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HB # 24

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 2240

(By Delegates Boggs and Yeager)



Passed March 8, 2003

In Effect Ninety Days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

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FOR

H. B. 2240

(BY DELEGATES BOGGS AND YEAGER)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact sections thirty, thirty-three, thirty-four and forty-three, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section thirty-three-a, all relating generally to hunting and fishing license applications and fees; statement of eligibility for license; false statement; electronic application for license to apprise applicant of hunters helping the hungry program; voluntary donations; creating subaccount designated "hunters helping the hungry fund"; authorized expenditures; establishing a Class J license for small game preserves; and technical amendments.

Be it enacted by the Legislature of West Virginia:

That sections thirty, thirty-three, thirty-four and forty-three, article two, chapter twenty of the code of West Virginia, one thousand

nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section thirty-three-a, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-30. Application and statement of eligibility for licenses; procuring license in violation of chapter.

1 (a) Each person who applies for any class of license must
2 state to the issuing agent that he or she is eligible for and has
3 satisfied all prerequisites required by this chapter for that class
4 of license.

5 (b) It is unlawful for a person to make a false statement
6 when applying for any license issued pursuant to the provisions
7 of this chapter.

§20-2-33. Authority of director to designate agents to issue licenses; bonds; fees.

1 (a) The director may appoint, in addition to the clerk of the
2 county commission, agents to issue licenses under the provi-
3 sions of this article to serve the convenience of the public. Each
4 person appointed shall, before issuing any license, file with the
5 director a bond payable to the state of West Virginia, in the
6 amount to be fixed by the director, conditioned upon the
7 faithful performance of his or her obligation to issue licenses
8 only in conformity with the provisions of this article and to
9 account for all license fees received by him or her. The form of
10 the bond shall be prescribed by the attorney general. No person,
11 other than those designated as issuing agents by the director,
12 may sell licenses or buy the licenses for the purpose of resale.

13 (b) Except when a license is purchased from a state official,
14 every person making application for a license must pay, in
15 addition to the license fee prescribed in this article, an addi-

16 tional fee of seventy-five cents to any county official issuing
17 the license and all fees collected by county officials must be
18 paid by them into the general fund of the county treasury or, in
19 the case of an agent issuing the license, an additional fee of one
20 dollar as compensation: *Provided*, That only one fee of sev-
21 enty-five cents or one dollar may be collected by county
22 officials or authorized agents, respectively, for issuing two or
23 more licenses at the same time for use by the same person or for
24 issuing combination resident statewide hunting, trapping and
25 fishing licenses: *Provided, however*, That licenses may be
26 issued electronically in a manner prescribed by the director, and
27 persons purchasing electronically issued licenses may be
28 assessed, in addition to the license fee prescribed in this article,
29 an electronic issuance fee to be prescribed by the director.

30 (c) In lieu of the license issuance fee prescribed in subsec-
31 tion (b) of this section, the director shall propose rules for
32 legislative approval in accordance with the provisions of article
33 three, chapter twenty-nine-a of this code, governing the
34 application for and issuance of licenses by telephone and other
35 electronic methods.

**§20-2-33a. Electronic application to apprise applicant of hunters
helping the hungry program; check-off donations;
special fund continued; authorized expenditures.**

1 (a)(1) Every application for electronic license shall include
2 a solicitation for a voluntary donation to the division's previ-
3 ously established hunters helping the hungry program.

4 (2) The license applicant will be offered an opportunity to
5 designate a donation in any amount to the hunters helping the
6 hungry program.

7 (b) There is hereby created a subaccount, designated the
8 "hunters helping the hungry fund", within the special revenue
9 account established in section thirty-four of this article, into

10 which all donations derived under this section shall be depos-
11 ited. Moneys in the subaccount shall be expended solely for the
12 purposes set forth in subsection (c) of this section. Funds paid
13 into the subaccount may also be derived from the following
14 sources: (1) All interest or return on investment accruing to the
15 subaccount; (2) Any gifts, grants, bequests, transfers, appropria-
16 tions or other donations which may be received from any
17 governmental entity or unit or any person, firm, foundation, or
18 corporation; and (3) any appropriations by the Legislature
19 which may be made for the purposes of this section. Any
20 balance including accrued interest and other earnings at the end
21 of any fiscal year shall not revert to the general fund but shall
22 remain in the fund for the purposes set forth in this section.

23 (c) The moneys in the fund will be paid out, at the direction
24 of the director, to eligible participants for the butchering of
25 game carcasses and for the expenses related to the acquisition
26 and distribution of food to the needy residents of West Virginia.

27 (d) For purposes of this section, "eligible participant"
28 means a nonprofit organization that coordinates, with the
29 division of natural resources and other entities, a statewide
30 system for the distribution of meat products derived from the
31 butchering of donated game carcasses by a person licensed
32 under the provisions of article two-b, chapter nineteen of this
33 code.

