WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1997

ENROLLED

SENATE BILL NO. 280

(By Senator WIEBEUSCH, ET AL.)

PASSED APRIL 12, 1997
In Effect NINETY DAYS FROM PASSAGE
ENROLLED

Senate Bill No. 280

(By Senators Wiedebusch, Dittmar, Ball, Bailey,
Anderson, Buckalew, White, Snyder, Love,
Schoonover and Bowman)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-e, relating to prohibiting conservation officers from performing duties for consideration from individuals; criminal penalties; allowing the chief conservation officer to contract with entities to provide extraordinary law-enforcement services; payment from special account to officers; contract provisions; indemnification of state; and promulgation of rules.

Be it enacted by the Legislature of West Virginia:

That article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be
amended by adding thereto a new section, designated section one–e, to read as follows:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

PART 1. LAW ENFORCEMENT, PROCEDURES AND PENALTIES.

§20-7-1e. Conservation officers performing duties for private persons; penalty; providing extraordinary law enforcement or security services by contract.

(a) Any conservation officer who hires himself or herself to any person, firm or corporation to guard private property, or who demands or receives from any person, firm or corporation any money or other thing of value as a consideration for the performance of, or the failure to perform, his or her duties under the regulations of the chief conservation officer and the provisions of this section, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than two hundred dollars, or confined in the county or regional jail for not more than four months, or both fined and confined.

(b) Notwithstanding any other provision of this section to the contrary, the chief conservation officer may contract with the public, military or private entities to provide extraordinary law enforcement or security services by the division of natural resources when it is determined by the chief conservation officer to be in the public interest. The chief conservation officer may assign personnel, equipment or facilities, and the division shall be reimbursed for the wages, overtime wages, benefits and costs of providing the contract services as negotiated between the parties. The compensation paid to conservation officers by virtue of contracts provided in this section shall be paid from a special account and are excluded from any formulation used to calculate an employee’s benefits. All requests for obtaining extraordinary law enforcement or security services shall be made to the chief conservation officer in writing and shall explain the funding source and the authority for making the request. No officer of the division is required to accept any assignment made pursuant to this subsection. Every officer
assigned to duty hereunder shall be paid according to the hours and overtime hours actually worked notwithstanding that officer's status as exempt personnel under the "Federal Labor Standards Act" or applicable state statutes. Every contract entered into under this subsection shall contain the provision that in the event of public disaster or emergency where the reassignment to official duty of the officer is required, neither the division nor any of its officers or other personnel are liable for any damages incurred as the result of the reassignment. Further, any entity contracting with the division of natural resources under this section shall also agree as part of that contract to hold harmless and indemnify the state, division of natural resources and its personnel from any liability arising out of employment under that contract.

The director is authorized to propose legislative rules, subject to approval by the Legislature, in accordance with chapter twenty-nine-a of this code relating to the implementation of contracts entered into pursuant to this subsection: Provided, That the rules expressly prohibit private employment of officers in circumstances involving labor disputes.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 28th day of April, 1997.

Governor