

COMMITTEE SUBSTITUTE

for

H. B. 2812

(BY DELEGATES CANTERBURY AND O'NEAL)

(Originating in the House Committee on Finance.)

[February 24, 2015]

A BILL to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to certain subsistence allowance considered compensation for purposes of calculating pension benefits for natural resources police officers.

Be it enacted by the Legislature of West Virginia:

That §20-7-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted 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
2 programs are under the immediate supervision and direction of
3 the division law-enforcement officer selected by the director and
4 designated as chief natural resources police officer as provided
5 in section thirteen, article one of this chapter.

6 (b) Under the supervision of the director, the chief natural
7 resources police officer shall organize, develop and maintain
8 law-enforcement practices, means and methods geared, timed
9 and adjustable to seasonal, emergency and other needs and
10 requirements of the division's comprehensive natural resources
11 program. All division personnel detailed and assigned to
12 law-enforcement duties and services under this section shall be
13 known and designated as natural resources police officers and
14 are under the immediate supervision and direction of the chief
15 natural resources police officer except as otherwise provided. All
16 natural resources police officers shall be trained, equipped and

17 conditioned for duty and services wherever and whenever
18 required by division law-enforcement needs.

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

33 (d) The chief natural resources police officer, acting under
34 supervision of the director, is also authorized to select and
35 appoint as special natural resources police officers any full-time
36 civil service employee who is assigned to, and has direct

37 responsibility for management of, an area owned, leased or
38 under the control of the division and who has satisfactorily
39 completed a course of training established and administered by
40 the chief natural resources police officer, when the action is
41 considered necessary because of law-enforcement needs. The
42 powers and duties of a special natural resources police officer,
43 appointed under this provision, is the same within his or her
44 assigned area as prescribed for full-time salaried natural
45 resources police officers. The jurisdiction of the person
46 appointed as a special natural resources police officer, under this
47 provision, shall be limited to the division area or areas to which
48 he or she is assigned and directly manages.

49 (e) The Director of the Division of Forestry is authorized to
50 appoint and revoke Division of Forestry special natural resources
51 police officers who are full-time civil service personnel who
52 have satisfactorily completed a course of training as required by
53 the Director of the Division of Forestry. The jurisdiction, powers
54 and duties of Division of Forestry special natural resources
55 police officers are set forth by the Director of the Division of

56 Forestry pursuant to article three of this chapter, and articles
57 one-a and one-b, chapter nineteen of this code.

58 (f) The chief natural resources police officer, with the
59 approval of the director, has the power and authority to revoke
60 any appointment of an emergency natural resources police
61 officer or of a special natural resources police officer at any
62 time.

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

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

73 (i) Natural resources police officers shall receive, in addition
74 to their base pay salary, a minimum monthly subsistence
75 allowance for their required telephone service, dry cleaning or

76 required uniforms, and meal expenses while performing their
77 regular duties in their area of primary assignment in the amount
78 of \$130 each month: Provided, That only subsistence allowance
79 paid pursuant to this section prior to July 1, 2015, may be
80 considered compensation as defined in section two, article ten,
81 chapter five of this code: *Provided, however, That if a natural*
82 resource officer decides that he or she would rather not have the
83 subsistence allowance considered compensation as authorized by
84 this subsection, he or she must make a written request of the
85 Consolidated Public Retirement Board by December 31, 2015;
86 and upon receipt of the written request, the Consolidated Public
87 Retirement Board shall follow the procedure for correcting
88 errors contained in section forty-four, article ten, chapter five of
89 this code to correct the officer's retirement account. This
90 subsistence allowance does not apply to special or emergency
91 natural resources police officers appointed under this section.

92 (j) After June 30, 2010, all those full time law-enforcement
93 officers employed by the Division of Natural Resources as
94 conservation officers shall be titled and known as natural
95 resources police officers. Wherever used in this code the term

96 “conservation officer,” or its plural, means “natural resources
97 police officer,” or its plural, respectively.

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

