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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 3048**

(By Mr. Speaker, Mr. Kiss, and Delegates Michael,  
Beach and Tabb)



Passed April 9, 2005

In Effect Ninety Days from Passage

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COMMITTEE SUBSTITUTE

FOR

## H. B. 3048

(BY MR. SPEAKER, MR. KISS, AND DELEGATES MICHAEL,  
BEACH AND TABB)

[Passed April 9, 2005; in effect ninety days from passage.]

AN ACT to repeal §20-2-39, §20-2-40, §20-2-40b, §20-2-41, §20-2-43, §20-2-44a, §20-2-45, §20-2-46b, §20-2-46c, §20-2-46d, §20-2-46f, §20-2-46g, §20-2-46i, §20-2-46j, §20-2-46k, §20-2-46l, §20-2-46m and §20-2-63 of the Code of West Virginia, 1931, as amended; to amend and reenact §20-2-30a, §20-2-33, §20-2-44 and §20-2-44b of said code; to amend said code by adding thereto twenty-four new sections, designated §20-2-33b, §20-2-42, §20-2-42a, §20-2-42b, §20-2-42c, §20-2-42d, §20-2-42e, §20-2-42f, §20-2-42g, §20-2-42h, §20-2-42i, §20-2-42j, §20-2-42k, §20-2-42l, §20-2-42m, §20-2-42n, §20-2-42o, §20-2-42p, §20-2-42q, §20-2-42r, §20-2-42s, §20-2-42t, §20-2-42u and §20-2-42v; and to amend and reenact §20-2B-6, §20-2B-7, §20-2B-8, §20-2B-9 and §20-2B-10 of said code, all relating to the restructuring of the hunting and fishing license system; increasing fees; providing an

effective date; creating a system to index fees to the Consumer Price Index; and providing for requirements for certification of training.

*Be it enacted by the Legislature of West Virginia:*

That §20-2-39, §20-2-40, §20-2-40b, §20-2-41, §20-2-43, §20-2-44a, §20-2-45, §20-2-46b, §20-2-46c, §20-2-46d, §20-2-46f, §20-2-46g, §20-2-46i, §20-2-46j, §20-2-46k, §20-2-46l, §20-2-46m and §20-2-63 of the Code of West Virginia, 1931, as amended, be repealed; that §20-2-30a, §20-2-33, §20-2-44 and §20-2-44b of said code be amended and reenacted; that said code be amended by adding thereto twenty-four new sections, designated §20-2-33b, §20-2-42, §20-2-42a, §20-2-42b, §20-2-42c, §20-2-42d, §20-2-42e, §20-2-42f, §20-2-42g, §20-2-42h, §20-2-42i, §20-2-42j, §20-2-42k, §20-2-42l, §20-2-42m, §20-2-42n, §20-2-42o, §20-2-42p, §20-2-42q, §20-2-42r, §20-2-42s, §20-2-42t, §20-2-42u and §20-2-42v; and that §20-2B-6, §20-2B-7, §20-2B-8, §20-2B-9 and §20-2B-10 of said code be amended and reenacted, all to read as follows:

## **ARTICLE 2. WILDLIFE RESOURCES.**

### **§20-2-30a. Certificate of training; falsifying, altering, forging, counterfeiting or uttering training certificate; penalties.**

1 (a) Notwithstanding any other provisions of this article, no  
2 hunting license or stamp may be issued to any person who was  
3 born on or after the first day of January, one thousand nine  
4 hundred seventy-five, unless the person submits to the person  
5 authorized to issue hunting licenses a certificate of training as  
6 provided in this section or proof of completion of any course  
7 which promotes as a major objective safety in the handling of  
8 firearms and of bow and arrows and which course is approved  
9 by the hunter education association or the Director, or provides  
10 a State of West Virginia resident or nonresident hunting license  
11 from the previous hunting season that displays a certification of

12 training, or attests that a hunter training course has been  
13 completed when purchasing a license or stamp online.

14 (b) The Director shall establish a course in the safe han-  
15 dling of firearms and of bows and arrows, such as the course  
16 approved by the hunter education association. This course shall  
17 be given at least once per year in each county in this state and  
18 shall be taught by instructors certified by the Director. In  
19 establishing and conducting this course, the Director may  
20 cooperate with any reputable association or organization which  
21 promotes as a major objective safety in the handling of firearms  
22 and of bows and arrows: *Provided*, That any person holding a  
23 Class A-L or AB-L lifetime resident license obtained prior to  
24 his or her fifteenth birthday shall be required to obtain a  
25 certificate of training as provided in this section before hunting  
26 or trapping pursuant to said license. This course of instruction  
27 shall be offered without charge, except for materials or ammu-  
28 nition consumed. Upon satisfactory completion of the course,  
29 each person instructed in the course shall be issued a certificate  
30 of training for the purposes of complying with the requirements  
31 of subsection (a) of this section. The certificate shall be in the  
32 form prescribed by the Director and shall be valid for hunting  
33 license application purposes.

