WEST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

Senate Bill 579

By Senators Ihlenfeld, Baldwin, Caputo, Lindsay, Jeffries, and Unger

[Introduced March 5, 2021; referred
to the Committee on Government Organization; and then to the Committee on Finance]

A BILL to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended; and amend said code by adding thereto a new section, designated §15-2-57, all relating to establishing a special revenue account concerning the West Virginia State Police Student Loan Forgiveness Program; establishing the West Virginia State Police Loan Forgiveness Program; establishing rules and procedures governing applications; awarding grants to eligible applicants; and implementing of the loan forgiveness program.

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.

(a) The superintendent shall create, appoint, and equip the State Police which shall consist of the number of troops, districts and detachments required for the proper administration of the State Police. Each troop, district or detachment shall be composed of the number of officers and members the superintendent determines are necessary to meet operational needs and are required for the efficient operation of the State Police. The superintendent shall establish the general organizational structure of the State Police by interpretive rule in accordance with ~~the provisions of~~ §29A-3-1 *et seq.* of this code. The superintendent shall provide adequate facilities for the training of all members of the State Police and shall prescribe basic training requirements for newly enlisted members. He or she shall also provide advanced or in-service training, from time to time, for all members of the State Police. The superintendent shall hold entry-level training classes for other law-enforcement officers in the state without cost to those officers, except actual expenses for food, lodging and school supplies. The superintendent may hold advanced levels of training classes for other law-enforcement officers and those individuals in law enforcement-related professions for a reasonable daily fee per student not to exceed $100. The superintendent may also allow the use of classrooms, firearms training facilities and other training venues by other agencies or entities for a daily fee not to exceed $100 per day, per venue.

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

(c) There is hereby created in the State Treasury a special revenue account, which is an interest bearing account, to be known as the State Police 100th Anniversary Fund. The special revenue account shall consist of merchandise sales, any appropriations that may be made by the Legislature, income from the investment of moneys held in the special revenue account and all other sums available for deposit to the special revenue account from any source, public or private. No expenditures for purposes of this section are authorized from collections except in accordance with ~~the provisions of~~ §12-3-1 *et seq.* of this code and upon fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and shall be used solely in a manner consistent with this article. The superintendent is authorized to expend funds from the account to offset costs for the 100th anniversary celebration; for purchasing 100th anniversary commemorative merchandise, equipment, and vehicles; and to defray necessary expenses incidental to those and other activities associated with the 100th anniversary of the West Virginia State Police. This fund expires on December 31, 2019, and remaining funds shall be transferred to the Academy Training and Professional Development Fund.

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

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

(f) There is hereby created in the State Treasury a special revenue account, which is an interest bearing account, to be known as the West Virginia State Police Student Loan Forgiveness Program. The special revenue account shall consist of any appropriations that may be made by the Legislature; income from the investment of moneys held in the special revenue account; and all other sums available for deposit to the special revenue account from any source, public, or private. Any balance remaining in the special revenue account at the end of any state fiscal year does not revert to the General Revenue Fund but remains in the special revenue account and may be used solely in a manner consistent with this article. The superintendent may expend funds from the account for the following purposes: to establish, operate, and award grants to West Virginia State Police employees relating to a student loan forgiveness program.

§15-2-57. West Virginia State Police Loan Forgiveness Program.

(a) *Definitions*.

(1) “Approved institution of higher learning” means a degree-granting or certificate-granting educational institution, including a vocational school, that:

(i) Offers a postsecondary program of education;

(ii) Is located in this state; and

(iii) Is approved by the superintendent.

(2) “Approved program of education” means a curriculum or course of study pursued at an approved institution of higher learning as determined by the Superintendent of the West Virginia State Police.”

(b) *Program established.* The West Virginia State Police Loan Forgiveness Program is established. The program shall provide loan forgiveness awards to qualified applicants in accordance with this section. The superintendent shall administer the program for current members of the West Virginia State Police on a statewide basis.

(c) *Applicants.* A member of the West Virginia State Police who meets the following criteria may apply to the superintendent for loan forgiveness under this section:

(1) Is a resident of this state;

(2) Has been a member of the West Virginia State Police for a period of at least one year in this state;

(3) Has enrolled as a student in an approved program of education and completed a postsecondary degree or certification program; and

(4) Is a member in good standing of the West Virginia State Police.

(d) *Award of loan forgiveness.* The superintendent may provide loan forgiveness for a current member of the West Virginia State police who upon completion of his or her first year of service as a member of the West Virginia State Police and following completion of a postsecondary degree or certification program and, in each subsequent year, who meets all of the following criteria:

(1) Is a recipient of a federally insured student loan;

(2) Has completed a certificate or degree program at an approved institution of higher learning. The certificate or degree program must be an approved program of education;

(3) Is a certified law enforcement officer and member of the West Virginia State Police for at least one year preceding the date of application; and

(4) Executes a sworn affidavit, under penalty of perjury, that the individual does not have a delinquent payment owing to any state governmental agency.

(e) *Amount of awards.* Federally insured student loans for an approved program of education provided to a qualified applicant may be forgiven by the superintendent as follows:

(1) The superintendent may award a qualified applicant’s loan in an amount up to $16,000.

(2) Payment of the award shall be made in accordance with the procedures established by the superintendent.

(3) A qualified applicant may receive loan forgiveness awards as follows:

(A) Upon completion of the member’s first year of service as a member of the West Virginia State Police in an amount up to $4,000, but not exceeding 25 percent of the original qualifying loans.

(B) Upon completion of the member’s second year of service as a member of the West Virginia State Police in an amount up to $4,000, but not exceeding 25 percent of the original qualifying loans.

(C) Upon completion of the member’s third year of service as a member of the West Virginia State Police in an amount up to $8,000, but not exceeding 50 percent of the original qualifying loans.

(f) *Preference.* The superintendent may give preference in approving loan forgiveness awards under the program to renewal applications.

(g) *Funding.* The superintendent may approve loan forgiveness awards only to the extent that funds are appropriated by the Legislature and are sufficient to cover administration of the program. In the event that funding is insufficient to fully fund administration and awards to all qualified applicants, the superintendent shall prorate loan forgiveness awards.

(h) *Certification of personnel status.*

*(1) Application.* An applicant must submit a signed application to his or her detachment commander or immediate supervisor.

(2) *Local sign-off.* The detachment commander or immediate supervisor shall:

(A) Review and sign the application on attesting to the individual’s status as a member in good standing of the West Virginia State Police; and

(B) Forward the application to the superintendent for final review and processing.

(i) *Fund.* There is created in the State Treasury a special revenue account known as the “West Virginia State Police Loan Forgiveness Program Fund” to be administered by the commissioner to implement the provisions of this section. Balances remaining in the fund at the end of the fiscal year do not expire or revert to the general revenue. All costs associated with the administration of this section shall be paid from the West Virginia State Police Loan Forgiveness Program Fund under the direction of the superintendent. Administrative costs are to be minimized and the maximum amount feasible is to be used to fund awards for members of the West Virginia State Police.

NOTE: The purpose of this bill is to establish the West Virginia State Police Loan Forgiveness Program and its accompanying fund in order to implement a loan forgiveness program to encourage the application and retention of highly qualified members of the West Virginia State Police with degrees or certifications.

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