witnesses. To compel witnesses to attend a hearing or produce any books,  
130 records, documents, or papers, or any other tangible thing except where the records, documents,  
131 data, or items are protected from disclosure by privilege recognized by state or federal courts, the  
132 Select Committee may issue subpoenas, signed by one of the cochairs: *Provided*, That the Select  
133 Committee may specifically authorize or delegate the power to any member of the Select  
134 Committee to sign subpoenas on its behalf. The subpoenas shall be served by any person  
135 authorized by law to serve and execute legal process, and service shall be made without charge.  
136 Witnesses subpoenaed to attend hearings shall be allowed the same mileage and per diem as is  
137 allowed witnesses before any petit jury in this state.

138 (f) If any person subpoenaed to appear at any hearing shall refuse to appear or to answer  
139 inquiries there propounded, or shall fail or refuse to produce books, records, documents, papers,  
140 or any other tangible thing within his or her control when the same are demanded, the Select

141 Committee shall report the facts to the circuit court of Kanawha County or any other court of  
142 competent jurisdiction and such court may compel obedience to the subpoena as though such  
143 subpoena had been issued by such court in the first instance: *Provided*, That prior to seeking  
144 circuit court relief, the Select Committee may, in its discretion, first demand the Secretary  
145 Homeland Security and/or the Director of the West Virginia Fusion Center under whom an  
146 employee has failed to appear or which has failed to produce requested or subpoenaed material  
147 to appear before the Select Committee and address the basis for the failure to comply and  
148 whether compliance will be forthcoming.

149 (g) The Select Committee may direct the West Virginia Fusion Center to send its budgetary  
150 accounting to the State Auditor: *Provided*, That is budgetary expenditures are classified, those  
151 entry descriptions, but not the expenditure amounts, may be redacted from the West Virginia  
152 Fusion Center accounting provided to the State Auditor: *Provided further*, That the State Auditor  
153 shall bring any accounting issues of concern to the attention of the Select Committee, upon which  
154 the Select Committee shall subpoena the West Virginia Fusion Center for unredacted copies of  
155 the accounting items to be presented for explanation and justification of the necessity and legality  
156 of the concerns raised by the State Auditor. The Select Committee shall take whatever action it  
157 deems necessary, if any, after review and analysis of the subpoenaed unredacted materials.

158 **§15A-9-4. Memorandum of understanding required.**

1 (a) Each governmental and nongovernmental entity participating in the West Virginia  
2 Fusion Center shall enter a memorandum of understanding between the West Virginia Fusion  
3 Center and the participating entity. Said memorandum of understanding shall at a minimum:

4 (1) Provide a framework and working mechanism for the organization of the West Virginia  
5 Fusion Center to address issues that are common to city, county, state, and federal governments'  
6 obligations to protect the safety and well-being of citizens and to enhance the success of the  
7 Fusion Center in responding to criminal, terrorist, and other threats to public safety through the  
8 achievement of coordination and cooperation;

9           (2) Clarify the working relationships between the governmental and nongovernmental  
10 entities and use limitations of shared information; and

11           (3) Outline the intent of the parties regarding the information provided by the non-  
12 governmental entities to the West Virginia Fusion Center.

13           (b) Nothing in any agreement shall obligate any nongovernmental entity to provide  
14 information nor establish any duty for any nongovernmental entity to assume any police or law  
15 enforcement responsibilities.

16           (c) Failure of any governmental or nongovernmental entity to abide by the restrictions and  
17 use limitations set forth by the West Virginia Fusion Center may result in the suspension or  
18 termination of use privileges, discipline sanctions imposed by the user's employing agency, or  
19 criminal prosecution.

20           (d) Any and all interagency Memorandums of Understanding and participating public or  
21 private persons, organizations, entities or agencies described in this section shall be subject to  
22 all restrictions and prohibitions described in this section.

23           **§15A-9-5. Confidentiality and immunity from service of process; penalties.**

1           (a) Except as set forth in subsection (d) below, papers, records, documents, reports,  
2 materials, databases, or other evidence or information relative to criminal intelligence or any  
3 terrorism investigation in the possession of the West Virginia Fusion Center shall be confidential  
4 and shall not be subject to the West Virginia Freedom of Information Act (§29B-1-1 et seq. of this  
5 code); *Provided*, That this exemption from the West Virginia Freedom of Information Act may be  
6 lifted in the event of that a court determines in a state or federal Whistleblower action that unlawful  
7 or unauthorized activity has taken place, and shall in no way restrict the legislature's oversight  
8 committee from access to all such information. Every five years, the West Virginia Fusion Center  
9 shall conduct a review of information contained in any database maintained by the West Virginia  
10 Fusion Center. Data that has been determined to not have a nexus to criminal or terrorist activity  
11 shall be removed from such database. A reasonable suspicion standard shall be applied when

12 determining whether or not information has a nexus to terrorist activity for non-U.S.citizens, but a  
13 probable cause standards shall apply for U.S. citizens: *Provided*, That all such determinations  
14 shall be reported to the legislature’s oversight committee at regularly scheduled oversight audit  
15 and committee meetings.

