

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2018

FISCAL
NOTE

2015 Carryover

(BY DELEGATE COOPER)

[Introduced January 13, 2016; referred to the
Committee on Agriculture and Natural Resources
then Finance .]

1 A BILL to amend and reenact §20-1-2 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §20-2-45, all relating to
 3 providing a fee discount for certain nonresident hunting, fishing and trapping licenses for
 4 native nonresidents of the state; definitions; limitation upon the fee amounts; providing for
 5 emergency rule and legislative rules.

Be it enacted by the Legislature of West Virginia:

1 That §20-1-2 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; and that said code be amended by adding thereto a new section, designated §20-2-
 3 45, all to read as follows:

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-2. Definitions.

1 As used in this chapter, unless the context clearly requires a different meaning:

2 "Agency" means any branch, department or unit of the state government, however
 3 designated or constituted.

4 "Alien" means any person not a citizen of the United States.

5 "Bag limit" or "creel limit" means the maximum number of wildlife which may be taken,
 6 caught, killed or possessed by any person.

7 "Big game" means elk, deer, black bears, wild boars and wild turkeys.

8 "Bona fide resident, tenant or lessee" means a person who permanently resides on the
 9 land.

10 "Citizen" means any native-born citizen of the United States and foreign-born persons who
 11 have procured their final naturalization papers.

12 "Closed season" means the time or period during which it shall be unlawful to take any
 13 wildlife as specified and limited by the provisions of this chapter.

14 "Commission" means the Natural Resources Commission.

15 "Commissioner" means a member of the advisory commission of the Natural Resources
16 Commission.

17 "Director" means the Director of the Division of Natural Resources.

18 "Fishing" or "to fish" means the taking, by any means, of fish, minnows, frogs or other
19 amphibians, aquatic turtles and other forms of aquatic life used as fish bait.

20 "Fur-bearing animals" include: (a) The mink; (b) the weasel; (c) the muskrat; (d) the
21 beaver; (e) the opossum; (f) the skunk and civet cat, commonly called polecat; (g) the otter; (h)
22 the red fox; (i) the gray fox; (j) the wildcat, bobcat or bay lynx; (k) the raccoon; and (l) the fisher.

23 "Game" means game animals, game birds and game fish as herein defined.

24 "Game animals" include: (a) The elk; (b) the deer; (c) the cottontail rabbits and hares;
25 (d) the fox squirrels, commonly called red squirrels, and gray squirrels and all their color phases
26 - red, gray, black or albino; (e) the raccoon; (f) the black bear; and (g) the wild boar.

27 "Game birds" include: (a) The anatidae, commonly known as swan, geese, brants and
28 river and sea ducks; (b) the rallidae, commonly known as rails, sora, coots, mudhens and
29 gallinule; (c) the limicolae, commonly known as shorebirds, plover, snipe, woodcock, sandpipers,
30 yellow legs and curlews; (d) the galliformes, commonly known as wild turkey, grouse, pheasants,
31 quails and partridges (both native and foreign species); (e) the columbidae, commonly known as
32 doves; (f) the icteridae, commonly known as blackbirds, redwings and grackle; and (g) the
33 corvidae, commonly known as crows.

34 "Game fish" include: (a) Brook trout; (b) brown trout; (c) rainbow trout; (d) golden rainbow
35 trout; (e) largemouth bass; (f) smallmouth bass; (g) spotted bass; (h) striped bass; (i) chain
36 pickerel; (j) muskellunge; (k) walleye; (l) northern pike; (m) rock bass; (n) white bass; (o) white
37 crappie; (p) black crappie; (q) all sunfish species; (r) channel catfish; (s) flathead catfish; (t) blue

38 catfish, (u) sauger; and (v) all game fish hybrids.

39 "Hunt" means to pursue, chase, catch or take any wild birds or wild animals: Provided,
40 That the definition of "hunt" does not include an officially sanctioned and properly licensed field
41 trial, water race or wild hunt as long as that field trial is not a shoot-to-retrieve field trial.

42 "Lands" means land, waters and all other appurtenances connected therewith.

43 "Migratory birds" means any migratory game or nongame birds included in the terms of
44 conventions between the United States and Great Britain and between the United States and
45 United Mexican States, known as the Migratory Bird Treaty Act, for the protection of migratory
46 birds and game mammals concluded, respectively, August 16, 1916, and February 7, 1936.

