

SB 500

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

Committee Substitute for
SENATE BILL NO. 500

(By Senator Fanning)

PASSED March 8, 2004

In Effect ninety days from Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 500

(SENATOR FANNING, *original sponsor, By Request*)

[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-

3 issuing authorities. Each license-issuing authority shall
4 issue a license to a license applicant if, in the opinion of
5 the authority, the license applicant is legally entitled to
6 obtain the license applied for and pays the proper fee.

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

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

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

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

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

17 an additional fee of three dollars to any county official
18 issuing the license and all fees collected by county officials
19 must be paid by them into the general fund of the county
20 treasury or, in the case of an agent issuing the license, an
21 additional fee of three dollars as compensation: *Provided,*
22 That only one issuing fee of three dollars may be collected
23 by county officials or authorized agents, respectively, for
24 issuing two or more licenses at the same time for use by
25 the same person or for issuing combination resident
26 statewide hunting, trapping and fishing licenses: *Provided,*
27 *however,* That a person with a lifetime license or a person
28 who has paid the original additional fee of three dollars to
29 a county official or issuing agent for a license shall only be
30 charged an additional fee of one dollar as additional
31 compensation when subsequently purchasing an addi-
32 tional license from a county official or issuing agent:
33 *Provided further,* That licenses may be issued electroni-
34 cally in a manner prescribed by the director and persons
35 purchasing electronically issued licenses may be assessed,
36 in addition to the license fee prescribed in this article, an
37 electronic issuance fee to be prescribed by the director.

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

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

§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
2 licenses and permits required by this chapter, or as
3 donations for the hunters helping the hungry program,

4 shall deposit the moneys into an account at a financial
5 institution at intervals designated by the director with the
6 approval of the state treasurer. The payment shall be
7 accompanied by a sales report. The form and content of
8 the sales report shall be prescribed by the director.

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

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

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

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

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

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within *is approved* this the *1th*
Day of *March*, 2004.

[Handwritten Signature]
.....
Governor

GOVERNOR

Date 3/11/04

Time 1:45pm