

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

### **ENROLLED**

## **House Bill 2631**

BY DELEGATES HOTT, D. KELLY, GRAVES, B. WARD,  
WESTFALL, DEAN, PAYNTER, HAMRICK, PHILLIPS, MANDT  
AND PRITT

[Passed March 11, 2022; in effect ninety days from passage.]



1 AN ACT to amend and reenact §20-1-7e of the Code of West Virginia, 1931, as amended, relating  
2 to allowing off duty Natural Resources Police Officers to contract to work for a private  
3 person or entity during off duty hours if work does not violate Division of Natural Resources  
4 law or rules regarding location or nature; expanding authority of chief natural resources  
5 police office to enter contract for certain services with quasi-public entities; and requiring  
6 Division of Natural Resources contracts with public and private entities for certain services  
7 provide liability immunity for Natural Resources Police Officers.

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

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

**§20-7-1e. Natural resources police officers failure to perform duties; penalty; providing extraordinary law enforcement or security services by contract.**

1 (a) Any natural resources police officer who demands or receives from any person, firm  
2 or corporation any money or other thing of value as a consideration for the performance of, or the  
3 failure to perform, his or her duties under the regulations of the chief natural resources police  
4 officer and the provisions of this section, is guilty of a misdemeanor and, upon conviction thereof,  
5 shall be fined not less than \$25 nor more than \$200, or confined in jail for not more than four  
6 months, or both fined and confined.

7 (b) Notwithstanding any other provision of this section to the contrary, the chief natural  
8 resources police officer may contract with the public, quasi-public, military or private entities to  
9 provide extraordinary law enforcement or security services by the Division of Natural Resources  
10 when it is determined by the chief natural resources police officer to be in the public interest. The  
11 chief natural resources police officer may assign personnel, equipment or facilities, and the  
12 division shall be reimbursed for the wages, overtime wages, benefits and costs of providing the  
13 contract services as negotiated between the parties. The compensation paid to natural resources  
14 police officers by virtue of contracts provided in this section shall be paid from a special account  
15 and are excluded from any formulation used to calculate an employee's benefits. All requests for

16 obtaining extraordinary law enforcement or security services shall be made to the chief natural  
17 resources police officer in writing and shall explain the funding source and the authority for making  
18 the request. No officer of the division is required to accept any assignment made pursuant to this  
19 subsection. Every officer assigned to duty hereunder shall be paid according to the hours and  
20 overtime hours actually worked notwithstanding that officer's status as exempt personnel under  
21 the "Federal Labor Standards Act" or applicable state statutes. Every contract entered into under  
22 this subsection shall contain the provision that in the event of public disaster or emergency where  
23 the reassignment to official duty of the officer is required, neither the division nor any of its officers  
24 or other personnel are liable for any damages incurred as the result of the reassignment. Further,  
25 any entity contracting with the Division of Natural Resources or a Natural Resources Police Officer  
26 under this section shall also agree as part of that contract to hold harmless and indemnify the  
27 state, Division of Natural Resources and its personnel from any liability arising out of employment  
28 under that contract.

29         The director is authorized to propose legislative rules, subject to approval by the  
30 Legislature, in accordance with chapter twenty-nine-a of this code relating to the implementation  
31 of contracts entered into pursuant to this subsection: *Provided*, That the rules expressly prohibit  
32 private employment of officers in circumstances involving labor disputes. Notwithstanding any  
33 provision to this article to the contrary, an officer or member may contract to work for a private  
34 person or entity during his or her off duty hours: *Provided, however*, That any such contract work  
35 may not be a type prohibited by this code or the rules of the agency on locations and nature of  
36 security services provided.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2022.

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*Governor*