

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2984

FISCAL
NOTE

BY DELEGATES C. MARTIN AND HARSHBARGER

[Introduced February 11, 2019; Referred
to the Committee on Agriculture and Natural
Resources then the Judiciary.]

1 A BILL to repeal §20-2-42n, §20-2-42q, and §20-2-42r of the Code of West Virginia, 1931, as
 2 amended; and to amend and reenact §20-2-42a, §20-2-42d, §20-2-42j, §20-2-42k, §20-
 3 2-42p, §20-2-42s, §20-2-42t, §20-2-42x, and §20-2-42y of said code, all relating to
 4 repealing the Class N resident and Class NN nonresident antlerless deer hunting stamp,
 5 the Class RB resident and Class RRB nonresident archery deer hunting stamp for an
 6 additional deer, and the Class RM resident and Class RRM nonresident muzzle-loader
 7 deer hunting stamp for an additional deer; allowing one whitetail deer of either sex and
 8 three antlerless deer with a Class A resident hunting and trapping license, Class E
 9 nonresident hunting and trapping license, Class X resident hunting, fishing and trapping
 10 license, Class XJ resident junior and Class XXJ nonresident junior hunting, fishing and
 11 trapping license, Class XS resident senior hunting, fishing and trapping license, and Class
 12 AH, AHJ, AAH, AAHJ apprentice hunting and trapping licenses; modifying the cost of the
 13 licenses; and allowing an additional antlered deer with an antler point restriction of three
 14 visible tines on the main beam above the brow tine on one antler to be taken with a Class
 15 RG resident and Class RRG nonresident gun deer hunting stamp, and providing certain
 16 limitations with regard to such licenses; and decreasing fees for Class UU nonresident
 17 archery deer hunting stamp and the Class VV nonresident muzzle-loading deer hunting
 18 stamp.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-42a. Class A resident hunting and trapping license.

1 (a) A Class A license is a resident hunting and trapping license and entitles the licensee
 2 to hunt and trap all legal species of wild animals and wild birds in all counties of the state, except,
 3 big game as provided in §20-2-42v of this code, and except as prohibited by rules of the director
 4 or Natural Resources Commission and when additional licenses, stamps, or permits are required.
 5 It ~~shall~~ may be issued only to residents or aliens lawfully residing in the United States who have

6 been domiciled residents of West Virginia for a period of 30 consecutive days or more immediately
7 prior to the date of their application for a license. The fee for the license is ~~\$18~~ \$48. This is a base
8 license and does not require the purchase of a prerequisite license to participate in the activities
9 specified in this section, except as noted.

10 (b) For purposes of this section "wild animals" includes one whitetail deer of either sex and
11 three antlerless deer, that may be harvested with any legal weapon during the corresponding
12 season. The director may promulgate rules governing the use of the antlerless deer tags
13 considered necessary to limit, on a fair and equitable basis, the number of persons who may hunt
14 for antlerless deer in a county, or part of a county. When the director determines it essential that
15 an antlerless season be held in a particular county or part of a county, that season shall be set by
16 the Natural Resources Commission as provided in §20-1-17 of this code.

§20-2-42d. Class E nonresident hunting and trapping license.

1 A Class E license is a nonresident hunting and trapping license and entitles the licensee
2 to hunt and trap all legal species of wild animals and wild birds in all counties of the state except
3 as prohibited by rules of the Director or Natural Resources Commission and except when other
4 licenses, stamps or permits are required. The fee for the license is ~~one hundred ten dollars~~ \$250.
5 This is a base license and does not require the purchase of a prerequisite license to participate
6 in the activities specified in this section, except as noted.

7 (2) For purposes of this section "wild animals" includes one whitetail deer of either sex and
8 three antlerless deer, that may be harvested with any legal weapon during the corresponding
9 season. The director may promulgate rules governing the use of the antlerless deer tags
10 considered necessary to limit, on a fair and equitable basis, the number of persons who may hunt
11 for antlerless deer in a county, or part of a county. When the director determines it essential that
12 an antlerless season be held in a particular county or part of a county, that season shall be set by
13 the Natural Resources Commission as provided in §20-1-17 of this code.

§20-2-42j. Class X resident hunting, fishing and trapping license.

