

459

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

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ENROLLED

SENATE BILL NO. 459

(By Senators TANKOVICH, MR. PRESIDENT (By Request)
AND HARMAN)

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PASSED MARCH 11, 1988

In Effect JANUARY 1, 1989 ~~██████████~~



ENROLLED

Senate Bill No. 459

(BY SENATORS TONKOVICH, MR. PRESIDENT (BY REQUEST) AND HARMAN)

[Passed March 11, 1988; to take effect January 1, 1989.]

AN ACT to repeal section forty-two, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections thirty-nine, forty, forty-a, forty-three, forty-four-a, forty-five, forty-six-b and forty-six-c, article two, chapter twenty; to further amend said article two by adding thereto five new sections, designated sections forty-six-i, forty-six-j, forty-six-k, forty-six-l and forty-six-m; to amend and reenact sections seven and eight, article two-b, chapter twenty; and to further amend said article two-b by adding thereto a new section, designated section nine, all relating to modifications or annual fee increases or both in the Class A resident statewide hunting and trapping license, Class B resident statewide fishing license, Class A and Class B exemption from fees for Class Q license holders, Class AB combination resident statewide hunting, trapping and fishing license, Class E nonresident hunting license, Class EE nonresident bear hunting license, Class F nonresident fishing license, Class G family fishing license, Class H nonresident small game hunting license, Class I national forest hunting, trapping and fishing license, Class K nonresident six-day statewide fishing license, Class N special deer hunting license, Class O resident and nonresident trout fishing

license, Class A-L lifetime resident statewide hunting and trapping license, Class AB-L lifetime resident combination statewide hunting, fishing and trapping license, Class B-L lifetime resident statewide fishing license, Class O-L lifetime resident statewide trout fishing license; and creating Class U resident and Class UU nonresident archery deer hunting licenses, Class V resident and Class VV nonresident muzzle-loading deer hunting licenses, Class W resident and Class WW nonresident turkey hunting licenses, Class X and Class XJ sportsman's hunting, fishing and trapping license; and a conservation stamp.

Be it enacted by the Legislature of West Virginia:

That section forty-two, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections thirty-nine, forty, forty-a, forty-three, forty-four-a, forty-five, forty-six-b and forty-six-c, article two of said chapter twenty be amended and reenacted; that said article two be further amended by adding thereto five new sections, designated sections forty-six-i, forty-six-j, forty-six-k, forty-six-l and forty-six-m; that sections seven and eight, article two-b, chapter twenty be amended and reenacted; and that said article two-b be further amended by adding thereto a new section, designated section nine, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-39. Class A resident statewide hunting and trapping license.

1 On and after the first day of January, one thousand nine
2 hundred eighty-nine, a Class A license shall be a resident
3 statewide hunting and trapping license and shall entitle the
4 licensee to hunt and trap all legal species of wild animals
5 and wild birds in all counties of the state, except as
6 prohibited by rules or regulations of the director or when
7 additional licenses or permits are required. It shall be
8 issued only to citizens of the United States or Canada and to
9 unnaturalized persons who possess the permit referred to in
10 section twenty-nine of this article who are residents of this
11 state: *Provided*, That those residents who qualify for a
12 Class Q license shall not be liable for such fee. The fee
13 therefor shall be eleven dollars.

§20-2-40. Class B resident statewide fishing license.

1 On and after the first day of January, one thousand nine
2 hundred eighty-nine, a Class B license shall be a resident
3 statewide fishing license and shall entitle the licensee to
4 fish for all legal fish in all counties of the state, except as
5 prohibited by rules or regulations of the director or when
6 additional licenses or permits are required. It shall be
7 issued only to citizens of the United States or Canada and
8 unnaturalized persons possessing the permit mentioned in
9 section twenty-nine of this article who are residents of this
10 state: *Provided*, That those residents who qualify for a
11 Class Q license shall not be liable for such fee. The fee
12 therefor shall be eleven dollars.

13 Trout fishing is not permitted with a Class B license
14 unless such license has affixed thereto an appropriate trout
15 stamp as prescribed by the department of natural resources.
16 The fee for a trout stamp shall be seven dollars and fifty
17 cents. The trout stamp is in addition to a Class B license.

§20-2-40a. Class AB combination resident statewide hunting, trapping and fishing license.