34 (c) (1) Upon satisfactory completion of this course, any  
35 person whose hunting license has been revoked for a violation  
36 of the provisions of this chapter may petition the Director for a  
37 reduction of his or her revocation time. However, under no  
38 circumstances may the time be reduced to less than one year.

39 (2) Successful completion of this course shall be required  
40 to consider the reinstatement of a hunting license of any person  
41 whose license has been revoked due to a conviction for negli-  
42 gent shooting of a human being or of livestock under the  
43 provisions of section fifty-seven of this article, and who  
44 petitions the Director for an early reinstatement of his or her

45 hunting privileges. Such a petitioner shall also comply with the  
46 other requirements for consideration of reinstatement contained  
47 in section thirty-eight of this article.

48 (d) It is unlawful for any person to falsify, alter, forge,  
49 counterfeit or utter a certificate of training. Any person who  
50 violates the provisions of this subsection is guilty of a misde-  
51 meanor and, upon conviction thereof, shall be fined not less  
52 than five hundred dollars nor more than one thousand dollars,  
53 or confined in jail for a period not to exceed one year, or both  
54 fined and imprisoned.

55 (e) Nothing herein contained shall mandate that any county  
56 school district in the state be responsible for implementing  
57 hunter safety education programs.

**§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  
11 person, other than those designated as issuing agents by the  
12 Director, may sell licenses or buy licenses for the purpose of  
13 resale.

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

17 tional fee of three dollars to any county official issuing the  
18 license and all fees collected by county officials must be paid  
19 by them into the general fund of the county treasury or, in the  
20 case of an agent issuing the license, an additional fee of three  
21 dollars as compensation: *Provided*, That only one issuing fee of  
22 three dollars may be collected by county officials or authorized  
23 agents, respectively, for issuing two or more licenses at the  
24 same time for use by the same person or for issuing combina-  
25 tion resident statewide hunting, trapping and fishing licenses:  
26 *Provided, however*, That a person with a lifetime license or a  
27 person who has paid the original additional fee of three dollars  
28 to a county official or issuing agent for a license shall only be  
29 charged an additional fee of one dollar as additional compensa-  
30 tion when subsequently purchasing an additional license from  
31 a county official or issuing agent: *Provided further*, That  
32 licenses may be issued electronically in a manner prescribed by  
33 the Director and persons purchasing electronically issued  
34 licenses may be assessed, in addition to the license fee pre-  
35 scribed in this article, an electronic issuance fee to be pre-  
36 scribed by the Director: *Provided*, That, notwithstanding any  
37 provision of this code to the contrary, an electronic issuance fee  
38 of at least two dollars shall be assessed on each Go Wild  
39 transaction. The electronic issuance fee shall be dedicated to the  
40 administration and maintenance of Go Wild. The Director may  
41 propose rules for legislative approval in accordance with article  
42 three, chapter twenty-nine-a of this code increasing the license  
43 issuing fees authorized by this section.

44 (c) In lieu of the license issuance fee prescribed in subsec-  
45 tion (b) of this section, the Director shall propose rules for  
46 legislative approval in accordance with the provisions of article  
47 three, chapter twenty-nine-a of this code governing the applica-  
48 tion for and issuance of licenses by telephone and other  
49 electronic methods.

50 (d) The Director may propose rules for legislative approval  
51 in accordance with the provisions of article three, chapter  
52 twenty-nine-a of this code governing the management of  
53 issuing agents.

**§20-2-33b. Electronic application donation to fund the Coyote Management Program.**

1 (a) (1) Effective the first day of January, two thousand six,  
2 every application for a hunting or fishing electronic license  
3 shall include a solicitation for a voluntary donation to the  
4 division's established Coyote Management Program.

5 (2) The license applicant will be offered an opportunity to  
6 designate a donation in the amount of two dollars for the  
7 Coyote Management Program.

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

23 (c) The moneys in the fund shall be paid out, at the sole  
24 discretion and direction of the director, to address coyote  
25 management issues.

**§20-2-42. Effective date and indexing of license and stamp fees.**

1       The license and stamp fees in article two and two-b of this  
2 chapter as amended during the regular session of the 2005  
3 regular session of the Legislature shall become effective on the  
4 first day of January, two thousand six. The Director may from  
5 time to time propose rules for legislative approval in accor-  
6 dance with article three, chapter twenty-nine-a of this code,  
7 changing any license or stamp fee set forth in this article or in  
8 article two-b. All increases in license and stamp fees in this  
9 article which are set forth in rule shall be computed in a manner  
10 that results in the increase being indexed to an increase in the  
11 Consumer Price Index (All Items) published by the United  
12 States Department of Labor rounded down to the nearest dollar:  
13 *Provided*, That no increase in fee resulting from increases in the  
14 Consumer Price Index (All Items) may be made after the first  
15 day of January, two thousand eleven.

