

1 **H. B. 2781**

2
3 (By Delegates Rodighiero, Stowers and Butcher)
4 [Introduced January 24, 2011; referred to the
5 Committee on Natural Resources then Finance.]
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**FISCAL
NOTE**

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10 A BILL to amend and reenact §20-2-28 of the Code of West Virginia,
11 1931, as amended, relating to exempting all veterans of the
12 Armed Forces or any reserve component thereof from having to
13 obtain a hunting or fishing license.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §20-2-28 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 2. WILDLIFE RESOURCES.**

18 **§20-2-28. When licenses or permits not required.**

19 Persons in the following categories ~~shall~~ are not ~~be~~ required
20 to obtain licenses or permits as indicated:

21 (a) Bona fide resident landowners or their resident children,
22 or resident parents, or bona fide resident tenants of such land may
23 hunt, trap or fish on their own land during open season in

1 accordance with the laws ~~and regulations~~ applying to such hunting,
2 trapping and fishing without obtaining a license to do so unless
3 such lands have been designated as a wildlife refuge or preserve.

4 (b) Any bona fide resident of this state who is totally blind
5 may fish in this state without obtaining a fishing license to do
6 so. A written statement or certificate from a duly licensed
7 physician of this state showing the resident to be totally blind
8 shall serve in lieu of a fishing license and shall be carried on
9 the person of the resident at all times while he or she is fishing
10 in this state.

11 (c) All residents of West Virginia on active duty in the Armed
12 Forces of the United States of America, while on leave or furlough,
13 shall have the right and privilege to hunt, trap or fish in season
14 in West Virginia without obtaining a license to do so. Leave or
15 furlough papers shall serve in lieu of any such license and shall
16 be carried on the person at all times while trapping, hunting or
17 fishing.

18 (d) In accordance with the provisions of section twenty-seven
19 of this article, any resident sixty-five years of age or older is
20 not required to have a license to hunt, trap or fish during the
21 legal seasons in West Virginia, but in lieu of such license any
22 such person shall at all times while hunting, trapping or fishing
23 carry on his or her person a valid West Virginia driver's license
24 or nondriver identification card issued by the Division of Motor

1 Vehicles.

2 (e) Residents of the state of Maryland who carry hunting or
3 fishing licenses valid in that state may hunt or fish from the West
4 Virginia banks of the Potomac River without obtaining licenses to
5 do so, but the hunting or fishing shall be confined to the fish and
6 waterfowl of the river proper and not on its tributaries:
7 *Provided*, That the state of Maryland shall first enter into a
8 reciprocal agreement with the director extending a like privilege
9 of hunting and fishing on the Potomac River from the Maryland banks
10 of said river to licensed residents of West Virginia without
11 requiring said residents to obtain Maryland hunting and fishing
12 licenses.

13 (f) Residents of the state of Ohio who carry hunting or
14 fishing licenses valid in that state may hunt or fish on the Ohio
15 River or from the West Virginia banks of the river without
16 obtaining licenses to do so, but the hunting or fishing shall be
17 confined to fish and waterfowl of the river proper and to points on
18 West Virginia tributaries and embayments identified by the
19 director: *Provided*, That the state of Ohio shall first enter into
20 a reciprocal agreement with the director extending a like privilege
21 of hunting and fishing from the Ohio banks of the river to licensed
22 residents of West Virginia without requiring the residents to
23 obtain Ohio hunting and fishing licenses.

24 (g) Any resident of West Virginia who was honorably discharged

1 from the Armed Forces of the United States of America or any
2 reserve component thereof ~~and who receives a veteran's pension~~
3 ~~based on total permanent service-connected disability as certified~~
4 ~~to by the Veterans Administration~~ shall be permitted to hunt, trap
5 or fish in this state without obtaining a license therefor. The
6 director shall propose rules for legislative approval in accordance
7 with the provisions of article three, chapter twenty-nine-a of this
8 code setting forth the procedure for the certification of the
9 veteran, manner of applying for and receiving the certification and
10 requirements as to identification while said veteran is hunting,
11 trapping or fishing.

12 ~~(h) Any disabled veteran who is a resident of West Virginia~~
13 ~~and who, as certified to by the Commissioner of Motor Vehicles, is~~
14 ~~eligible to be exempt from the payment of any fee on account of~~
15 ~~registration of any motor vehicle owned by such disabled veteran as~~
16 ~~provided in section eight, article ten, chapter seventeen-a of this~~
17 ~~code shall be permitted to hunt, trap or fish in this state without~~
18 ~~obtaining a license therefor. The director shall propose rules for~~
19 ~~legislative approval in accordance with the provisions of article~~
20 ~~three, chapter twenty nine a of this code setting forth the~~
21 ~~procedure for the certification of the disabled veteran, manner of~~
22 ~~applying for and receiving the certification and requirements as to~~
23 ~~identification while the disabled veteran is hunting, trapping or~~
24 ~~fishing.~~

1 ~~(i)~~ (h) Any resident or inpatient in any state mental health,
2 health or benevolent institution or facility may fish in this
3 state, under proper supervision of the institution involved,
4 without obtaining a fishing license to do so. A written statement
5 or certificate signed by the superintendent of the mental health,
6 health or benevolent institution or facility in which the resident
7 or inpatient, as the case may be, is institutionalized shall serve
8 in lieu of a fishing license and shall be carried on the person of
9 the resident or inpatient at all times while he or she is fishing
10 in this state.

11 ~~(j)~~ (i) Any resident who is developmentally disabled, as
12 certified by a physician and the Director of the Division of
13 Health, may fish in this state without obtaining a fishing license
14 to do so. As used in this section, "developmentally disabled"
15 means a person with a severe, chronic disability which:

16 (1) Is attributable to a mental or physical impairment or a
17 combination of mental and physical impairments;

18 (2) Is manifested before the person attains age twenty-two;

19 (3) Results in substantial functional limitations in three or
20 more of the following areas of major life activity: (A) Self-care;
21 (B) receptive and expressive language; (C) learning; (D) mobility;
22 (E) self-direction; (F) capacity for independent living; and (G)
23 economic self-sufficiency; and

24 (4) Reflects the person's need for a combination and sequence

1 of care, treatment or supportive services which are of lifelong or
2 extended duration and are individually planned and coordinated.

3 ~~(k)~~ (j) A student eighteen years of age or younger receiving
4 instruction in fly fishing in a public, private, parochial or
5 Christian school in this state may fly fish in the state for catch
6 and release only without obtaining a fishing license to do so while
7 under the supervision of an instructor authorized by the school.

NOTE: The purpose of this bill is to exempt all veterans of the Armed Forces or any reserve component thereof from having to have hunting and fishing licenses.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.