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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# **WEST VIRGINIA LEGISLATURE**

FIRST REGULAR SESSION, 2001

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**ENROLLED**

## **House Bill No. 2847**

(By Delegates Douglas, Kuhn, Butcher,  
Caputo, Flanigan, Prunty and Stalnaker)

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Passed April 14, 2001

In Effect Ninety Days from Passage

**FILED**

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**H. B. 2847**

(BY DELEGATES DOUGLAS, KUHN, BUTCHER,  
CAPUTO, FLANIGAN, PRUNTY AND STALNAKER)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to amend chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-e, all relating to authorizing the superintendent of state police to establish and operate a post exchange at the state police academy; establishing operation procedures; creating special account; limiting the use of proceeds; establishing reporting requirements; authorizing the proposal of rules; and providing for termination.

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

That chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-e, all to read as follows:

**CHAPTER 15. PUBLIC SAFETY**

**ARTICLE 2E. STATE POLICE ACADEMY POST EXCHANGE.**

**§15-2E-1. Definitions.**

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1 As used in this article:

2 (1) "Certain limited items" means personal grooming and  
3 hygiene products, food and beverages, convenience items, and  
4 items bearing the state police emblem or other insignia that are  
5 necessary for training purposes.

6 (2) "Post exchange" means a particular area located at the  
7 state police academy where certain limited items are offered for  
8 sale.

9 (3) "State police academy" means the law-enforcement  
10 training facility established pursuant to section three, article two  
11 of this chapter located at Institute, West Virginia, or an addi-  
12 tional or successor location.

13 (4) "Superintendent" means the superintendent of state  
14 police as established in section two, article two of this chapter.

15 (5) "Training" means and includes instruction for members  
16 of the state police, county sheriffs and deputies, municipal  
17 police, law enforcement officers employed by the division of  
18 natural resources, and other persons employed by state or local  
19 governmental units charged with enforcing state or local laws,  
20 regardless of the length of instruction.

**§15-2E-2. Post exchange authorized.**

1 Notwithstanding any other provision of this code to the  
2 contrary, the superintendent is authorized to establish and  
3 operate a post exchange at the state police academy.

**§15-2E-3. Operation of post exchange.**

1 (a) The state police post exchange may offer certain limited  
2 items for sale to persons attending training at the state police

3 academy, to persons actively employed by the state police and  
4 to persons retired from employment with the state police.

5 (b) The post exchange may only be open at such times as  
6 may be established by the superintendent.

7 (c) The superintendent shall appoint state police employees  
8 to supervise the operation of the post exchange.

9 (d) The superintendent shall establish a system of book-  
10 keeping, accounting and auditing procedures for the proper  
11 handling of funds derived from the operation of the post  
12 exchange.

13 (e) The superintendent shall post a sign in the post ex-  
14 change which states: "In accordance with the provisions of  
15 section seventeen, article two, chapter fifteen of the Code, it is  
16 unlawful for every person who is not a member of the state  
17 police to wear or use the state police uniform, badge, emblem  
18 or other insignia. Any person, who is not a member of the state  
19 police, who wears or uses the state police uniform, badge,  
20 emblem or other insignia shall be guilty of a misdemeanor, and,  
21 upon conviction thereof, shall be fined or jailed or both fined  
22 and jailed".

#### **§15-2E-4. Creation of special account.**

1 All moneys collected from operation of the post exchange  
2 and any money collected from vending machine sales made  
3 pursuant to section three-d, article ten-g, chapter eighteen of  
4 this code, shall be deposited in a special account in the state  
5 treasury to be known as the "state police academy post ex-  
6 change". Expenditures from the fund must be for the purposes  
7 set forth in section five of this article and are not authorized  
8 from collections but are to be made only in accordance with  
9 appropriation by the Legislature and in accordance with the  
10 provisions of article three, chapter twelve of this code and upon

11 fulfillment of the provisions of article two, chapter five-a of this  
12 code: *Provided*, That for the fiscal year ending the thirtieth day  
13 of June, two thousand two, expenditures are authorized from  
14 collections rather than pursuant to appropriation by the Legisla-  
15 ture.

**§15-2E-5. Use of funds from post exchange revenue.**

1 All proceeds derived from the operation of the post  
2 exchange and any money derived from the operation of vending  
3 machines, after the payment of operating expenses, notwith-  
4 standing any provision of this code to the contrary, must be  
5 used exclusively for the publication of the cadet class yearbook  
6 and for repair and alteration of the state police academy.

**§15-2E-6. Post exchange reporting requirements.**

1 The superintendent shall complete and submit to the  
2 governor and the Legislature by the first day of each regular  
3 legislative session a report on the amount of funds derived from  
4 the operation of the post exchange during the previous fiscal  
5 year and how those funds were used.

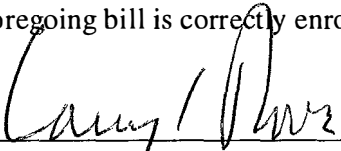
**§15-2E-7. Legislative rules.**

1 The superintendent may propose rules for legislative  
2 approval in accordance with the provisions of article three,  
3 chapter twenty-nine-a of this code relating to the establishment  
4 and operation of the post exchange.

**§15-2E-8. Termination date.**

1 The state police academy post exchange provided for in this  
2 article shall terminate pursuant to the provisions of article ten,  
3 chapter four of this code, on the first day of July two thousand  
4 six, unless continued pursuant to the provisions of that article  
5 by legislation enacted prior to the termination date.

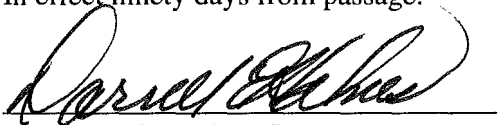
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

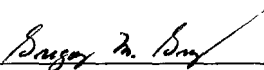
  
Chairman Senate Committee

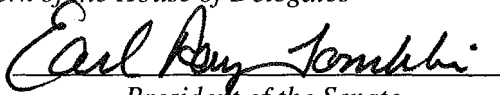
  
Chairman House Committee

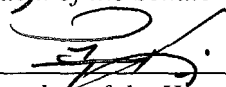
Originating in the House.

In effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 30<sup>th</sup>  
day of April, 2001.

  
Governor

PRESENTED TO THE

GOVERNOR

Date

4/24/01

Time

4:55 pm