**§20-2-42a. Class A resident hunting and trapping license.**

1       A Class A license is a resident hunting and trapping license  
2 and entitles the licensee to hunt and trap all legal species of  
3 wild animals and wild birds in all counties of the state, except  
4 that the licensee may not hunt deer during the deer archery and  
5 muzzleloader seasons, or black bear, wild turkey or wild boar  
6 during the respective seasons, and except as prohibited by rules  
7 of the Director or Natural Resources Commission and when  
8 additional licenses, stamps or permits are required. It shall be  
9 issued only to residents or aliens lawfully residing in the United  
10 States who have been domiciled residents of West Virginia for  
11 a period of thirty consecutive days or more immediately prior  
12 to the date of their application for a license. The fee for the  
13 license is eighteen dollars. This is a base license and does not  
14 require the purchase of a prerequisite license to participate in  
15 the activities specified in this section, except as noted.



**§20-2-42b. Class B resident fishing license.**

1 A Class B license is a resident fishing license and entitles  
2 the licensee to fish for all legal fish except trout and to take  
3 frogs in all counties of the state, except as prohibited by rules  
4 of the Director or Natural Resources Commission and when  
5 additional licenses, stamps or permits are required. It shall be  
6 issued only to residents or aliens lawfully residing in the United  
7 States who have been domiciled residents of West Virginia for  
8 a period of thirty consecutive days or more immediately prior  
9 to the date of their application for a license. The fee for the  
10 license is eighteen dollars. To fish for trout, a Class B license  
11 holder must purchase and carry a valid Class O stamp or Class  
12 O-L license. This is a base license and does not require the  
13 purchase of a prerequisite license to participate in the activities  
14 specified in this section, except as noted.

**§20-2-42c. Class C courtesy statewide hunting and fishing license.**

1 A Class C license is a courtesy hunting and fishing license  
2 and entitles the licensee to hunt and fish in all counties of this  
3 state. It may be issued by the Director upon application made  
4 to him or her and without fee to:

5 (1) Members and agents of the United States Fish and  
6 Wildlife Service;

7 (2) Members of State Commissions of other states extend-  
8 ing similar courtesies;

9 (3) Diplomatic and consular representatives of foreign  
10 countries;

11 (4) Persons engaged in scientific wildlife research;

12 (5) Nonresident outdoor writers and other nonresidents  
13 engaged in promoting an interest in the Natural Resources of  
14 the State of West Virginia.

15 Not more than one hundred courtesy licenses shall be  
16 issued in one year. This is a base license and does not require  
17 the purchase of a prerequisite license to participate in the  
18 activities specified in this section, except as noted.

**§20-2-42d. Class E nonresident hunting and trapping license.**

1 A Class E license is a nonresident hunting and trapping  
2 license and entitles the licensee to hunt and trap all legal species  
3 of wild animals and wild birds in all counties of the state except  
4 as prohibited by rules of the Director or Natural Resources  
5 Commission and except when other licenses, stamps or permits  
6 are required. The fee for the license is one hundred ten dollars.  
7 This is a base license and does not require the purchase of a  
8 prerequisite license to participate in the activities specified in  
9 this section, except as noted.

**§20-2-42e. Class EE nonresident bear hunting license.**

1 A Class EE license is a nonresident bear hunting license  
2 and entitles the licensee to hunt bear in all counties of the state,  
3 except as prohibited by rules of the Director or Natural Re-  
4 sources Commission and except when additional licenses,  
5 stamps or permits are required. The fee for the license is one  
6 hundred fifty dollars. This is a base license and does not require  
7 the purchase of a prerequisite license to participate in the  
8 activities specified in this section, except as noted.

**§20-2-42f. Class F nonresident fishing license.**

1 A Class F license is a nonresident fishing license and  
2 entitles the licensee to fish for all legal fish except trout and to  
3 take frogs, in all counties of the state except as prohibited by  
4 rules of the Director or Natural Resources Commission and  
5 except when additional licenses, stamps or permits are required.  
6 The fee for the license is thirty-five dollars. To fish for trout, a  
7 Class F license holder must purchase and carry a valid Class

8 OO trout stamp. This is a base license and does not require the  
9 purchase of a prerequisite license to participate in the activities  
10 specified in this section, except as noted.

