

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 460**

5 (SENATORS LAIRD, WILLIAMS, D. FACEMIRE AND FANNING, *original sponsors*)

6 _____
7 [Passed March 10, 2011; in effect ninety days from passage.]
8 _____

9
10 AN ACT to amend and reenact §15-10-3 of the Code of West Virginia,
11 1931, as amended; to amend and reenact §19-1A-4 of said code;
12 and to amend and reenact §20-7-1 of said code, all relating to
13 clarifying that Division of Forestry natural resources police
14 officers are under the control and direction of the Director
15 of the Division of Forestry; permitting the director to enter
16 into memorandums of understanding with other law-enforcement
17 agencies; and clarifying the duties of the director.

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

19 That §15-10-3 of the Code of West Virginia, 1931, as amended,
20 be amended and reenacted; that §19-1A-4 of said code be amended and
21 reenacted; and that §20-7-1 of said code be amended and reenacted,
22 all to read as follows:

23 **ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.**

24 **§15-10-3. Definitions.**

25 For purposes of this article only, and unless a different
26 meaning plainly is required:

27 (1) "Criminal justice enforcement personnel" means those

1 persons within the state criminal justice system who are actually
2 employed as members of the State Police, members of the Division of
3 Protective Services, natural resources police officers, chiefs of
4 police and police of incorporated municipalities, and county
5 sheriffs and their deputies, and whose primary duties are the
6 investigation of crime and the apprehension of criminals.

7 (2) "Head of a law-enforcement agency" means the
8 Superintendent of the State Police, the Director of the Division of
9 Protective Services, the chief natural resources police officer of
10 the Division of Natural Resources, a chief of police of an
11 incorporated municipality, a county sheriff or the Director of the
12 Division of Forestry.

13 (3) "State or local law-enforcement officer" means any duly
14 authorized member of a law-enforcement agency who is authorized to
15 maintain public peace and order, prevent and detect crime, make
16 arrests and enforce the laws of the state or any county or
17 municipality thereof, other than parking ordinances, and includes
18 persons employed as campus police officers at state institutions of
19 higher education in accordance with the provisions of section five,
20 article four, chapter eighteen-b of this code, although those
21 institutions may not be considered law-enforcement agencies. The
22 term includes persons employed as rangers by the Hatfield-McCoy
23 Regional Recreation Authority in accordance with the provisions of
24 section six, article fourteen, chapter twenty of this code,
25 although the authority is not a law-enforcement agency.

26 (4) "Head of campus police" means the superintendent or
27 administrative head of state or local law-enforcement officers
28 employed as campus police officers at state institutions of higher

1 education in accordance with the provisions of section five,
2 article four, chapter eighteen-b of this code.

3 (5) "Head of the rangers of the Hatfield-McCoy Regional
4 Recreation Authority" means the superintendent or administrative
5 head of state or local law-enforcement officers employed as rangers
6 by the Hatfield-McCoy Regional Recreation Authority in accordance
7 with the provisions of section six, article fourteen, chapter
8 twenty of this code.

9 **ARTICLE 1A. DIVISION OF FORESTRY.**

10 **§19-1A-4. Additional duties of the Director of the Division of**
11 **Forestry generally.**

12 (a) The director shall:

13 (1) Develop, promote and advance the growth of the forest
14 products industries of this state;

15 (2) Cooperate with educational institutions, development
16 agencies, and private and public organizations to promote the
17 expansion of the forest products industries of this state in local
18 and global markets;

19 (3) Conduct research on marketing and developing forest
20 products and forest products industries; conserving, managing, and
21 utilizing the state's forest land and its multiple uses; and
22 improving the forestry knowledge and practices of private
23 landowners.

24 (4) Compile its findings and recommendations, and disseminate
25 the results of its research to the public, the forest products
26 industry, the Governor and the Legislature.

27 (b) The director has the power to carry out and effectuate the
28 purposes of this article, article one-b of this chapter, and

1 article three of chapter twenty of this code, including the power
2 to:

3 (1) Accept and use gifts, donations or contributions from
4 individuals, organizations or corporations, and to acquire by gift,
5 lease or purchase real estate.