16 (b) No person, having access to information maintained by the West Virginia Fusion  
17 Center, shall be subject to subpoena in a civil action in any court of the state to testify concerning  
18 a matter of which he has knowledge pursuant to his access to criminal intelligence information  
19 maintained by the West Virginia Fusion Center.

20 (c) No person or agency receiving information from the West Virginia Fusion Center shall  
21 release or disseminate that information without prior authorization from the West Virginia Fusion  
22 Center.

23 (d) Intelligence data in the possession of a criminal or juvenile justice agency, state or  
24 federal regulatory agency, or peace officer, or disseminated by such agency or peace officer, are  
25 confidential records under §29B-1-1 et seq. of this code.

26 (e) Any person who knowingly disseminates information in violation of this section is guilty  
27 of a misdemeanor and, upon conviction, shall be fined not less than \$200 nor more than \$1,000,  
28 or be confined for not more than 20 days, or both fined and confined. If such unauthorized  
29 dissemination results in death or serious bodily injury to another person, such person is guilty of  
30 a felony and, upon conviction, shall be imprisoned in a state correctional facility not less than one  
31 nor more than five years: *Provided*, That all state and federal Whistleblower Protection Act  
32 protections shall apply to any person who’s disclosures are found to have been made to report or  
33 protect against violation or attempted violation of any and all restrictions and prohibitions against  
34 conducting non-law enforcement intelligence operations against U.S. citizens as set forth in any  
35 federal or state law or in contravention of the Constitution of the United States, including but not  
36 limited to, 50 U.S.C. §3036(d) and Executive Order 12333 (December 4, 1981, as amended by  
37 Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008)).

38 (f) Any person, being an officer or employee of the United States, the State of West Virginia  
39 or of any department, agency or political subdivision thereof, or any person from the private sector  
40 or industry assigned to or working with the West Virginia Fusion Center in any capacity, who  
41 knowingly publishes, divulges, discloses, or makes known in any manner, or to any extent not  
42 authorized by law, any critical infrastructure or national intelligence information protected from  
43 disclosure by this section coming to him or her in the course of their employment, affiliation or  
44 official duties with the West Virginia Fusion Center, or by reason of any examination or  
45 investigation made by, return, report, or record made to or filed with, such department or agency,  
46 officer or employee thereof, shall, upon conviction, be imprisoned not less than one year, and  
47 shall be removed from office or employment and affiliation with the West Virginia Fusion Center:  
48 Provided, That all state and federal Whistleblower Protection Act protections shall apply to any  
49 person who's disclosures are found to have been made to report or protect against violation or  
50 attempted violation of any and all restrictions and prohibitions against conducting non-law  
51 enforcement intelligence operations against U.S. citizens as set forth in any federal or state law  
52 or in contravention of the Constitution of the United States, including but not limited to, 50 U.S.C.  
53 §3036(d) and Executive Order 12333 (December 4, 1981, as amended by Executive Orders  
54 13284 (2003), 13355 (2004) and 13470 (2008)).

55 (g) The West Virginia Department of Homeland Security shall provide legal counsel to the  
56 West Virginia Fusion Center to serve as privacy and civil liberties counsel to the West Virginia  
57 Fusion Center. Such attorney shall advise the West Virginia Fusion Center, director, and deputy  
58 director on all matters necessary to ensure compliance with all applicable federal and state  
59 privacy or civil liberties laws, obligations, restrictions and prohibitions as set forth herein.

60 (h) For purposes of this chapter:

61 (1) "Criminal intelligence information" means data or information that has been evaluated  
62 and determined to be relevant to the identification and criminal activity of individuals or  
63 organizations that are reasonably suspected of involvement in criminal activity.

64 (2) "Critical Infrastructure" means systems and assets as defined in 42 U.S.C. § 5195c(e).

65 (3) "National Intelligence" means data or information determined to meet the definition as  
66 defined in 50 U.S.C. §3003 (5): *Provided*, That Fusion Center activities and operations relating to  
67 National Intelligence shall at all times strictly abide by all restrictions and prohibitions against  
68 conducting non-law enforcement intelligence operations against U.S. citizens as set forth in any  
69 federal or state law or in contravention of the Constitution of the United States, including but not  
70 limited to, 50 U.S.C. §3036(d) and Executive Order 12333 (December 4, 1981, as amended by  
71 Executive Orders 13284 (2003), 13355 (2004) and 13470 (2008)). Any use of Fusion Center  
72 assets or personnel for political or other unlawful or improper purposes is strictly prohibited.