**§20-2-34. Disposition of license fees and donations; reports of
agents; special funds and uses.**

1 (a) All persons in this state who receive money for licenses
2 and permits required by this chapter, or as donations for the
3 hunters helping the hungry program, shall, on the first day of
4 each month, pay over to the director all moneys so collected by
5 them during the preceding month. The payment shall be
6 accompanied by a report showing, in the case of license fees

7 and donated money, the name of the county, the class of license
8 sold, the amount of any donation, the names and addresses of
9 the persons paying the license fees and donated moneys, the
10 date of the receipt, the signature of the person receiving and
11 remitting the funds, and other information the director deter-
12 mines necessary.

13 (b) Except where other provisions of this chapter specifi-
14 cally require and direct payment of moneys into designated
15 funds for specific uses and purposes, all license fees received
16 by the director shall be promptly paid into the state treasury and
17 credited to the division of natural resources “license
18 fund—wildlife resources” which shall be used and paid out,
19 upon order of the director solely for law enforcement and for
20 other purposes directly relating to the conservation, protection,
21 propagation and distribution of wildlife in this state pursuant to
22 the provisions of this chapter.

23 No funds from the “license fund—wildlife resources” may
24 be expended for recreational facilities or activities that are used
25 by or for the benefit of the general public, rather than purchas-
26 ers of hunting and fishing licenses.

27 Of the annual license fund income, the director shall retain
28 ten percent for capital improvements and land purchases
29 benefiting state wildlife, forty percent shall be budgeted to the
30 wildlife resources division, forty percent to law enforcement
31 and ten percent apportioned by the director within provisions of
32 this section. Any unexpended moneys for capital improvements
33 and land purchases shall be carried forward.

34 All interest generated from game and fish license fees after
35 the thirty-first day of July, one thousand nine hundred ninety-
36 one, shall be used by the director for the division of natural
37 resources in the same manner as is provided for the use of
38 license fees.

39 (c) Moneys received as donations to the hunters helping the
40 hungry program shall be deposited in the hunters helping the
41 hungry fund.

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

1 (a) The licenses in this section are required of nonresidents
2 to hunt, trap or fish in West Virginia.

3 (1) A Class E license is a nonresident hunting and trapping
4 license and entitles the licensee to hunt or trap all legal species
5 of wild animals and wild birds in all counties of the state except
6 when other licenses or permits are required. The fee for the
7 license is one hundred dollars.

8 (2) A Class EE license is a nonresident bear hunting license
9 and entitles the licensee to hunt bear in all counties of the state,
10 except when additional licenses or permits are required. The fee
11 for the license is one hundred fifty dollars.

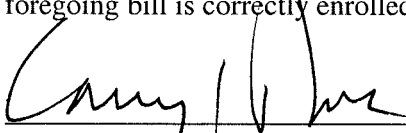
12 (3) A Class F license is a nonresident fishing license and
13 entitles the licensee to fish for all fish in all counties of the state
14 except when additional licenses or permits are required. The fee
15 for the license is thirty dollars. Trout fishing is not permitted
16 with a Class F license unless the license has affixed to it an
17 appropriate trout stamp as prescribed by the division of natural
18 resources.

19 (4) A Class H license is a nonresident small game hunting
20 license and entitles the licensee to hunt small game in all
21 counties of the state, except when additional licenses or permits
22 are required, for a period of six days beginning with the date it
23 is issued.

24 The fee for the license is twenty dollars. As used in this
25 section, “small game” means all game except bear, deer, wild
26 turkey and wild boar.

27 (5) A Class J license is a nonresident small game shooting
28 preserve license and entitles the licensee to hunt small game on
29 designated shooting preserves, except when additional licenses
30 or permits are required, for a period of six days beginning with
31 the date it is issued. The fee for the license is ten dollars.

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



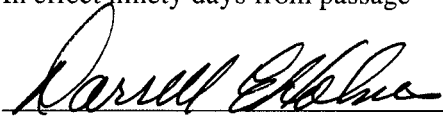
Chairman Senate Committee



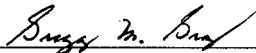
Chairman House Committee

Originating in the House.

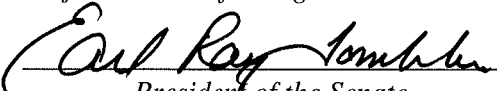
In effect ninety days from passage



Clerk of the Senate



Clerk of the House of Delegates

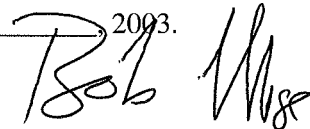


President of the Senate



Speaker of the House of Delegates

The within is approved this the 27th
day of March 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/24/03

Time 10:35 AM