

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

House Bill 4370

BY DELEGATES STEELE, BARRETT, REYNOLDS, SMITH, AND WAMSLEY

(BY REQUEST OF THE DEPARTMENT OF HOMELAND SECURITY)

[Originating in the Committee on Finance; February

25, 2022]

1 A BILL to amend and reenact §15-14-6 and §15-14-9 of the Code of West Virginia, 1931, as
2 amended, all relating to the Statewide Interoperable Radio Network; providing duties for
3 the Statewide Interoperability Executive Committee; authorizing the Statewide
4 Interoperability Executive Committee to revoke, suspend, or modify any entity's use of the
5 Statewide Interoperable Radio Network or equipment connected thereto; and requiring
6 certain state agencies to submit two-way telecommunications equipment to the Division
7 of Emergency Management for cleansing, redistribution, reuse or sale, with proceeds
8 directed to the Statewide Interoperable Radio Network account.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. THE STATEWIDE INTEROPERABLE RADIO NETWORK.

§15-14-6. Duties of the Statewide Interoperability Executive Committee.

1 The Executive Committee shall:

2 (1) Monitor the implementation and operation of the SIRN;

3 (2) Establish goals and guidance for the betterment of the SIRN;

4 (3) Review and approve all requests for use of the SIRN and its equipment, by a public or
5 private entity;

6 (4) ~~Serve as the mechanism for developing, updating and implementing~~ Develop, update,
7 and implement policies, procedures, and guidelines related to the SIRN;

8 (5) Identify new technologies and develop technologies and standards for the SIRN;

9 (6) Enhance the coordination of all available resources for public safety communications
10 interoperability;

11 (7) Investigate all matters relating to integrity, foresight in funding and operations and
12 planning for the SIRN;

13 (8) Revoke, suspend, or modify any entity's use of the SIRN and equipment connected to
14 the SIRN: *Provided*, That nothing in this section shall be construed to invalidate the vertical real

15 estate management act as provided in §31G-5-3 of this code and where in conflict the provisions
16 of §31G-5-3 of this code shall control and prevail;

17 (9) Provide guidance and services to support the proper cleansing of all decommissioned
18 radio previously connected to SIRN; and

19 (10) Require all state agencies to submit two-way telecommunications equipment, not
20 handled by the Office of Technology, to the Division of Emergency Management for cleansing,
21 redistribution, reuse, or for the sale of the two-way telecommunications equipment.

**§15-14-9. Creation of the Statewide Interoperable Radio Network account; purpose;
funding; disbursements.**

1 (a) There is hereby created in the State Treasury a special revenue account to be known
2 as the "Statewide Interoperable Radio Network Account" to be administered by the director. The
3 special revenue account shall consist of appropriations made by the Legislature; income derived
4 from the lease of property, towers or tower space owned, operated or controlled by the
5 WVDHSEM or any other state agency managed as part of the SIRN; moneys received by the
6 Department of Health and Human Resources or WVDHSEM as proceeds of any claims for
7 damages to structures, equipment or property of any kind, including moneys in the Insurance
8 Property Loss Claims Fund administered by the Division of Health; income from the investment
9 of moneys held in the special revenue account; grant money and all other sums available for
10 deposit to the special revenue account from any source, public or private; and moneys received
11 from the sale of recycled two-way telecommunications equipment pursuant to §15-14-6(10) of this
12 code.

13 (b) Expenditures from the Statewide Interoperable Radio Network Account shall be for the
14 purposes set forth in this article and used exclusively, to pay costs, fees and expenses incurred,
15 or to be incurred for the following purposes: (1) The maintenance, upkeep and repair of the SIRN;
16 (2) operations of the Executive Committee; (3) payment of salaries for the SWIC and any
17 personnel required to operate and maintain the SIRN; (4) the design, implementation and

18 management of the SIRN; (5) all other related SIRN activities approved by the Executive
19 Committee; and (6) all costs incurred in the administration of the Statewide Interoperable Radio
20 Network Account. Expenditures from the fund are not authorized from collections but are to be
21 made only in accordance with appropriation by the Legislature and in accordance with the
22 provisions of article three, chapter twelve of this code and upon fulfillment of the provisions of
23 article two, chapter eleven-b of this code: *Provided*, That for the fiscal year ending June 30, 2018,
24 expenditures are authorized from collections rather than pursuant to appropriation by the
25 Legislature.

26 (c) Disbursements from the Statewide Interoperable Radio Network Account shall be
27 authorized by the director or his or her designee. Moneys in the Statewide Interoperable Radio
28 Network Account are not available for the payment of any personal injury claims, workers'
29 compensation claims or other types of disability claims.

30 (d) Quarterly, the director shall prepare an accounting of all moneys disbursed from and
31 any deposits made to the Statewide Interoperable Radio Network Account. This accounting shall
32 include the reason for the withdraw, the recipients of any withdraw, and the source of any deposit.