

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2631

BY DELEGATES HOTT, D. KELLY, GRAVES, B. WARD,
WESTFALL, DEAN, PAYNTER, HAMRICK, PHILLIPS, MANDT
AND PRITT

[Introduced February 22, 2021; Referred to the
Committee on Agriculture and Natural Resources
then the Judiciary]

1 A Bill to amend and reenact § 20-1-7e of the Code of West Virginia, 1931, as amended, relating
 2 to allowing off duty Natural Resources Police Officers of the Law Enforcement Section of
 3 the West Virginia Division of Natural Resources to contract to work for a private person or
 4 entity during off duty hours if the type of the contract work does not violate Division of
 5 Natural Resources Law Enforcement Section rules as to location or nature.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

**§20-7-1e. Natural resources police ~~officer~~ officers failure to perform duties; performing
~~duties for private persons~~ penalty; providing extraordinary law enforcement or
security services by contract.**

1 (a) Any natural resources police officer ~~who hires himself or herself to any person, firm or~~
 2 ~~corporation to guard private property, or~~ who demands or receives from any person, firm or
 3 corporation any money or other thing of value as a consideration for the performance of, or the
 4 failure to perform, his or her duties under the regulations of the chief natural resources police
 5 officer and the provisions of this section, is guilty of a misdemeanor and, upon conviction thereof,
 6 shall be fined not less than \$25 nor more than \$200, or confined in jail for not more than four
 7 months, or both fined and confined.

8 (b) Notwithstanding any other provision of this section to the contrary, the chief natural
 9 resources police officer may contract with the public, quasi-public, military or private entities to
 10 provide extraordinary law enforcement or security services by the Division of Natural Resources
 11 when it is determined by the chief natural resources police officer to be in the public interest. The
 12 chief natural resources police officer may assign personnel, equipment or facilities, and the
 13 division shall be reimbursed for the wages, overtime wages, benefits and costs of providing the
 14 contract services as negotiated between the parties. The compensation paid to natural resources
 15 police officers by virtue of contracts provided in this section shall be paid from a special account
 16 and are excluded from any formulation used to calculate an employee's benefits. All requests for

17 obtaining extraordinary law enforcement or security services shall be made to the chief natural
18 resources police officer in writing and shall explain the funding source and the authority for making
19 the request. No officer of the division is required to accept any assignment made pursuant to this
20 subsection. Every officer assigned to duty hereunder shall be paid according to the hours and
21 overtime hours actually worked notwithstanding that officer's status as exempt personnel under
22 the "Federal Labor Standards Act" or applicable state statutes. Every contract entered into under
23 this subsection shall contain the provision that in the event of public disaster or emergency where
24 the reassignment to official duty of the officer is required, neither the division nor any of its officers
25 or other personnel are liable for any damages incurred as the result of the reassignment. Further,
26 any entity contracting with the Division of Natural Resources or a Natural Resources Police Officer
27 under this section shall also agree as part of that contract to hold harmless and indemnify the
28 state, Division of Natural Resources and its personnel from any liability arising out of employment
29 under that contract.

30 The director is authorized to propose legislative rules, subject to approval by the
31 Legislature, in accordance with chapter twenty-nine-a of this code relating to the implementation
32 of contracts entered into pursuant to this subsection: *Provided*, That the rules expressly prohibit
33 private employment of officers in circumstances involving labor disputes. Notwithstanding any
34 provision to this article to the contrary, an officer or member may contract to work for a private
35 person or entity during his or her off duty hours: *Provided, however, That any such contract work*
36 may not be a type prohibited by this code or the rules of the agency on locations and nature of
37 security services provided.

NOTE: The purpose of this bill is to authorize off-duty Natural Resource Police Officers to accept employment to provide security services.

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