

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 579

FISCAL
NOTE

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JEFFRIES, AND UNGER

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

1 A BILL to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended; and
2 amend said code by adding thereto a new section, designated §15-2-57, all relating to
3 establishing a special revenue account concerning the West Virginia State Police Student
4 Loan Forgiveness Program; establishing the West Virginia State Police Loan Forgiveness
5 Program; establishing rules and procedures governing applications; awarding grants to
6 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.

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

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

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

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

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

64 (f) There is hereby created in the State Treasury a special revenue account, which is an
65 interest bearing account, to be known as the West Virginia State Police Student Loan Forgiveness
66 Program. The special revenue account shall consist of any appropriations that may be made by
67 the Legislature; income from the investment of moneys held in the special revenue account; and
68 all other sums available for deposit to the special revenue account from any source, public, or

69 private. Any balance remaining in the special revenue account at the end of any state fiscal year
 70 does not revert to the General Revenue Fund but remains in the special revenue account and
 71 may be used solely in a manner consistent with this article. The superintendent may expend funds
 72 from the account for the following purposes: to establish, operate, and award grants to West
 73 Virginia State Police employees relating to a student loan forgiveness program.

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

1 (a) Definitions.

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

4 (i) Offers a postsecondary program of education;

5 (ii) Is located in this state; and

6 (iii) Is approved by the superintendent.

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

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

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

16 (1) Is a resident of this state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 (C) Upon completion of the member's third year of service as a member of the West

47 Virginia State Police in an amount up to \$8,000, but not exceeding 50 percent of the original
48 qualifying loans.

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

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

55 (h) Certification of personnel status.

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

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

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

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

62 (i) Fund. There is created in the State Treasury a special revenue account known as the
63 "West Virginia State Police Loan Forgiveness Program Fund" to be administered by the
64 commissioner to implement the provisions of this section. Balances remaining in the fund at the
65 end of the fiscal year do not expire or revert to the general revenue. All costs associated with the
66 administration of this section shall be paid from the West Virginia State Police Loan Forgiveness
67 Program Fund under the direction of the superintendent. Administrative costs are to be minimized
68 and the maximum amount feasible is to be used to fund awards for members of the West Virginia
69 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.