

**WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE**

REGULAR SESSION, 2015



ENROLLED

Senate Bill No. 508

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2015 MAR 13 P 4: 58

FILED

(BY SENATORS COLE (MR. PRESIDENT) AND KESSLER,
BY REQUEST OF THE EXECUTIVE)

[PASSED MARCH 2, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

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[Passed March 2, 2015; in effect ninety days from passage.]

AN ACT to repeal §20-14-6 and §20-14-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-10-3 and §15-10-4 of said code; to amend and reenact §20-7-1 of said code; to amend and reenact §20-14-1, §20-14-2, §20-14-3, §20-14-4, §20-14-5, §20-14-8 and §20-14-9 of said code; to amend said code by adding thereto four new sections, designated §20-14-4a, §20-14-10, §20-14-11 and §20-14-12; to amend and reenact §20-15-2 and §20-15-5 of said code; to amend and reenact §30-29-1 of said code; and to amend and reenact §61-7-6 of said code, all relating to reorganization of Hatfield-McCoy Regional Recreation Authority; removing rangers as law-enforcement officers; providing for law-enforcement services to be provided by natural resources police officers under reimbursement by authority; converting authority to a joint development entity of counties; altering composition of authority's board; removing authorization to issue revenue bonds and create security interests; providing for financial review and oversight of public funds; defining prohibited uses and conduct in recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; creating criminal penalties and civil remedies; and

declaring responsibilities of participants to landowners and lessors in the recreation area.

Be it enacted by the Legislature of West Virginia:

That §20-14-6 and §20-14-7 of the Code of West Virginia, 1931, as amended, be repealed; that §15-10-3 and §15-10-4 of said code be amended and reenacted; that §20-7-1 of said code be amended and reenacted; that §20-14-1, §20-14-2, §20-14-3, §20-14-4, §20-14-5, §20-14-8 and §20-14-9 of said code be amended and reenacted; that said code be amended by adding thereto four new sections, designated §20-14-4a, §20-14-10, §20-14-11 and §20-14-12; that §20-15-2 and §20-15-5 of said code be amended and reenacted; that §30-29-1 of said code be amended and reenacted; and that §61-7-6 of said code be amended and reenacted, all to read as follows:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-3. Definitions.

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

3 (1) "Criminal justice enforcement personnel" means those
4 persons within the state criminal justice system who are
5 actually employed as members of the State Police, members
6 of the Division of Protective Services, natural resources
7 police officers, chiefs of police and police of incorporated
8 municipalities, and county sheriffs and their deputies and
9 whose primary duties are the investigation of crime and the
10 apprehension of criminals.

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

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

28 (4) "Head of campus police" means the superintendent
29 or administrative head of state or local law-enforcement
30 officers employed as campus police officers at state
31 institutions of higher education in accordance with the
32 provisions of section five, article four, chapter eighteen-b of
33 this code.

**§15-10-4. Cooperation between law-enforcement agencies and other
groups of state or local law-enforcement officers.**

1 (a) The head of any law-enforcement agency, or the
2 head of any campus police, as those terms are defined in
3 section three of this article, may temporarily provide
4 assistance and cooperation to another agency of the state

5 criminal justice system or to a federal law-enforcement
6 agency in investigating crimes or possible criminal activity if
7 requested to do so in writing by the head of another
8 law-enforcement agency or federal law-enforcement agency.
9 Such assistance may also be provided upon the request of the
10 head of the law-enforcement agency or federal
11 law-enforcement agency without first being reduced to
12 writing in emergency situations involving the imminent risk
13 of loss of life or serious bodily injury. The assistance may
14 include, but is not limited to, entering into a
15 multijurisdictional task force agreement to integrate federal,
16 state, county and municipal law-enforcement agencies or
17 other groups of state or local law-enforcement officers, or any
18 combination thereof, for the purpose of enhancing
19 interagency coordination, intelligence gathering, facilitating
20 multijurisdictional investigations, providing criminal justice
21 enforcement personnel of the law-enforcement agency to
22 work temporarily with personnel of another agency,
23 including in an undercover capacity, and making available
24 equipment, training, technical assistance and information
25 systems for the more efficient investigation, apprehension
26 and adjudication of persons who violate the criminal laws of
27 this state or the United States and to assist the victims of such
28 crimes. When providing the assistance under this article, a
29 head of a law-enforcement agency shall comply with all
30 applicable statutes, ordinances, rules, policies or guidelines
31 officially adopted by the state or the governing body of the
32 city or county by which he or she is employed and any
33 conditions or restrictions included therein.

34 (b) While temporarily assigned to work with another
35 law-enforcement agency or agencies, criminal justice
36 enforcement personnel and other state and local
37 law-enforcement officers shall have the same jurisdiction,

38 powers, privileges and immunities, including those relating
39 to the defense of civil actions, as such criminal justice
40 enforcement personnel would enjoy if actually employed by
41 the agency to which they are assigned, in addition to any
42 corresponding or varying jurisdiction, powers, privileges and
43 immunities conferred by virtue of their continued
44 employment with the assisting agency.

45 (c) While assigned to another agency or to a
46 multijurisdictional task force, criminal justice enforcement
47 personnel and other state and local law-enforcement officers
48 shall be subject to the lawful operational commands of the
49 superior officers of the agency or task force to which they are
50 assigned, but for personnel and administrative purposes,
51 including compensation, they shall remain under the control
52 of the assisting agency. These assigned personnel shall
53 continue to be covered by all employee rights and benefits
54 provided by the assisting agency, including workers'
55 compensation, to the same extent as though such personnel
56 were functioning within the normal scope of their duties.

57 (d) No request or agreement between the heads of
58 law-enforcement agencies, or the heads of campus police,
59 made or entered into pursuant to this article shall remain in
60 force or effect until a copy of said request or agreement is
61 filed with the office of the circuit clerk of the county or
62 counties in which the law-enforcement agencies, or the
63 campus police, involved operate. Agreements made pursuant
64 to this article shall remain in effect unless and until the
65 agreement is changed or withdrawn in writing by the head of
66 one of the law-enforcement agencies. Upon filing, the
67 requests or agreements may be sealed, subject to disclosure
68 pursuant to an order of a circuit court directing disclosure for
69 good cause. Nothing in this article shall be construed to limit

70 the authority of the head of a law-enforcement agency or the
71 head of campus police to withdraw from any agreement at
72 any time.

