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OFFICE OF  
SECRETARY OF STATE  
CHARLES EAST VIRGINIA

**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* ..... Passage.



**FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA**

**THIS DATE 4/1/76**

**ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**H. B. 1618**

**(By MR. ALLEN and MR. CHAFIN)**

**(Originating in the House Committee on Finance.)**

[Passed March 17, 1976; in effect July 1, 1976.]

**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 allow-  
ance; expenses.**

1 The department's law-enforcement policies, practices and

2 programs shall be under the immediate supervision and direc-  
3 tion of the department law-enforcement officer selected by the  
4 director and designated as chief conservation officer as pro-  
5 vided in article one hereof.

6 Under the supervision of the director, the chief conserva-  
7 tion officer shall organize, develop and maintain law-enforce-  
8 ment practices, means and methods geared, timed and adjust-  
9 able to seasonal, emergency and other needs and requirements  
10 of the department's comprehensive natural resources program.  
11 All department personnel detailed and assigned to law-enforce-  
12 ment duties and services hereunder shall be known and desig-  
13 nated as conservation officers and shall be under the immedi-  
14 ate supervision and direction of the chief conservation officer.  
15 All such conservation officers shall be trained, equipped and  
16 conditioned for duty and services wherever and whenever re-  
17 quired by department law-enforcement needs.

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

32 The chief conservation officer, acting under supervision of  
33 the director, is also authorized to select and appoint as  
34 special conservation officers any full-time civil service em-  
35 ployee of the department who is assigned to, and has direct  
36 responsibility for management of an area owned, leased or  
37 under the control of the department and who has satisfactorily  
38 completed a course of training established and administered  
39 by the chief conservation officer, when such action is deemed  
40 necessary because of law-enforcement needs. The powers and

41 duties of a special conservation officer, appointed under  
42 this provision, shall be the same within his assigned area as  
43 prescribed for full-time salaried conservation officers. The  
44 jurisdiction of such persons appointed as a special conserva-  
45 tion officer, under this provision, shall be limited to the  
46 department area or areas to which he is assigned, resides on  
47 and directly manages.

48 The chief conservation officer, acting under supervision of  
49 the director, is also authorized to appoint as special con-  
50 servation officers any full-time civil service forest fire control  
51 personnel who have satisfactorily completed a course of train-  
52 ing established and administered by the chief conservation  
53 officer. The jurisdiction of forest fire control personnel  
54 appointed as special conservation officers shall be limited to  
55 the enforcement of the provisions of article three of this  
56 chapter.

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

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

64 The chief conservation officer shall designate the area of  
65 primary residence of each conservation officer, including him-  
66 self, and in lieu of providing quarters and meals in such area  
67 as designated and assigned, the chief conservation officer and  
68 each full-time, uniformed conservation officer whose primary  
69 duty is law enforcement, shall be paid, in addition to salary, a  
70 subsistence allowance to be provided for by appropriation of  
71 the Legislature. Since the area of business activity of the de-  
72 partment is actually anywhere within the territorial confines of  
73 the state of West Virginia, such subsistence allowance shall be  
74 paid as the most convenient means of providing meals and  
75 quarters in the area of assignment; such subsistence allowance  
76 shall be paid, together with actual expenses incurred, when-  
77 ever duties are performed outside the area of primary assign-  
78 ment and still within the state.

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

James L. Davis  
Chairman Senate Committee

Clarence C. Christensen  
Chairman House Committee

Originated in the House.

Takes effect July 1, 1976.

John Dillon, Jr.  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. S. Byrd  
President of the Senate

Lewis H. McManus  
Speaker House of Delegates

The within approved this the 31<sup>st</sup>  
day of March, 1976.

Paula Chase, Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/25/76

Time 2:00 p.m.