

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 407

(By Mr. Cruikshank & Whitseel)



PASSED March 7 1957

In Effect 90 days from Passage



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House Bill No. 407

(By MR. CRUIKSHANK and MR. WHETSELL)

[Passed March 7, 1957; in effect ninety days from passage.]

AN ACT to amend article three, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-b, relating to authorizing the issuance of operating licenses or permits for privately owned and operated commercial shooting preserves; the promulgation of such rules as may be necessary to carry out the provisions of the section; and for other purposes.

Be it enacted by the Legislature of West Virginia:

That article three, 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 twelve-b, to read as follows:

Section 12-b. *Commercial Shooting Preserve.*—1. The
2 director is hereby authorized and empowered to issue

3 operating licenses or permits for commercial shooting pre-
4 serves, which shall be privately owned and operated, and
5 to make such rules as may be necessary and proper in
6 carrying out the purpose of this section.

7 2. Operating licenses or permits may be issued to any
8 person, association, or corporation for the operation of
9 commercial shooting preserves that meet the requirements
10 hereinafter prescribed.

11 (a) Each commercial shooting preserve shall contain a
12 minimum of three hundred acres in one tract of leased or
13 owned land (including water area, if any) and shall be
14 restricted to not more than three thousand contiguous
15 acres (including water area, if any), except that preserves
16 confined to the releasing of ducks only may be authorized
17 to operate with a minimum of fifty contiguous acres (in-
18 cluding water area).

19 (b) The exterior boundaries of each commercial shoot-
20 ing preserve shall be clearly defined and posted with signs
21 erected around the extremity at intervals of one hundred
22 fifty yards or less.

23 3. Game which may be hunted under this section on

24 which a more liberal season may be allowed, shall be con-
25 fined to artificially propagated quail, turkeys, pheasants,
26 chukar partridges, mallards and black ducks, and such
27 other species as the director may add from time to time.

28 (a) Mallards and/or black ducks released on a commer-
29 cial shooting preserve must have had a one-fourth inch
30 hole punched in the outer web of the right foot before the
31 birds attain the age of six weeks.

32 4. Fees for commercial shooting preserve licenses or
33 permits shall be established at the rate of fifty dollars
34 per year for the first three hundred acres of shooting
35 preserve area, plus twenty-five dollars per year for each
36 additional one hundred acres or parts thereof.

37 5. The operating licenses or permits issued by the di-
38 rector shall entitle holders thereof, and their guests or
39 customers, to recover not more than eighty per cent of
40 the total number of each species of game bird released on
41 the premises each year, except mallard, black duck, ring-
42 necked pheasant, chukar partridge, and other non-native
43 game species upon which a one hundred per cent recovery
44 may be allowed.

45 6. Except for the required compliance with the restric-
46 tion on the maximum number of released birds that may
47 be recovered from each preserve each year, as provided
48 in paragraphs five and ten, shooting preserve operators
49 may establish their own shooting limitations and restric-
50 tions on the age, sex, and number of birds that may be
51 taken by each person.

52 7. In order to give a reasonable opportunity for a fair
53 return on a sizeable investment, a liberal season shall be
54 designated by the director during the six month period,
55 beginning October first and ending March thirty-first.

56 8. All harvested game shall be tagged prior to being
57 either consumed on the premises or removed therefrom,
58 such tags to remain affixed until the game actually is de-
59 livered to the point of consumption. The director shall
60 furnish numbered tags at nominal cost to shooting pre-
61 serve operators.

62 9. Each shooting preserve operator shall maintain a
63 registration book listing all names, addresses, and hunting
64 license numbers of all shooters; the date on which they
65 hunted; the amount of game and the species taken; and

66 the tag numbers affixed to each carcass. An accurate re-
67 cord likewise must be maintained of the total number, by
68 species, of game birds and ducks raised and/or purchased,
69 and the date and number of all species released. These
70 records shall be open to inspection by a delegated rep-
71 resentative of the director at any reasonable time, and
72 shall be the basis upon which the game recovery limits in
73 paragraph five hereof shall be determined.

74 10. Any wild game found on commercial shooting pre-
75 serves, may be harvested in accordance with applicable
76 game and hunting laws pertaining to open seasons, bag
77 and possession limits, and so forth, as are established regu-
78 larly by the director and the United States fish and wild-
79 life service.

80 11. State hunting licenses shall be required of all per-
81 sons hunting or shooting on shooting preserves. State
82 residents shall be licensed under the regularly established
83 game and hunting laws. Nonresidents shall be required
84 to possess a regular nonresident hunting license.

85 12. The director may revoke any shooting preserve
86 license or permit issued under the authority of this sec-

87 tion, when the licensee has been convicted of a violation
88 of any of the provisions of this section. After such revoca-
89 tion, a new license or permit may be issued if in the dis-
90 cretion of the director, the circumstances so warrant.

91 13. Any and all statutes, or parts thereof, in conflict
92 with or inconsistent with the provisions of this section
93 upon the date of its enactment are hereby repealed.

94 14. This section shall become effective sixty days after
95 its passage and approval by the governor.

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

E. H. McCourt
Chairman Senate Committee

Atcheltown End
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Thomas Meyer
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. E. Flannery
Speaker, House of Delegates

The within approved this the 15th
day of March 1957.

Leif H. Hudum
Governor



Filed in the Office of the Secretary of State
of West Virginia **MAR 15 1957**
D. PITT O'BRIEN
SECRETARY OF STATE