73 (e) Nothing contained in this article shall be construed so
74 as to grant, increase, decrease or in any manner affect the
75 civil service protection or the applicability of civil service
76 laws as to any criminal justice enforcement personnel, or as
77 to any state or local law-enforcement officer or agency
78 operating under the authority of this article, nor shall this
79 article in any way reduce or increase the jurisdiction or
80 authority of any criminal justice enforcement personnel, or of
81 any state or local law-enforcement officer or agency, except
82 as specifically provided herein. .

83 (f) Nothing contained in this article shall be construed so
84 as to authorize the permanent consolidation or merger or the
85 elimination of operations of participating federal, state,
86 county and municipal law-enforcement agencies, or other
87 groups of state and local law-enforcement officers, or campus
88 police.

CHAPTER 20. NATURAL RESOURCES.

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
3 of the division law-enforcement officer selected by the
4 director and designated as chief natural resources police
5 officer as provided in section thirteen, article one of this
6 chapter.

7 (b) Under the supervision of the director, the chief natural
8 resources police officer shall organize, develop and maintain
9 law-enforcement practices, means and methods geared, timed
10 and adjustable to seasonal, emergency and other needs and
11 requirements of the division's comprehensive natural
12 resources program. All division personnel detailed and
13 assigned to law-enforcement duties and services under this
14 section shall be known and designated as natural resources
15 police officers and are under the immediate supervision and
16 direction of the chief natural resources police officer except
17 as otherwise provided. All natural resources police officers
18 shall be trained, equipped and conditioned for duty and
19 services wherever and whenever required by division
20 law-enforcement needs. The chief natural resources police
21 officer may also assign natural resources police officers to
22 perform law-enforcement duties on any trail, grounds,
23 appurtenant facility or other areas accessible to the public
24 within the Hatfield-McCoy Recreation Area, under
25 agreement that the Hatfield-McCoy Regional Recreation
26 Authority, created pursuant to article fourteen of this chapter,
27 shall reimburse the division for salaries paid to the officers
28 and shall either pay directly or reimburse the division for all
29 other expenses of the officers in accordance with actual or
30 estimated costs determined by the chief natural resources
31 police officer.

32 (c) The chief natural resources police officer, acting
33 under supervision of the director, is authorized to select and
34 appoint emergency natural resources police officers for a
35 limited period for effective enforcement of the provisions of
36 this chapter when considered necessary because of
37 emergency or other unusual circumstances. The emergency
38 natural resources police officers shall be selected from
39 qualified civil service personnel of the division, except in

40 emergency situations and circumstances when the director
41 may designate officers, without regard to civil service
42 requirements and qualifications, to meet law-enforcement
43 needs. Emergency natural resources police officers shall
44 exercise all powers and duties prescribed in section four of
45 this article for full-time salaried natural resources police
46 officers except the provisions of subdivision (8), subsection
47 (b) of said section.

48 (d) The chief natural resources police officer, acting
49 under supervision of the director, is also authorized to select
50 and appoint as special natural resources police officers any
51 full-time civil service employee who is assigned to, and has
52 direct responsibility for management of, an area owned,
53 leased or under the control of the division and who has
54 satisfactorily completed a course of training established and
55 administered by the chief natural resources police officer,
56 when the action is considered necessary because of
57 law-enforcement needs. The powers and duties of a special
58 natural resources police officer, appointed under this
59 provision, is the same within his or her assigned area as
60 prescribed for full-time salaried natural resources police
61 officers. The jurisdiction of the person appointed as a special
62 natural resources police officer, under this provision, shall be
63 limited to the division area or areas to which he or she is
64 assigned and directly manages.

65 (e) The Director of the Division of Forestry is authorized
66 to appoint and revoke Division of Forestry special natural
67 resources police officers who are full-time civil service
68 personnel who have satisfactorily completed a course of
69 training as required by the Director of the Division of
70 Forestry. The jurisdiction, powers and duties of Division of
71 Forestry special natural resources police officers are set forth

72 by the Director of the Division of Forestry pursuant to article
73 three of this chapter and articles one-a and one-b, chapter
74 nineteen of this code.

75 (f) The chief natural resources police officer, with the
76 approval of the director, has the power and authority to
77 revoke any appointment of an emergency natural resources
78 police officer or of a special natural resources police officer
79 at any time.

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

84 (h) The chief natural resources police officer shall
85 designate the area of primary residence of each natural
86 resources police officer, including himself or herself. Since
87 the area of business activity of the division is actually
88 anywhere within the territorial confines of the state of West
89 Virginia, actual expenses incurred shall be paid whenever the
90 duties are performed outside the area of primary assignment
91 and still within the state.

92 (i) Natural resources police officers shall receive, in
93 addition to their base pay salary, a minimum monthly
94 subsistence allowance for their required telephone service,
95 dry cleaning or required uniforms, and meal expenses while
96 performing their regular duties in their area of primary
97 assignment in the amount of \$130 each month. This
98 subsistence allowance does not apply to special or
99 emergency natural resources police officers appointed under
100 this section.

101 (j) After June 30, 2010, all those full-time
102 law-enforcement officers employed by the Division of
103 Natural Resources as conservation officers shall be titled and
104 known as natural resources police officers. Wherever used in
105 this code the term “conservation officer”, or its plural, means
106 “natural resources police officer”, or its plural, respectively.

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

**ARTICLE 14. HATFIELD-MCCOY REGIONAL RECREATION
AUTHORITY.**

§20-14-1. Legislative findings.

1 The West Virginia Legislature finds that there is a
2 significant need within the state and throughout the eastern
3 United States for well-managed facilities for trail-oriented
4 recreation for off-highway motor vehicle enthusiasts. The
5 Legislature further finds that under an appropriate contractual
6 and management scheme, well-managed, trail-oriented
7 recreation facilities could exist on private property without
8 diminishing the landowner’s interest, control or profitability
9 in the land and without increasing the landowner’s exposure
10 to liability.

