

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2365**

By Delegate Holstein

[Introduced January 11, 2023; Referred to the  
Committee on Agriculture and Natural Resources  
then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §20-2D-1, §20-2D-2, §20-2D-3, §20-2D-4, and §20-2D-5, all relating to  
 3 establishing the Hunting and Fishing Access to Private Lands Act; short title; Legislative  
 4 intent; establishing a program within the Division of Natural Resources to allow public  
 5 access onto private lands for hunting and fishing; conditions and requirements of program  
 6 participants; limitation of duties and liability of participating landowners; and providing for  
 7 legislative rulemaking.

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

**ARTICLE 2D. HUNTING AND FISHING ACCESS TO PRIVATE LANDS ACT.**

**§20-2D-1. Short title.**

1 This article may be cited as the Hunting and Fishing Access to Private Lands Act.

**§20-2D-2. Legislative findings and intent.**

1 The Legislature finds that lack of access by the public to land and water areas in the state  
 2 for recreational purposes is one of the major reasons for the decrease in the issuance of hunting  
 3 and fishing licenses issued by the division in the state, especially in the southern region of the  
 4 state. It is the intent of the Legislature herein to increase the availability of private lands available  
 5 for hunting and fishing by establishing a program to provide incentives and adopt other measures  
 6 to encourage private landowners to allow access to their land for these purposes.

**§20-2D-3. Hunting and fishing access to public lands program.**

1 (a) The division shall establish a program, to be known as the Access to Private Lands  
 2 Program, to provide and facilitate access to private lands to hunt and fish by persons licensed to  
 3 hunt and fish in this state. The division may enter into agreements with landowners and may  
 4 purchase, lease or enter into a license agreement with a private landowner to provide reasonable  
 5 access to the private land by persons licensed to hunt or fish in this state. Participating landowners  
 6 retain the right to require persons to obtain permission to access their land.

7 (b) The division shall develop and implement incentives to landowners to participate in the

8 program, which may include:

9 (1) Forest and land management services;

10 (2) Development and implementation of rules or requirements applicable to persons that  
11 enter private lands enrolled or participating in the program, including written agreements with  
12 participating landowners with identifying and contact information, and requirements regarding the  
13 use and occupation of the land;

14 (3) Provide division law-enforcement patrolling, and enforcement of game laws, littering  
15 and dumping laws, and other laws protecting the land and its use;

16 (c) Landowners participating must agree:

17 (1) To allow division personnel to enter the land to carry out the purposes of the program;

18 (2) To allow division law-enforcement personnel to enter the land for purposes of law  
19 enforcement; and

20 (3) To allow the division to map the land in the program.

21 (4) Persons entering and using private land participating in the program to hunt and fish as  
22 provided in this article shall obey and follow all rules, requirements and restrictions of the use and  
23 occupancy of the land, of the division and the landowner.

24 (d) The program shall provide for the mapping of lands that are included in the program,  
25 including identification of the boundaries of the land, designated points of access, parking areas  
26 for participants, any facilities that are available on the land for use, any unsafe or unusable areas  
27 within the land boundaries, and identification of anything else that may be deemed appropriate  
28 with regard to the use of the property.

29 (e) The program shall be designed and implemented to allow for the utilization of the 2018  
30 Farm Bill, Public Law 115-334, insofar as is practical, to enhance and assist in implementing the  
31 program, including obtaining any grants or funding for the division or participating landowners.

**§20-2D-4. Limitation of duties and liability of participating landowners.**

1 Notwithstanding any provision of this code to the contrary, the provisions of §19-25-1 et

2 seq. of this code are applicable to all landowners participating in the program established in this  
3 article who grant any lease, easement or license to the division or any other person pursuant to  
4 participation in the program.

**§20-2D-5. Legislative rulemaking authority.**

1 The division shall propose rules for Legislative approval in accordance with the provisions  
2 of §29A-3-1 et seq. of this code to carry out and administer the provisions of this article.

NOTE: The purpose of this bill is to establish the Hunting and Fishing Access to Private Lands Act establishing a program within the Division of Natural Resources to allow public access onto private lands for hunting and fishing.

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