1 On and after the first day of January, one thousand nine
2 hundred eighty-nine, a Class AB combination license shall
3 be a resident statewide hunting, trapping and fishing
4 license and shall entitle the licensee to hunt and trap for all
5 legal species of wild animals and wild birds and to fish for
6 all legal species of fish, except trout, and frogs in all
7 counties of the state, except as prohibited by rules or
8 regulations of the director or when additional licenses or
9 permits are required. It shall be issued only to citizens of the
10 United States or Canada and to unnaturalized persons who
11 possess the permit referred to in section twenty-nine of this
12 article who are residents of this state. The fee therefor shall
13 be seventeen dollars.

14 Trout fishing is not permitted with a Class AB license
15 unless such license has affixed thereto an appropriate trout
16 stamp as prescribed by the department of natural resources.
17 The fee for a trout stamp shall be seven dollars and fifty
18 cents. The trout stamp is in addition to a Class AB license.

§20-2-43. Class E, Class EE, Class F, Class G and Class H licenses for nonresidents.

1 A Class E license shall be a nonresident hunting license
2 and shall entitle the licensee to hunt all legal species of wild
3 animals and wild birds in all counties of the state, except
4 when other licenses or permits are required. It shall be
5 issued only to citizens of the United States or Canada and to
6 unnaturalized persons who possess the permit referred to in
7 section twenty-nine of this article who are not residents of
8 this state. The fee therefor shall be seventy dollars except
9 that the fee for residents of Kentucky, Maryland, Ohio,
10 Pennsylvania and Virginia shall be seventy dollars or an
11 amount equal to the fee which the applicant's state of
12 residence charges residents of West Virginia for a similar
13 license to hunt in that state, whichever is greater.

14 A Class EE license shall be a nonresident bear hunting
15 license and shall entitle the licensee to hunt bear in all
16 counties of the state, except when additional licenses or
17 permits are required, on and after the first day of July, one
18 thousand nine hundred eighty-nine. It shall be issued only
19 to citizens of the United States or Canada and to
20 unnaturalized persons who possess the permit referred to in
21 section twenty-nine of this article who are not residents of
22 this state. The fee therefor shall be one hundred twenty
23 dollars.

24 A Class F license shall be a nonresident fishing license
25 and shall entitle the licensee to fish for all fish in all counties
26 of the state except when additional licenses or permits are
27 required. It shall be issued only to citizens of the United
28 States or Canada and to unnaturalized persons who possess
29 the permit referred to in section twenty-nine of this article
30 who are not residents of this state. The fee therefor shall be
31 twenty-five dollars.

32 Trout fishing is not permitted with a Class F license
33 unless such license has affixed thereto an appropriate trout
34 stamp as prescribed by the department of natural resources.

35 A Class G license shall be a family fishing license and
36 shall entitle the licensee and members of his family to fish
37 within the territorial limits of state parks and state forests
38 and in the waters of streams bounding same, for a distance
39 of not to exceed one hundred yards from the exterior
40 boundary of any state park or state forest, except when

41 additional licenses or permits are required, for a period not
42 to exceed one week. It may be issued to any adult resident or
43 nonresident who is temporarily residing in any state park or
44 forest as tenant or lessee of the state. The fee therefor shall
45 be ten dollars for the head of the family, plus two dollars
46 additional for each member of his family to whom the
47 privileges of such license are extended. Class G licenses may
48 be issued in such manner and under such regulations as the
49 director may see fit to prescribe.

50 Trout fishing is not permitted with a Class G license
51 unless such license has affixed thereto an appropriate trout
52 stamp as prescribed by the department of natural resources.
53 The trout stamp must be affixed to the license of the head of
54 the family only.

55 A Class H license shall be a nonresident small game
56 hunting license and shall entitle the licensee to hunt small
57 game in all counties of the state, except when additional
58 licenses or permits are required, for a period of six days
59 beginning with the date it is issued. It shall be issued only to
60 citizens of the United States or Canada who are not
61 residents of this state. The fee therefor shall be twenty
62 dollars. As used in this section, "small game" means all
63 game except bear, deer, wild turkey and wild boar.

§20-2-44a. Class I national forest hunting, trapping and fishing license.

1 A Class I license shall be a national forest hunting,
2 trapping and fishing license. It shall entitle the licensee,
3 when within national forest land in West Virginia, to hunt
4 legal species in season; to trap all fur-bearing animals in
5 season; and to fish in the waters therein. The license shall be
6 issued only to a nonresident holding a Class E, EE, F, H or K
7 license, or to a resident holding a Class A, B, AB, X or XJ
8 license. The fee therefor shall be two dollars.

§20-2-45. Class K nonresident six-day, statewide, fishing license.