11 The Legislature further finds that, with the cooperation of
12 private landowners, there is an opportunity to provide
13 trail-oriented recreation facilities primarily on private property
14 in the mountainous terrain of southern West Virginia and that
15 the facilities will provide significant economic and recreational
16 benefits to the state and to the communities in southern West

17 Virginia through increased tourism in the same manner as
18 whitewater rafting and snow skiing benefit the state and
19 communities surrounding those activities.

20 The Legislature further finds that the creation and
21 empowering of a joint development entity to work with the
22 landowners, county officials and community leaders, state
23 and federal government agencies, recreational user groups
24 and other interested parties to enable and facilitate the
25 implementation of the facilities will greatly assist in the
26 realization of these potential benefits.

27 The Legislature further finds that it is in the best interests
28 of the state to encourage private landowners to make
29 available for public use through the Hatfield-McCoy
30 Regional Recreation Authority land for these recreational
31 purposes by limiting their liability for injury to persons
32 entering thereon, by limiting their liability for injury to the
33 property of persons entering thereon and by limiting their
34 liability to persons who may be injured or otherwise damaged
35 by the acts or omissions of persons entering thereon.

§20-14-2. Definitions.

1 Unless the context clearly requires a different meaning,
2 the terms used in this section have the following meanings:

3 (a) "Authority" means the Hatfield-McCoy Regional
4 Recreational Authority;

5 (b) "Board" means the board of the Hatfield-McCoy
6 Regional Recreation Authority;

7 (c) "Charge" means, for purposes of limiting liability for
8 recreational purposes set forth in this article, the amount of

9 money asked in return for an invitation to enter or go upon
10 the land, including a one-time fee for a particular event,
11 amusement, occurrence, adventure, incident, experience or
12 occasion as set by the authority: *Provided*, That the authority
13 may set charges in differing amounts for different categories
14 of participants, including, but not limited to, in-state and
15 out-of-state participants, as the authority sees fit;

16 (d) "Hatfield-McCoy Recreation Area" means a system
17 of recreational trails and appurtenant facilities, including trail
18 head centers, parking areas, camping facilities, picnic areas,
19 recreational areas, historic or cultural interpretive sites and
20 other facilities that are a part of the system;

21 (e) "Land" includes, but is not limited to, roads, water,
22 watercourses, private ways and buildings, structures and
23 machinery or equipment thereon when attached to the realty;

24 (f) "Owner" means those vested with title to real estate
25 and those with the ability to exercise control over real estate
26 and includes, but is not limited to, tenant, lessee, licensee,
27 holder of a dominant estate or other lawful occupant;

28 (g) "Participant" means any person using the land, trails
29 and facilities of the Hatfield-McCoy Recreation Area;

30 (h) "Participating county or counties" means the counties
31 of Boone, Kanawha, Lincoln, Logan, McDowell, Mercer,
32 Mingo, Wayne and Wyoming that have agreed to operate the
33 Hatfield-McCoy Regional Recreation Authority as a joint
34 development entity and to participate in its governance; and

35 (i) "Recreational purposes" includes, but is not limited to,
36 any one or any combination of the following noncommercial
37 recreational activities: Hunting, fishing, swimming, boating,
38 camping, picnicking, hiking, pleasure driving, motorcycle or

39 motor vehicle driving and riding, bicycling, horseback riding,
40 nature study, water skiing, winter sports and visiting, viewing
41 or enjoying historical, archaeological, scenic or scientific
42 sites or otherwise using land for purposes of the user.

§20-14-3. Creation; appointment of board; terms.

1 (a) The public corporation, the Hatfield-McCoy Regional
2 Recreation Authority, previously created by this section is
3 hereby converted to a new public corporation created as a
4 joint development entity of the participating counties for the
5 purpose of enabling and facilitating the development and
6 operation of a system of trail-oriented recreation facilities for
7 use by off-highway motor vehicle enthusiasts. This
8 recreational trail system shall be located in the counties of
9 Boone, Kanawha, Lincoln, Logan, McDowell, Mercer,
10 Mingo, Wayne and Wyoming with significant portions of the
11 recreational trail system being located on private property
12 made available for use through lease, license, easement or
13 other appropriate legal form by a willing landowner.

14 (b) The authority shall be governed by a board of no
15 more than eighteen members who shall be representative of
16 the various interests involved in the Hatfield-McCoy
17 Recreation Area project in the participating counties and who
18 shall be appointed as follows:

19 (1) The county commission of each participating county,
20 as defined in section two of this article, shall appoint two
21 members of the board as follows:

22 (A) One member who represents and is associated with a
23 corporation or individual landowner whose land is being used
24 or is expected to be used in the future as part of the

25 Hatfield-McCoy Recreation Area project or their designee.
26 This member shall be appointed to a four-year term.

27 (B) One member who represents and is associated with
28 travel and tourism or economic development efforts within
29 the county or who is associated with a mining, logging,
30 natural gas or other resource-extraction industry or who is a
31 licensed land surveyor or licensed professional engineer. The
32 initial appointment shall be for a two-year term, but all
33 subsequent appointments shall be for a four-year term.

34 Any appointed member whose term has expired shall
35 serve until his or her successor has been duly appointed and
36 qualified. Any person appointed to fill a vacancy shall serve
37 only for the unexpired term. Any appointed member is
38 eligible for reappointment. The terms of the members
39 serving as of the date of enactment of the amendments of this
40 section made during the 2015 regular session of the
41 Legislature shall expire on June 30, 2015, and each
42 participating county shall appoint two members to the board
43 of the newly converted public corporation with terms to
44 commence on July 1, 2015. Members of the board are not
45 entitled to compensation for services performed as members
46 but are entitled to reimbursement for all reasonable and
47 necessary expenses actually incurred in the performance of
48 their duties.

49 (c) The conversion of the Hatfield-McCoy Regional
50 Recreation Authority to a joint development entity does not
51 terminate or interrupt its status as a public corporation. The
52 amendments to this article made during the 2015 regular
53 session of the Legislature do not alter the debts, liabilities,
54 responsibilities or other obligations of any party with regard
55 to this public corporation.

56 (d) The Hatfield-McCoy Regional Recreation Authority
57 is a “public body” for purposes of the West Virginia
58 Freedom of Information Act, as provided in article one,
59 chapter twenty-nine-b of this code.

§20-14-4. Board; quorum; executive director; expenses.

1 The board is the governing body of the authority and the
2 board shall exercise all the powers given the authority in
3 this article.

