

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 308**

BY SENATOR TRUMP

[Originating in the Committee on Natural Resources;

reported on March 13, 2017]

1 A BILL to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating  
2 to natural resources police officers; finding the administrative and law-enforcement  
3 activities of the natural resources police officers are important to the state's conservation,  
4 fish and wildlife; and clarifying that subsistence allowance is pensionable.

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

1 That §20-7-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
2 to read as follows:

**ARTICLE 7. LAW-ENFORCEMENT, MOTORBOATING, LITTER.**

**§20-7-1. Chief natural resources police officer; natural resources police officers; special  
and emergency natural resources police officers; subsistence allowance;  
expenses.**

1 (a) The division's law-enforcement policies, practices and programs are under the  
2 immediate supervision and direction of the division law-enforcement officer selected by the  
3 director and designated as chief natural resources police officer as provided in section thirteen,  
4 article one of this chapter.

5 (b) Under the supervision of the director, the chief natural resources police officer shall  
6 organize, develop and maintain law-enforcement practices, means and methods geared, timed  
7 and adjustable to seasonal, emergency and other needs and requirements of the division's  
8 comprehensive natural resources program. All division personnel detailed and assigned to law-  
9 enforcement duties and services under this section shall be known and designated as natural  
10 resources police officers and are under the immediate supervision and direction of the chief  
11 natural resources police officer except as otherwise provided. All natural resources police officers  
12 shall be trained, equipped and conditioned for duty and services wherever and whenever required  
13 by division law-enforcement needs. The chief natural resources police officer may also assign  
14 natural resources police officers to perform law-enforcement duties on any trail, grounds,  
15 appurtenant facility or other areas accessible to the public within the Hatfield-McCoy Recreation

16 Area, under agreement that the Hatfield-McCoy Regional Recreation Authority, created pursuant  
17 to article fourteen of this chapter, shall reimburse the division for salaries paid to the officers and  
18 shall either pay directly or reimburse the division for all other expenses of the officers in  
19 accordance with actual or estimated costs determined by the chief natural resources police officer.

20 (c) The chief natural resources police officer, acting under supervision of the director, is  
21 authorized to select and appoint emergency natural resources police officers for a limited period  
22 for effective enforcement of the provisions of this chapter when considered necessary because  
23 of emergency or other unusual circumstances. The emergency natural resources police officers  
24 shall be selected from qualified civil service personnel of the division, except in emergency  
25 situations and circumstances when the director may designate officers, without regard to civil  
26 service requirements and qualifications, to meet law-enforcement needs. Emergency natural  
27 resources police officers shall exercise all powers and duties prescribed in section four of this  
28 article for full-time salaried natural resources police officers except the provisions of subdivision  
29 (8), subsection (b) of said section.

30 (d) The chief natural resources police officer, acting under supervision of the director, is  
31 also authorized to select and appoint as special natural resources police officers any full-time civil  
32 service employee who is assigned to, and has direct responsibility for management of, an area  
33 owned, leased or under the control of the division and who has satisfactorily completed a course  
34 of training established and administered by the chief natural resources police officer, when the  
35 action is considered necessary because of law-enforcement needs. The powers and duties of a  
36 special natural resources police officer, appointed under this provision, is the same within his or  
37 her assigned area as prescribed for full-time salaried natural resources police officers. The  
38 jurisdiction of the person appointed as a special natural resources police officer, under this  
39 provision, shall be limited to the division area or areas to which he or she is assigned and directly  
40 manages.

41 (e) The Director of the Division of Forestry is authorized to appoint and revoke Division of

42 Forestry special natural resources police officers who are full-time civil service personnel who  
43 have satisfactorily completed a course of training as required by the Director of the Division of  
44 Forestry. The jurisdiction, powers and duties of Division of Forestry special natural resources  
45 police officers are set forth by the Director of the Division of Forestry pursuant to article three of  
46 this chapter and articles one-a and one-b, chapter nineteen of this code.

47 (f) The chief natural resources police officer, with the approval of the director, has the  
48 power and authority to revoke any appointment of an emergency natural resources police officer  
49 or of a special natural resources police officer at any time.

50 (g) Natural resources police officers are subject to seasonal or other assignment and detail  
51 to duty whenever and wherever required by the functions, services and needs of the division.

52 (h) The chief natural resources police officer shall designate the area of primary residence  
53 of each natural resources police officer, including himself or herself. Since the area of business  
54 activity of the division is actually anywhere within the territorial confines of the State of West  
55 Virginia, actual expenses incurred shall be paid whenever the duties are performed outside the  
56 area of primary assignment and still within the state.

57 (i) Natural resources police officers shall receive, in addition to their base pay salary, a  
58 minimum monthly subsistence allowance for their required telephone service, dry cleaning or  
59 required uniforms, and meal expenses while performing their regular duties in their area of primary  
60 assignment in the amount of \$130 each month, which shall be considered pensionable  
61 compensation as that term is defined in section two, article five, chapter ten of this code. This  
62 subsistence allowance does not apply to special or emergency natural resources police officers  
63 appointed under this section.

64 (j) After June 30, 2010, all those full-time law-enforcement officers employed by the  
65 Division of Natural Resources as conservation officers shall be titled and known as natural  
66 resources police officers. Wherever used in this code the term "conservation officer", or its plural,  
67 means "natural resources police officer", or its plural, respectively.

68 (k) Notwithstanding any provision of this code to the contrary, the provisions of subdivision  
69 (6), subsection c, section twelve, article twenty-one, chapter eleven of this code are inapplicable  
70 to pensions of natural resources police officers paid through the Public Employees Retirement  
71 System.

72 (l) The Legislature hereby finds and declares that the administrative and law-enforcement  
73 activities of the division's natural resources police officers are a vital and integral part of fish and  
74 wildlife conservation in the state. More specifically, the Legislature finds that these activities  
75 directly affect and enhance the conservation and management of the state's fish and wildlife and  
76 the administration of the laws pertaining thereto.

NOTE: The purpose of this bill is to define legislatively that the administrative and law enforcement activities of the natural resources police officers of the Division of Natural Resources are directly related to the conservation and management of the state's fish and wildlife.

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