73 **§15A-9-6. Receipt of information; immunity from liability.**

1 (a) No cause of action for defamation, invasion of privacy, or negligence shall arise against  
2 any person for reason of that person's furnishing of information concerning any suspected,  
3 anticipated, or completed criminal violation or terrorist activity when the information is provided to  
4 or received from the West Virginia Fusion Center or any federal, state, or local governmental or  
5 private sector entity established for the purposes of detecting and preventing acts of criminal  
6 activity or terrorism: *Provided*, That with regard to any Fusion Center intelligence gathering activity  
7 or operation against a U.S. citizen related to alleged terrorism, such allegation must be vetted and  
8 confirmed by procedures substantially in compliance with those set forth in the Federal Bureau of  
9 Investigation memorandum dated April 5, 2001 by Michael J. Woods of the Office of General  
10 Counsel titled "Foreign Intelligence Surveillance Act Procedures to Ensure Accuracy".

11 (b) No person shall be subject to such cause of action for cooperating with or furnishing  
12 evidence or information regarding any suspected criminal violation to, the West Virginia Fusion  
13 Center.

14 (c) This section shall not provide immunity for those disclosing or furnishing false  
15 information with malice or willful intent to injure any person, nor for any person who does not  
16 comply with the procedures set forth in §15A-9-6(a) above.

17 (d) This section does not abrogate or modify in any way common law or statutory privilege  
18 or immunity heretofore enjoyed by any person or entity.

19 **§15A-9-7. Costs.**

1 (a) The director, with approval of the cabinet secretary or deputy cabinet secretary, may  
2 enter into agreements with participating agencies or organizations, whether public or private, for  
3 their participation in the West Virginia Fusion Center. Such agreements: (1) Shall define the duties  
4 and responsibilities of each participating agency or organization; (2) may provide for payment by  
5 the participating agency or organization of a reasonable share of the cost to establish, maintain  
6 and operate the West Virginia Fusion Center, and (3) shall require compliance with all  
7 requirements, restrictions and prohibitions set forth in Chapter 15A Article 9 of this code.

8 (b) (1) The West Virginia Fusion Center, with approval of the cabinet secretary or deputy  
9 cabinet secretary, may accept any gift, grant, payment, moneys or assets seized by forfeiture as  
10 a result of collaborative efforts or contribution from any source, public or private, for the purpose  
11 of paying the costs to establish, maintain or operate the West Virginia Fusion Center. Such gift,  
12 grant, payment, moneys or assets seized by forfeiture as a result of collaborative works or  
13 contribution may be in the form of services, equipment, supplies, materials or funds. All amounts  
14 received under this section shall be remitted to the State Treasurer in accordance with chapter  
15 12 of this code, and the amendments thereto. Upon receipt of each such remittance, the State  
16 Treasurer shall deposit the entire amount in the State Treasury to the credit of the West Virginia  
17 Fusion Center Fund, that is hereby created in the State Treasury and shall be administered by  
18 the West Virginia Department of Homeland Security in accordance with this article and subject to  
19 regular auditing and oversight by the legislature's select oversight committee.

20 (2) Moneys in the West Virginia Fusion Center Fund may be used by the director to pay  
21 any costs associated with establishing, maintaining or operating the West Virginia Fusion Center.  
22 The director of the West Virginia Fusion Center Fund shall develop policy and procedures for  
23 purchasing, and expenditures shall be made in accordance with vouchers approved by the

24 director or the director's designee. Any gift, grant, payment, moneys, or any assets seized by  
25 forfeiture as a result of collaborative efforts, or contribution in any form, other than funds may be  
26 accepted by the director, with approval of the cabinet secretary, and utilized and expended in any  
27 manner authorized by law to establish, maintain or operate the West Virginia Fusion Center:  
28 *Provided, That all moneys used by the director shall be subject to all restrictions and prohibitions*  
29 set forth in Chapter 15A Article 9, and also to regular auditing and oversight by the legislature's  
30 select oversight committee.

31 (3) The moneys credited to the fund created in subsection (b) shall be used for the  
32 purposes set forth in this section and for no other governmental purposes. It is the intent of the  
33 Legislature that the moneys deposited in this fund shall remain intact and inviolate for the  
34 purposes set forth in this act.

35 **§15A-9-8. Registration plates to official vehicles; used in agency activities.**

1 Notwithstanding any provision of this code to the contrary, the Commissioner of the  
2 Division of Motor Vehicles is authorized to issue Class A license plates to authorized state-owned  
3 vehicles operated by the West Virginia Fusion Center when the director signs a written affidavit  
4 stating that the vehicle or vehicles for which the plates are being requested will be used by the  
5 West Virginia Fusion Center in fulfilling its mission.

NOTE: The purpose of this bill is to establish the West Virginia Fusion Center, operation of center, confidentiality and immunity from service of process; penalties, receipt of information, immunity from liability, costs, and protection of civil liberties from unlawful intelligence gathering activity and relating to Class A registration plates for official use.

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