

# 2004 SESSION

INTRODUCED

043839468

## HOUSE BILL NO. 331

Offered January 14, 2004

Prefiled January 12, 2004

*A BILL to amend and reenact Chapter 39 of the Acts of Assembly of 1942, as amended by Chapter 29 of the Acts of Assembly (Extra Session) of 1959 and Chapter 305 of the Acts of Assembly of 1964, relating to floating duck blinds in certain waters.*

Patron—Pollard

Referred to Committee on Agriculture, Chesapeake and Natural Resources

### Be it enacted by the General Assembly of Virginia:

**1. That Chapter 39 of the Acts of Assembly of 1942, as amended by Chapter 29 of the Acts of Assembly of 1959 (Extra Session) and Chapter 305 of the Acts of Assembly of 1964, are amended and reenacted as follows:**

§ 1. It shall be unlawful to hunt any migratory waterfowl from floating blinds, as defined in § 29-83 of the Code of Virginia § 29.1-342 of the Code of Virginia in the ~~counties~~ Counties of Caroline, King George, Essex, Westmoreland and Richmond or in any of the public marshes, guts, streams, branches, creeks or bays, including among others Green Bay and Port Tobago Bay, flowing into the Rappahannock River or into any of its tributaries, or in Buckner's Creek, Nomini Creek, and Nomini Bay, flowing into the Potomac River or into any its tributaries. However, licenses for offshore blind-stake sites are available for nonriparian owners who possess a valid hunting license. Such offshore blind-stake sites shall be located greater than 500 yards from any licensed stationary blind or other offshore blind-stake site. An offshore blind-stake site shall not be located in water having a depth greater than eight feet at mean high tide nor shall it be located further than halfway across the body of water from either shoreline. The licensee shall hunt from a boat that is tied or anchored at the offshore blind-stake site. All applications for offshore blind-stake sites shall be made to the local license agent or clerk of the circuit court of the county in which the blind site is located. The nonriparian owner license for an offshore blind-stake site may be obtained on and after September 1 and on or before September 30. A stake and license plate supplied with the offshore blind-stake license for that season shall be erected by October 10. There shall be a limit of four offshore blind-stake site licenses per licensed hunter. The fee for a nonriparian owner offshore blind-stake site license shall be \$17.50 for the first stake license and \$5 for each of the subsequent licenses. For purposes of this section, "offshore blind-stake site" means a specific location in the public waters in the Counties of Caroline, King George, Essex, Westmoreland and Richmond or in any of the public marshes, guts, streams, branches, creeks or bays, including among others Green Bay and Port Tobago Bay, flowing into the Rappahannock River or into any of its tributaries, or in Buckner's Creek, Nomini Creek, and Nomini Bay, flowing into the Potomac River or into any its tributaries, where a stake is placed that displays an offshore blind-stake license for the purpose of hunting waterfowl.

§ 2. Any person who violates this act is guilty of a Class 2 misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty nor more than two hundred and fifty dollars or by confinement in jail for not more than thirty days, or by both such fine and imprisonment.

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HB331