1 (a) A Class X license is a resident hunting, fishing and trapping license and entitles the
 2 licensee to hunt and trap for all legal species of wild animals and wild birds, to fish for all legal
 3 species of fish except trout and to take frogs in all counties of the state, except as prohibited by
 4 the rules of the Director or Natural Resources Commission and when additional licenses, stamps
 5 or permits are required. No additional fees ~~shall~~ may be required of Class X licensees for a Class
 6 CS stamp. To fish for trout, a Class X licensee must purchase and carry a valid Class O stamp or
 7 Class O-L license. The Class X license ~~shall~~ may be issued only to residents or aliens lawfully
 8 residing in the United States who have been domiciled residents of West Virginia for a period of
 9 30 consecutive days or more immediately prior to the date of their application for a license. The
 10 fee for the license is ~~\$33~~ \$63. The portion of the Class X license fee equal to the annual fee for
 11 the Class CS stamp shall be designated as conservation stamp revenue and expended pursuant
 12 to §20-2B-9 of this code. This is a base license and does not require the purchase of a prerequisite
 13 license to participate in the activities specified in this section, except as noted.

14 (b) For purposes of this section "wild animals" includes one whitetail deer of either sex and
 15 three antlerless deer, that may be harvested with any legal weapon during the corresponding
 16 season. The director may promulgate rules governing the use of the antlerless deer tags
 17 considered necessary to limit, on a fair and equitable basis, the number of persons who may hunt
 18 for antlerless deer in a county, or part of a county. When the director determines it essential that
 19 an antlerless season be held in a particular county or part of a county, that season shall be set by
 20 the Natural Resources Commission as provided in §20-1-17 of this code.

§20-2-42k. Class XJ resident junior and Class XXJ nonresident junior hunting, fishing and trapping license.

1 (a) A Class XJ license is a resident junior hunting, fishing and trapping license and a Class
 2 XXJ license is a nonresident junior hunting, fishing and trapping license. These licenses entitle
 3 the licensee to hunt and trap for all legal species of wild animals and wild birds, to fish for all legal
 4 species of fish except trout and to take frogs in all counties of the state, except as prohibited by

5 the rules of the Director or Natural Resources Commission and when additional licenses, stamps
 6 and permits are required. No additional fees are required of Class XJ licensees for a Class CS
 7 stamp. No additional fees are required of Class XXJ licensees for Class I, UU, VV or WW stamps.
 8 To fish for trout, Class XJ or XXJ licensees must purchase and carry a valid Class O or OO stamp
 9 or O-L license. The Class XJ license may be issued only to a resident who has not reached his
 10 or her 18th birthday and is otherwise required by §20-2-27 of this code to purchase a license. The
 11 Class XXJ license may be issued to a nonresident who has not reached his or her 18th birthday
 12 and is at least eight years old and is otherwise required by §20-2-27 of this code to purchase a
 13 license. The fee for the Class XJ license is ~~\$15~~ \$45. The portion of the Class XJ license fee equal
 14 to the annual fee for the Class CS stamp shall be designated as conservation stamp revenue and
 15 expended pursuant to §20-2B-9 of this code. The fee for the Class XXJ license is ~~\$15~~ \$45. In
 16 addition to buying a Class XXJ license, a nonresident must purchase a Class CS/LE stamp as
 17 required in §20-2B-10 of this code. This is a base license and does not require the purchase of a
 18 prerequisite license to participate in the activities specified in this section, except as noted.

19 (b) For purposes of this section "wild animals" includes one whitetail deer of either sex and
 20 three antlerless deer, that may be harvested with any legal weapon during the corresponding
 21 season. The director may promulgate rules governing the use of the antlerless deer tags
 22 considered necessary to limit, on a fair and equitable basis, the number of persons who may hunt
 23 for antlerless deer in a county, or part of a county. When the director determines it essential that
 24 an antlerless season be held in a particular county or part of a county, that season shall be set by
 25 the Natural Resources Commission as provided in §20-1-17 of this code.

§20-2-42n. Class N resident and Class NN nonresident antlerless deer hunting stamp.

1 [Repealed]

**§20-2-42p. Class RG resident and Class RRG nonresident gun deer hunting stamp for an
 additional antlered deer with an antler point restriction of three visible tines on the
 main beam above the brow tine on one antler.**

