

# 4140

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



# ENROLLED

HOUSE BILL No. 4140

(By Mr. *Del. Pitrolo & Overington*)



Passed *February 15,* 1988

In Effect *Ninety Days From* Passage

**ENROLLED**  
**H. B. 4140**

(By DELEGATES PITROLO and OVERINGTON)

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[Passed February 15, 1988; in effect ninety days from passage.]

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AN ACT to amend and reenact section fifty-four, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to licenses for privately owned commercial shooting preserves.

*Be it enacted by the Legislature of West Virginia:*

That section fifty-four, article two, 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 2. WILDLIFE RESOURCES.**

**§20-2-54. License for privately-owned commercial shooting preserves.**

- 1       (1) The director may issue a license for privately-
- 2 owned commercial shooting preserves to any person who
- 3 meets the following requirements:
- 4       (a) Each commercial shooting preserve shall contain
- 5 a minimum of three hundred acres in one tract of leased
- 6 or owned land (including water area, if any) and shall
- 7 be restricted to no more than three thousand contiguous
- 8 acres (including water area, if any), except that
- 9 preserves confined to the releasing of ducks only shall
- 10 be authorized to operate with a minimum of fifty
- 11 contiguous acres (including water area); and

12 (b) The exterior boundaries of each commercial  
13 shooting preserve shall be clearly defined and posted  
14 with signs erected around the extremity at intervals of  
15 one hundred fifty yards or less.

16 (2) The director shall designate the game which may  
17 be hunted under this section on which a more liberal  
18 season may be allowed.

19 (3) The operating licenses or permits issued by the  
20 director shall entitle holders thereof, and their guests or  
21 customers, to recover not more than eighty percent of  
22 the total number of each species of game bird released  
23 on the premises each year, except mallard, black duck,  
24 ringnecked pheasant, chukar partridge, and other  
25 nonnative game species upon which a one hundred  
26 percent recovery may be allowed.

27 (4) Except for the required compliance with the  
28 restriction on the maximum number of released birds  
29 that may be recovered from each preserve each year, as  
30 provided in subsections three and eight, shooting  
31 preserve operators may establish their own shooting  
32 limitations and restrictions on the age, sex and number  
33 of birds that may be taken by each person.

34 (5) In order to give a reasonable opportunity for a fair  
35 return on a sizeable investment, a liberal season shall  
36 be designated by the director during the eight-month  
37 period, beginning September first and ending April  
38 thirtieth.

39 (6) All harvested game shall be tagged prior to being  
40 either consumed on the premises or removed therefrom,  
41 such tags to remain affixed until the game actually is  
42 delivered to the point of consumption. The director shall  
43 furnish numbered tags at nominal cost to shooting  
44 preserve operators.

45 (7) Each shooting preserve operator shall maintain a  
46 registration book listing all names, addresses, and  
47 hunting license numbers of all shooters; the date on  
48 which they hunted; the amount of game and the species  
49 taken; and the tag numbers affixed to each carcass. An  
50 accurate record likewise must be maintained of the total

51 number, by species, of game birds and ducks raised  
 52 and/or purchased, and the date and number of all  
 53 species released. These records shall be open to inspec-  
 54 tion by a delegated representative of the director at any  
 55 reasonable time, and shall be the basis upon which the  
 56 game recovery limits in subsection three hereof shall be  
 57 determined.

58 (8) Any wild game found on commercial shooting  
 59 preserves may be harvested in accordance with appli-  
 60 cable game and hunting laws pertaining to open seasons,  
 61 bag and possession limits, and so forth, as are estab-  
 62 lished regularly by the director and the United States  
 63 fish and wildlife service.

64 (9) State hunting licenses shall be required of all  
 65 persons, except nonresidents, hunting or shooting on  
 66 shooting preserves.

67 (10) The fee for such commercial shooting preserve  
 68 license shall be fifty dollars per fiscal year for the first  
 69 three hundred acres of the shooting preserve area, plus  
 70 twenty-five dollars per fiscal year for each additional  
 71 three hundred acres or part thereof.

*Handwritten signatures and initials, including "H. B. 4140" and "Enr. H. B. 4140".*

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

*Bruce O. Weir*

Chairman Senate Committee

*Barbara V. Kelly*

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Todd C. Hails*

Clerk of the Senate

*Donald S. Hogg*

Clerk of the House of Delegates

*Ann Tomblin*

President of the Senate

*Robert L. Gonyea*

Speaker of the House of Delegates

The within *Approved* this the *25th*  
day of *February*, 1988.

*Robert Shafer*

Governor

PRESENTED TO THE

GOVERNOR

Date 2/27/88

Time 1154 p.m.

RECEIVED

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OFFICE OF THE  
SECRETARY OF STATE