1 A Class K license shall be a nonresident fishing license
2 and shall entitle the licensee to fish for all fish except trout
3 in all counties of the state for a period not to exceed six days.
4 It shall be issued only to citizens of the United States or
5 Canada and to unnaturalized persons possessing the permit
6 required by section twenty-nine of this article who are not

7 residents of this state. The fee therefor shall be ten dollars.
8 Trout fishing is not permitted with a Class K license
9 unless such license has affixed thereto an appropriate trout
10 stamp as prescribed by the department of natural resources.
11 The fee for a trout stamp shall be seven dollars and fifty
12 cents. The trout stamp is in addition to a Class K license.

§20-2-46b. Class N special deer hunting license.

1 A Class N license is a special deer hunting license for
2 antlerless deer of either sex and entitles the licensee to hunt
3 for and kill antlerless deer of either sex during the Class N
4 license season. The fee for a Class N license is eight dollars.

5 The Class N license may be issued only for the purpose of
6 removing antlerless deer when the director deems it
7 essential for proper management of wildlife resources. The
8 director shall establish such rules and regulations
9 governing the issuance of such Class N licenses as he deems
10 necessary to limit, on a fair and equitable basis, the number
11 of persons who may hunt for antlerless deer in any county,
12 or any part of a county.

13 When the director deems it essential that Class N license
14 season be held in a particular county or part of a county,
15 that season shall be set by the natural resources commission
16 as provided for in section seventeen, article one of this
17 chapter.

18 Bona fide resident landowners or their resident children,
19 bona fide resident tenants of such land, and any bona fide
20 resident stockholder of resident corporations which are
21 formed for the primary purpose of hunting or fishing and
22 which are the fee simple owners of no less than one
23 thousand acres of land upon which such antlerless deer may
24 be hunted are not required to have a Class N license in their
25 possession while hunting antlerless deer on their own land
26 during the Class N license season.

27 A Class N license may be issued only to a resident of this
28 state who holds a valid Class A, Class A-L, Class AB, Class
29 AB-L, Class X or Class XJ license issued for the current
30 calendar year or a resident of West Virginia who is not
31 required to obtain a license or permit to hunt as provided in
32 section twenty-eight, article two of this chapter, except that
33 this requirement shall not apply to persons under the age of
34 fifteen. The director shall require proof of age before
35 issuing a Class N license, and such license shall contain a

36 space for recording the number of the valid Class A, Class
37 A-L, Class AB, Class AB-L, Class X or Class XJ license. If at
38 any time prior to the Class N deer hunting season the
39 director determines that there is a surplus of Class N
40 licenses after the demand for such licenses by residents of
41 this state has been met, such surplus licenses may be issued
42 to nonresidents who hold a valid Class E hunting license.
43 The fee for a Class N license issued to a nonresident shall be
44 twenty dollars.

§20-2-46c. Class O resident and nonresident trout fishing license.

1 On and after the first day of January, one thousand nine
2 hundred eighty-nine, a Class O license shall be a resident
3 and nonresident statewide trout fishing license and shall
4 entitle the licensee to fish for trout in all counties of the
5 state, except as prohibited by rules or regulations of the
6 director.

7 The fee shall be seven dollars and fifty cents. The revenue
8 derived from the sale of this license shall be deposited in the
9 state treasury and credited to the department of natural
10 resources and shall be used and paid out, upon order of the
11 director, for state trout hatchery production.

12 This license shall be issued in the form of a stamp
13 prescribed by the director, shall be in addition to a Class
14 AB, AB-L, B, B-L, F, G, K, X or XJ license and shall be valid
15 only when affixed thereto.

§20-2-46i. Class U resident and Class UU nonresident archery deer hunting licenses.

1 On or after the first day of January, one thousand nine
2 hundred eighty-nine, a Class U license shall be a resident
3 statewide archery deer hunting license. A Class UU license
4 shall be a nonresident statewide archery deer hunting
5 license. A Class U or Class UU license shall entitle the
6 licensee to hunt for and kill deer with a bow during the
7 archery deer season in all counties of the state, except as
8 prohibited by the rules and regulations of the director or
9 commission. The fee for the Class U archery deer license
10 shall be five dollars. The fee for the Class UU license shall be
11 ten dollars.

12 The licenses shall be issued in a form prescribed by the
13 director, shall be in addition to a Class A, Class AB or Class

14 E license and shall be valid only when accompanied
15 thereby.

§20-2-46j. Class V resident and Class VV nonresident muzzle-loading deer hunting licenses.

