

051614468

**HOUSE BILL NO. 2689**

Offered January 12, 2005

Prefiled January 12, 2005

*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 of 1959 (Extra Session) and Chapter 305 of the Acts of Assembly of 1964, relating to floating duck blinds in certain localities; penalty.*

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 (Extra Session) of 1959 and Chapter 305 of the Acts of Assembly of 1964, is 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 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 of its tributaries, *except from a licensed offshore blind stake site. For the purposes of this act, an "offshore blind stake site" means a specific location in the public waters where a stake is licensed for the purpose of hunting and shooting waterfowl from a floating blind*

§ 2. Unless a license for a stationary blind, as defined in §29.1-341 of the Code of Virginia, has been obtained pursuant to §29.1-344 or §29.1-345 of the Code of Virginia and a stationary blind has been erected by the required time, a nonriparian owner who has not already licensed and erected a stationary blind for the year in the areas enumerated in § 1 and who holds a valid hunting license may apply to the local license agent or clerk of the circuit court of the county in which an offshore blind stake site is to be located for a license for an offshore blind stake site.

§ 3. Except as provided in § 4, the license for an offshore blind stake site may be obtained from November 1 through November 10 of each year. Once obtained, a stake shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto by November 10.

§ 4. From November 11 through November 15 of each year, any riparian owner and any other person who has already licensed and erected a stationary blind for the year in the areas enumerated in § 1 and who holds a valid hunting license may apply to the local license agent or clerk of the circuit court of the county in which an offshore blind stake site is to be located for a license for any remaining offshore blind stake sites. Once obtained, a stake shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto by November 15.

§ 5. The clerk or local license agent shall be paid the fees charged for issuing hunting licenses. With each license, the clerk or local license agent shall deliver a license plate bearing the number of the license, which shall be affixed to the offshore blind site stake where it may be easily observed. The Department of Game and Inland Fisheries shall furnish the licenses and license plates provided for in this act. The proceeds from the sale of offshore blind stake site licenses shall be paid into the Game Protection Fund established pursuant to § 29.1-101 of the Code of Virginia.

§ 6. No offshore blind stake site shall be located closer than 500 yards to another licensed stationary blind or offshore blind stake site without the written consent of the affected stationary blind or blind stake site owner.

§ 7. The licensee shall hunt from a floating blind that is tied to or anchored within 25 yards of the offshore blind stake site.

§ 8. There shall be a limit of four offshore blind stake site licenses per license applicant. The fee for an offshore blind stake site license shall be \$5 for each such license. The purchase of an offshore blind stake site license shall be in addition to the requirement of obtaining a floating blind license under § 29.1-340.

§ 9. If any properly licensed offshore blind stake site is destroyed or removed in any manner, it may be replaced within thirty days without losing the position that it formerly occupied.

§ 10. It is unlawful for any person to destroy or remove another's properly licensed offshore blind site stake.

§ 11. Within 15 days of the close of the waterfowl season, blind stake site licensees shall remove

INTRODUCED

HB2689

59 *from the public waters each licensed stake.*

60 § 12. Any person who violates this act is guilty of a *Class 2* misdemeanor and, upon conviction  
61 thereof, shall be punished by a fine of not less than fifty nor more than two hundred and fifty dollars or  
62 by confinement in jail for not more than thirty days, or by both such fine and imprisonment and, in  
63 addition to any penalties allowed by law the court may revoke any license to hunt waterfowl in the  
64 areas described by this act.