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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975

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ENROLLED

SENATE BILL NO. 65

(By Mr. Galpin.....)

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PASSED March 8..... 1975

In Effect minority days from Passage

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ENROLLED
Senate Bill No. 65
(By MR. GALPERIN)

[Passed March 8, 1975; 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 changing the definitions of the terms "nonresident" and "resident" for the purposes of chapter twenty of the code and reducing the residency requirement for licenses and permits issued by the department of natural resources from six months to thirty days.

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:

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-2. Definitions.

- 1 As used in this chapter, unless the context clearly re-
- 2 quires 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
22 natural 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, (k) the raccoon and
31 (l) the fisher.

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

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

39 "Game birds" shall include (a) the Anatidae, commonly
40 known as swan, geese, brants and river and sea ducks, (b)
41 the Rallidae, commonly known as rails, sora, coots, mud-
42 hens, and gallinales, (c) the Limicolae, commonly known
43 as shorebirds, plover, snipe, woodcock, sandpipers, yellow
44 legs, and curlews, (d) the Galli, commonly known as wild
45 turkey, grouse, pheasants, quails and partridges (both
46 native and foreign species), and (e) the Columbidae,
47 commonly known as doves and the Icteridae, commonly
48 known as blackbirds, redwings and grackle.

49 "Game fish" shall include (a) brook trout, (b) brown
50 trout, (c) rainbow trout, (d) golden rainbow trout, (e)
51 Kokanee salmon, (f) largemouth bass, (g) smallmouth
52 bass, (h) Kentucky or spotted bass, (i) striped bass, (j)
53 pickerel, (k) muskellunge, (l) walleye pike, or pike perch,
54 (m) northern pike, (n) rock bass, (o) white bass, (p)

55 white and black crappie, (q) all sunfish and (r) channel
56 and flathead catfish.

57 "Hunt" means to pursue, chase, catch or take any wild
58 birds or wild animals.

59 "Lands" means land, waters, and all other appurte-
60 nances connected therewith.

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

69 "Nonresident" means any person who is a citizen of the
70 United States and who has not been a domiciled resident
71 of the state of West Virginia for a period of thirty conse-
72 cutive days immediately prior to the date of his applica-
73 tion for a license or permit except any full-time student of
74 any college or university of this state, even though he be
75 paying a nonresident tuition.

76 "Open season" means the time during which the various
77 species of wildlife may be legally caught, taken, killed or
78 chased in a specified manner, and shall include both the
79 first and the last day of the season or period designated by
80 the director.

81 "Person," except as otherwise defined elsewhere in this
82 chapter, means the plural "persons," and shall include
83 individuals, partnerships, corporations, or other legal
84 entity.

85 "Preserve" means all duly licensed private game farm
86 lands, or private plants, ponds or areas, where hunting or
87 fishing is permitted under special licenses or seasons other
88 than the regular public hunting or fishing seasons.

89 "Protected birds" means all wild birds not included
90 within the definition of "game birds" and "unprotected
91 birds."

92 "Resident" means any person who is a citizen of the
93 United States and who has been a domiciled resident of
94 the state of West Virginia for a period of thirty consecu-
95 tive days or more immediately prior to the date of his ap-

196 plication for a license or permit: *Provided*, That a member
197 of the armed forces of the United States who is stationed
198 beyond the territorial limits of this state, but who was a
199 resident of this state at the time of his entry into such
200 service, and any full-time student of any college or uni-
201 versity of this state, even though he be paying a nonresi-
202 dent tuition, shall be considered a resident under the pro-
203 visions of this chapter.

204 "Roadside menagerie" means any place of business,
205 other than a commercial game farm, commercial fish pre-
206 serve, place or pond, where any wild bird, game bird, un-
207 protected bird, game animal or fur-bearing animal is kept
208 in confinement for the attraction and amusement of the
209 people for commercial purposes.

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

213 "Unprotected birds" shall include (a) the English spar-
214 row, (b) the European starling, (c) the cowbird, and (d)
215 the crow.

216 "Wild animals" means all mammals native to the state
217 of West Virginia occurring either in a natural state or in
218 captivity, except house mice or rats.

219 "Wild birds" shall include all birds other than (a) do-
220 mestic poultry — chickens, ducks, geese, guinea fowl,
221 peafowls and turkeys, (b) Psittacidae, commonly called
222 parrots and parakeets, and (c) other foreign cage birds
223 such as the common canary, exotic finches and ring dove.
224 All wild birds, either (a) those occurring in a natural state
225 in West Virginia or (b) those imported foreign game
226 birds, such as waterfowl, pheasants, partridges, quail and
227 grouse, regardless of how long raised or held in captivity,
228 shall remain wild birds under the meaning of this
229 chapter.

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

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

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

James L. Davis
Chairman Senate Committee

Barbara K. C. Thurston
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

J. C. O'Connell
Clerk of the Senate

C. A. Blackwelder
Clerk of the House of Delegates

H. D. Robinson
President of the Senate

Lewis F. McPherson
Speaker House of Delegates

The within approved this the 20th
day of March, 1975.

Anna A. Phasylis
Governor

PRESENTED TO THE
GOVERNOR

ate 3/14/75

me 11:45 a.m.