

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 471**

BY SENATORS MAYNARD, STOLLINGS AND CLINE

[Originating in the Committee on Natural Resources;

reported on March 7, 2017]



1 A BILL to amend and reenact §20-2-3 of the Code of West Virginia, 1931, as amended, relating  
2 to state ownership of wildlife; and making technical clarifications.

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

1 That §20-2-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
2 to read as follows:

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

### **§20-2-3. State ownership of wildlife.**

1 ~~The ownership of and title to all wild animals, wild birds, both migratory and resident, and~~  
2 ~~all fish, amphibians, and all forms of aquatic life in the State of West Virginia is hereby declared~~  
3 ~~to be in the state, as trustee for the people. No such wildlife shall be taken or hunted in any~~  
4 ~~manner, or at any time, unless the person so taking or hunting the same shall consent that the~~  
5 ~~title thereto shall be and remain in the State of West Virginia for the purpose of regulating the~~  
6 ~~taking, hunting, using and disposing of the same. The taking or hunting of wildlife at any time or~~  
7 ~~in any manner by any person shall be deemed such consent: *Provided, That,* all fish, frogs and~~  
8 ~~other aquatic life in privately owned ponds are, and shall remain, the private property of the owner~~  
9 ~~or owners of such privately owned ponds, and that such fish, frogs and other aquatic life in such~~  
10 ~~privately owned ponds may be caught, taken or killed by such owner or owners at any time.~~

11 The ownership of and title to wildlife in the State of West Virginia belongs to the state as  
12 trustee for the people. Wildlife may not be taken or hunted in any manner unless the person  
13 consents to regulation by the state for the taking, hunting and use of wildlife. The act of taking,  
14 hunting or using wildlife by any person constitutes consent to the state's regulation of wildlife.  
15 Fish, frogs and aquatic life in privately owned ponds are the private property of the owners of the  
16 privately owned ponds and may be caught, taken or killed by the owners at any time.

1

CS for SB 471

NOTE: The purpose of this bill is to make the definition of wildlife consistent with the existing definition of wildlife contained in WV Code §20-1-2.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.