WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
SENATE BILL NO. 255

(By Mr. Durland)

PASSED April 8, 1981

In Effect ninety days from Passage
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 department of natural resources law-enforcement procedures and penalties; removing the requirement that special conservation officers employed by the department of natural resources reside on state park premises; and deleting the provision allowing a subsistence allowance to be paid to the chief conservation officer and full-time uniformed conservation officers.

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; MOTOR BOATING.

PART I. LAW ENFORCEMENT, PROCEDURES AND PENALTIES.

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

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

Under the supervision of the director, the chief conservation officer shall organize, develop and maintain law-enforcement practices, means and methods geared, timed and adjustable to seasonal, emergency and other needs
and requirements of the department's comprehensive natural resources program. All department personnel detailed and assigned to law-enforcement duties and services hereunder shall be known and designated as conservation officers and shall be under the immediate 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 required by department law-enforcement needs.

The chief conservation officer, acting under supervision of the director, is authorized to select and appoint emergency conservation officers for a limited period of time for effective enforcement of the provisions of this chapter when considered necessary because of emergency or other unusual circumstances. 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 requirements 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 subdivision (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 employee 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 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. Since the area of business activity of the department is actually anywhere within the territorial confines of the state of West Virginia, actual expenses incurred shall be paid whenever the 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.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 24

day of April, 1981.

[Signature]
Governor