4 The board shall meet quarterly, unless a special meeting
5 is called by its chairman: *Provided*, That at the first
6 meeting of each fiscal year beginning in an odd-numbered
7 year, or as soon thereafter as feasible, the board shall elect
8 a chairman, secretary and treasurer from among its own
9 members.

10 A majority of the members of the board constitutes a
11 quorum and a quorum shall be present for the board to
12 conduct business.

13 The board may prescribe, amend and repeal bylaws and
14 rules governing the manner in which the business of the
15 authority is conducted, rules governing the use of the trail
16 system and the safety of participants and shall review and
17 approve an annual budget. The fiscal year for the authority
18 begins on July 1 and ends on the thirtieth day of the
19 following June.

20 The board shall appoint an executive director to act as its
21 chief executive officer, to serve at the will and pleasure of the
22 board. The board, acting through its executive director, may
23 employ any other personnel considered necessary and may

24 appoint counsel and legal staff for the authority and retain such
25 temporary engineering, financial and other consultants or
26 technicians as may be required for any special study or survey
27 consistent with the provisions of this article. The executive
28 director shall carry out plans to implement the provisions of this
29 article and to exercise those powers enumerated in the bylaws.
30 The executive director shall prepare annually a budget to be
31 submitted to the board for its review and approval prior to the
32 commencement of each fiscal year. The budget shall contain a
33 detailed account of all planned and proposed revenue and
34 expenditures for the authority for the upcoming fiscal year,
35 including a detailed list of employees by title, salary, cost of
36 projected benefits and total compensation. Before August 15
37 the executive director shall provide to the board and the county
38 commission for each participating county a detailed list of
39 actual expenditures and revenue by account and recipient name
40 for the previous fiscal year and a copy of the approved budget
41 for the current fiscal year.

42 All costs incidental to the administration of the authority,
43 including office expenses, personal services expense and
44 current expense, shall be paid in accordance with guidelines
45 issued by the board from funds accruing to the authority.

46 All expenses incurred in carrying out the provisions of
47 this article shall be payable solely from funds provided under
48 the authority of this article and no liability or obligation may
49 be incurred by the authority under this article beyond the
50 extent to which moneys have been provided under the
51 authority of this article.

§20-14-4a. Financial review and oversight.

- 1 (a) The authority shall contract for and obtain an annual
- 2 financial audit to be conducted by a private accounting firm

3 in compliance with generally accepted government auditing
4 standards. When complete, the audit shall be transmitted to
5 the board, the president of the county commission of each
6 participating county and the Legislative Auditor. The cost of
7 the audit shall be paid by the authority.

8 (b) If the authority receives any funds from the
9 Legislature by appropriation or grant, the Legislative Auditor
10 shall have the power and authority to examine the revenues,
11 expenditures and performance of the Hatfield-McCoy
12 Regional Recreation Authority and for these purposes shall
13 have the power to inspect the properties, equipment, facilities
14 of the authority and to request, inspect and obtain copies of
15 any records of the authority. For each fiscal year in which
16 the authority receives any funds from the Legislature by
17 appropriation or grant, the executive director shall provide to
18 the Legislative Auditor and Secretary of Revenue a detailed
19 list of actual expenditures and revenue by account and
20 recipient name for the previous fiscal year within forty-five
21 days of the close of that fiscal year.

§20-14-5. Powers of authority.

1 The authority, as a public corporation and joint
2 development entity, may exercise all powers necessary or
3 appropriate to carry out the purposes of this article, including,
4 but not limited to, the power:

5 (1) To acquire, own, hold and dispose of property, real
6 and personal, tangible and intangible;

7 (2) To lease property, whether as lessee or lessor, and to
8 acquire or grant through easement, license or other
9 appropriate legal form, the right to develop and use property
10 and open it to the use of the public;

11 (3) To mortgage or otherwise grant security interests in
12 its property;

13 (4) To procure insurance against any losses in connection
14 with its property, license or easements, contracts, including
15 hold-harmless agreements, operations or assets in such
16 amounts and from such insurers as the authority considers
17 desirable;

18 (5) To maintain such sinking funds and reserves as the
19 board determines appropriate for the purposes of meeting
20 future monetary obligations and needs of the authority;

21 (6) To sue and be sued, implead and be impleaded and
22 complain and defend in any court;

23 (7) To contract for the provision of legal services by
24 private counsel and, notwithstanding the provisions of article
25 three, chapter five of this code, the counsel may, in addition
26 to the provisions of other legal services, represent the
27 authority in court, negotiate contracts and other agreements
28 on behalf of the authority, render advice to the authority on
29 any matter relating to the authority, prepare contracts and
30 other agreements and provide such other legal services as
31 may be requested by the authority;

32 (8) To adopt, use and alter at will a corporate seal;

33 (9) To make, amend, repeal and adopt bylaws for the
34 management and regulation of its affairs;

35 (10) To appoint officers, agents and employees and to
36 contract for and engage the services of consultants;

37 (11) To make contracts of every kind and nature and to
38 execute all instruments necessary or convenient for carrying
39 on its business, including contracts with any other
40 governmental agency of this state or of the federal
41 government or with any person, individual, partnership or
42 corporation to effect any or all of the purposes of this article;

43 (12) Without in any way limiting any other subdivision
44 of this section, to accept grants and loans from, and enter into
45 contracts and other transactions with, any federal agency;

46 (13) To maintain an office at such places within the state
47 as it may designate;

48 (14) To borrow money and to issue notes and to provide
49 for the payment of notes and to provide for the rights of the
50 holders of the notes and to purchase, hold and dispose of any
51 of its notes;

52 (15) To issue notes payable solely from the revenues or
53 other funds available to the authority, and the authority may
54 issue its notes in such principal amounts as it considers
55 necessary to provide funds for any purpose under this article,
56 including:

57 (A) The payment, funding or refunding of the principal of,
58 interest on or redemption premiums on notes issued by it
59 whether the notes or interest to be funded or refunded have or
60 have not become due;

61 (B) The establishment or increase of reserves to secure or
62 to pay notes or the interest on the notes and all other costs or
63 expenses of the authority incident to and necessary or
64 convenient to carry out its corporate purposes and powers.

