

SB 434

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 434

(By Senator DITTMAR)



PASSED MARCH 11, 1995

In Effect 90 Days from Passage

ENROLLED
Senate Bill No. 434

(BY SENATOR DITTMAR)

[Passed March 11, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section fifty, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections one-a and one-c, article seven of said chapter, all relating to wildlife resources; issuance of permits for collection of wildlife for scientific or education purposes; promulgation of rules; conservation officers being excluded from coverage of wage and hour laws; promulgation of rules; salary increase based on length of service; rank; salary schedule; base pay; and exceptions.

Be it enacted by the Legislature of West Virginia:

That section fifty, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that sections one-a and one-c, article seven of said chapter be amended and reenacted, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-50. Permit to hunt, kill, etc., wildlife for scientific or propagation purposes.

1 The director may issue a permit to a person to hunt,
2 kill, take, capture or maintain in captivity wildlife
3 exclusively for scientific purposes, but not for any
4 commercial purposes. Any person desiring to collect or
5 procure any wildlife, including any body tissue, organ or
6 other portion thereof, eggs, nesting materials or other
7 materials from the habitat of such wildlife shall be
8 required to make application to the director for a
9 scientific collecting permit. The director shall promul-
10 gate rules in accordance with the provisions of chapter
11 twenty-nine-a of this code regarding the issuance of the
12 permits. A permit may be issued only upon written
13 application to the director setting forth at least:

14 (1) The number and kind of wildlife to be taken;

15 (2) The purpose and manner of taking;

16 (3) The name, residence, profession and educational or
17 scientific affiliation of the person applying for the
18 permit; and

19 (4) The geographic location where the collection or
20 procurement is planned to take place.

21 No charge shall be made for this permit: *Provided,*
22 That no permit shall be issued for the purpose of killing
23 deer and bear.

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-1a. Conservation officers excluded from coverage under wage and hour laws; regulation; salary increase based on length of service.

1 (a) Effective the first day of January, one thousand
2 nine hundred ninety, each conservation officer shall
3 receive and be entitled to an increase in salary based on
4 length of service, including that heretofore and hereafter
5 served, as a conservation officer as follows: For five
6 years of service with the department, a conservation

7 officer shall receive a salary increase of three hundred
8 dollars per year payable during his or her next three
9 years of service and a like increase at three-year inter-
10 vals thereafter, with these increases to be cumulative:
11 *Provided*, That for purposes of calculating a salary
12 increase, a maximum of twenty-five years of service
13 shall be applicable. A salary increase shall be based
14 upon years of service as of the first day of July of each
15 year and may not be recalculated until the first day of
16 July of the following year.

17 Conservation officers in service at the time the amend-
18 ment to this section becomes effective shall be given
19 credit for prior service and shall be paid such salaries as
20 the same length of service will entitle them to receive
21 under the provisions hereof.

22 (b) The director shall promulgate rules regarding
23 overtime pay for conservation officers in accordance
24 with chapter twenty-nine-a of this code: *Provided*, That
25 such rules shall provide for the awarding of one and one-
26 half hours compensatory time for each hour of overtime
27 in lieu of cash overtime compensation.

28 (c) This section does not apply to special or emergency
29 conservation officers appointed under the authority of
30 section one of this article.

**§20-7-1c. Conservation officers, ranks, salary schedule, base
pay, exceptions.**

1 (a) Notwithstanding any provision of this code to the
2 contrary, the ranks within the law-enforcement section
3 of the division of natural resources shall be colonel,
4 lieutenant colonel, major, captain, lieutenant, sergeant,
5 conservation officer and conservation officer-in-train-
6 ing. Each such officer while in uniform shall wear the
7 insignia of rank as provided by the chief conservation
8 officer.

9 (b) Conservation officers shall be paid the minimum
10 annual salaries based on the following schedule:

11	ANNUAL SALARY SCHEDULE (BASE PAY)	
12	SUPERVISORY AND NONSUPERVISORY RANKS	
13	Conservation Officer-In-Training	\$ 21,725
14	(first year)	
15	Conservation Officer (second year)	\$ 23,914
16	Conservation Officer (third year)	\$ 24,186
17	Conservation Officer (fourth year)	\$ 24,398
18	Conservation Officer (after fifth year)	\$ 25,976
19	Conservation Officer (after tenth year)	\$ 27,554
20	Conservation Officer (after fifteenth year)	\$ 28,954
21	Sergeant	\$ 32,577
22	Lieutenant	\$ 35,397
23	Captain	\$ 37,683
24	Major	\$ 39,966
25	Lieutenant Colonel	\$ 42,008
26	Colonel	

27 Conservation officers in service at the time the amend-
 28 ment to this section becomes effective shall be given
 29 credit for prior service and shall be paid such salaries as
 30 the same length of service will entitle them to receive
 31 under the provisions hereof.

32 (c) This section does not apply to special or emergency
 33 conservation officers appointed under the authority of
 34 section one of this article.

35 (d) Nothing in this section shall prohibit other pay
 36 increases as provided for under section two, article five,
 37 chapter five of this code.

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

Randy Schriver
.....
Chairman Senate Committee

Ernst C. Moon
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Barry E. Schuler
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Paul E. Cline
.....
Speaker House of Delegates

The within this the.....
day of, 1995.

.....
Governor

PRESENTED TO THE

GOVERNOR

Date 5/24/95

Time 4:01 PM