**§20-2-42g. Class H nonresident small game hunting license.**

1 A Class H license is a nonresident small game hunting  
2 license and entitles the licensee to hunt small game in all  
3 counties of the state, except as prohibited by rules of the  
4 Director or Natural Resources Commission and except when  
5 additional licenses, stamps or permits are required, for a period  
6 of six consecutive hunting days chosen by the licensee, exclud-  
7 ing Sunday in counties closed to Sunday hunting. The fee for  
8 the license is twenty-five dollars. This is a base license and does  
9 not require the purchase of a prerequisite license to participate  
10 in the activities specified in this section, except as noted.

**§20-2-42h. Class J nonresident small game shooting preserve license.**

1 A Class J license is a nonresident small game shooting  
2 preserve license and entitles the licensee to hunt small game on  
3 designated shooting preserves, except as prohibited by rules of  
4 the Director or Natural Resources Commission and except  
5 when additional licenses, stamps or permits are required, for a  
6 period of six consecutive hunting days chosen by the licensee,  
7 excluding Sunday in counties closed to Sunday hunting. The fee  
8 for the license is ten dollars. This is a base license and does not  
9 require the purchase of a prerequisite license to participate in  
10 the activities specified in this section, except as noted.

**§20-2-42i. Class LL nonresident one-day fishing license.**

1 A Class LL license is a nonresident fishing license and  
2 entitles the licensee to fish for all legal fish except trout and to  
3 take frogs in all counties of the state for the calendar date  
4 chosen by the buyer and which will be specified on the license,

5 except as prohibited by rules of the Director or Natural Re-  
6 sources Commission and except when additional licenses,  
7 stamps or permits are required. To fish for trout, a Class LL  
8 licensee must purchase and carry a valid Class OO trout stamp.  
9 The fee for the license is three dollars. This is a base license and  
10 does not require the purchase of a prerequisite license to  
11 participate in the activities specified in this section, except as  
12 noted.

**§20-2-42j. Class X resident hunting, fishing and trapping license.**

1 A Class X license is a resident hunting, fishing and trapping  
2 license and entitles the licensee to hunt and trap for all legal  
3 species of wild animals and wild birds, to fish for all legal  
4 species of fish except trout and to take frogs in all counties of  
5 the state, except as prohibited by the rules of the Director or  
6 Natural Resources Commission and when additional licenses,  
7 stamps or permits are required. No additional fees shall be  
8 required of Class X licensees for a Class CS stamp. To fish for  
9 trout, a Class X licensee must purchase and carry a valid Class  
10 O stamp or Class O-L license. The Class X license shall be  
11 issued only to residents or aliens lawfully residing in the United  
12 States who have been domiciled residents of West Virginia for  
13 a period of thirty consecutive days or more immediately prior  
14 to the date of their application for a license. The fee for the  
15 license is thirty-three dollars. The portion of the Class X license  
16 fee equal to the annual fee for the Class CS stamp shall be  
17 designated as conservation stamp revenue and expended  
18 pursuant to section nine, article two-b of this code. This is a  
19 base license and does not require the purchase of a prerequisite  
20 license to participate in the activities specified in this section,  
21 except as noted.

**§20-2-42k. Class XJ resident junior and Class XXJ nonresident  
junior hunting, fishing and trapping license.**

1 A Class XJ license is a resident junior hunting, fishing and  
2 trapping license and a Class XXJ license is a nonresident junior  
3 hunting, fishing and trapping license. These licenses entitle the  
4 licensee to hunt and trap for all legal species of wild animals  
5 and wild birds, to fish for all legal species of fish except trout  
6 and to take frogs in all counties of the state, except as prohib-  
7 ited by the rules of the Director or Natural Resources Commis-  
8 sion and when additional licenses, stamps and permits are  
9 required. No additional fees are required of Class XJ licensees  
10 for a Class CS stamp. No additional fees are required of Class  
11 XXJ licensees for Class I, UU, VV or WW stamps. To fish for  
12 trout, Class XJ or XXJ licensees must purchase and carry a  
13 valid Class O or OO stamp or O-L license. The Class XJ license  
14 may be issued only to a resident who has not reached his or her  
15 eighteenth birthday and is otherwise required by section twenty-  
16 seven of this article to purchase a license. The Class XXJ  
17 license may be issued to a nonresident who has not reached his  
18 or her eighteenth birthday and is at least eight years old and is  
19 otherwise required by section twenty-seven of this article to  
20 purchase a license. The fee for the Class XJ license is fifteen  
21 dollars. The portion of the Class XJ license fee equal to the  
22 annual fee for the Class CS stamp shall be designated as  
23 conservation stamp revenue and expended pursuant to section  
24 nine of article two-b. The fee for the Class XXJ license is  
25 fifteen dollars. In addition to buying a Class XXJ license, a  
26 nonresident must purchase a Class CS/LE stamp as required in  
27 section ten of article two-b. This is a base license and does not  
28 require the purchase of a prerequisite license to participate in  
29 the activities specified in this section, except as noted.

