WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

Com. Sub. For

HOUSE BILL No. 4420

(By Delegates Mezzatesta, Osborne, Ball, Williams)

Passed March 9 1996

In Effect Ninety Days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4420

(BY DELEGATES MEZZATESTA, OSBORNE, BALL AND WILLIAMS)

[Passed March 9, 1996; 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 conservation officers; selection, appointment, powers and duties of emergency and special conservation officers; revocation of appointments; designation of conservation officer's primary residence; providing a monthly subsistence allowance for regularly appointed conservation officers and establishing that sum at one hundred thirty dollars per month.

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, MOTORBOATING, LITTER.

PART I. LAW ENFORCEMENT, PROCEDURES AND PENALTIES.

§20-7-1. Chief conservation officer; conservation officers; special and emergency conservation officers; subsistence allowance; expenses.
The division's law-enforcement policies, practices and programs shall be under the immediate supervision and direction of the division law-enforcement officer selected by the director and designated as chief conservation officer as provided in section thirteen, article one of this chapter.

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 division's comprehensive natural resources program. All division personnel detailed and assigned to law-enforcement duties and services under this section shall be known and designated as conservation officers and shall be under the immediate supervision and direction of the chief conservation officer. All conservation officers shall be trained, equipped and conditioned for duty and services wherever and whenever required by division 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 division, except in emergency situations and circumstances when the director may designate officers, without regard to civil service 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) of said section.

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 who is assigned to, and has direct re-
sponsibility for management of, an area owned, leased or
under the control of the division and who has satisfactorily
completed a course of training established and adminis-
tered by the chief conservation officer, when such action is
considered necessary because of law-enforcement needs.
The powers and duties of a special conservation officer,
appointed under this provision, is the same within his or
her assigned area as prescribed for full-time salaried con-
servation officers. The jurisdiction of the person appoint-
ed as a special conservation officer, under this provision,
shall be limited to the division area or areas to which he or
she is assigned and directly manages.

The chief conservation officer, acting under supervi-
sion 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 offi-
cers is limited to the enforcement of the provisions of
article three of this chapter.

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

Conservation officers are subject to seasonal or other
assignment and detail to duty whenever and wherever
required by the functions, services and needs of the divi-

The chief conservation officer shall designate the area
of primary residence of each conservation officer, includ-
ing himself or herself. Since the area of business activity
of the division 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.
Conservation officers shall receive, in addition to their base pay salary, a minimum monthly subsistence allowance for their required telephone service, dry cleaning of required uniforms, and meal expenses while performing their regular duties in their area of primary assignment in the amount of one hundred thirty dollars each month. This subsistence allowance does not apply to special or emergency conservation officers appointed under this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 20th day of March, 1996.

Governor