

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2812

FISCAL
NOTE

2015 Carryover

(BY DELEGATES CANTERBURY AND O'NEAL)

[Introduced January 13, 2016; referred to the
Committee on Pensions and Retirement then
Finance.]

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

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
 9 law-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
 12 officers shall be trained, equipped and conditioned for duty and services wherever and whenever
 13 required by division law-enforcement needs.

14 (c) The chief natural resources police officer, acting under supervision of the director, is

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

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

35 (e) The Director of the Division of Forestry is authorized to appoint and revoke Division of
36 Forestry special natural resources police officers who are full-time civil service personnel who
37 have satisfactorily completed a course of training as required by the Director of the Division of
38 Forestry. The jurisdiction, powers and duties of Division of Forestry special natural resources

39 police officers are set forth by the Director of the Division of Forestry pursuant to article three of
40 this chapter, and articles one-a and one-b, chapter nineteen of this code.

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

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

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

51 (i) Natural resources police officers shall receive, in addition to their base pay salary, a
52 minimum monthly subsistence allowance for their required telephone service, dry cleaning or
53 required uniforms, and meal expenses while performing their regular duties in their area of primary
54 assignment in the amount of \$130 each month: Provided, That only subsistence allowance paid
55 pursuant to this section prior to July 1, 2015, may be considered compensation as defined in
56 section two, article ten, chapter five of this code. This subsistence allowance does not apply to
57 special or emergency natural resources police officers appointed under this section.

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

62 (k) Notwithstanding any provision of this code to the contrary, the provisions of subdivision

63 six, subsection c, section twelve, article twenty-one, chapter eleven of this code are inapplicable
64 to pensions of natural resources police officers paid through the Public Employees Retirement
65 System.

NOTE: The purpose of this bill is to clarify use of subsistence allowance in determining compensation for purposes of calculating pension benefits for natural resources police officers.

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