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WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2011

WEST VIRGINIA
SECRETARY OF STATE

SB 460



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 460

(SENATORS LAIRD, WILLIAMS, D. FACEMIRE
AND FANNING, ORIGINAL SPONSORS)

[PASSED MARCH 10, 2011; IN EFFECT NINETY DAYS FROM PASSAGE.]

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Senate Bill No. 460

(SENATORS LAIRD, WILLIAMS, D. FACEMIRE
AND FANNING, *original sponsors*)

[Passed March 10, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §15-10-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1A-4 of said code; and to amend and reenact §20-7-1 of said code, all relating to clarifying that Division of Forestry natural resources police officers are under the control and direction of the Director of the Division of Forestry; permitting the director to enter into memorandums of understanding with other law-enforcement agencies; and clarifying the duties of the director.

Be it enacted by the Legislature of West Virginia:

That §15-10-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §19-1A-4 of said code be amended and reenacted; and that §20-7-1 of said code be amended and reenacted, all to read as follows:

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-3. Definitions.

1 For purposes of this article only, and unless a different
2 meaning plainly is required:

3 (1) "Criminal justice enforcement personnel" means those
4 persons within the state criminal justice system who are
5 actually employed as members of the State Police, members
6 of the Division of Protective Services, natural resources
7 police officers, chiefs of police and police of incorporated
8 municipalities, and county sheriffs and their deputies, and
9 whose primary duties are the investigation of crime and the
10 apprehension of criminals.

11 (2) "Head of a law-enforcement agency" means the
12 Superintendent of the State Police, the Director of the
13 Division of Protective Services, the chief natural resources
14 police officer of the Division of Natural Resources, a chief of
15 police of an incorporated municipality, a county sheriff or
16 the Director of the Division of Forestry.

17 (3) "State or local law-enforcement officer" means any
18 duly authorized member of a law-enforcement agency who
19 is authorized to maintain public peace and order, prevent
20 and detect crime, make arrests and enforce the laws of the
21 state or any county or municipality thereof, other than
22 parking ordinances, and includes persons employed as
23 campus police officers at state institutions of higher educa-
24 tion in accordance with the provisions of section five, article
25 four, chapter eighteen-b of this code, although those institu-
26 tions may not be considered law-enforcement agencies. The
27 term includes persons employed as rangers by the Hat-
28 field-McCoy Regional Recreation Authority in accordance
29 with the provisions of section six, article fourteen, chapter
30 twenty of this code, although the authority is not a
31 law-enforcement agency.

32 (4) "Head of campus police" means the superintendent or
33 administrative head of state or local law-enforcement
34 officers employed as campus police officers at state institu-
35 tions of higher education in accordance with the provisions
36 of section five, article four, chapter eighteen-b of this code.

37 (5) “Head of the rangers of the Hatfield-McCoy Regional
38 Recreation Authority” means the superintendent or adminis-
39 trative head of state or local law-enforcement officers
40 employed as rangers by the Hatfield-McCoy Regional
41 Recreation Authority in accordance with the provisions of
42 section six, article fourteen, chapter twenty of this code.

ARTICLE 1A. DIVISION OF FORESTRY.

**§19-1A-4. Additional duties of the Director of the Division of
Forestry generally.**

1 (a) The director shall:

2 (1) Develop, promote and advance the growth of the forest
3 products industries of this state;

4 (2) Cooperate with educational institutions, development
5 agencies, and private and public organizations to promote
6 the expansion of the forest products industries of this state
7 in local and global markets;

8 (3) Conduct research on marketing and developing forest
9 products and forest products industries; conserving, manag-
10 ing, and utilizing the state’s forest land and its multiple uses;
11 and improving the forestry knowledge and practices of
12 private landowners.

13 (4) Compile its findings and recommendations, and dissem-
14 inate the results of its research to the public, the forest
15 products industry, the Governor and the Legislature.

16 (b) The director has the power to carry out and effectuate
17 the purposes of this article, article one-b of this chapter, and
18 article three of chapter twenty of this code, including the
19 power to:

20 (1) Accept and use gifts, donations or contributions from
21 individuals, organizations or corporations, and to acquire by
22 gift, lease or purchase real estate.

23 (2) Establish law enforcement practices and procedures to
24 address the law enforcement requirements of the division;
25 and

26 (3) To promulgate rules and regulations, subject to the
27 provisions of chapter twenty-nine-a of this code.

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

**PART I. LAW ENFORCEMENT, PROCEDURES
AND PENALTIES.**

**§20-7-1. Chief natural resources police officer; natural resources
police officers; special and emergency natural
resources police officers; subsistence allowance;
expenses.**

1 (a) The division's law-enforcement policies, practices and
2 programs are under the immediate supervision and direction
3 of the division law-enforcement officer selected by the
4 director and designated as chief natural resources police
5 officer as provided in section thirteen, article one of this
6 chapter.