1 The Director ~~has the authority to~~ shall issue a Class RG resident and a Class RRG
 2 nonresident ~~gun~~ any weapon antlered deer hunting stamp. ~~when deemed essential for the proper~~
 3 ~~management of the wildlife resources~~ These stamps allow the licensee to hunt and take an
 4 additional antlered deer as ~~designated by the Director~~ with an antler point restriction of three
 5 visible tines on the main beam above the brow tine on one antler. The fee for a Class RG stamp
 6 is ~~\$20~~ \$40 and the fee for a Class RRG stamp is ~~\$40~~ \$100. The Director may promulgate rules in
 7 accordance with §29A-3-1 *et seq.* of this code governing the issuance and use of these stamps.
 8 These stamps require that the licensee purchase the appropriate base license before participating
 9 in the activities specified in this section. ~~except as noted~~ A Class RG and Class RRG stamp shall
 10 be purchased prior to the archery season opener and the hunter has harvested and checked in
 11 an antlerless deer to be valid. A hunter may only harvest and check in one antlered deer with
 12 archery equipment and one antlered deer with modern firearms, to include the modern
 13 muzzleloader season that allows in-line and scoped muzzleloaders for a season bag limit of two
 14 possible antlered deer. The Class RG and RRG stamp is not valid for the taking of a second
 15 antlered buck in counties or parts there of that are designated as one antlered buck bag limit
 16 counties except where the licensee has harvested and checked in an antlerless deer on the base
 17 of either sex deer tag.

**§20-2-42q. Class RB resident and Class RRB nonresident archery deer hunting stamp for
 an additional deer.**

1 [Repealed]

**§20-2-42r. Class RM resident and Class RRM nonresident muzzle-loader deer hunting
 stamp for an additional deer.**

1 [Repealed]

§20-2-42s. Class UU nonresident archery deer hunting stamp.

1 A Class UU stamp is a nonresident archery deer hunting stamp and entitles the licensee
 2 to hunt and take deer with a bow during the archery deer season or with a crossbow in the

3 crossbow deer season in all counties of the state, except as prohibited by the rules of the director
 4 or Natural Resources Commission. The fee for a Class UU stamp is ~~\$30~~ \$15. The stamp, issued
 5 in a form prescribed by the director, is in addition to a Class E license. This stamp requires that
 6 the licensee purchase the appropriate base license before participating in the activities specified
 7 in this section.

§20-2-42t. Class VV nonresident muzzle-loading deer hunting stamp.

1 A Class VV stamp is a nonresident muzzle-loading deer hunting stamp and entitles the
 2 licensee to hunt and take deer with a muzzle-loader during muzzle-loading deer seasons in all
 3 counties the state, or parts thereof, excluding Logan, McDowell, Mingo and Wyoming counties,
 4 as set by the Natural Resources Commission in accordance with §20-1-17 of this code. The
 5 Director may promulgate rules in accordance with §29A-3-1 *et seq.* of this code governing the
 6 issuance and use of this stamp. The stamp, issued in a form prescribed by the Director, shall be
 7 in addition to a Class E license. The fee for a Class VV stamp is ~~\$30~~ \$15. This stamp requires
 8 that the licensee purchase the appropriate base license before participating in the activities
 9 specified in this section, except as noted.

§20-2-42x. Class XS resident senior hunting, fishing and trapping license.

1 (a)(1) A Class XS license is a resident senior hunting, fishing and trapping license and
 2 entitles the licensee to hunt and trap for all legal species of wild animals and wild birds, to fish for
 3 all legal species of fish and to take frogs in all counties of the state, except as prohibited by the
 4 rules of the Director or Natural Resources Commission and when additional licenses, stamps or
 5 permits are required. No additional fees shall be required of Class XS licensees for a Class CS
 6 stamp or a Class O stamp.

7 (2) For purposes of this section "wild animals" includes one whitetail deer of either sex and
 8 three antlerless deer, that may be harvested with any legal weapon during the corresponding
 9 season. The director may promulgate rules governing the use of the antlerless deer tags
 10 considered necessary to limit, on a fair and equitable basis, the number of persons who may hunt

11 for antlerless deer in a county, or part of a county. When the director determines it essential that
12 an antlerless season be held in a particular county or part of a county, that season shall be set by
13 the Natural Resources Commission as provided in §20-1-17 of this code.

14 (b) A Class XS licensee ~~shall be~~ is entitled to participate with the same privileges and
15 subject to the same restrictions as a youth hunter in any special youth deer season established
16 by the Natural Resources Commission pursuant to the provisions of §20-1-17(b)(7) of this code.

17 (c) A Class XS license is required for residents or aliens lawfully residing in the United
18 States who have been domiciled residents of West Virginia for a period of 30 consecutive days
19 or more immediately prior to the date of their application for a license and who reach 65 years of
20 age on or after January 1, 2012.

21 (d) A Class XS license may be voluntarily purchased by residents or aliens lawfully
22 residing in the United States and who have been domiciled residents of West Virginia for a period
23 of 30 consecutive days or more immediately prior to the date of their application for a license and
24 who reach 65 years of age on or before December 31, 2011, entitling those persons to the same
25 privileges and subjecting them to the same restrictions as any Class XS licensee.