**§20-2-42l. Class A-1 small arms hunting stamp.**

1 Notwithstanding the provisions of section two, article  
2 seven, chapter sixty-one of this code, a Class A-1 stamp is a  
3 small arms hunting stamp. To be eligible to get a Class A-1  
4 stamp, a person must be legally able to possess a firearm. If a

5 person is otherwise qualified, a Class A-1 stamp may be issued  
6 to a person twenty-one years of age or older who holds a valid  
7 resident or nonresident hunting license, or to a person who is a  
8 resident sixty-five years of age or older, but a Class A-1 stamp  
9 shall never be issued to a person who has been convicted of a  
10 misdemeanor associated with the use of firearms or dangerous  
11 weapons or who has been convicted of a felony. A Class A-1  
12 stamp entitles the licensee to hunt, as otherwise permitted by  
13 the provisions of this chapter, but only during small game and  
14 big game seasons as established annually by the Director, with  
15 either a revolver or pistol which has a barrel at least four inches  
16 in length. Unless otherwise permitted by the Code of West  
17 Virginia, a Class A-1 stamp entitles the licensee to carry or  
18 have in his or her possession only one revolver or pistol when  
19 going to and from his or her home or residence and a place of  
20 hunting and while hunting: *Provided*, That the Class A-1 stamp  
21 may not be valid unless the licensee has in his or her possession  
22 a valid resident or nonresident hunting license or is a resident  
23 sixty-five years of age or older: *Provided, however*, That at all  
24 times, when not actually hunting, the revolver or pistol shall be  
25 unloaded. While hunting, the licensee shall carry the revolver  
26 or pistol in an unconcealed and easily visible place. The fee for  
27 the stamp is eight dollars. A lifetime Class A-1 stamp may be  
28 issued to anyone otherwise qualified and holding a valid Class  
29 A-L or AB-L license or to a resident sixty-five years of age or  
30 older. The lifetime Class A-1 stamp will be issued in a form  
31 prescribed by the Director. The fee for a lifetime Class A-1  
32 stamp is seventy-five dollars. All fees collected for the issuance  
33 of the Class A-1 and lifetime Class A-1 stamps shall be depos-  
34 ited in the State Treasury and credited to the law-enforcement  
35 section of the Division of Natural Resources. The fees collected  
36 shall be paid out of the State Treasury on order of the Director  
37 and used solely for law-enforcement purposes. Any person  
38 convicted of a misdemeanor associated with the use of firearms  
39 or dangerous weapons or convicted of a felony, or any person  
40 who becomes legally unable to possess a firearm shall immedi-

41 ately surrender the stamp to the Division of Natural Resources.  
42 A holder of a Class A-1 or lifetime Class A-1 stamp is required  
43 to purchase the appropriate base license before participating in  
44 the activities specified in this section, except as noted.

**§20-2-42m. Class I nonresident national forest hunting, trapping  
and fishing stamp.**

1 A Class I stamp is a nonresident national forest hunting,  
2 trapping and fishing stamp and entitles the licensee, when  
3 within national forest land in West Virginia, to hunt legal  
4 species in season; to trap fur-bearing animals in season; and to  
5 fish in the waters therein. The stamp shall be issued only to a  
6 nonresident holding a Class E, EE, F, H or LL license. The fee  
7 for the stamp is two dollars. This stamp requires that the  
8 licensee purchase the appropriate base license before participat-  
9 ing in the activities specified in this section, except as noted.

**§20-2-42n. Class N resident and Class NN nonresident antlerless  
deer hunting stamp.**

1 A Class N stamp is a resident deer hunting stamp for  
2 antlerless deer. A Class NN stamp is a nonresident deer hunting  
3 stamp for antlerless deer. These stamps entitle the licensee to  
4 hunt and take antlerless deer of either sex during the Class N  
5 season. The fee for a Class N stamp is ten dollars and the fee  
6 for a Class NN stamp is twenty-five dollars. Class N and NN  
7 stamps may be issued only for the purpose of removing  
8 antlerless deer when the Director determines it essential for  
9 proper management of the wildlife resources. The Director may  
10 promulgate rules governing the issuance and use of the Class N  
11 and NN stamps as deemed necessary to limit, on a fair and  
12 equitable basis, the number of persons who may hunt for  
13 antlerless deer in a county, or part of a county. When the  
14 Director determines it essential that a Class N or NN season be  
15 held in a particular county or part of a county, that season shall  
16 be set by the Natural Resources Commission as provided in

17 section seventeen, article one of this chapter. Bona fide resident  
18 landowners or their resident children, or resident parents, bona  
19 fide resident tenants of such land and bona fide resident  
20 stockholders of resident corporations which are formed for the  
21 primary purpose of hunting or fishing and which are the fee  
22 simple owners of no less than one thousand acres of land upon  
23 which the antlerless deer may be hunted are not required to  
24 have a Class N stamp in their possession while hunting  
25 antlerless deer on their own land during the Class N season. A  
26 resident hunter, including those not required to purchase a  
27 license pursuant to section twenty-seven of this article, must  
28 purchase and carry a valid Class N stamp. A nonresident hunter  
29 must purchase and carry a valid Class NN stamp. These stamps  
30 require that the licensee purchase the appropriate base license  
31 before participating in the activities specified in this section,  
32 except as noted.

