

No: 1526

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



## ENROLLED

Committee Substitute for

HOUSE BILL No. 1526

(By ~~the~~ Delegate GARRETT + Delegate J. MARTIN)



Passed March 8, 1986

In Effect ninety days from Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 1526**

(By DELEGATE GARRETT and DELEGATE J. MARTIN)

[Passed March 8, 1986; in effect ninety days from passage.]

AN ACT to amend article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section sixty-three relating to the establishment of a state migratory waterfowl stamp; definitions; license fee; and dedication of funds.

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

That article two, 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 sixty-three, to read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-63. Migratory waterfowl stamp; definitions; license fee; dedication of funds.**

- 1 (a) As used in this section:
- 2 (1) "Migratory waterfowl" means a wild goose, grant
- 3 or wild duck.
- 4 (2) "Department" means the department of natural
- 5 resources.
- 6 (3) "Stamp" means the migratory waterfowl conserva-

7 tion stamp provided by this section.

8 (b) Except as otherwise provided herein, no person  
9 may hunt or take any migratory waterfowl within this  
10 state without first procuring a migratory waterfowl  
11 conservation stamp as provided by this section. Such  
12 stamp must be in the possession of every person when  
13 hunting or taking any migratory waterfowl. Each stamp  
14 shall be validated by the signature of the licensee  
15 written across the face of such stamp. Such stamp shall  
16 expire annually on the same date each year that all  
17 hunting licenses expire. Any person who is exempt from  
18 payment or charge for a hunting license is also exempt  
19 from the fee imposed by this section. Any person who  
20 is under the age of sixteen years is exempt from the  
21 requirements of this section.

22 (c) A stamp shall be issued to each hunting license  
23 applicant upon request and payment of a fee of five  
24 dollars, together with any license agent fees imposed by  
25 this article.

26 (d) All fees collected from the sale of state migratory  
27 waterfowl stamps shall be appropriated to the depart-  
28 ment for the following purposes:

29 (1) Fifty percent for projects approved by the depart-  
30 ment for the purpose of attracting waterfowl and  
31 improving public migratory waterfowl areas within the  
32 state, but none of the moneys spent within the state may  
33 be used for administrative expenses; and

34 (2) Fifty percent will be expended by the department  
35 for the development of waterfowl propagation areas  
36 within the Dominion of Canada which specifically  
37 provide waterfowl for the Atlantic flyway. Before  
38 expending any funds under the provisions of this  
39 subsection, the department shall obtain evidence that  
40 the project is acceptable to the appropriate governmen-  
41 tal agency of the Dominion of Canada or of one of its  
42 provinces having jurisdiction over the lands and waters  
43 affected by the project and shall consult those agencies  
44 before allocating funds. The department may enter into  
45 an agreement or agreements with an appropriate  
46 nonprofit organization or organizations to carry out the

47 provisions of this subdivision.

48 (e) The department has exclusive production rights  
49 for the migratory waterfowl conservation stamp and is  
50 authorized to adopt a policy for the annual selection of  
51 an appropriate design for the stamp and to have the  
52 stamp produced for sale. The policy may include  
53 ownership rights of the original art selected and  
54 arrangements for the reproduction, distribution and  
55 marketing of the prints of the design of the stamp, for  
56 the disposition of the stamps after their year of issuance  
57 and for the lawful disposition of the resulting revenues.  
58 Such revenues shall be deposited in the state treasury  
59 and credited to the department and shall be used and  
60 paid out upon order of the director for the conservation  
61 of migratory waterfowl and other wildlife: *Provided,*  
62 That no moneys generated hereby shall be used for  
63 purposes for condemnation of any land in this state.

64 The 1987 migratory waterfowl conservation stamp  
65 shall be considered the only official "first of state"  
66 migratory waterfowl stamp issued for the state of West  
67 Virginia.

Enr. Com. Sub. for H. B. 1526] 4

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

*Bruce O. Williams*  
.....  
Chairman Senate Committee

*Floyd Fuller*  
.....  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Jedd C. Willis*  
.....  
Clerk of the Senate

*Donald S. Kopp*  
.....  
Clerk of the House of Delegates

*Sam Tomlinson*  
.....  
President of the Senate

*Joseph P. Allright*  
.....  
Speaker of the House of Delegates

The within *approved* this the *26th*  
*March*  
day of ....., 1986.

*Richard S. Thompson*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/20/86

Time 2:53 p.m.

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SECRETARY OF STATE

FILE IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/66