26 (e) The fee for the Class XS license is \$25.

27 (f) A Class XS license is valid for the lifetime of the purchaser without payment of additional
28 fees for the privileges associated with the Class X license, Class CS stamp and the Class O
29 stamp. This is a base license and does not require the purchase of a prerequisite license to
30 participate in the activities specified in this section, except as noted.

31 (g) The Division of Natural Resources shall coordinate with the Department of Motor
32 Vehicles to adopt and implement a program whereby the senior hunting license provided for in
33 this section ~~shall be~~ is identified by an appropriate decal, sticker or other marking to be affixed to
34 the drivers' or chauffeurs' license of ~~such~~ the person.

35 (h) On or before July 1 annually, the Division of Natural Resources shall file an annual
36 report with the Joint Committee on Government and Finance describing its implementation of the

37 senior license program as set forth in this section. The report shall include the number of licenses
38 issued, any increase in state funds as a result of the senior license created by this section, any
39 federal funds received as a result of the implementation of the senior license created by this
40 section and the intended use of those funds.

§20-2-42y. Class AH, AHJ, AAH, AAHJ apprentice hunting and trapping licenses; penalties.

1 (a) (1) Except for persons otherwise exempted, Class AH, AHJ, AAH, and AAHJ licenses
2 are apprentice hunting and trapping licenses and entitle the licensee to hunt and trap for all legal
3 species of wild animals and wild birds. The licenses shall be base licenses and entitle the licensee
4 to a deferral of the proof of a certificate of training required under the provisions of §20-2-30a of
5 this code.

6 (2) For purposes of this section "wild animals" includes one whitetail deer of either sex and
7 three antlerless deer, that may be harvested with any legal weapon during the corresponding
8 season. The director may promulgate rules governing the use of the antlerless deer tags
9 considered necessary to limit, on a fair and equitable basis, the number of persons who may hunt
10 for antlerless deer in a county, or part of a county. When the director determines it essential that
11 an antlerless season be held in a particular county or part of a county, that season shall be set by
12 the Natural Resources Commission as provided in §20-1-17 of this code.

13 (b) The apprentice hunting and trapping licensee shall not hunt or trap unless he or she is
14 in possession of all other required documentation and stamps and is accompanied and directly
15 supervised by an adult 18 years of age or older who either possesses a valid West Virginia hunting
16 license or has the lawful privilege to hunt pursuant to the provisions of this chapter. For purposes
17 of this section, "accompanied and directly supervised" means that a person maintains a close
18 visual and verbal contact with, provides adequate direction to and can assume control of the
19 firearm from the apprentice hunter.

20 (c) The cost of the Class AH license for residents who have reached their 18th birthday
21 shall be ~~\$19~~ \$49 and shall have the same privileges associated with Class A base license. The

22 cost of the Class AAH license for nonresidents who have reached their 18th birthday shall be
23 ~~\$149~~ \$250 and shall have the same privileges associated with a Class E base license. The cost
24 of the Class AHJ license shall be ~~\$16~~ \$46 for residents who have reached their 15th birthday and
25 who have not reached their 18th birthday, and shall have the same privileges associated with
26 Class XJ base license. The cost of the Class AAHJ license shall be ~~\$16~~ \$50 for nonresidents who
27 have not reached their 18th birthday and shall have the same privileges associated with a Class
28 XXJ base license.

29 (d) An apprentice hunting and trapping license is a yearly license and may only be
30 purchased electronically in a manner designated by the director. No person who has ever had a
31 valid base hunting license, other than a Class AH, Class AHJ, Class AAH, or Class AAHJ license,
32 may be issued one of the apprentice hunting and trapping licenses. Further, no person may
33 purchase more than three apprentice hunting and trapping licenses, and the purchases must
34 occur within a period of five consecutive years.

35 (e) The director may promulgate rules in accordance with chapter 29A of this code
36 regulating the issuance of apprentice hunting and trapping licenses.

37 (f) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
38 conviction thereof, ~~shall be~~ is subject to the punishment and penalties prescribed in §20-7-9 of
39 this code.

NOTE: The purpose of this bill is to streamline the licensing process for hunting and fishing licenses; to limit the antlered whitetail bag limit to a possible two animals; to make the tags available on the base license a hunters choice tag and three antlerless tags; to make the Class RG and RRG licenses an additional any weapon antlered whitetail deer tag with Antler Point Restriction of three points on the main beam above the brow tine on one antler; and to create a healthy, sustainable, within carrying capacity multi-age whitetail population while making West Virginia a destination state for whitetail deer hunting.

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