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HOUSE BILL NO. 2689

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on January 26, 2005)

(Patron Prior to Substitute—Delegate Pollard)

A BILL to amend and reenact Chapter 334 of the Acts of Assembly of 1928, as amended by Chapter 377 of the Acts of Assembly of 1977, and 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 duck blinds in certain localities; penalties.

Be it enacted by the General Assembly of Virginia:

1. That Chapter 334 of the Acts of Assembly of 1928, as amended by Chapter 377 of the Acts of Assembly of 1977, is amended and reenacted as follows:

§ 1. ~~That the~~ The owners of land adjoining the public waters of the ~~counties~~ Counties of King George, Stafford, Prince William, and Fairfax, their lessees, ~~licensees~~ or permittees shall have the exclusive privilege of erecting stationary blinds, as defined in § 29.1-341 of the Code of Virginia, on their shoreline and the prior right to erect ~~stob or brush~~ stationary blinds in the public waters in front of their property for the purpose of hunting waterfowl, except that it shall be unlawful to place ~~stob or brush~~ stationary blinds in such waters at a greater distance than ~~three hundred~~ 300 yards from the shore or low water mark; provided, however, that such ~~stob or brush~~ stationary blinds may not be set or maintained at a greater distance from the shore than one-half of the width of the tributary where said tributary is less than ~~six hundred~~ 600 yards in width. In any year, the owners of riparian rights, their lessees, or permittees shall forfeit the privilege of erecting stationary blinds on their shoreline and the prior right to erect stationary blinds in the public waters in front of their property if they have not erected the blind by November 1.

§ 2. It shall be unlawful to shoot waterfowl from floating blinds, as defined in § 29.1-342 of the Code of Virginia, unless the same are anchored. No floating blind shall be set or shot from within ~~four~~ hundred 400 yards of any other person's blind ~~or shore~~ without the written consent of such other person.

§ 3. All floating blinds shall be taken in, one-half hour after sunset; and for the purposes of this act a blind shall be construed to be taken in when it is in tow leaving the hunting grounds.

§ 4. Any person violating the provisions of this act shall be deemed guilty of a Class 2 misdemeanor and upon conviction shall be fined not less than ten nor more than one hundred dollars or confined in jail not exceeding one month, or both, in the discretion of the court or jury trying the case.

2. 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 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.

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

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

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

71 § 8. There shall be a limit of four offshore blind stake site licenses per license applicant. The fee for
72 an offshore blind stake site license shall be \$5 for each such license. The purchase of an offshore blind
73 stake site license shall be in addition to the requirement of obtaining a floating blind license under
74 § 29.1-340 of the Code of Virginia.

75 § 9. If any properly licensed offshore blind stake site is destroyed or removed in any manner, it may
76 be replaced within 30 days without losing the position that it formerly occupied.

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

79 § 11. Within 15 days of the close of the waterfowl season, blind stake site licensees shall remove
80 from the public waters each licensed stake.

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