

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 112

BY SENATORS TRUMP AND BOSO

[Introduced January 10, 2018; Referred
to the Committee on Natural Resources; and then to the
Committee on Pensions]

1 A BILL to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating
2 to natural resources police officers; finding that the administrative and law-enforcement
3 activities of the natural resources police officers are important to the state's conservation
4 of fish and wildlife; and clarifying that the subsistence allowance is pensionable.

Be it enacted by the Legislature of West Virginia:

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 §20-1-13 of this
4 code.

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 law-
9 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 officers
12 shall be trained, equipped, and conditioned for duty and services wherever and whenever
13 required by division law-enforcement needs. The chief natural resources police officer may also
14 assign natural resources police officers to perform law-enforcement duties on any trail, grounds,
15 appurtenant facility, or other areas accessible to the public within the Hatfield-McCoy Recreation
16 Area, under agreement that the Hatfield-McCoy Regional Recreation Authority, created pursuant
17 to article fourteen of this chapter, shall reimburse the division for salaries paid to the officers and

18 shall either pay directly or reimburse the division for all other expenses of the officers in
19 accordance with actual or estimated costs determined by the chief natural resources police officer.

20 (c) The chief natural resources police officer, acting under supervision of the director, is
21 authorized to select and appoint emergency natural resources police officers for a limited period
22 for effective enforcement of the provisions of this chapter when considered necessary because
23 of emergency or other unusual circumstances. The emergency natural resources police officers
24 shall be selected from qualified civil service personnel of the division, except in emergency
25 situations and circumstances when the director may designate officers, without regard to civil
26 service requirements and qualifications, to meet law-enforcement needs. Emergency natural
27 resources police officers shall exercise all powers and duties prescribed in §20-7-4 of this code
28 for full-time salaried natural resources police officers except the provisions of §20-7-4(b)(8) of this
29 code.

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

41 (e) The Director of the Division of Forestry is authorized to appoint and revoke Division of
42 Forestry special natural resources police officers who are full-time civil service personnel who
43 have satisfactorily completed a course of training as required by the Director of the Division of

44 Forestry. The jurisdiction, powers, and duties of Division of Forestry special natural resources
45 police officers are set forth by the Director of the Division of Forestry pursuant to §17-3-1 *et seq.*,
46 §19-1A-1 *et seq.*, and §19-1B-1 *et seq.* of this code.

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

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

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

57 (i) Natural resources police officers shall receive, in addition to their base pay salary, a
58 minimum biweekly subsistence allowance for their required telephone service, dry cleaning, or
59 required uniforms, and meal expenses while performing their regular duties in their area of primary
60 assignment in the amount of \$60 per biweekly pay, which shall be considered pensionable
61 compensation as that term is defined in §5-10-2 of this code. This subsistence allowance does
62 not apply to special or emergency natural resources police officers appointed under this section.

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

67 (k) Notwithstanding any provision of this code to the contrary, the provisions of
68 §11-21-12(c)(6) of this code are inapplicable to pensions of natural resources police officers paid
69 through the Public Employees Retirement System.

70 (l) The Legislature hereby finds and declares that the administrative and law-enforcement
71 activities of the division's natural resources police officers are a vital and integral part of fish and
72 wildlife conservation in the state. More specifically, the Legislature finds that these activities
73 directly affect and enhance the conservation and management of the state's fish and wildlife and
74 the administration of the laws pertaining to that conservation and management.

NOTE: The purpose of this bill is to find that the administrative and law-enforcement activities of the natural resources police officers are important to the state's conservation of fish and wildlife. The bill clarifies that the subsistence allowance is pensionable.

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