47 "Native nonresident" means a nonresident who was a resident of the State of West Virginia
48 at the time of his or her birth.

49 "Nonresident" means any person who is a citizen of the United States and who has not
50 been a domiciled resident of the State of West Virginia for a period of thirty consecutive days
51 immediately prior to the date of his or her application for a license or permit except any full-time
52 student of any college or university of this state, even though he or she is paying a nonresident
53 tuition.

54 "Open season" means the time during which the various species of wildlife may be legally
55 caught, taken, killed or chased in a specified manner and shall include both the first and the last
56 day of the season or period designated by the director.

57 "Person", except as otherwise defined elsewhere in this chapter, means the plural
58 "persons" and shall include individuals, partnerships, corporations or other legal entities.

59 "Preserve" means all duly licensed private game farmlands, or private plants, ponds or
60 areas, where hunting or fishing is permitted under special licenses or seasons other than the
61 regular public hunting or fishing seasons.

62 "Protected birds" means all wild birds not included within the definition of "game birds" and
63 "unprotected birds".

64 "Resident" means any person who is a citizen of the United States and who has been a
65 domiciled resident of the State of West Virginia for a period of thirty consecutive days or more
66 immediately prior to the date of his or her application for license or permit: Provided, That a
67 member of the Armed Forces of the United States who is stationed beyond the territorial limits of
68 this state, but who was a resident of this state at the time of his or her entry into such service and
69 any full-time student of any college or university of this state, even though he or she is paying a
70 nonresident tuition, shall be considered a resident under the provisions of this chapter.

71 "Roadside menagerie" means any place of business, other than a commercial game farm,
72 commercial fish preserve, place or pond, where any wild bird, game bird, unprotected bird, game
73 animal or fur-bearing animal is kept in confinement for the attraction and amusement of the people
74 for commercial purposes.

75 "Small game" includes all game animals, furbearing animals and game birds except elk,
76 deer, black bears, wild boars and wild turkeys.

77 "Take" means to hunt, shoot, pursue, lure, kill, destroy, catch, capture, keep in captivity,
78 gig, spear, trap, ensnare, wound or injure any wildlife, or attempt to do so: Provided, That the
79 definition of "take" does not include an officially sanctioned and properly licensed field trial, water
80 race or wild hunt as long as that field trial is not a shoot-to-retrieve field trial.

81 "Unprotected birds" shall include: (a) The English sparrow; (b) the European starling;
82 and (c) the cowbird.

83 "Wild animals" means all mammals native to the State of West Virginia occurring either in
84 a natural state or in captivity, except house mice or rats.

85 "Wild birds" shall include all birds other than: (a) Domestic poultry - chickens, ducks,

86 geese, guinea fowl, peafowls and turkeys; (b) psittacidae, commonly called parrots and
 87 parakeets; and (c) other foreign cage birds such as the common canary, exotic finches and ring
 88 dove. All wild birds, either: (i) Those occurring in a natural state in West Virginia; or (ii) those
 89 imported foreign game birds, such as waterfowl, pheasants, partridges, quail and grouse,
 90 regardless of how long raised or held in captivity, shall remain wild birds under the meaning of
 91 this chapter.

92 "Wildlife" means wild birds, wild animals, game and fur-bearing animals, fish (including
 93 minnows,) reptiles, amphibians, mollusks, crustaceans and all forms of aquatic life used as fish
 94 bait, whether dead or alive.

95 "Wildlife refuge" means any land set aside by action of the director as an inviolate refuge
 96 or sanctuary for the protection of designated forms of wildlife.

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-45. Hunting, fishing and trapping license and stamp fees for native nonresidents.

1 A person that can establish by a birth certificate that he or she is a native nonresident
 2 may purchase a nonresident license or stamp to hunt, fish or trap at a discount of fifty percent of
 3 the fee for any nonresident license or stamp authorised in this chapter: Provided, That the fee for
 4 any nonresident license or stamp may not be less than an equivalent resident license or stamp.

5 The director shall propose rules for legislative approval as well as emergency rules in
 6 accordance with the provisions of article three, chapter twenty-nine-a of this code to administer
 7 the provisions of this section, including setting the fees for nonresident licenses and stamps for
 8 native nonresidents established in this section.

NOTE: The purpose of this bill is to provide a fee discount for certain nonresident hunting, fishing and trapping licenses for native nonresidents of the state.

Strike-throughs indicate language that would be stricken from the present law, and

underscoring indicates new language that would be added.