WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
Committee Substitute for
HOUSE BILL No. 1618

(By Mr. Allen & Mr. Chapin)

PASSED March 17, 1976

In Effect July 1, 1976

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 4/1/76
AN ACT to amend and reenact section one, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the department of natural resources and law enforcement thereof; providing for the chief conservation officer, other conservation officers, and special and emergency conservation officers; and providing for designation of area of primary residence of each conservation officer, subsistence allowance for the chief conservation officer and other conservation officers, and expenses therefor.

Be it enacted by the Legislature of West Virginia:

That section one, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7. LAW ENFORCEMENT, PROCEDURES AND PENALTIES; MOTORBOATING.

§20-7-1. Chief conservation officer; conservation officers; special and emergency conservation officers; subsistence allowance; expenses.

1 The department's law-enforcement policies, practices and
programs shall be under the immediate supervision and direc-
tion of the department law-enforcement officer selected by the
director and designated as chief conservation officer as pro-
vided in article one hereof.

Under the supervision of the director, the chief conserva-
tion officer shall organize, develop and maintain law-enforce­
ment practices, means and methods geared, timed and adjust-
able to seasonal, emergency and other needs and requirements
of the department's comprehensive natural resources program.
All department personnel detailed and assigned to law-enforce-
ment duties and services hereunder shall be known and design-
ated as conservation officers and shall be under the immed-
iate supervision and direction of the chief conservation officer.
All such conservation officers shall be trained, equipped and
conditioned for duty and services wherever and whenever re-
quired by department law-enforcement needs.

The chief conservation officer, acting under supervision of
the director, is authorized to select and appoint emergency con-
servation officers for a limited period of time for effective en-
forcement of the provisions of this chapter when considered
necessary because of emergency or other unusual circum-
stances. The emergency conservation officers shall be selected
from qualified civil service personnel of the department, except
in emergency situations and circumstances when the director
may designate such officers, without regard to such require-
ments and qualifications, to meet law-enforcement needs.
Emergency conservation officers shall exercise all powers and
duties prescribed in section four of this article for full-time
salaried conservation officers except the provisions of sub-
division (8).

The chief conservation officer, acting under supervision of
the director, is also authorized to select and appoint as
special conservation officers any full-time civil service em-
pLOYEE of the department who is assigned to, and has direct
responsibility for management of an area owned, leased or
under the control of the department and who has satisfactorily
completed a course of training established and administered
by the chief conservation officer, when such action is deemed
necessary because of law-enforcement needs. The powers and
duties of a special conservation officer, appointed under this provision, shall be the same within his assigned area as prescribed for full-time salaried conservation officers. The jurisdiction of such persons appointed as a special conservation officer, under this provision, shall be limited to the department area or areas to which he is assigned, resides on and directly manages.

The chief conservation officer, acting under supervision of the director, is also authorized to appoint as special conservation officers any full-time civil service forest fire control personnel who have satisfactorily completed a course of training established and administered by the chief conservation officer. The jurisdiction of forest fire control personnel appointed as special conservation officers shall be limited to the enforcement of the provisions of article three of this chapter.

The chief conservation officer, with the approval of the director, shall have the power and authority to revoke any such appointment of an emergency conservation officer or of a special conservation officer at any time.

Conservation officers shall be subject to seasonal or other assignment and detail to duty whenever and wherever required by the functions, services and needs of the department.

The chief conservation officer shall designate the area of primary residence of each conservation officer, including himself, and in lieu of providing quarters and meals in such area as designated and assigned, the chief conservation officer and each full-time, uniformed conservation officer whose primary duty is law enforcement, shall be paid, in addition to salary, a subsistence allowance to be provided for by appropriation of the Legislature. Since the area of business activity of the department is actually anywhere within the territorial confines of the state of West Virginia, such subsistence allowance shall be paid as the most convenient means of providing meals and quarters in the area of assignment; such subsistence allowance shall be paid, together with actual expenses incurred, whenever duties are performed outside the area of primary assignment and still within the state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect July 1, 1976.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 31st day of , 1976.

Governor
PRESENTED TO THE GOVERNOR

Date 3/25/76
Time 2:00 P.M.