6 (2) Establish law enforcement practices and procedures to
7 address the law enforcement requirements of the division; and

8 (3) To promulgate rules and regulations, subject to the
9 provisions of chapter twenty-nine-a of this code.

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

11 **PART I. LAW ENFORCEMENT, PROCEDURES AND PENALTIES.**

12 **§20-7-1. Chief natural resources police officer; natural resources**
13 **police officers; special and emergency natural**
14 **resources police officers; subsistence allowance;**
15 **expenses.**

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

21 (b) Under the supervision of the director, the chief natural
22 resources police officer shall organize, develop and maintain
23 law-enforcement practices, means and methods geared, timed and
24 adjustable to seasonal, emergency and other needs and requirements
25 of the division's comprehensive natural resources program. All
26 division personnel detailed and assigned to law-enforcement duties
27 and services under this section shall be known and designated as
28 natural resources police officers and are under the immediate

1 supervision and direction of the chief natural resources police
2 officer except as otherwise provided. All natural resources police
3 officers shall be trained, equipped and conditioned for duty and
4 services wherever and whenever required by division law-enforcement
5 needs.

6 (c) The chief natural resources police officer, acting under
7 supervision of the director, is authorized to select and appoint
8 emergency natural resources police officers for a limited period
9 for effective enforcement of the provisions of this chapter when
10 considered necessary because of emergency or other unusual
11 circumstances. The emergency natural resources police officers
12 shall be selected from qualified civil service personnel of the
13 division, except in emergency situations and circumstances when the
14 director may designate officers, without regard to civil service
15 requirements and qualifications, to meet law-enforcement needs.
16 Emergency natural resources police officers shall exercise all
17 powers and duties prescribed in section four of this article for
18 full-time salaried natural resources police officers except the
19 provisions of subdivision (8) of said section.

20 (d) The chief natural resources police officer, acting under
21 supervision of the director, is also authorized to select and
22 appoint as special natural resources police officers any full-time
23 civil service employee who is assigned to, and has direct
24 responsibility for management of, an area owned, leased or under
25 the control of the division and who has satisfactorily completed a
26 course of training established and administered by the chief
27 natural resources police officer, when the action is considered
28 necessary because of law-enforcement needs. The powers and duties

1 of a special natural resources police officer, appointed under this
2 provision, is the same within his or her assigned area as
3 prescribed for full-time salaried natural resources police
4 officers. The jurisdiction of the person appointed as a special
5 natural resources police officer, under this provision, shall be
6 limited to the division area or areas to which he or she is
7 assigned and directly manages.

8 (e) The Director of the Division of Forestry is authorized to
9 appoint and revoke Division of Forestry special natural resources
10 police officers who are full-time civil service personnel who have
11 satisfactorily completed a course of training as required by the
12 Director of the Division of Forestry. The jurisdiction, powers and
13 duties of Division of Forestry special natural resources police
14 officers are set forth by the Director of the Division of Forestry
15 pursuant to article three of this chapter, and articles one-a and
16 one-b, chapter nineteen of this code.

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

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

24 (h) The chief natural resources police officer shall designate
25 the area of primary residence of each natural resources police
26 officer, including himself or herself. Since the area of business
27 activity of the division is actually anywhere within the
28 territorial confines of the State of West Virginia, actual expenses

1 incurred shall be paid whenever the duties are performed outside
2 the area of primary assignment and still within the state.

3 (i) Natural resources police officers shall receive, in
4 addition to their base pay salary, a minimum monthly subsistence
5 allowance for their required telephone service, dry cleaning or
6 required uniforms, and meal expenses while performing their regular
7 duties in their area of primary assignment in the amount of \$130
8 each month. This subsistence allowance does not apply to special
9 or emergency natural resources police officers appointed under this
10 section.

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

17 (k) Notwithstanding any provision of this code to the
18 contrary, the provisions of subdivision six, subsection c, section
19 twelve, article twenty-one, chapter eleven of this code are
20 inapplicable to pensions of natural resources police officers paid
21 through the Public Employees Retirement System.