

# VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

## CHAPTER 127

*An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 29.1 a section numbered 29.1-339.2, and to repeal § 29.1-339.1 of the Code of Virginia, relating to creation of a duck stamp.*

[H 2887]

Approved March 20, 2005

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

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 29.1 a section numbered 29.1-339.2 as follows:**

*§ 29.1-339.2. Establishment of Virginia Migratory Waterfowl Conservation Stamp; required.*

*A. No person shall hunt or take any migratory waterfowl within the Commonwealth without first obtaining a Virginia Migratory Waterfowl Conservation Stamp. Every person who is issued the Stamp shall carry it on his person when hunting or taking any migratory waterfowl. Each Stamp shall be validated by the signature of the licensee written across the face of such stamp. The Stamp shall be designed and produced in accordance with Department policy and shall expire annually as prescribed for hunting licenses in § 29.1-328. Unless otherwise provided in this chapter, any person who is exempt from hunting license requirements shall also be exempt from the requirements imposed by this section. Any person who is under the age of 16 years shall be exempt from the requirements of this section.*

*B. The fee for the Stamp for a resident and a nonresident is \$9.75. Clerks and license agents who sell hunting licenses shall sell the Stamp and retain \$0.75 as compensation for such service.*

*C. The Stamp may also be issued through an automated license delivery system. The fee for the issuance of the Stamp through an automated license delivery system shall be consistent with the fees specified in § 29.1-332. The format of the Stamp shall be the same as any other license, validation, or privilege issued through an automated license delivery system. When purchased through an automated license delivery system, the purchaser shall have the option of requesting the actual Stamp at the address specified on the license at the time of purchase.*

*D. The moneys received from the sale of the Stamp shall be paid by each clerk or agent to the Department for payment into the state treasury. Payment shall be made by means prescribed by the Board and agreed to by the clerk or agent. Upon receipt into the treasury of such moneys, the Comptroller shall credit the sums to the Game Protection Fund established in § 29.1-101 and accounted for as a separate fund to be designated as the Virginia Migratory Waterfowl Conservation Stamp Fund (the Stamp Fund). Moneys from the Stamp Fund shall not be diverted to any other state agency. The Department shall use the moneys in the Stamp Fund in the following manner:*

*1. The Department shall first utilize these moneys to cover any administrative costs associated with production and issuance of, and accounting for, the Stamp.*

*2. The Department shall contract 50 percent of the remaining annual revenue deposited in the Stamp Fund with appropriate nonprofit organizations for cooperative waterfowl habitat improvement projects. Before paying such moneys to any nonprofit organization, the Department shall obtain evidence that the organization is eligible to receive funds for such projects.*

*3. The remainder of the moneys in the Stamp Fund shall be used by the Department to protect, preserve, restore, enhance, and develop waterfowl habitat in Virginia.*

*E. The Department may establish (i) the method for selecting appropriate designs for the Stamp and (ii) eligibility criteria for receiving funds for waterfowl habitat improvement projects. The Department may sell expired Stamps for less than face value to the general public for a period of three years, after which time the Department shall shred any unsold expired Stamps. All revenues derived from the sale of these Stamps shall be paid into the state treasury to the credit of the Game Protection Fund and dedicated to the Stamp Fund.*

*F. For purposes of this section:*

*"Migratory waterfowl" means those migratory birds belonging to the Family Anatidae (ducks, geese, brant, and swans) for which open hunting seasons are established by federal regulations.*

*"Stamp" means the Virginia Migratory Waterfowl Conservation Stamp.*

**2. That § 29.1-339.1 of the Code of Virginia is repealed.**