

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 589

FISCAL
NOTE

By Senators Oliverio, Caputo, Hamilton, and Maroney

[Introduced January 29, 2024; referred
to the Committee on Pensions; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended; and to
 2 amend and reenact §18B-7-5 of said code, all relating to permitting current campus police
 3 officers in this state to participate in the Deputy Sheriffs Retirement System; and
 4 mandating newly hired campus police officers to participate in the Deputy Sheriffs
 5 Retirement System beginning on January 1, 2025.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. GENERAL ADMINISTRATION.

**§18B-4-5. Campus police officers; appointment; qualifications; authority; compensation
and removal; law enforcement grants; pension plan.**

1 (a) The governing boards may appoint qualified individuals to serve as campus police
 2 officers upon any premises owned or leased by the State of West Virginia and under the
 3 jurisdiction of the governing boards, subject to the conditions and restrictions established in this
 4 section.

5 (1) A person who previously was qualified for employment as a law-enforcement officer for
 6 an agency or political subdivision of any state is considered qualified for appointment as a campus
 7 police officer.

8 (2) Before performing duties as a campus police officer in any county, a person shall qualify
 9 as is required of county police officers by:

- 10 (A) Taking and filing an oath of office as required by §6-1-1 *et seq.* of this code; and
- 11 (B) Posting an official bond as required by §6-2-1 *et seq.* of this code.

12 (b) A campus police officer may carry a gun and any other dangerous weapon while on
 13 duty if the officer fulfills the certification requirement for law-enforcement officers under §30-29-5
 14 of this code or meets the requirements of subsection (a) of this section.

15 (c) It is the duty of a campus police officer to preserve law and order:
 16 (1) On the premises under the jurisdiction of the governing board; and

17 (2) On any street, road, or thoroughfare, except controlled access and open country
18 highways, immediately adjacent to or passing through premises, to which the officer is assigned
19 by the president of the institution.

20 (A) For the purpose of this subdivision, the campus police officer is a law-enforcement
21 officer pursuant to the provisions of §30-29-1 *et seq.* of this code;

22 (B) The officer has and may exercise all the powers and authority of a law-enforcement
23 officer as to offenses committed within the area assigned;

24 (C) The officer is subject to all the requirements and responsibilities of a law-enforcement
25 officer;

26 (D) Authority assigned pursuant to this subdivision does not supersede in any way the
27 authority or duty of other law-enforcement officers to preserve law and order on such premises;

28 (E) Campus police officers may assist a local law-enforcement agency on public highways.
29 The assistance may be provided to control traffic in and around premises owned by the state
30 when:

31 (i) Traffic is generated as a result of athletic or other activities conducted or sponsored by
32 the institution; and

33 (ii) The assistance has been requested by the local law-enforcement agency; and

34 (F) Campus police officers may assist a local law-enforcement agency in any location
35 under the agency's jurisdiction at the request of the agency.

36 (d) The salary of a campus police officer is paid by the employing governing board. A state
37 institution may furnish each campus police officer with a firearm and an official uniform to be worn
38 while on duty. The institution shall furnish and require each officer while on duty to wear a shield
39 with an appropriate inscription and to carry credentials certifying the person's identity and authority
40 as a campus police officer.

41 (e) A governing board may at its pleasure revoke the authority of any campus police officer
 42 and such officers serve at the will and pleasure of the governing board. The president of the state
 43 institution shall report the termination of employment of a campus police officer by filing a notice to
 44 that effect in the office of the clerk of each county in which the campus police officer's oath of office
 45 was filed.

46 (f) Notwithstanding any other provisions of this code to the contrary, and for purposes of
 47 enhancing the ability of campus police officers to perform their duties, a governing board may
 48 apply for and receive any public or private grant or other financial award that is available to other
 49 law-enforcement agencies in the state.

50 (g) Current campus police officers may choose to participate in the Deputy Sheriffs
 51 Retirement System, to be administered by the Consolidated Public Retirement Board. Should the
 52 current campus police officer choose to participate in the Deputy Sheriffs Retirement System, no
 53 service credit or dollars accrued may be moved to that system.

54 (h) Effective January 1, 2025, all newly hired campus police officers shall participate in the
 55 Deputy Sheriffs Retirement System.

ARTICLE 7. PERSONNEL GENERALLY.

§18B-7-5. Supplemental and additional retirement plans for employees; payroll deductions; authority to match employee contributions; retroactive curative and technical corrective action.

1 (a) Any reference in this code to the "additional retirement plan" relating to state higher
 2 education employees, means the "higher education retirement plan" provided in this section. Any
 3 state higher education employee participating in a retirement plan upon the effective date of this
 4 section continues to participate in that plan and may not elect to participate in any other state
 5 retirement plan. Any retirement plan continues to be governed by the provisions of law applicable
 6 on the effective date of this section.

7 (b) The commission, on behalf of the council, governing boards and itself, shall contract for
8 a retirement plan for their employees, to be known as the "Higher Education Retirement Plan". The
9 commission, council and governing boards shall make periodic deductions from the salary
10 payments due employees in the amount they are required to contribute to the Higher Education
11 Retirement Plan, which deductions shall be six percent.

12 (c) The commission, council and governing boards may contract for supplemental
13 retirement plans for any or all of their employees to supplement the benefits employees otherwise
14 receive. The commission, council and governing boards may make additional periodic deductions
15 from the salary payments due the employees in the amount they are required to contribute for the
16 supplemental retirement plan.

17 (d) An organization, by way of additional compensation to their employees, shall pay an
18 amount, which, at a minimum, equals the contributions of the employees into the higher education
19 retirement plan from funds appropriated to the commission, council or governing board for
20 personal services.

21 (e) As part of an overall compensation plan, the commission, council or a governing board,
22 each at its sole discretion, may increase its contributions to any employee retirement plan to an
23 amount that exceeds the contributions of employees.

24 (f) Each participating employee has a full and immediate vested interest in the retirement
25 and death benefits accrued from all the moneys paid into the Higher Education Retirement Plan or
26 a supplemental retirement plan for his or her benefit. Upon proper requisition of a governing board,
27 the commission or council, the Auditor periodically shall issue a warrant, payable as specified in
28 the requisition, for the total contributions so withheld from the salaries of all participating
29 employees and for the matching funds of the commission, council or governing board.

30 (g) Any person whose employment commences on or after July 1, 1991, and who is eligible
31 to participate in the Higher Education Retirement Plan, shall participate in that plan and is not

32 eligible to participate in any other state retirement system: *Provided*, That the foregoing provision
33 does not apply to a person designated as a 21st Century Learner Fellow pursuant to §18A-3-11 of
34 this code: *Provided, however, That the foregoing provision does not apply to campus police*
35 *officers in this state pursuant to §18B-4-5 of this code.* The additional retirement plan contracted
36 for by the governing boards prior to July 1, 1991, remains in effect unless changed by the
37 commission. Nothing in this section considers employees of the council or governing boards as
38 employees of the commission, nor is the commission responsible or liable for retirement benefits
39 contracted by, or on behalf of, the council or governing boards.

NOTE: The purpose of this bill is to permit current campus police officers in this state to participate in the Deputy Sheriffs Retirement System (DSRS). The bill also mandates newly hired campus police officers to participate in the DSRS beginning on January 1, 2025.

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