WEST VIRGINIA LEGISLATURE
F First Extraordinary
Reesession, 1997

ENROLLED

SENATE BILL NO. 1004

(By Senators Tomblin, Mr. President, and Buckeye,
By Request of the Executive)

PASSED APRIL 20, 1997

In Effect From Passage
ENROLLED

Senate Bill No. 1004

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND BUCKALEW, BY REQUEST OF THE EXECUTIVE)

[Passed April 20, 1997; in effect from passage.]

AN ACT to amend and reenact sections forty-three, forty-six-b, forty-six-c, forty-six-g, forty-six-i, forty-six-j and forty-six-k, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article two-b of said chapter by adding thereto a new section, designated section ten, all relating to nonresident sportsman fees; and providing for a law-enforcement and sports education stamp.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. WILDLIFE RESOURCES.

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

On or after the first day of January, one thousand nine hundred ninety-eight, the licenses in this section shall be required of nonresidents to hunt and fish in West Virginia. 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 one hundred dollars.

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. 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 fifty 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 thirty 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 division 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 rules 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 division 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.

§20-2-46b. **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 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-five dollars.

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

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
The fee shall be seven dollars and fifty cents: Provided, That on and after the first day of January, one thousand nine hundred ninety-eight, the fee for residents shall be seven dollars and fifty cents and the fee for nonresidents shall be ten dollars. The revenue derived from the sale of this license shall be deposited in the state treasury and credited to the division 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 is valid only when affixed thereto.

§20-2-46g. Class RR special nonresident deer hunting stamp for an additional deer.

The director has the authority to issue a special Class RR nonresident deer stamp when he or she determines it essential for the proper management of the wildlife resources. This stamp will allow the holder to hunt for and kill an additional deer as designated by the director. The fee for a Class RR nonresident deer stamp shall be twenty-five dollars: Provided, That on and after the first day of January, one thousand nine hundred ninety-eight, the fee shall be thirty dollars.

The director shall propose legislative rules in accordance with article three, chapter twenty-nine-a of this code governing the issuance and use of the stamp.

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

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 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: Provided, That on and after the first day of January, one thousand nine hundred ninety-eight, the fee shall be twenty-five 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 is valid only when accompanied thereby.

§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 firearms, either rifles or pistols, to be set at such time and to be of a duration determined by the commission. For a minimum of two days during this season, deer of either sex may be taken with muzzle-loading firearms 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 firearms with iron sights having a bore diameter of no less than thirty-eight one-hundredths inch are legal firearms for the taking of 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 does 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, are in addition to a Class A, Class AB or Class E license and are 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: Provided, That on and after the first day of January, one thousand nine hundred ninety-eight, the fee shall be twenty-five dollars.

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

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 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: Provided, That on and after the first day of January, one thousand nine hundred ninety-eight, the fee shall be twenty-five 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 is valid only when accompanied thereby.

ARTICLE 2B. WILDLIFE ENDOWMENT FUND.

§20-2B-10. Law-enforcement and sport education stamp.

On or after the first day of January, one thousand nine hundred ninety-eight, any nonresident hunter, angler or trapper licensed to hunt, fish or trap in this state, in addition to a hunting, fishing or trapping license of Class E, EE, F, G, H or K in the case of a nonresident, shall have a law-enforcement and sports education stamp which shall be issued by the division of natural resources. The stamp shall be sold at places where hunting, fishing or trapping licenses are sold. The fee for the law-enforcement and sports education stamp is five dollars for a nonresident of West Virginia.

The revenue derived from the sale of law-enforcement and sports education stamps shall be deposited in the state treasury and shall be credited to the division of natural resources, law-enforcement section. The revenue shall be used and paid out, upon order of the director, for the law-
Enr. S. B. No. 1004

enforcement section's expenses relating to the general
enforcement of state laws pertaining to the conservation
of fish and wildlife and or law-enforcement education
programs for hunters, anglers, trappers and boaters:
Provided, That no expenditures of the revenue derived
from the sale of the law-enforcement and sports education
stamp shall be made for law-enforcement purposes not
directly related to the wildlife resources of the state or for
the aforementioned educational programs. Any unex-
pended moneys derived from the sale of law-enforcement
and sports education stamps shall be carried forward to
the next fiscal year and expended for law-enforcement
and educational programs.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the .....................

day of .............................................., 1997.

Governor