1 There shall be a special season of at least three days each
2 year for the taking of deer with muzzle-loading rifles to be
3 set at such time and to be of such duration as determined by
4 the commission: *Provided*, That such special season shall
5 not be set prior to the regular season for the taking of deer
6 with firearms. For a minimum of two days during this
7 season, deer of either sex may be taken with muzzle-loading
8 rifles in all counties open for the taking of antlerless deer as
9 provided in section forty-six-b of this article. Antlered deer
10 only may be taken in all other counties open for the taking
11 of deer with firearms.

12 Only single shot muzzle-loading rifles with iron sights
13 having a bore diameter of no less than forty-four one-
14 hundredths inch shall be legal firearms for the taking of
15 deer during the special season provided herein.

16 In a calendar year, a hunter who has previously killed
17 more than one deer may hunt for and take only antlered
18 deer during the special season provided herein.

19 The special season provided herein shall be concurrent
20 with all other seasons designated for the taking of game.

21 Any person wishing to hunt for and kill deer during the
22 special muzzle-loading season must possess a valid Class V
23 or Class VV license, except that this requirement shall not
24 apply to a resident of West Virginia who is not required to
25 obtain a license or permit to hunt as provided in this
26 chapter. A Class V license shall be a resident muzzle-
27 loading deer hunting license. A Class VV license shall be a
28 nonresident muzzle-loading deer hunting license. The
29 licenses shall be issued in a form prescribed by the director,
30 shall be in addition to a Class A, Class AB or Class E license
31 and shall be valid only when accompanied thereby. The fee
32 for the Class V license shall be five dollars. The fee for the
33 Class VV license shall be ten dollars.

§20-2-46k. Class W resident and Class WW nonresident turkey hunting licenses.

1 On or after the first day of January, one thousand nine
2 hundred eighty-nine, a Class W license shall be a resident

3 turkey hunting license, and a Class WW license shall be a
4 nonresident turkey hunting license. A Class W or Class WW
5 license shall entitle the licensee to hunt for and kill turkey
6 during any turkey hunting season, except as prohibited by
7 the rules and regulations of the director or commission. The
8 fee for the Class W turkey hunting license shall be five
9 dollars. The fee for the Class WW license shall be ten
10 dollars.

11 The licenses shall be issued in a form prescribed by the
12 director, shall be in addition to a Class A, Class AB or Class
13 E license and shall be valid only when accompanied
14 thereby.

§20-2-46l. Class X sportsman's hunting, fishing and trapping license.

1 On or after the first day of January, one thousand nine
2 hundred eighty-nine, a Class X license shall be a resident
3 sportsman's hunting, fishing and trapping license and shall
4 entitle the licensee to hunt and trap for all legal species of
5 wild animals and wild birds, to fish for all legal species of
6 fish and to take frogs in all counties of the state, except as
7 prohibited by the rules and regulations of the director or
8 when additional licenses or permits are required.

9 No additional fees shall be required of Class X licensees
10 for Class I, U, V or W licenses or for the conservation stamp
11 required by section nine, article two-b of this chapter in
12 order for the Class X licensee to participate in the seasons
13 for which said licenses are required. Trout fishing is not
14 permitted with a Class X license unless said licensee
15 possesses a valid Class O or Class O-L trout license.

16 The Class X license shall be issued only to citizens of the
17 United States or Canada and to unnaturalized persons who
18 possess the permit referred to in section twenty-nine of this
19 article who are residents of this state. The fee for the Class X
20 license shall be twenty-five dollars of which three dollars
21 shall be designated as conservation stamp revenue and
22 expended pursuant to section nine, article two-b of this said
23 chapter.

§20-2-46m. Class XJ junior sportsman's hunting, fishing and trapping license.

1 On or after the first day of January, one thousand nine
2 hundred eighty-nine, a Class XJ license shall be a resident
3 junior sportsman's hunting, fishing and trapping license
4 and shall entitle the licensee to hunt and trap for all legal
5 species of wild animals and wild birds, to fish for all legal
6 species of fish and to take frogs in all counties of the state,
7 except as prohibited by the rules and regulations of the
8 director or when additional licenses and permits are
9 required.

10 No additional fees shall be required of Class XJ licensees
11 for a Class I, U, V or W license or for the conservation stamp
12 required by section nine, article two-b of this chapter in
13 order for the Class XJ licensee to participate in the seasons
14 for which said licenses are required. Trout fishing is not
15 permitted with a Class XJ license unless said licensee
16 possesses a valid Class O or Class O-L trout license.

