WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

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ENROLLED
Committee Substitute for
HOUSE BILL No. 1526

(By Delegate Garrett, Delegate J. Martin)

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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 or wild duck.

4 (2) "Department" means the department of natural resources.

6 (3) "Stamp" means the migratory waterfowl conserva-
(b) Except as otherwise provided herein, no person may hunt or take any migratory waterfowl within this state without first procuring a migratory waterfowl conservation stamp as provided by this section. Such stamp must be in the possession of every person when hunting or taking any migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across the face of such stamp. Such stamp shall expire annually on the same date each year that all hunting licenses expire. Any person who is exempt from payment or charge for a hunting license is also exempt from the fee imposed by this section. Any person who is under the age of sixteen years is exempt from the requirements of this section.

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

(d) All fees collected from the sale of state migratory waterfowl stamps shall be appropriated to the department for the following purposes:

(1) Fifty percent for projects approved by the department for the purpose of attracting waterfowl and improving public migratory waterfowl areas within the state, but none of the moneys spent within the state may be used for administrative expenses; and

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

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

The 1987 migratory waterfowl conservation stamp shall be considered the only official “first of state” migratory waterfowl stamp issued for the state of West Virginia.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
Chairman Senate Committee

Floyd Fulghum
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

J. W. Hill
Clerk of the Senate

Donald L. Clopper
Clerk of the House of Delegates

James T. Guthrie
President of the Senate

Joseph P. Alvey
Speaker of the House of Delegates

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

Robert H. Siscoe
Governor