

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-24-81

Time _____

No: 255

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981



ENROLLED

SENATE BILL NO. 255

(By Mr. Dureland)



PASSED April 8, 1981

In Effect ninty days from Passage



ENROLLED
Senate Bill No. 255
(By MR. MORELAND)

[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.

- 1 The department's law-enforcement policies, practices and
- 2 programs shall be under the immediate supervision and
- 3 direction of the department law-enforcement officer selected
- 4 by the director and designated as chief conservation officer as
- 5 provided in article one hereof.
- 6 Under the supervision of the director, the chief
- 7 conservation officer shall organize, develop and maintain
- 8 law-enforcement practices, means and methods geared,
- 9 timed and adjustable to seasonal, emergency and other needs

10 and requirements of the department's comprehensive natural
11 resources program. All department personnel detailed and
12 assigned to law-enforcement duties and services hereunder
13 shall be known and designated as conservation officers and
14 shall be under the immediate supervision and direction of the
15 chief conservation officer. All such conservation officers shall
16 be trained, equipped and conditioned for duty and services
17 wherever and whenever required by department
18 law-enforcement needs.

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

33 The chief conservation officer, acting under supervision of
34 the director, is also authorized to select and appoint as special
35 conservation officers any full-time civil service employee of
36 the department who is assigned to, and has direct
37 responsibility for management of, an area owned, leased or
38 under the control of the department and who has
39 satisfactorily completed a course of training established and
40 administered by the chief conservation officer, when such
41 action is deemed necessary because of law-enforcement
42 needs. The powers and duties of a special conservation
43 officer, appointed under this provision, shall be the same
44 within his assigned area as prescribed for full-time salaried
45 conservation officers. The jurisdiction of such persons
46 appointed as a special conservation officer, under this
47 provision, shall be limited to the department area or areas to
48 which he is assigned and directly manages.

49 The chief conservation officer, acting under supervision of
50 the director, is also authorized to appoint as special
51 conservation officers any full-time civil service forest fire
52 control personnel who have satisfactorily completed a course

53 of training established and administered by the chief
54 conservation officer. The jurisdiction of forest fire control
55 personnel appointed as special conservation officers shall be
56 limited to the enforcement of the provisions of article three of
57 this chapter.

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

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

66 The chief conservation officer shall designate the area of
67 primary residence of each conservation officer, including
68 himself. Since the area of business activity of the department
69 is actually anywhere within the territorial confines of the
70 state of West Virginia, actual expenses incurred shall be paid
71 whenever the duties are performed outside the area of
72 primary assignment and still within the state.

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

L. T. Baylon
Chairman Senate Committee

Tommy E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Josiah C. Wells
Clerk of the Senate

V. Blackenship
Clerk of the House of Delegates

Walter L. Brown
President of the Senate

Wayne H. Lee, Jr.
Speaker House of Delegates

The within is approved this the 24

day of April, 1981.

John R. Brown
Governor

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OFFICE OF THE GOVERNOR