17 The Class XJ license shall be issued only to citizens of the
18 United States or Canada and to unnaturalized persons who
19 possess the permit referred to in section twenty-nine of this
20 article who are residents of this state and who have not
21 reached their eighteenth birthday and who are otherwise
22 required to purchase a license pursuant to this article and
23 chapter. The fee for the Class XJ license shall be fifteen
24 dollars, of which three dollars shall be designated as
25 conservation stamp revenue and expended pursuant to
26 section nine, article two-b of this said chapter.

ARTICLE 2B. WILDLIFE ENDOWMENT FUND.

§20-2B-7. Lifetime hunting, fishing and trapping licenses created.

1 Pursuant to section three of this article the following
2 lifetime hunting, fishing and trapping licenses are hereby
3 created and, for the lifetime of the licensee, shall serve in
4 lieu of the equivalent annual license;

5 (a) A Class A-L lifetime resident statewide hunting and
6 trapping license, the fee for which shall be two hundred
7 dollars;

8 (b) A Class AB-L lifetime resident combination
9 statewide hunting, fishing and trapping license, the fee for
10 which shall be three hundred dollars;

11 (c) A Class B-L lifetime resident statewide fishing
12 license, the fee for which shall be two hundred dollars; and

13 (d) A Class O-L lifetime resident trout fishing license,
14 the fee for which shall be one hundred dollars.

§20-2B-8. Privileges of lifetime licenses.

1 Pursuant to section seven of this article, lifetime licensees
2 shall be entitled to the same privileges and subject to the
3 same restrictions as licensees possessing the equivalent
4 annual license with the following exceptions:

5 (a) Class A-L, AB-L, B-L and O-L licenses shall be valid
6 for the lifetime of the licensee;

7 (b) A Class O-L lifetime resident trout fishing license
8 shall be issued only to residents of the state and shall be
9 valid only when accompanied by a Class AB, AB-L, B, B-L,
10 X or XJ license;

11 (c) Class A-L, AB-L and B-L licenses shall include all of
12 the privileges of a Class I national forest license as
13 described in section forty-four-a, article two of this
14 chapter; and

15 (d) No additional fees shall be required of Class A-L and
16 AB-L licensees for a Class U, V or W license in order for the
17 said licensees to participate in the seasons for which said
18 licenses are required. No additional fee shall be required of
19 Class A-L, AB-L or B-L licensees for the conservation
20 stamp required by section nine of this article.

§20-2B-9. Conservation stamp; purposes, etc.

1 On or after the first day of January, one thousand nine
2 hundred eighty-nine, any hunter, fisherman or trapper
3 licensed to hunt, fish or trap in this state shall, in addition to
4 a hunting, fishing or trapping license of Class A, AB, B, X or
5 XJ in the case of a resident or Class E, EE, F, G, H or K in the
6 case of a nonresident, have a conservation stamp which
7 shall be issued by the department of natural resources and
8 which shall be sold at places where hunting, fishing or
9 trapping licenses are sold. The fee for the conservation
10 stamp shall be three dollars for a resident of West Virginia
11 and five dollars for a nonresident of West Virginia.

12 The revenue derived from the sale of conservation stamps
13 shall be deposited in the state treasury and shall be credited
14 to the department of natural resources. Said revenue shall
15 be used and paid out, upon order of the director, for capital

16 improvements and land purchases or leases benefiting
17 wildlife except that at the discretion of the director, a
18 maximum of twenty percent of said revenue may be used for
19 the operation and maintenance of said capital
20 improvements and lands: *Provided*, That none of this
21 revenue shall be expended for the purchase of wetlands, or
22 for land to be flooded so as to create wetlands, to attract
23 migratory waterfowl within sixty air miles of any
24 established poultry industry: *Provided, however*, That no
25 expenditures of the revenue derived from the sale of the
26 conservation stamps shall be made for recreational
27 facilities or activities that are used by or for the benefit of
28 the general public rather than by or for purchasers of
29 hunting, fishing or trapping licenses. Any unexpended
30 moneys derived from the sale of conservation stamps shall
31 be carried forward to the next fiscal year.

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

James O. Williams
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

To take effect January 1, 1989.

John C. Hells
.....
Clerk of the Senate

Ronald L. Rapp
.....
Clerk of the House of Delegates

Don Tomlin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *approved* this the *31st*
March day of 1988.

Arthur A. Shroyer, Jr.
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/18/88

Time 4:37 p.m.

RECEIVED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE