

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 594

FISCAL
NOTE

BY SENATOR OJEDA

[Introduced February 19, 2018; Referred
to the Committee on Natural Resources; and then to the
Committee on Finance]

1 A BILL to amend and reenact §64-10-5 of the Code of West Virginia, 1931, as amended, relating
 2 generally to directing the Division of Natural Resources within the Department of
 3 Commerce to file a rule relating to West Virginia wildlife management areas with certain
 4 amendments.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 10. AUTHORIZATION FOR DEPARTMENT OF COMMERCE TO
 PROMULGATE LEGISLATIVE RULES.**

§64-10-5. Division of Natural Resources.

1 The Legislature directs the Division of Natural Resources, pursuant to the authority given
 2 to the division in §20-1-7 and §20-3-2 of this code, to promulgate the legislative rule filed in the
 3 State Register by the division on May 8, 1995, relating to the division (West Virginia Wildlife
 4 Management Areas, 58 CSR 43) with the following amendments:

5 On page 3, subdivision 3.8.1., by striking out the words “thirty (30)” and inserting in lieu
 6 thereof the words “twenty (20)”;

7 On page 3, subdivision 3.8.3, by striking out the entire subsection and inserting a new
 8 subdivision, designated subdivision 3.8.3, to read as follows:

9 3.8.3. The use of Off Highway Vehicles (OHVs), motorbikes, and snowmobiles shall be
 10 permitted on established, existing roads and trails as designated by signage;

11 And,

12 On page 3, after subdivision 3.8.4., by adding four new subdivisions, designated
 13 subdivision 3.8.5., subdivision 3.8.6., subdivision 3.8.7., and subdivision 3.8.8., to read as follows:

14 3.8.5. The purchase of an OHV registration sticker for all OHVs, snowmobiles, and
 15 motorbikes is required to allow the division to identify any vehicle accessing Wildlife Management
 16 Area properties. This one-time registration sticker shall remain on the OHV until change of
 17 ownership. The sticker shall cost \$35.

18 3.8.6. A Wildlife Management Area access stamp in conjunction with a hunting license
19 may be purchased. The cost for this annual access stamp is \$35. All persons, including
20 passengers, accessing Wildlife Management Area property by way of OHV must possess an
21 access stamp, except children under the required age for hunting and fishing license
22 requirements. Any such children shall be accompanied by an adult in possession of an access
23 stamp and a valid hunting license.

24 3.8.7. Any person operating or riding on an OHV in a Wildlife Management Area shall
25 wear a safety helmet while the OHV is in motion. All OHVs must be equipped with proper mufflers
26 and spark arresters as specified by the manufacturer.

27 3.8.8. The division will provide for a 15-foot easement alongside the designated, existing
28 roads and trails for parking. This easement is without exception, including game recovery.

NOTE: The purpose of this bill is to require DNR to make changes to the Wildlife Management Area rules in order to allow use of off highway vehicles.

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