7 (b) Under the supervision of the director, the chief natural
8 resources police officer shall organize, develop and maintain
9 law-enforcement practices, means and methods geared,
10 timed 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 natural resources
15 police officers and are under the immediate supervision and
16 direction of the chief natural resources police officer except
17 as otherwise provided. All natural resources police officers
18 shall be trained, equipped and conditioned for duty and
19 services wherever and whenever required by division
20 law-enforcement needs.

21 (c) The chief natural resources police officer, acting under
22 supervision of the director, is authorized to select and

23 appoint emergency natural resources police officers for a
24 limited period for effective enforcement of the provisions of
25 this chapter when considered necessary because of emer-
26 gency or other unusual circumstances. The emergency
27 natural resources police officers shall be selected from
28 qualified civil service personnel of the division, except in
29 emergency situations and circumstances when the director
30 may designate officers, without regard to civil service
31 requirements and qualifications, to meet law-enforcement
32 needs. Emergency natural resources police officers shall
33 exercise all powers and duties prescribed in section four of
34 this article for full-time salaried natural resources police
35 officers except the provisions of subdivision (8) of said
36 section.

37 (d) The chief natural resources police officer, acting under
38 supervision of the director, is also authorized to select and
39 appoint as special natural resources police officers any
40 full-time civil service employee who is assigned to, and has
41 direct responsibility for management of, an area owned,
42 leased or under the control of the division and who has
43 satisfactorily completed a course of training established and
44 administered by the chief natural resources police officer,
45 when the action is considered necessary because of
46 law-enforcement needs. The powers and duties of a special
47 natural resources police officer, appointed under this
48 provision, is the same within his or her assigned area as
49 prescribed for full-time salaried natural resources police
50 officers. The jurisdiction of the person appointed as a special
51 natural resources police officer, under this provision, shall be
52 limited to the division area or areas to which he or she is
53 assigned and directly manages.

54 (e) The Director of the Division of Forestry is authorized to
55 appoint and revoke Division of Forestry special natural
56 resources police officers who are full-time civil service
57 personnel who have satisfactorily completed a course of
58 training as required by the Director of the Division of
59 Forestry. The jurisdiction, powers and duties of Division of
60 Forestry special natural resources police officers are set forth

61 by the Director of the Division of Forestry pursuant to article
62 three of this chapter, and articles one-a and one-b, chapter
63 nineteen of this code.

64 (f) The chief natural resources police officer, with the
65 approval of the director, has the power and authority to
66 revoke any appointment of an emergency natural resources
67 police officer or of a special natural resources police officer
68 at any time.

69 (g) Natural resources police officers are subject to seasonal
70 or other assignment and detail to duty whenever and wher-
71 ever required by the functions, services and needs of the
72 division.

73 (h) The chief natural resources police officer shall desig-
74 nate the area of primary residence of each natural resources
75 police officer, including himself or herself. Since the area of
76 business activity of the division is actually anywhere within
77 the territorial confines of the State of West Virginia, actual
78 expenses incurred shall be paid whenever the duties are
79 performed outside the area of primary assignment and still
80 within the state.

81 (i) Natural resources police officers shall receive, in
82 addition to their base pay salary, a minimum monthly
83 subsistence allowance for their required telephone service,
84 dry cleaning or required uniforms, and meal expenses while
85 performing their regular duties in their area of primary
86 assignment in the amount of \$130 each month. This subsis-
87 tence allowance does not apply to special or emergency
88 natural resources police officers appointed under this
89 section.

90 (j) After June 30, 2010, all those full time law-enforcement
91 officers employed by the Division of Natural Resources as
92 conservation officers shall be titled and known as natural
93 resources police officers. Wherever used in this code the term
94 "conservation officer," or its plural, means "natural re-
95 sources police officer," or its plural, respectively.

96 (k) Notwithstanding any provision of this code to the
97 contrary, the provisions of subdivision six, subsection c,
98 section twelve, article twenty-one, chapter eleven of this
99 code are inapplicable to pensions of natural resources police
100 officers paid through the Public Employees Retirement
101 System.

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

Karl Z. Mark

Chairman Senate Committee

Michael T. Ford
Vice Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell Holmes
Clerk of the Senate

Gregg N. Smith
Clerk of the House of Delegates

Jeffrey K.
Acting President of the Senate

Robert L.
Speaker of the House of Delegates

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OFFICE OF THE
SECRETARY OF STATE

The within *is appended* this the *4th*
Day of *April*, 2011.

Earl Ray Tomblin
Governor

PRESENTED TO THE GOVERNOR

MAR 23 2011

Time 10:50am