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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

Com. Sub. For
HOUSE BILL No. 4420

(By Delegate 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.

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1 The division's law-enforcement policies, practices and
2 programs shall be under the immediate supervision and
3 direction of the division law-enforcement officer selected
4 by the director and designated as chief conservation offi-
5 cer as provided in section thirteen, article one of this chap-
6 ter.

7 Under the supervision of the director, the chief con-
8 servation officer shall organize, develop and maintain law-
9 enforcement practices, means and methods geared, timed
10 and adjustable to seasonal, emergency and other needs
11 and requirements of the division's comprehensive natural
12 resources program. All division personnel detailed and
13 assigned to law-enforcement duties and services under this
14 section shall be known and designated as conservation
15 officers and shall be under the immediate supervision and
16 direction of the chief conservation officer. All conserva-
17 tion officers shall be trained, equipped and conditioned
18 for duty and services wherever and whenever required by
19 division law-enforcement needs.

20 The chief conservation officer, acting under supervi-
21 sion of the director, is authorized to select and appoint
22 emergency conservation officers for a limited period of
23 time for effective enforcement of the provisions of this
24 chapter when considered necessary because of emergency
25 or other unusual circumstances. The emergency conser-
26 vation officers shall be selected from qualified civil service
27 personnel of the division, except in emergency situations
28 and circumstances when the director may designate offi-
29 cers, without regard to civil service requirements and qual-
30 ifications, to meet law-enforcement needs. Emergency
31 conservation officers shall exercise all powers and duties
32 prescribed in section four of this article for full-time sala-
33 ried conservation officers except the provisions of subdivi-
34 sion (8) of said section.

35 The chief conservation officer, acting under supervi-
36 sion of the director, is also authorized to select and ap-
37 point as special conservation officers any full-time civil
38 service employee who is assigned to, and has direct re-

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

51 The chief conservation officer, acting under supervi-
52 sion of the director, is also authorized to appoint as special
53 conservation officers any full-time civil service forest fire
54 control personnel who have satisfactorily completed a
55 course of training established and administered by the
56 chief conservation officer. The jurisdiction of forest fire
57 control personnel appointed as special conservation offi-
58 cers is limited to the enforcement of the provisions of
59 article three of this chapter.

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

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

68 The chief conservation officer shall designate the area
69 of primary residence of each conservation officer, includ-
70 ing himself or herself. Since the area of business activity
71 of the division is actually anywhere within the territorial
72 confines of the state of West Virginia, actual expenses
73 incurred shall be paid whenever the duties are performed
74 outside the area of primary assignment and still within the
75 state.

76 Conservation officers shall receive, in addition to their
77 base pay salary, a minimum monthly subsistence allow-
78 ance for their required telephone service, dry cleaning of
79 required uniforms, and meal expenses while performing
80 their regular duties in their area of primary assignment in
81 the amount of one hundred thirty dollars each month.
82 This subsistence allowance does not apply to special or
83 emergency conservation officers appointed under this
84 section.

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

Nancy Aljourné
Chairman Senate Committee

Rudy Seant
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Dorrell E. Gibson
Clerk of the Senate

Bryan M. Boy
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Robert L. C. ...
Speaker of the House of Delegates

The within is approved this the 28th
day of March, 1996.

Easton Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/96

Time 3:00 PM