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HOUSE BILL NO. 2176

Offered January 12, 2011

Prefiled January 12, 2011

A BILL to amend and reenact §§ 29.1-103 and 29.1-300.4 of the Code of Virginia, relating to local government approval for the stocking of game birds, game animals, and fish.

Patron—Phillips

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:**1. That §§ 29.1-103 and 29.1-300.4 of the Code of Virginia are amended and reenacted as follows:**

§ 29.1-103. Powers and duties of the Board.

The Board is responsible for carrying out the purposes and provisions of this title and is authorized to:

1. Appoint the Director of the Department.

2. Acquire by purchase, lease, exchange, gift or otherwise, lands and waters in the Commonwealth and to establish buildings, structures, dams, lakes and ponds on such lands and waters. However, it is the policy of the Commonwealth that there shall be no net loss of those public lands managed by the Department that are available for hunting in Virginia.

3. Conduct operations for the preservation and propagation of game birds, game animals, fish and other wildlife in order to increase, replenish and restock the lands and inland waters of the Commonwealth.

4. Purchase, lease, or otherwise acquire lands and waters for game and fish refuges, preserves or public shooting and fishing, and establish such lands and waters under appropriate regulations.

5. Acquire by purchase, lease, or otherwise, lands and structures for use as public landings, wharves, or docks; to improve such lands and structures; and to control the use of all such public landings, wharves, or docks by regulation.

6. Acquire and introduce any new species of game birds, game animals or fish on the lands and within the waters of the Commonwealth, *with the authorization and cooperation of the affected local government.*

7. Restock, replenish and increase any depleted native species of game birds, game animals, or fish, *with the authorization and cooperation of the affected local government.*

8. *Relocate nuisance species of birds or animals, with the authorization and cooperation of the affected local government.*

9. Have educational matter pertaining to wildlife published and distributed.

10. Hold exhibits throughout the Commonwealth for the purpose of educating school children, agriculturists and other persons in the preservation and propagation of wildlife in the Commonwealth.

11. Control land owned by and under control of the Commonwealth in Back Bay, its tributaries and the North Landing River from the North Carolina line to North Landing Bridge. The Board shall regulate or prohibit by regulation any drilling, dredging or other operation designed to recover or obtain shells, minerals, or other substances in order to prevent practices and operations which would harm the area for fish and wildlife.

12. Exercise powers it may deem advisable for conserving, protecting, replenishing, propagating and increasing the supply of game birds, game animals, fish and other wildlife of the Commonwealth.

13. Adopt resolutions or regulations conferring upon the Director all such powers, authorities and duties as the Board possesses and deems necessary or proper to carry out the purposes of this title.

14. Administer and manage the Virginia Fish Passage Grant and Revolving Loan Fund pursuant to Article 1.1 (§ 29.1-101.2 et seq.) of Chapter 1 of this title.

15. Establish and collect admittance, parking, or other use fees at certain Department-owned facilities as determined by the Board. Any daily fee established by the Board shall not exceed \$3. Any annual fee established by the Board shall not exceed the cost of an annual state resident fishing license pursuant to subdivision A 2 of § 29.1-310, or an annual state resident hunting license pursuant to subdivision 2 of § 29.1-303.

16. Establish and collect a use fee through the issuance of an annual hunting stamp required to be obtained to hunt on private lands managed by the Department through a lease agreement or other similar memorandum of agreement. The annual hunting stamp shall be in addition to the required licenses to hunt, and the cost of such stamp shall be the same as the cost of the annual state resident hunting license in § 29.1-303.

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59 ~~16~~17. Revise, as it deems appropriate, through the promulgation of regulations as prescribed in
60 Article 1 (§ 29.1-500 et seq.) of Chapter 5 of this title, the fees charged for all hunting, fishing and
61 trapping licenses authorized under Articles 1 (§ 29.1-300 et seq.) and 2 (§ 29.1-340 et seq.) of Chapter 3
62 of this title, notwithstanding any other provision of this title. Beginning July 1, 2004, and no more
63 frequently than once every three years thereafter, such license fees for residents may be increased or
64 decreased no more than \$5. Beginning July 1, 2007, and no more frequently than once every three years
65 thereafter, the Board may increase or decrease license fees for nonresidents, authorized under Article 1
66 (§ 29.1-300 et seq.) of Chapter 3 of this title, no more than \$50.

67 ~~17~~18. Take such regulatory or other action as it may determine to be necessary to enable the
68 Commonwealth to become a party to the Interstate Wildlife Violator Compact, as authorized in Article
69 2.1 (§ 29.1-530.5) of Chapter 5, and to implement the Compact in the Commonwealth. The
70 promulgation of any regulations pursuant to this subdivision shall be as prescribed in Article 1
71 (§ 29.1-500 et seq.) of Chapter 5.

72 § 29.1-300.4. Apprentice hunting license; deferral of hunter education.

73 A. There is hereby established an apprentice hunting license. The license shall be a one-time
74 nonrenewable license that shall be valid for two years from the date of purchase and shall entitle the
75 licensee to a one-time deferral of completion of hunter education required under § 29.1-300.1. The
76 apprentice hunting licensee shall not hunt unless accompanied and directly supervised by an adult over
77 the age of 18 who has, on his person, a valid Virginia hunting license. For the purposes of this section,
78 "accompanied and directly supervised" occurs when a person over 18 maintains a close visual and verbal
79 contact with, provides adequate direction to, and can immediately assume control of the firearm from the
80 apprentice hunter. The cost of the license shall be \$10 for a resident and \$20 for a nonresident. The
81 Board may subsequently revise the cost of the license pursuant to § 29.1-103.

82 B. Possession of a valid apprentice hunting license shall serve in lieu of the state resident hunting or
83 nonresident hunting license required under subdivisions 2 and 3 of § 29.1-303, respectively. The
84 purchase of any other hunting licenses shall be at the same cost as specified for residents or
85 nonresidents in this title or as subsequently revised by the Board pursuant to subdivision ~~16~~ 17 of
86 § 29.1-103. The purchase of the apprentice hunting license shall not qualify the holder to purchase a
87 regular hunting license or exempt the licensee from compliance with the requirements of this title and
88 any regulations adopted by the Department. Any previous holder of a state resident or nonresident
89 hunting license issued under this title shall be prohibited from the purchase of an apprentice hunting
90 license for himself.

91 C. The Board may adopt regulations to carry out the provisions of this section.