**§20-2-42o. Class O resident and Class OO nonresident trout  
fishing stamp.**

1 A Class O stamp is a resident trout fishing stamp. A Class  
2 OO stamp is a nonresident trout fishing stamp. These stamps  
3 entitle the licensee to fish for trout in all counties of the state,  
4 except as prohibited by rules of the Director or Natural Re-  
5 sources Commission. The fee for a Class O stamp is ten dollars  
6 and the fee for a Class OO stamp is fifteen dollars. The revenue  
7 derived from the sale of these stamps shall be deposited in the  
8 State Treasury and credited to the Division of Natural Re-  
9 sources and shall be used and paid out, upon order of the  
10 Director, for state trout program expenses. These stamps, issued  
11 in a form prescribed by the Director, shall be in addition to a  
12 Class AB-L, B, B-L, F, LL, X, XJ or XXJ license or Class Q  
13 permit. These stamps require that the licensee purchase the  
14 appropriate base license before participating in the activities  
15 specified in this section, except as noted.



**§20-2-42p. Class RG resident and Class RRG nonresident gun deer hunting stamp for an additional deer.**

1       The Director has the authority to issue a Class RG resident  
2 and a Class RRG nonresident gun deer hunting stamp when  
3 deemed essential for the proper management of the wildlife  
4 resources. These stamps allow the licensee to hunt and take an  
5 additional deer as designated by the Director. The fee for a  
6 Class RG stamp is twenty dollars and the fee for a Class RRG  
7 stamp is forty dollars. The Director may promulgate rules in  
8 accordance with article three, chapter twenty-nine-a of this code  
9 governing the issuance and use of these stamps. These stamps  
10 require that the licensee purchase the appropriate base license  
11 before participating in the activities specified in this section,  
12 except as noted.

**§20-2-42q. Class RB resident and Class RRB nonresident archery deer hunting stamp for an additional deer.**

1       The Director has the authority to issue a Class RB resident  
2 and a Class RRB nonresident archery deer hunting stamp when  
3 deemed essential for the proper management of the wildlife  
4 resources. This stamp allows the licensee to hunt and take an  
5 additional deer as designated by the Director. The fee for a  
6 Class RB stamp is twenty dollars and the fee for a Class RRB  
7 stamp is thirty-five dollars. The Director may promulgate rules  
8 in accordance with article three, chapter twenty-nine-a of this  
9 code governing the issuance and use of these stamps. These  
10 stamps require that the licensee purchase the appropriate base  
11 license before participating in the activities specified in this  
12 section, except as noted.

**§20-2-42r. Class RM resident and Class RRM nonresident muzzleloader deer hunting stamp for an additional deer.**

1       The Director shall have the authority to issue a Class RM  
2 resident and a Class RRM nonresident muzzleloader deer  
3 hunting stamp when deemed essential for the proper manage-  
4 ment of the wildlife resources. These stamps allow the licensee  
5 to hunt and take an additional deer as designated by the  
6 Director. The fee for a Class RM stamp is fifteen dollars and  
7 the fee for a Class RRM stamp is thirty-five dollars. The  
8 Director may promulgate rules in accordance with article three,  
9 chapter twenty-nine-a of this code governing the issuance and  
10 use of these stamps. These stamps require that the licensee  
11 purchase the appropriate base license before participating in the  
12 activities specified in this section, except as noted.

**§20-2-42s. Class UU nonresident archery deer hunting stamp.**

1       A Class UU stamp is a nonresident archery deer hunting  
2 stamp and entitles the licensee to hunt and take deer with a bow  
3 during the archery deer season in all counties of the state,  
4 except as prohibited by the rules of the Director or Natural  
5 Resources Commission. The fee for a Class UU stamp is thirty  
6 dollars. The stamp, issued in a form prescribed by the Director,  
7 shall be in addition to a Class E license. This stamp requires  
8 that the licensee purchase the appropriate base license before  
9 participating in the activities specified in this section, except as  
10 noted.

