

H. B. 2018

(By Delegate Cooper)

[Introduced January 14, 2015; referred to the

Committee on Agriculture and Natural Resources then Finance .]

**FISCAL
NOTE**

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-2. Definitions.

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

"Agency" means any branch, department or unit of the state government, however designated

1 or constituted.

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

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

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

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

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

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

11 "Commission" means the Natural Resources Commission.

12 "Commissioner" means a member of the advisory commission of the Natural Resources
13 Commission.

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

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

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

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

21 "Game animals" include: (a) The elk; (b) the deer; (c) the cottontail rabbits and hares; (d)
22 the fox squirrels, commonly called red squirrels, and gray squirrels and all their color phases - red,

1 gray, black or albino; (e) the raccoon; (f) the black bear; and (g) the wild boar.

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

9 "Game fish" include: (a) Brook trout; (b) brown trout; (c) rainbow trout; (d) golden rainbow
10 trout; (e) largemouth bass; (f) smallmouth bass; (g) spotted bass; (h) striped bass; (i) chain pickerel;
11 (j) muskellunge; (k) walleye; (l) northern pike; (m) rock bass; (n) white bass; (o) white crappie; (p)
12 black crappie; (q) all sunfish species; (r) channel catfish; (s) flathead catfish; (t) blue catfish, (u)
13 sauger; and (v) all game fish hybrids.

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

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

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

22 "Native nonresident" means a nonresident who was a resident of the State of West Virginia

1 at the time of his or her birth.

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

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

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

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

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

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

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

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

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

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

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

15 "Wild birds" shall include all birds other than: (a) Domestic poultry - chickens, ducks, geese,
16 guinea fowl, peafowls and turkeys; (b) psittacidae, commonly called parrots and parakeets; and (c)
17 other foreign cage birds such as the common canary, exotic finches and ring dove. All wild birds,
18 either: (i) Those occurring in a natural state in West Virginia; or (ii) those imported foreign game
19 birds, such as waterfowl, pheasants, partridges, quail and grouse, regardless of how long raised or
20 held in captivity, shall remain wild birds under the meaning of this chapter.

21 "Wildlife" means wild birds, wild animals, game and fur-bearing animals, fish (including
22 minnows,) reptiles, amphibians, mollusks, crustaceans and all forms of aquatic life used as fish bait,

1 whether dead or alive.

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

4 **ARTICLE 2. WILDLIFE RESOURCES.**

5 **§20-2-45. Hunting, fishing and trapping license and stamp fees for native nonresidents.**

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

10 The director shall propose rules for legislative approval as well as emergency rules in
11 accordance with the provisions of article three, chapter twenty-nine-a of this code to administer the
12 provisions of this section, including setting the fees for nonresident licenses and stamps for native
13 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.