ENROLLED

Committee Substitute for
SENATE BILL NO. 500

(By Senator Fanning)

PASSED March 4, 2004

In Effect Ninety days from Passage
AN ACT to amend and reenact §20-2-32, §20-2-33 and §20-2-34 of the code of West Virginia, 1931, as amended, all relating generally to the issuance of hunting and fishing licenses; disposition of duplicate license fees; increasing fees; promulgation of legislative rules; and disposition of fees.

Be it enacted by the Legislature of West Virginia:

That §20-2-32, §20-2-33 and §20-2-34 of the code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-32. Issuance of licenses; duplicate licenses.

1 The clerk of the county commission in each county and
2 other persons designated by the director shall be license-
issuing authorities. Each license-issuing authority shall issue a license to a license applicant if, in the opinion of the authority, the license applicant is legally entitled to obtain the license applied for and pays the proper fee.

All materials and supplies necessary for the issuance of licenses shall be furnished by the director to each person authorized to issue licenses.

Each license shall bear a serial number and shall be signed by the licensee. The issuing authority shall keep an accurate record, in the form and manner prescribed by the director, of all licenses issued and of all money collected as license fees.

Any license-issuing authority may issue a duplicate license, to replace a lost, destroyed or damaged license, upon receipt of a verified application duly executed by the original license holder and the payment to the issuing authority of a duplicate license fee of one dollar.

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

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

(b) Except when a license is purchased from a state official, every person making application for a license shall pay, in addition to the license fee prescribed in this article,
an additional fee of three dollars to any county official
issuing the license and all fees collected by county officials
must be paid by them into the general fund of the county
treasury or, in the case of an agent issuing the license, an
additional fee of three dollars as compensation: Provided,
That only one issuing fee of three dollars may be collected
by county officials or authorized agents, respectively, for
issuing two or more licenses at the same time for use by
the same person or for issuing combination resident
statewide hunting, trapping and fishing licenses: Provided,
however, That a person with a lifetime license or a person
who has paid the original additional fee of three dollars to
a county official or issuing agent for a license shall only be
charged an additional fee of one dollar as additional
compensation when subsequently purchasing an addi-
tional license from a county official or issuing agent:
Provided further, That licenses may be issued electroni-
cally in a manner prescribed by the director and persons
purchasing electronically issued licenses may be assessed,
in addition to the license fee prescribed in this article, an
electronic issuance fee to be prescribed by the director.

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

(d) The director may propose rules for legislative ap-
proval in accordance with the provisions of article three,
chapter twenty-nine-a of this code governing the manage-
ment of issuing agents.

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

(a) All persons in this state who receive money for
licenses and permits required by this chapter, or as
donations for the hunters helping the hungry program,
(b) Except where other provisions of this chapter specifically require direct payment of moneys into designated funds for specific uses and purposes, all license fees received by the director shall be promptly paid into the state treasury and credited to the division of natural resources "license fund—wildlife resources" which shall be used and paid out, upon order of the director, solely for law enforcement and for other purposes directly relating to the conservation, protection, propagation and distribution of wildlife in this state pursuant to the provisions of this chapter.

No funds from the "license fund—wildlife resources" may be expended for recreational facilities or activities that are used by or for the benefit of the general public, rather than purchasers of hunting and fishing licenses.

The director shall retain ten percent of the "license fund—wildlife resources" for capital improvements and land purchases benefitting state wildlife, forty percent shall be budgeted to the wildlife resources division, forty percent to law enforcement and ten percent apportioned by the director within provisions of this section. Any unexpended moneys for capital improvements and land purchases shall be carried forward.

All interest generated from game and fish license fees shall be used by the director for the division of natural resources in the same manner as is provided for the use of license fees.

(c) Moneys received as donations to the hunters helping the hungry program shall be deposited in the subaccount designated "hunters helping the hungry fund".
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.

In effect ninety days 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 1st Day of March, 2004.

Governor