65 Notes may be additionally secured by a pledge of any revenues,
66 funds, assets or moneys of the authority from any source
67 whatsoever;

68 (16) To issue renewal notes, except that no renewal notes
69 may be issued to mature more than ten years from the date of
70 issuance of the notes renewed;

71 (17) To apply the proceeds from the sale of renewal notes
72 to the purchase, redemption or payment of the notes to be
73 refunded;

74 (18) To accept gifts or grants of property, funds, security
75 interests, money, materials, labor, supplies or services from the
76 federal government or from any governmental unit or any
77 person, firm or corporation and to carry out the terms or
78 provisions of or make agreements with respect to or pledge any
79 gifts or grants and to do any and all things necessary, useful,
80 desirable or convenient in connection with the procuring,
81 acceptance or disposition of gifts or grants;

82 (19) To the extent permitted under its contracts with the
83 holders of notes of the authority, to consent to any
84 modification of the rate of interest, time of payment of any
85 installment of principal or interest, security or any other term
86 of any note, contract or agreement of any kind to which the
87 authority is a party;

88 (20) To construct, reconstruct, improve, maintain, repair,
89 operate and manage the Hatfield-McCoy Recreation Area at
90 the locations within the participating counties as may be
91 determined by the authority;

92 (21) To enter into an agreement with the West Virginia
93 Division of Natural Resources for natural resources police

94 officers to provide law-enforcement services within the
95 Hatfield-McCoy Recreation Area and to reimburse the
96 Division of Natural Resources for its costs therefor;

97 (22) To exercise all power and authority provided in this
98 article necessary and convenient to plan, finance, construct,
99 renovate, maintain and operate or oversee the operation of the
100 Hatfield-McCoy Recreation Area at such locations within the
101 participating counties as may be determined by the authority;

102 (23) To exercise such other and additional powers as may
103 be necessary or appropriate for the exercise of the powers
104 conferred in this section;

105 (24) To exercise all of the powers which a corporation
106 may lawfully exercise under the laws of this state;

107 (25) To develop, maintain and operate or to contract for
108 the development, maintenance and operation of the
109 Hatfield-McCoy Recreation Area;

110 (26) To enter into contract with landowners and other
111 persons holding an interest in the land being used for its
112 recreational facilities to hold those landowners and other
113 persons harmless with respect to any claim in tort growing
114 out of the use of the land for recreational purposes or growing
115 out of the recreational activities operated or managed by the
116 authority from any claim except a claim for damages
117 proximately caused by the willful or malicious conduct of the
118 landowner or other person or any of his or her agents or
119 employees;

120 (27) To assess and collect a reasonable fee from those
121 persons who use the trails, parking facilities, visitor centers

122 or other facilities which are part of the Hatfield-McCoy
123 Recreation Area and to retain and utilize that revenue for any
124 purposes consistent with this article;

125 (28) To enter into contracts or other appropriate legal
126 arrangements with landowners under which their land is
127 made available for use as part of the Hatfield-McCoy
128 Recreation Area; and

129 (29) To directly operate and manage recreation activities
130 and facilities within the Hatfield-McCoy Recreation Area.

§20-14-8. Prohibited acts, penalty.

1 (a) A person may not enter or remain upon the
2 Hatfield-McCoy Recreation Area without a valid,
3 nontransferable user permit issued by the authority and
4 properly displayed, except properly identified landowners or
5 leaseholders or their officers, employees or agents while on
6 the land that the person owns or leases for purposes related to
7 the ownership or lease of the land and not for recreational
8 purposes;

9 (b) A person may not consume or possess any alcoholic
10 liquor at any time or any location within the Hatfield-McCoy
11 Recreation Area.

12 (c) The operator or passenger of a motor vehicle within
13 the Hatfield-McCoy Recreation Area shall wear
14 size-appropriate protective helmets at all times. All operators
15 and passengers shall wear helmets that meet the current
16 performance specifications established by the American
17 National Standards Institute standard, z 90.1, the United
18 States Department of Transportation Federal Motor Vehicle
19 Safety Standard no. 218 or Snell Memorial Foundation safety
20 standards for protective headgear for vehicle users.

21 (d) Each trail user shall obey all traffic laws,
22 traffic-control devices and signs within the Hatfield-McCoy
23 Recreation Area, including those which restrict trails to
24 certain types of motor vehicles, motorcycles or those
25 equipped with roll cages.

26 (e) Each trail user shall at all times remain within and on
27 a designated and marked trail while within the
28 Hatfield-McCoy Recreation Area.

29 (f) A person may not be on any trail within the
30 Hatfield-McCoy Recreation Area at any time from one-half
31 hour after sunset until one-half hour before sunrise, except in
32 an emergency.

33 (g) Every person within the Hatfield-McCoy Recreation
34 Area who is under sixteen years of age shall at all times be
35 under the immediate supervision of, and within sight of, a
36 person who is at least eighteen years of age and who either is
37 a parent or guardian of the youth or has the express
38 permission of a parent or guardian to supervise the youth. No
39 parent, guardian or supervising adult may allow a child under
40 the age of sixteen years to leave that person's sight and
41 supervision within the Hatfield-McCoy Recreation Area.

42 (h) A person may not ignite or maintain any fire within
43 the Hatfield-McCoy Recreation Area except at a clearly
44 marked location at a trailhead center.

45 (i) A person within the Hatfield-McCoy Recreation Area
46 may not operate a motor vehicle in any competition or
47 exhibition of speed, acceleration, racing, test of physical
48 endurance or climbing ability unless in an event sanctioned
49 by the authority.

50 (j) Every person operating a motor vehicle within the
51 Hatfield-McCoy Recreation Area shall be subject to all of the
52 duties applicable to the driver of a motor vehicle by the
53 provisions of chapter seventeen-c of this code except where
54 inconsistent with the provisions of this article and except as
55 to those provisions of chapter seventeen-c of this code which
56 by their nature can have no application and may not operate
57 a motor vehicle in violation of those duties.

58 (k) A person may not possess a glass container while
59 riding on a motor vehicle within the Hatfield-McCoy
60 Recreation Area.

61 (l) A person may not operate or ride in a utility terrain
62 vehicle, as defined in article one, chapter seventeen-f of this
63 code, or any other motor vehicle with bench or bucket seating
64 and a steering wheel for control unless equipped with seat
65 belts meeting at a minimum federal motor vehicle safety
66 standards and properly worn by the driver and all passengers.