**§20-2-42t. Class VV nonresident muzzle-loading deer hunting stamp.**

1       A Class VV stamp is a nonresident muzzle-loading deer  
2 hunting stamp and entitles the licensee to hunt and take deer  
3 with a muzzle-loader during muzzle-loading deer seasons in all  
4 counties of the state, or parts thereof, excluding Logan,  
5 McDowell, Mingo and Wyoming counties, as set by the Natural  
6 Resources Commission in accordance with section seventeen,  
7 article one of this chapter. The Director may promulgate rules

8 in accordance with article three, chapter twenty-nine-a of this  
9 code governing the issuance and use of this stamp. The stamp,  
10 issued in a form prescribed by the Director, shall be in addition  
11 to a Class E license. The fee for a Class VV stamp is thirty  
12 dollars. This stamp requires that the licensee purchase the  
13 appropriate base license before participating in the activities  
14 specified in this section, except as noted.

**§20-2-42u. Class WW nonresident turkey hunting stamp.**

1 A Class WW stamp is a nonresident turkey hunting stamp  
2 and entitles the licensee to hunt and take turkey during any  
3 turkey hunting season, except as prohibited by the rules of the  
4 Director or Natural Resources Commission. The fee for a Class  
5 WW stamp is thirty dollars. The stamp, issued in a form  
6 prescribed by the Director, shall be in addition to a Class E  
7 license. This stamp requires that the licensee purchase the  
8 appropriate base license before participating in the activities  
9 specified in this section, except as noted.

**§20-2-42v. Class BG resident big game stamp.**

1 A Class BG stamp is a resident big game stamp and entitles  
2 the Class A and Class Q licensee to hunt deer during the deer  
3 archery and muzzle-loader seasons, and bear, wild turkey and  
4 wild boar during the respective seasons, except as prohibited by  
5 rules of the Director or Natural Resources Commission. The fee  
6 for the stamp is ten dollars. The stamp, issued in a form  
7 prescribed by the Director, shall be in addition to a Class A  
8 license or Class Q permit. This stamp requires that the licensee  
9 purchase the appropriate base license before participating in the  
10 activities specified in this section, except as noted.

**§20-2-44. Free fishing days.**

1 The Director may designate up to two days each year as  
2 free sport fishing days. On a designated free fishing day, an

3 individual is entitled to fish for all legal fish in all counties of  
4 the state without having a valid West Virginia fishing license  
5 and without the payment of any license fee, subject to the same  
6 privileges and restrictions applicable to a holder of any such  
7 license.

**§20-2-44b. Bear damage stamp; proceeds to be paid into bear  
damage fund; purposes, etc.**

1 To hunt bear in this state, a licensed hunter shall have, in  
2 addition to a Class A, A-L, AB-L, X or XJ, in the case of a  
3 resident, or a Class C or EE, in the case of a nonresident, a bear  
4 damage stamp issued by the Division of Natural Resources. The  
5 fee for the stamp is ten dollars. All proceeds from the sale of  
6 stamps shall be paid into the bear damage fund which shall be  
7 maintained by the Division of Natural Resources for paying  
8 claims of property owners for damages to real and personal  
9 property caused by acts of bear and to cover the expense of  
10 black bear research programs within the state. This stamp  
11 requires that the licensee purchase the appropriate base license  
12 before participating in the activities specified in this section,  
13 except as noted.

**ARTICLE 2B. WILDLIFE ENDOWMENT FUND.**

**§20-2B-6. Expenditure of funds for specific and general purposes.**

1 In accordance with the intent of sections thirty-four and  
2 forty-two-o, article two of this chapter and pursuant to sections  
3 three and four of this article, income accruing from the invest-  
4 ments of the wildlife endowment fund shall be distributed in the  
5 following manner:

6 (1) Income accruing from the investment of moneys  
7 resulting from the sale of Class O-L licenses shall be distributed  
8 and disbursed in the same manner as revenues accruing from  
9 the sale of Class O licenses as provided in section forty-two-o,  
10 article two of this chapter.

11 (2) Income accruing from the investment of any portion of  
12 the principal of the wildlife endowment fund which, at the time  
13 of its deposit into the fund, is specifically designated for the  
14 activities of a particular section within the Division, shall  
15 accrue solely to that section within the Division; and

16 (3) All other income accruing from the investments of the  
17 wildlife endowment fund shall be distributed within the  
18 Division in the same manner as provided in section thirty-four,  
19 article two of this chapter.

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

1 (a) Pursuant to section three of this article, the Director may  
2 issue the following lifetime hunting, fishing and trapping  
3 licenses and for the lifetime of the licensee, the lifetime licenses  
4 serve in lieu of the equivalent annual license: Lifetime resident  
5 statewide hunting and trapping license; lifetime resident  
6 combination statewide hunting, fishing and trapping license;  
7 lifetime statewide fishing license; and lifetime resident trout  
8 fishing license: *Provided*, That a full-time nonresident student  
9 who attends an in-state college or university is not eligible to  
10 purchase any of these lifetime licenses.

