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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

SENATE BILL NO. 523

(By Mr. Grine & Mr. Colombo)



PASSED April 6, 1981

In Effect ninety days from Passage



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Senate Bill No. 523

(By MR. GAINER and MR. COLOMBO)

[Passed April 6, 1981; 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 natural resources; defining the term “bona fide resident tenant or lessee”; and including the terms “wild boar” and “sauger” in the definitions of “game animals” and “game fish”, respectively.

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 requires a
2 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 States.

6 “Bag limit” or “creel limit” means the maximum number of
7 wildlife which may be taken, caught, killed or possessed by
8 any licensee.

9 “Board” means the water resources board of the
10 department of natural resources.

11 “Bona fide resident tenant or lessee” means a person who
12 actually permanently resides on the land.

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

16 “Closed season” means the time or period during which it

17 shall be unlawful to take any wildlife as specified and limited
18 by the provisions of this chapter.

19 "Commission" means the natural resources commission.

20 "Commissioner" means a member of the advisory
21 commission of the natural resources commission.

22 "Director" means the director of the department of natural
23 resources.

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

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

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

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

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

49 "Game fish" shall include (a) brook trout, (b) brown trout,
50 (c) rainbow trout, (d) golden rainbow trout, (e) Kokanee
51 salmon, (f) largemouth bass, (g) smallmouth bass, (h)
52 Kentucky or spotted bass, (i) striped bass, (j) pickerel, (k)
53 muskellunge, (l) walleye pike, or pike perch, (m) northern
54 pike, (n) rock bass, (o) white bass, (p) white and black crappie,
55 (q) all sunfish and (r) channel and flathead catfish and (s)
56 sauger.

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

59 "Lands" means land, waters, and all other appurtenances
60 connected therewith.

61 "Migratory birds" means any migratory game or nongame
62 birds included in the terms of conventions between the
63 United States and Great Britain and between the United
64 States and United Mexican States, known as the "Migratory
65 Bird Treaty Act," for the protection of migratory birds and
66 game mammals concluded, respectively, August sixteen, one
67 thousand nine hundred sixteen, and February seven, one
68 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 of
71 the state of West Virginia for a period of thirty consecutive
72 days immediately prior to the date of his application for a
73 license or permit except any full-time student of any college
74 or university of this state, even though he be paying a
75 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 first
79 and the last day of the season or period designated by the
80 director.

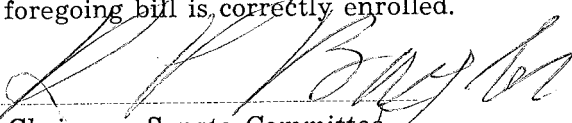
81 "Person," except as otherwise defined elsewhere in this
82 chapter, means the plural "persons," and shall include
83 individuals, partnerships, corporations, or other legal entity.


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

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

90 "Resident" means any person who is a citizen of the United
91 States and who has been a domiciled resident of the state of
92 West Virginia for a period of thirty consecutive days or more
93 immediately prior to the date of his application for a license
94 or permit: *Provided*, That a member of the armed forces of
95 the United States who is stationed beyond the territorial
96 limits of this state, but who was a resident of this state at the
97 time of his entry into such service, and any full-time student
98 of any college or university of this state, even though he be
99 paying a nonresident tuition, shall be considered a resident
100 under the provisions of this chapter.

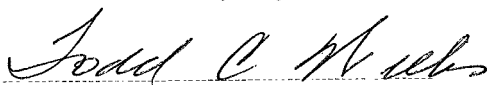
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee

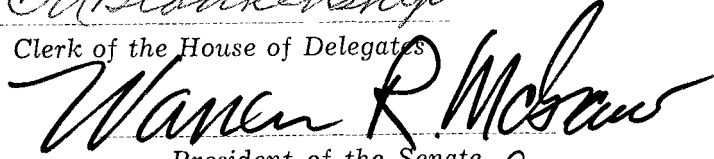

Chairman House Committee

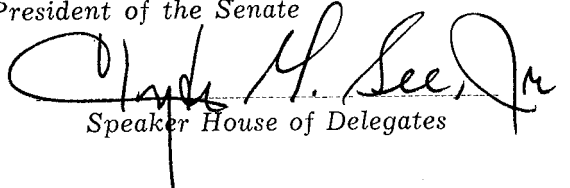
Originated in the Senate.

To take effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is disapproved this the 24
day of April, 1981.


Governor

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