67 (m) A person who violates any provision of this section
68 is guilty of a misdemeanor and, upon conviction thereof, shall
69 be fined not more than \$100. Prosecution or conviction for
70 the misdemeanor described in this subsection shall not
71 prevent or disqualify any other civil or criminal remedies for
72 the conduct prohibited by this section.

§20-14-9. Limiting liability.

1 (a) An owner of land used by, or for the stated purposes
2 of, the Hatfield-McCoy Regional Recreation Authority,
3 whether with or without charge, owes no duty of care to keep
4 the premises safe for entry or use by others for recreational
5 purposes or to give any warning of a dangerous or hazardous

6 condition, use, structure or activity on the premises to persons
7 entering for those purposes.

8 (b) Unless otherwise agreed in writing, an owner who
9 grants a lease, easement or license of land to the authority for
10 recreational purposes, whether with or without charge, owes
11 no duty of care to keep that land safe for entry or use by
12 others or to give warning to persons entering or going upon
13 the land of any dangerous or hazardous conditions, uses,
14 structures or activities thereon. An owner who grants a lease,
15 easement or license of land to the authority for recreational
16 purposes does not by giving a lease, easement or license: (1)
17 Extend any assurance to any person using the land that the
18 premises are safe for any purpose; (2) confer upon those
19 persons the legal status of an invitee or licensee to whom a
20 duty of care is owed; or (3) assume responsibility for or incur
21 liability for any injury to person or property caused by an act
22 or omission of a person who enters upon the leased land. The
23 provisions of this section apply whether the person entering
24 upon the land is an invitee, licensee, trespasser or otherwise.

25 (c) Nothing herein limits in any way any liability which
26 otherwise exists for deliberate, willful or malicious infliction
27 of injury to persons or property: *Provided*, That nothing
28 herein limits in any way the obligation of a person entering
29 upon or using the land of another for recreational purposes to
30 exercise due care in his or her use of the land and in his or her
31 activities thereon, so as to prevent the creation of hazards or
32 the commission of waste by himself or herself.

§20-14-10. Purchasing and bidding procedures.

1 (a) Whenever the authority proposes to purchase or
2 contract for commodities or services reasonably anticipated

3 to equal or exceed \$2,500 in cost, the purchase or contract
4 shall be based on competitive bids. Where the purchase of
5 particular commodities or services is reasonably anticipated
6 to be \$25,000 or less, the executive director may, on behalf
7 of the authority, solicit bids or price quotes in any manner
8 that the executive director deems appropriate and the
9 authority shall obtain its commodities or services by the
10 lowest bid. In lieu of seeking bids or quotes for commodities
11 or services in this price range, the authority may purchase
12 those commodities and services pursuant to state master
13 contracts as provided in section ten-e, article three, chapter
14 five-a of this code.

15 (b) Where the cost for the purchase of commodities or
16 services is reasonably anticipated to exceed \$25,000, the
17 executive director shall solicit sealed bids for the
18 commodities or services to be provided: *Provided*, That the
19 executive director may permit bids by electronic transmission
20 be accepted in lieu of sealed bids. Bids shall be solicited by
21 public notice. The notice shall be published as a Class II
22 legal advertisement in all participating counties in
23 compliance with the provisions of article three, chapter
24 fifty-nine of this code and by such other means as the
25 executive director deems appropriate. The notice shall state
26 the general character of the work and general character of the
27 materials to be furnished, the place where plans and
28 specifications therefor may be examined and the time and
29 place of receiving bids. After all bids are received, the
30 authority shall enter into a written contract with the lowest
31 responsible bidder; however, the authority may reject any or
32 all bids that fail to meet the specifications required by the
33 authority or that exceed the authority's budget estimation for
34 those commodities or services. If the executive director
35 determines in writing that there is only one responsive and

36 responsible bidder and that there has been sufficient public
37 notice to attract competitive bids, he or she may negotiate the
38 price for a noncompetitive award or the specifications for a
39 noncompetitive award based solely on the original purpose of
40 the solicitation.

41 (c) For any contract that exceeds \$25,000 in total cost, the
42 authority shall require the vendors to post a bond, with form
43 and surety to be approved by the authority, in an amount
44 equal to at least fifty percent of the contract price conditioned
45 upon faithful performance and completion of the contract.

46 (d) The bidding requirements specified in this section do
47 not apply to any leases for real property upon which the
48 authority makes improvements for public access to the
49 recreation area, information distribution and welcome
50 centers. This exemption does not apply to leases for offices,
51 vehicle and heavy equipment storage or administrative
52 facilities.

53 (e) Any person who violates a provision of this section is
54 guilty of a misdemeanor and, upon conviction thereof, shall
55 be confined in jail not less than ten days nor more than one
56 year, or fined not less than \$10 nor more than \$1000, or both
57 confined and fined.

§20-14-11. Conflicts of interest prohibiting certain contracts.

1 (a) No contract, change order to a prior contract or
2 renewal of any contract may be awarded or entered by the
3 authority to any vendor or prospective vendor when the
4 vendor or prospective vendor is a member of the board or an
5 employee of the authority, or a spouse, sibling, child or
6 parent of a member of the board or an employee of the
7 authority or to any vendor or prospective vendor in which a
8 member of the board or employee of the authority, or a

9 spouse, sibling, child or parent of a member of the board or
10 an employee of the authority has an ownership interest of
11 greater than five percent.

12 (b) No contract, change order to a prior contract or
13 renewal of any contract may be awarded or entered by the
14 authority to any vendor or prospective vendor when the
15 vendor or prospective vendor is a member of the West
16 Virginia Legislature, or a spouse, sibling, child or parent of
17 a member of the Legislature, or to any vendor or prospective
18 vendor in which a member of the Legislature or a spouse,
19 sibling, child or parent of a member of the Legislature, has an
20 ownership interest of greater than five percent.

21 (c) All responses to bid solicitations, requests for
22 quotation, requests for proposal, contracts, change orders and
23 contract renewals with the authority submitted or approved
24 under the provisions of this article shall include an affidavit
25 that the vendor or prospective vendor is not in violation of
26 this section.