11 (b) The Director shall propose a rule for legislative ap-  
12 proval in accordance with article three, chapter twenty-nine-a  
13 of this code, setting the fees for the lifetime licenses. The rule  
14 shall provide that the fee for any resident who has not reached  
15 his or her second birthday shall be one half of the adult fee set  
16 under the rule. The fees for lifetime licenses shall be twenty-  
17 three times the fee for the equivalent annual licenses or stamps.

#### **§20-2B-8. Privileges of lifetime licensees.**

1 Pursuant to section seven of this article, lifetime licensees  
2 shall be entitled to the same privileges and subject to the same

3 restrictions as licensees possessing the equivalent annual  
4 license with the following exceptions:

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

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

11 (3) No additional fee shall be required of Class A-L, AB-L  
12 or B-L licensees for the conservation stamp required by section  
13 nine of this article. No additional fee shall be required of Class  
14 A-L or AB-L licensees for the Class BG stamp required by  
15 section forty-two-v, article two of this chapter.

**§20-2B-9. Class CS resident conservation stamp; purposes, etc.**

1 A resident hunter, angler or trapper licensed to hunt, fish or  
2 trap in this state shall have, in addition to a Class A or B  
3 license, a Class CS conservation stamp. The fee for the stamp  
4 is five dollars.

5 The revenue derived from the sale of conservation stamps  
6 shall be deposited in the State Treasury and shall be credited to  
7 the Division of Natural Resources. The revenue shall be used  
8 and paid out, upon order of the Director, for capital improve-  
9 ments and land purchases or leases benefitting wildlife except  
10 that at the discretion of the Director, a maximum of twenty  
11 percent of the revenue may be used for the operation and  
12 maintenance of capital improvements and lands: *Provided*, That  
13 none of this revenue shall be expended for the purchase of  
14 wetlands, or for land to be flooded so as to create wetlands, to  
15 attract migratory waterfowl within sixty air miles of any  
16 established poultry industry: *Provided, however*, That no  
17 expenditures of the revenue derived from the sale of the

18 conservation stamps shall be made for recreational facilities or  
19 activities that are used by or for the benefit of the general public  
20 rather than by or for purchasers of hunting, fishing or trapping  
21 licenses. Any unexpended moneys derived from the sale of  
22 conservation stamps shall be carried forward to the next fiscal  
23 year.

**§20-2B-10. Class CS/LE nonresident conservation law-enforce-  
ment and sports education stamp.**

1 (a) Any nonresident hunter, angler or trapper licensed to  
2 hunt, fish or trap in this state, in addition to a Class E, EE, F, H,  
3 LL or XXJ license, shall have a Class CS/LE nonresident  
4 conservation, law-enforcement and sports education stamp.  
5 The fee for the stamp is twelve dollars.

6 (b) The revenue derived from the sale of Class CS/LE  
7 stamps shall be deposited in the State Treasury and shall be  
8 credited to the Division of Natural Resources. Fifty percent of  
9 the revenue shall be used and paid out, upon order of the  
10 Director, for the law-enforcement section's expenses relating to  
11 the general enforcement of state laws pertaining to the conser-  
12 vation of fish and wildlife and law-enforcement education  
13 programs for hunters, anglers and trappers: *Provided*, That no  
14 expenditures of the revenue derived from the sale of the Class  
15 CS/LE stamp shall be made for law-enforcement purposes not  
16 directly related to the wildlife resources of the state or for the  
17 educational programs set forth in this subsection. Fifty percent  
18 of the revenue shall be used and paid out for capital improve-  
19 ments and land purchases or leases benefiting wildlife except  
20 that at the discretion of the Director, a maximum of twenty  
21 percent of the revenue may be used for the operation and  
22 maintenance of the capital improvements and lands: *Provided*,  
23 That no expenditures of the revenue derived from the sale of the  
24 conservation stamps shall be made for recreational facilities  
25 that are used by or for the benefit of the general public rather

26 than by or for purchasers of hunting, fishing or trapping  
27 licenses. Any unexpended moneys derived from the sale of  
28 Class CS/LE stamps shall be carried forward to the next fiscal  
29 year.



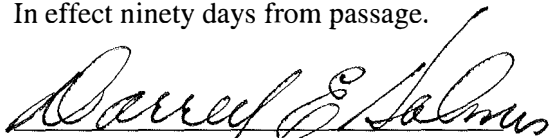
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

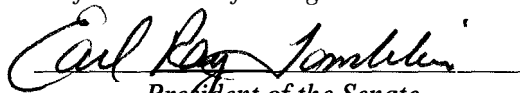
  
Chairman House Committee

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 4<sup>th</sup>  
day of May, 2005.

  
Governor

PRESENTED TO THE  
GOVERNOR

MAY 2 2005

Time 4:05pm