ENROLLED

SENATE BILL NO. 459

(By Senators Toykovich, Mr. President (by Request) and Harman)

PASSED _______ March 11, _______ 1988

In 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article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections thirty-nine, forty, forty-a, forty-three, forty-four-a, forty-five, forty-six-b and forty-six-c, article two of said chapter twenty be amended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 hundred eighty-nine, a Class A license shall be a resident statewide hunting and trapping license and shall entitle the licensee to hunt and trap all legal species of wild animals and wild birds in all counties of the state, except as prohibited by rules or regulations of the director or when additional licenses or permits are required. It shall be issued only to citizens of the United States or Canada and to unnaturalized persons who possess the permit referred to in section twenty-nine of this article who are residents of this state: Provided, That those residents who qualify for a Class Q license shall not be liable for such fee. The fee therefor shall be eleven dollars.
§20-2-40. Class B resident statewide fishing license.

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

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

The fee for a trout stamp shall be seven dollars and fifty 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.

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

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

The fee for a trout stamp shall be seven dollars and fifty 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.

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

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

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

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

A Class G license shall be a family fishing license and shall entitle the licensee and members of his family to fish within the territorial limits of state parks and state forests and in the waters of streams bounding same, for a distance of not to exceed one hundred yards from the exterior boundary of any state park or state forest, except when
additional licenses or permits are required, for a period not
to exceed one week. It may be issued to any adult resident or
nonresident who is temporarily residing in any state park or
forest as tenant or lessee of the state. The fee therefor shall
be ten dollars for the head of the family, plus two dollars
additional for each member of his family to whom the
privileges of such license are extended. Class G licenses may
be issued in such manner and under such regulations as the
director may see fit to prescribe.

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

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

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

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

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

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

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

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

A Class N license is a special deer hunting license for antlerless deer of either sex and entitles the licensee to hunt for and kill antlerless deer of either sex during the Class N license season. The fee for a Class N license is eight dollars. The Class N license may be issued only for the purpose of removing antlerless deer when the director deems it essential for proper management of wildlife resources. The director shall establish such rules and regulations governing the issuance of such Class N licenses as he deems necessary to limit, on a fair and equitable basis, the number of persons who may hunt for antlerless deer in any county, or any part of a county.

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

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

A Class N license may be issued only to a resident of this state who holds a valid Class A, Class A-L, Class AB, Class AB-L, Class X or Class XJ license issued for the current calendar year or a resident of West Virginia who is not required to obtain a license or permit to hunt as provided in section twenty-eight, article two of this chapter, except that this requirement shall not apply to persons under the age of fifteen. The director shall require proof of age before issuing a Class N license, and such license shall contain a
space for recording the number of the valid Class A, Class
A-L, Class AB, Class AB-L, Class X or Class XJ license. If at
any time prior to the Class N deer hunting season the
director determines that there is a surplus of Class N
licenses after the demand for such licenses by residents of
this state has been met, such surplus licenses may be issued
to nonresidents who hold a valid Class E hunting license.
The fee for a Class N license issued to a nonresident shall be
twenty dollars.

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

On and after the first day of January, one thousand nine
hundred eighty-nine, a Class O license shall be a resident
and nonresident statewide trout fishing license and shall
entitle the licensee to fish for trout in all counties of the
state, except as prohibited by rules or regulations of the
director.
The fee shall be seven dollars and fifty cents. The revenue
derived from the sale of this license shall be deposited in the
state treasury and credited to the department of natural
resources and shall be used and paid out, upon order of the
director, for state trout hatchery production.
This license shall be issued in the form of a stamp
prescribed by the director, shall be in addition to a Class
AB, AB-L, B, B-L, F, G, K, X or XJ license and shall be valid
only when affixed thereto.

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

On or after the first day of January, one thousand nine
hundred eighty-nine, a Class U license shall be a resident
statewide archery deer hunting license. A Class UU license
shall be a nonresident statewide archery deer hunting
license. A Class U or Class UU license shall entitle the
licensee to hunt for and kill deer with a bow during the
archery deer season in all counties of the state, except as
prohibited by the rules and regulations of the director or
commission. The fee for the Class U archery deer license
shall be five dollars. The fee for the Class UU license shall be
ten dollars.
The licenses shall be issued in a form prescribed by the
director, shall be in addition to a Class A, Class AB or Class
§20-2-46j. Class V resident and Class VV nonresident muzzle-loading deer hunting licenses.

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

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

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

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

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

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

On or after the first day of January, one thousand nine hundred eighty-nine, a Class W license shall be a resident
turkey hunting license, and a Class WW license shall be a nonresident turkey hunting license. A Class W or Class WW license shall entitle the licensee to hunt for and kill turkey during any turkey hunting season, except as prohibited by the rules and regulations of the director or commission. The fee for the Class W turkey hunting license shall be five dollars. The fee for the Class WW license shall be ten dollars.

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

§20-2-461. Class X sportsman’s hunting, fishing and trapping license.

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

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

The Class X license shall be issued only to citizens of the United States or Canada and to unnaturalized persons who possess the permit referred to in section twenty-nine of this article who are residents of this state. The fee for the Class X license shall be twenty-five dollars of which three dollars shall be designated as conservation stamp revenue and expended pursuant to section nine, article two-b of this said chapter.
§20-2-46m. Class XJ junior sportsman’s hunting, fishing and trapping license.

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

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

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

ARTICLE 2B. WILDLIFE ENDOWMENT FUND.

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

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

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

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

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

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

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

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

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

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

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

The revenue derived from the sale of conservation stamps shall be deposited in the state treasury and shall be credited to the department of natural resources. Said revenue shall be used and paid out, upon order of the director, for capital
improvements and land purchases or leases benefiting wildlife except that at the discretion of the director, a maximum of twenty percent of said revenue may be used for the operation and maintenance of said capital improvements and lands: Provided, That none of this revenue shall be expended for the purchase of wetlands, or for land to be flooded so as to create wetlands, to attract migratory waterfowl within sixty air miles of any established poultry industry: Provided, however, That no expenditures of the revenue derived from the sale of the conservation stamps shall be made for recreational facilities or activities that are used by or for the benefit of the general public rather than by or for purchasers of hunting, fishing or trapping licenses. Any unexpended moneys derived from the sale of conservation stamps shall be carried forward to the next fiscal year.
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 January 1, 1989.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ............... this the 31st
day of ............... 1988.

Governor