27 (d) Any person who violates a provision of this section is
28 guilty of a misdemeanor and, upon conviction thereof, shall
29 be confined in jail not less than ten days nor more than one
30 year, or fined not less than \$10 nor more than \$1000, or both
31 confined and fined.

§20-14-12. Civil remedies for unlawful purchasing and contracts.

1 The county commission of any participating county may
2 challenge the validity of any contract or purchase entered,
3 solicited or proposed by the authority in violation of section
4 ten or eleven of this article by seeking declaratory or
5 injunctive relief in the circuit court of the county of the
6 challenging party. If the court finds by a preponderance of

7 evidence that the provisions of section ten or eleven of this
8 article have been violated, the court may declare the contract
9 or purchase to be void and may grant any injunctive relief
10 necessary to correct the violations and protect the funds of
11 the authority as a joint development entity.

ARTICLE 15. ATV RESPONSIBILITY ACT.

§20-15-2. Definitions.

1 The terms in this article have the following meaning,
2 unless the context clearly requires a different meaning:

3 (1) "All-terrain vehicle" or "ATV" means any motor
4 vehicle designed for off-highway use and designed to travel
5 on not less than three low-pressure tires, having a seat
6 designed to be straddled by the operator and handlebars for
7 steering control and intended by the manufacturer to be used
8 by a single operator or by an operator and no more than one
9 passenger.

10 (2) "Authorized outfitter" or "licensee" means a
11 commercial outfitter, which is a person, partnership, limited
12 liability company (LLC), corporation, other organization, or
13 any combination thereof, licensed by the Hatfield-McCoy
14 Regional Recreation Authority, who operates from any
15 temporary or permanent camp, private or public lodge, or
16 private home, who provides guided tours or the rental of
17 all-terrain vehicles, utility-terrain vehicles or motorcycles for
18 use on assigned lands for monetary profit or gain.

19 (3) "Low-pressure tire" means every tire in which twenty
20 pounds per square inch or less of compressed air is designed
21 to support the load.

22 (4) “Motorcycle” means any motor vehicle manufactured
23 with no more than two wheels and having a seat or saddle for
24 the use of the operator.

25 (5) “Participant” means any person using the land, trails
26 and facilities of the Hatfield-McCoy Regional Recreation
27 Authority.

28 (6) “Utility-terrain vehicle” or “UTV” means any motor
29 vehicle with four or more low-pressure tires designed for
30 off-highway use, having bench or bucket seating for each
31 occupant and a steering wheel for control.

§20-15-5. Duties of participants.

1 (a) All participants:

2 (1) Shall comply with any requirements established by
3 law, including those in section one, article one, chapter
4 seventeen-f of this code, which defines those acts prohibited
5 by operators of all-terrain vehicles;

6 (2) Shall comply with the rules or regulations established
7 for use of the Hatfield-McCoy Recreation Area;

8 (3) Shall, as to the Hatfield-McCoy Regional Recreation
9 Authority or to any recreation area landowner, lessor,
10 authorized outfitter or licensee, expressly assume the risk of
11 and legal responsibility for any injury, loss or damage to
12 person or property which results from participation in
13 operating an all-terrain vehicle, utility-terrain vehicle or
14 motorcycle, and caused by any of the following:

15 (A) Variations in terrain, slope or angle of terrain;

16 (B) Surface or subsurface conditions, including rocks,
17 trees or other forms of forest growth or debris;

18 (C) Collisions with signs, markers, width restrictors,
19 culverts, bridges, pipes, equipment, vehicles or any other
20 objects or fixtures used in trail management, maintenance,
21 construction or development;

22 (D) Collisions with signs, markers, pipes, equipment,
23 vehicles or any component thereof used in natural resource
24 maintenance, development or extraction;

25 (E) Collisions with electrical transmission poles, towers,
26 lines, guy wires or any component thereof;

27 (4) Shall obey all rules or instructions announced by the
28 Hatfield-McCoy Regional Recreation Authority, authorized
29 outfitter or licensee with regard to the operation of the
30 all-terrain vehicle or motorcycle he or she is operating; and

31 (5) Shall wear all safety equipment provided by the
32 authorized outfitter or licensee, or which might otherwise be
33 required by law.

34 (b) Each participant shall have the sole individual
35 responsibility for:

36 (1) Knowing the range of his or her own ability to
37 negotiate any slope or trail;

38 (2) Operating the ATV, UTV or motorcycle within the
39 limits of the participant's own ability;

40 (3) Maintaining reasonable control of speed and course
41 at all times;

42 (4) Heeding all posted warnings;

43 (5) Operating only on trails designated by the
44 Hatfield-McCoy Regional Recreation Authority; and

45 (6) Refraining from acting in a manner which a
46 reasonable person would believe to be likely to cause or
47 contribute to the injury of any person.

48 (c) If while riding an ATV, UTV or motorcycle any
49 participant collides with any object or person, the
50 responsibility for the collision shall be solely that of the
51 participant or participants involved and not that of the
52 Hatfield-McCoy Regional Recreation Authority, any
53 recreation area landowner, lessor, authorized outfitter or
54 licensee unless the Hatfield-McCoy Regional Recreation
55 Authority, recreation area landowner, lessor, authorized
56 outfitter or licensee or their agent caused the collision in a
57 tortious manner.

58 (d) After an accident, a participant may not leave the area
59 where the accident took place without:

60 (1) Leaving personal identification, including his or her
61 name and address;

62 (2) Notifying the proper authorities; and

63 (3) Obtaining assistance when he or she knows or
64 reasonably should know that any other person involved in the
65 accident is in need of medical or other assistance.

66 (e) Where a participant is a lawful passenger, that
67 participant may not distract or perform any act which might
68 interfere with the safe operation of the all-terrain vehicle,
69 utility-terrain vehicle or motorcycle of which he or she is a
70 passenger.

71 (f) Any person under the age of sixteen years shall remain
72 under the direct supervision and within sight of a parent or
73 guardian both of whom must otherwise comply with state or
74 federal laws and any rules or regulations promulgated
75 thereunder.

76 (g) A participant may not make any alterations or tamper
77 with the all-terrain vehicle, utility-terrain vehicle or
78 motorcycle he or she is operating or of which he or she is a
79 passenger in any way which would interfere with the
80 continued safe operation of that machine.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-1. Definitions.

