

SB 1004

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WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY
~~REGULAR~~ SESSION, 1997



ENROLLED

SENATE BILL NO. 1004

(By Senators TOMBLIN MR. PRESIDENT AND BUCKLER,
By REQUEST OF THE EXECUTIVE)



PASSED APRIL 20, 1997

In Effect FROM Passage

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SENATE OF WEST VIRGINIA

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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.

1 On or after the first day of January, one thousand nine
2 hundred ninety-eight, the licenses in this section shall be
3 required of nonresidents to hunt and fish in West Virginia.
4 A Class E license shall be a nonresident hunting license
5 and shall entitle the licensee to hunt all legal species of
6 wild animals and wild birds in all counties of the state,
7 except when other licenses or permits are required. It
8 shall be issued only to citizens of the United States or
9 Canada and to unnaturalized persons who possess the
10 permit referred to in section twenty-nine of this article
11 who are not residents of this state. The fee therefor shall
12 be one hundred dollars.

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

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

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

33 A Class G license shall be a family fishing license and
34 shall entitle the licensee and members of his family to fish

35 within the territorial limits of state parks and state forests
36 and in the waters of streams bounding same, for a distance
37 of not to exceed one hundred yards from the exterior
38 boundary of any state park or state forest, except when
39 additional licenses or permits are required, for a period
40 not to exceed one week. It may be issued to any adult
41 resident or nonresident who is temporarily residing in any
42 state park or forest as tenant or lessee of the state. The fee
43 therefor shall be ten dollars for the head of the family,
44 plus two dollars additional for each member of his family
45 to whom the privileges of such license are extended. Class
46 G licenses may be issued in such manner and under such
47 rules as the director may see fit to prescribe.

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

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

§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
3 hunt for and kill antlerless deer of either sex during the
4 Class N license season. The fee for a Class N license is
5 eight dollars.

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

12 who may hunt for antlerless deer in any county, or any
13 part of a county.

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

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

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

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

1 A Class O license shall be a resident and nonresident
2 statewide trout fishing license and shall entitle the
3 licensee to fish for trout in all counties of the state, except

4 as prohibited by rules of the director.

5 The fee shall be seven dollars and fifty cents: *Provided,*
6 That on and after the first day of January, one thousand
7 nine hundred ninety-eight, the fee for residents shall be
8 seven dollars and fifty cents and the fee for nonresidents
9 shall be ten dollars. The revenue derived from the sale of
10 this license shall be deposited in the state treasury and
11 credited to the division of natural resources and shall be
12 used and paid out, upon order of the director, for state
13 trout hatchery production.

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

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

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

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

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

1 A Class U license shall be a resident statewide archery
2 deer hunting license. A Class UU license shall be a
3 nonresident statewide archery deer hunting license. A
4 Class U or Class UU license shall entitle the licensee to
5 hunt for and kill deer with a bow during the archery deer
6 season in all counties of the state, except as prohibited by
7 the rules of the director or commission. The fee for the
8 Class U archery deer license shall be five dollars. The fee

9 for the Class UU license shall be ten dollars: *Provided*,
10 That on and after the first day of January, one thousand
11 nine hundred ninety-eight, the fee shall be twenty-five
12 dollars.

13 The licenses shall be issued in a form prescribed by the
14 director, shall be in addition to a Class A, Class AB or
15 Class E license and is valid only when accompanied
16 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
2 each year for the taking of deer with muzzle-loading
3 firearms, either rifles or pistols, to be set at such time and
4 to be of a duration determined by the commission. For a
5 minimum of two days during this season, deer of either
6 sex may be taken with muzzle-loading firearms in all
7 counties open for the taking of antlerless deer as provided
8 in section forty-six-b of this article. Antlered deer only
9 may be taken in all other counties open for the taking of
10 deer with firearms.

11 Only single shot muzzle-loading firearms with iron
12 sights having a bore diameter of no less than thirty-eight
13 one-hundredths inch are legal firearms for the taking of
14 deer during the special season provided herein.

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

17 Any person wishing to hunt for and kill deer during the
18 special muzzle-loading season must possess a valid Class
19 V or Class VV license, except that this requirement does
20 not apply to a resident of West Virginia who is not re-
21 quired to obtain a license or permit to hunt as provided in
22 this chapter. A Class V license shall be a resident muz-
23 zle-loading deer hunting license. A Class VV license shall
24 be a nonresident muzzle-loading deer hunting license. The
25 licenses shall be issued in a form prescribed by the direc-
26 tor, are in addition to a Class A, Class AB or Class E
27 license and are valid only when accompanied thereby.
28 The fee for the Class V license shall be five dollars. The

29 fee for the Class VV license shall be ten dollars: *Provided*,
30 That on and after the first day of January, one thousand
31 nine hundred ninety-eight, the fee shall be twenty-five
32 dollars.

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

1 A Class W license shall be a resident turkey hunting
2 license, and a Class WW license shall be a nonresident
3 turkey hunting license. A Class W or Class WW license
4 shall entitle the licensee to hunt for and kill turkey during
5 any turkey hunting season, except as prohibited by the
6 rules of the director or commission. The fee for the Class
7 W turkey hunting license shall be five dollars. The fee for
8 the Class WW license shall be ten dollars: *Provided*, That
9 on and after the first day of January, one thousand nine
10 hundred ninety-eight, the fee shall be twenty-five 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
13 Class E license and is valid only when accompanied
14 thereby.

ARTICLE 2B. WILDLIFE ENDOWMENT FUND.

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

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

12 The revenue derived from the sale of law-enforcement
13 and sports education stamps shall be deposited in the state
14 treasury and shall be credited to the division of natural
15 resources, law-enforcement section. The revenue shall be
16 used and paid out, upon order of the director, for the law-

17 enforcement section's expenses relating to the general
18 enforcement of state laws pertaining to the conservation
19 of fish and wildlife and or law-enforcement education
20 programs for hunters, anglers, trappers and boaters:
21 *Provided*, That no expenditures of the revenue derived
22 from the sale of the law-enforcement and sports education
23 stamp shall be made for law-enforcement purposes not
24 directly related to the wildlife resources of the state or for
25 the aforementioned educational programs. Any unex-
26 pended moneys derived from the sale of law-enforcement
27 and sports education stamps shall be carried forward to
28 the next fiscal year and expended for law-enforcement
29 and educational programs.

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

King Spoonover
.....
Chairman Senate Committee

Nick Tommasio
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Darrell Robinson
.....
Clerk of the Senate

Bryony M. King
.....
Clerk of the House of Delegates

Carl Roy Tomblin
.....
President of the Senate

Robert L. Taylor
.....
Speaker House of Delegates

The within *is approved* this the *7th*
day of *May*, 1997.

Jeff Perdue
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/07

Time 3:22 pm