

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

SENATE BILL NO. 108

(By Mr. McKewen)

PASSED March 9, 1963

In Effect 90 days from Passage



Filed in Office of the Secretary of State
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JOE F. BURDETT
SECRETARY OF STATE

108

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Senate Bill No. 108

(By MR. McKOWN)

[Passed March 9, 1963; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to definitions of terms used in the chapter of the code pertaining to natural resources.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Definitions.—As used in this chapter, unless

2 the context clearly requires a different meaning:

3 “Agency” means any branch, department or unit of the

4 state government, however designated or constituted.

5 "Alien" means any person not a citizen of the United
6 States.

7 "Bag limit" or "creel limit" means the maximum num-
8 ber of wildlife which may be taken, caught, killed or pos-
9 sessed by any licensee.

10 "Board" means the water resources board of the de-
11 partment of natural resources.

12 "Citizen" means any native born citizen of the United
13 States, and foreign born persons who have procured their
14 final naturalization papers.

15 "Closed season" means the time or period during which
16 it shall be unlawful to take any wildlife as specified and
17 limited by the provisions of this chapter.

18 "Commission" means the natural resources commission.

19 "Commissioner" means a member of the advisory com-
20 mission of the natural resources commission.

21 "Director" means the director of the department of nat-
22 ural resources.

23 "Fishing" or "to fish" means the taking, by any means,
24 of fish, minnows, frogs, or other amphibians, aquatic tur-
25 tles, and other forms of aquatic life used as fish bait.

26 "Fur-bearing animals" shall include (a) the mink, (b)
27 the weasel, (c) the muskrat, (d) the beaver, (e) the
28 opossum, (f) the skunk, and civet cat, commonly called
29 polecat, (g) the otter, (h) the red fox, (i) the gray fox,
30 (j) the wildcat, bobcat or bay lynx, and (k) the raccoon.

31 "Game" means game animals, game birds and game fish
32 as herein defined.

33 "Game animals" shall include (a) the elk, (b) the
34 deer, (c) the cottontail rabbits and hares, (d) the fox
35 squirrels, commonly called red squirrels, and gray
36 squirrels, and all their color phases—red, gray, black or
37 albino, and (e) the raccoon.

38 "Game birds" shall include (a) the Anatidae, commonly
39 known as swans, geese, brants and river and sea ducks,
40 (b) the Rallidae, commonly known as rails, sora, coots,
41 mudhens, and gallinales, (c) the Limicolae, commonly
42 known as shorebirds, plover, snipe, woodcock, sandpipers,
43 yellowlegs, and curlews, (d) the Galli, commonly known
44 as wild turkey, grouse, pheasants, quails and partridges
45 (both native and foreign species), and (e) the Columbi-

46 dae, commonly known as doves and the Icteridae, com-
47 monly known as blackbirds, redwings and grackle.

48 “Game fish” shall include (a) Brook trout, (b) brown
49 trout, (c) rainbow trout, (d) Kokanee salmon, (e) large-
50 mouth bass, (f) small-mouth bass, (g) Kentucky or
51 spotted bass, (h) pickerel, (i) muskellunge, (j) walleyed
52 pike, or pike perch, (k) rock bass, (l) white bass, (m)
53 white and black crappie, (n) blue-gill sunfish and (o)
54 other bream.

55 “Hunt” means to pursue, chase, catch or take any wild
56 birds or wild animals.

57 “Lands” means land, waters, and all other appurte-
58 nances connected therewith.

59 “Migratory birds” means any migratory game or non-
60 game birds included in the terms of conventions between
61 the United States and Great Britain and between the
62 United States and United Mexican States, known as the
63 “Migratory Bird Treaty Act”, for the protection of migra-
64 tory birds and game mammals concluded, respectively,
65 August sixteen, one thousand nine hundred sixteen, and
66 February seven, one thousand nine hundred thirty-six.

67 “Nonresident” means any person who is a citizen of the
68 United States and who has not resided continuously in
69 the state of West Virginia for a period of six months im-
70 mediately prior to the date of his application for a license
71 or permit.

72 “Open season” means the time during which the various
73 species of wildlife may be legally caught, taken, killed or
74 chased in a specified manner, and shall include both the
75 first and the last day of the season or period designated by
76 the director.

77 “Person”, except as otherwise defined elsewhere in this
78 chapter, means the plural “persons”, and shall include in-
79 dividuals, partnerships, corporations, or other legal entity.

80 “Preserve” means all duly licensed private game farm
81 lands, or private plants, ponds or areas, where hunting or
82 fishing is permitted under special licenses or seasons other
83 than the regular public hunting or fishing seasons.

84 “Protected birds” means all wild birds not included
85 within the definition of “game birds” and “unprotected
86 birds”.

87 “Resident” means any person who is a citizen of the

88 United States and who has resided continuously in the
89 state of West Virginia for a period of six months or more
90 immediately prior to the date of his application for a li-
91 cense or permit: *Provided*, That a member of the armed
92 forces of the United States who is stationed beyond
93 the territorial limits of this state, but who was a resi-
94 dent of this state at the time of his entry into such service,
95 shall be considered a resident under the provisions of this
96 chapter.

97 "Roadside menagerie" means any place of business,
98 other than a commercial game farm, commercial fish pre-
99 serve, place or pond, where any wild bird, game bird, un-
100 protected bird, game animal, or fur-bearing animal is kept
101 in confinement for the attraction and amusement of the
102 people for commercial purposes.

103 "Take" means to hunt, shoot, pursue, lure, kill, destroy,
104 catch, capture, keep in captivity, gig, spear, trap, ensnare,
105 wound, or injure any wildlife, or attempt to do so.

106 "Unprotected birds" shall include (a) the English spar-
107 row, (b) the European starling, (c) the sharp-shinned

108 hawk, (d) the Cooper's hawk, (e) the goshawk, (f) the
109 cowbird, and (g) the crow.

110 "Wild animals" means all mammals native to the state
111 of West Virginia occurring either in a natural state or in
112 captivity, except house mice and rats.

113 "Wild birds" shall include all birds other than (a) do-
114 mestic poultry—chickens, ducks, geese, guinea fowl, pea-
115 fowls and turkeys, (b) Psittacidae, commonly called par-
116 rots and paraquets, and (c) other foreign cage birds such
117 as the common canary, exotic finches and ring dove. All
118 wild birds, either (a) those occurring in a natural state in
119 West Virginia or (b) those imported foreign game birds,
120 such as waterfowl, pheasants, partridges, quail and grouse,
121 regardless of how long raised or held in captivity, shall
122 remain wild birds under the meaning of this chapter.

123 "Wildlife" means wild birds, wild animals, game and
124 fur-bearing animals, fish (including minnows), frogs and
125 other amphibians, aquatic turtles and all forms of aquatic
126 life used as fish bait, whether dead or alive.

127 "Wildlife refuge" means any land set aside by action of
128 the director as an inviolate refuge or sanctuary for the
129 protection of designated forms of wildlife.

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

O. Ray Parker
Chairman Senate Committee

Ethel J. Randall
Chairman House Committee

Originated in the Senate.

Takes effect *90 days from* passage.

Howard Meyer
Clerk of the Senate

L. A. Blankenship
Clerk of the House of Delegates

Howard Robinson
President of the Senate

Julius W. Riegler Jr.
Speaker House of Delegates

The within *approved* this the *14th*
day of *March*, 1963.

W. T. Benson
Governor