1 For the purposes of this article, unless a different meaning
2 clearly appears in the context:

3 (1) "Approved law-enforcement training academy" means
4 any training facility which is approved and authorized to
5 conduct law-enforcement training as provided in this article;

6 (2) "Chief executive" means the Superintendent of the
7 State Police; the chief natural resources police officer of the
8 Division of Natural Resources; the sheriff of any West
9 Virginia county; any administrative deputy appointed by the
10 chief natural resources police officer of the Division of
11 Natural Resources; or the chief of any West Virginia
12 municipal law-enforcement agency;

13 (3) "County" means the fifty-five major political
14 subdivisions of the state;

15 (4) "Exempt rank" means any noncommissioned or
16 commissioned rank of sergeant or above;

17 (5) "Governor's Committee on Crime, Delinquency and
18 Correction" or "Governor's committee" means the
19 Governor's Committee on Crime, Delinquency and
20 Correction established as a state planning agency pursuant to
21 section one, article nine, chapter fifteen of this code;

22 (6) "Law-enforcement officer" means any duly
23 authorized member of a law-enforcement agency who is
24 authorized to maintain public peace and order, prevent and
25 detect crime, make arrests and enforce the laws of the state
26 or any county or municipality thereof, other than parking
27 ordinances, and includes those persons employed as campus
28 police officers at state institutions of higher education in
29 accordance with the provisions of section five, article four,
30 chapter eighteen-b of this code, and persons employed by
31 the Public Service Commission as motor carrier inspectors
32 and weight enforcement officers charged with enforcing
33 commercial motor vehicle safety and weight restriction laws
34 although those institutions and agencies may not be
35 considered law-enforcement agencies. The term also
36 includes those persons employed as rangers by resort area
37 districts in accordance with the provisions of section
38 twenty-three, article twenty-five, chapter seven of this code,
39 although no resort area district may be considered a
40 law-enforcement agency: *Provided*, That the subject
41 rangers shall pay the tuition and costs of training. As used
42 in this article, the term "law-enforcement officer" does not
43 apply to the chief executive of any West Virginia
44 law-enforcement agency or any watchman or special natural
45 resources police officer;

46 (7) "Law-enforcement official" means the duly appointed
47 chief administrator of a designated law-enforcement agency or
48 a duly authorized designee;

49 (8) "Municipality" means any incorporated town or city
50 whose boundaries lie within the geographic boundaries of the
51 state;

52 (9) "Subcommittee" or "law-enforcement professional
53 standards subcommittee" means the subcommittee of the
54 Governor's Committee on Crime, Delinquency and Correction
55 created by section two of this article; and

56 (10) "West Virginia law-enforcement agency" means any
57 duly authorized state, county or municipal organization
58 employing one or more persons whose responsibility is the
59 enforcement of laws of the state or any county or municipality
60 thereof: *Provided*, That neither the Public Service Commission
61 nor any state institution of higher education nor any resort area
62 district is a law-enforcement agency.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-6. Exceptions as to prohibitions against carrying concealed handguns; exemptions from licensing fees.

1 (a) The licensure provisions set forth in this article do not
2 apply to:

3 (1) Any person:

4 (A) Carrying a deadly weapon upon his or her own
5 premises;

6 **(B) Carrying a firearm, unloaded, from the place of**
7 **purchase to his or her home, residence or place of business or**
8 **to a place of repair and back to his or her home, residence or**
9 **place of business; or**

10 **(C) Possessing a firearm while hunting in a lawful**
11 **manner or while traveling from his or her home, residence or**
12 **place of business to a hunting site and returning to his or her**
13 **home, residence or place of business;**

14 **(2) Any person who is a member of a properly organized**
15 **target-shooting club authorized by law to obtain firearms by**
16 **purchase or requisition from this state or from the United**
17 **States for the purpose of target practice from carrying any**
18 **pistol, as defined in this article, unloaded, from his or her**
19 **home, residence or place of business to a place of target**
20 **practice and from any place of target practice back to his or**
21 **her home, residence or place of business, for using any such**
22 **weapon at a place of target practice in training and improving**
23 **his or her skill in the use of the weapons;**

24 **(3) Any law-enforcement officer or law-enforcement**
25 **official as defined in section one, article twenty-nine, chapter**
26 **thirty of this code;**

27 **(4) Any employee of the West Virginia Division of**
28 **Corrections duly appointed pursuant to the provisions of**
29 **section eleven-c, article one, chapter twenty-five of this code**
30 **while the employee is on duty;**

31 **(5) Any member of the armed forces of the United States**
32 **or the militia of this state while the member is on duty;**

33 (6) Any resident of another state who holds a valid permit
34 or license to possess or carry a handgun issued by a state or
35 a political subdivision subject to the provisions and
36 limitations set forth in section six-a of this article;

37 (7) Any federal law-enforcement officer or federal police
38 officer authorized to carry a weapon in the performance of
39 the officer's duty; and

40 (8) Any parole officer appointed pursuant to section
41 fourteen, article twelve, chapter sixty-two of this code in the
42 performance of their duties.

43 (b) On and after July 1, 2013, the following judicial
44 officers and prosecutors and staff shall be exempted from
45 paying any application fees or licensure fees required under
46 this article. However, on and after that same date, they shall
47 be required to make application and satisfy all licensure and
48 handgun safety and training requirements set forth in section
49 four of this article before carrying a concealed handgun in
50 this state:

51 (1) Any justice of the Supreme Court of Appeals of West
52 Virginia;

53 (2) Any circuit judge;

54 (3) Any retired justice or retired circuit judge designated
55 senior status by the Supreme Court of Appeals of West
56 Virginia;

57 (4) Any family court judge;

58 (5) Any magistrate;

59 (6) Any prosecuting attorney;

60 (7) Any assistant prosecuting attorney; or

61 (8) Any duly appointed investigator employed by a
62 prosecuting attorney.

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

Paul R. Meyer
.....
Chairman Senate Committee

John B. McZ
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Chuck Barber
.....
Clerk of the Senate

Stephen D. Harris
.....
Clerk of the House of Delegates

Willie P. Hale
.....
President of the Senate

Philip P. Miller
.....
Speaker of the House of Delegates

The within *is approved* this the *15th*
Day of *March*, 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 10 2015

Time 3:13 PM