

H. B. 2845

(BY DELEGATES WILLIAMS, MOYE, D. POLING, SHAVER,
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[Introduced January 25, 2011; referred to the
Committee on Senior Citizen Issues then Finance.]

A BILL to amend and reenact §20-2-27 and §20-2-28 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-42x, all relating to senior resident lifetime hunting, fishing and trapping license and fee of \$25; and allowing persons who are sixty-five years of age before January 1, 2012, to remain exempt from the purchase of the license.

Be it enacted by the Legislature of West Virginia:

That §20-2-27 and §20-2-28 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be

amended by adding thereto a new section, designated §20-2-42x, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-27. Necessity for license.

1 Except as otherwise provided by law, no resident who
2 has reached his or her fifteenth birthday and who has not
3 reached his or her sixty-fifth birthday before January 1, 2012,
4 and no nonresident shall at any time take, hunt, pursue, trap
5 for, kill or chase any wild animals, wild birds, or fish for,
6 take, kill or catch any fish, amphibians or aquatic life of any
7 kind whatsoever in this state without first having secured a
8 license or permit and then only during the respective open
9 seasons, except that a nonresident who has not reached his or
10 her fifteenth birthday may fish for, take, kill or catch any
11 fish, amphibians or aquatic life of any kind whatsoever in
12 this state without first having secured a license or permit. ~~No~~
13 A person under the age of fifteen years shall not hunt or
14 chase any wild animals or wild birds upon lands of another
15 unless accompanied by a licensed adult.

16 A resident or nonresident member of any club,
17 organization or association or persons owning or leasing a
18 game preserve or fish preserve, plant or pond in this state
19 shall not hunt or fish therein without first securing a license
20 or permit as required by law: *Provided, however,* That
21 resident landowners or their resident children, or bona fide
22 resident tenants of ~~such~~ land, may, without a permit or
23 license, hunt and fish on their own land during open seasons
24 in accordance with laws and ~~regulations~~ rules applying to
25 such hunting and fishing unless ~~such~~ the lands have been
26 designated as a wildlife refuge or preserve.

27 Licenses and permits shall be of the kinds and classes set
28 forth in this article and shall be conditioned upon the payment
29 of the fees established ~~therefor~~ for the licenses and permits.

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

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

3 (a) Bona fide resident landowners or their resident
4 children, or resident parents, or bona fide resident tenants of

5 ~~such~~ the land may hunt, trap or fish on their own land during
6 open season in accordance with the laws and ~~regulations~~
7 rules applying to ~~such~~ the hunting, trapping and fishing
8 without obtaining a license, ~~to do so~~ unless ~~such~~ the lands
9 have been designated as a wildlife refuge or preserve.

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

17 (c) All residents of West Virginia on active duty in the
18 armed forces of the United States of America, while on leave
19 or furlough, ~~shall have the right and privilege to~~ may hunt,
20 trap or fish in season in West Virginia without obtaining a
21 license. ~~to do so~~ Leave or furlough papers shall serve in lieu
22 of any ~~such~~ license and shall be carried on the person at all
23 times while trapping, hunting or fishing.

24 (d) In accordance with the provisions of section twenty-
25 seven of this article, any resident sixty-five years of age or
26 older before January 1, 2012, is not required to have a license
27 to hunt, trap or fish during the legal seasons in West Virginia,
28 but in lieu of ~~such the~~ license ~~any such the~~ person shall at all
29 times while hunting, trapping or fishing carry on his or her
30 person a valid West Virginia driver's license or nondriver
31 identification card issued by the Division of Motor Vehicles.

32 (e) Residents of the state of Maryland who carry hunting
33 or fishing licenses valid in that state may hunt or fish from
34 the West Virginia banks of the Potomac River without
35 obtaining licenses, ~~to do so~~ but the hunting or fishing shall be
36 confined to the fish and waterfowl of the river proper and not
37 on its tributaries: *Provided*, That the state of Maryland shall
38 first enter into a reciprocal agreement with the director
39 extending a like privilege of hunting and fishing on the
40 Potomac River from the Maryland banks of ~~said the~~ river to
41 licensed residents of West Virginia without requiring ~~said the~~
42 residents to obtain Maryland hunting and fishing licenses.

43 (f) Residents of the state of Ohio who carry hunting or
44 fishing licenses valid in that state may hunt or fish on the
45 Ohio River or from the West Virginia banks of the river
46 without obtaining licenses, ~~to do so~~ but the hunting or fishing
47 shall be confined to fish and waterfowl of the river proper
48 and to points on West Virginia tributaries and embayments
49 identified by the director: *Provided*, That the state of Ohio
50 shall first enter into a reciprocal agreement with the director
51 extending a like privilege of hunting and fishing from the
52 Ohio banks of the river to licensed residents of West Virginia
53 without requiring the residents to obtain Ohio hunting and
54 fishing licenses.

55 (g) Any resident of West Virginia who was honorably
56 discharged from the Armed Forces of the United States of
57 America and who receives a veteran's pension based on total
58 permanent service-connected disability as certified to by the
59 Veterans Administration ~~shall be permitted to~~ may hunt, trap
60 or fish in this state without obtaining a license. ~~therefor~~ The
61 director shall propose rules for legislative approval in

62 accordance with the provisions of article three, chapter twenty-
63 nine-a of this code setting forth the procedure for the
64 certification of the veteran, manner of applying for and
65 receiving the certification and requirements as to identification
66 while ~~said~~ the veteran is hunting, trapping or fishing.

67 (h) Any disabled veteran who is a resident of West
68 Virginia and who, as certified to by the Commissioner of
69 Motor Vehicles, is eligible to be exempt from the payment of
70 any fee on account of registration of any motor vehicle
71 owned by ~~such~~ the disabled veteran as provided in section
72 eight, article ten, chapter seventeen-a of this code shall be
73 permitted to hunt, trap or fish in this state without obtaining
74 a license. ~~therefor~~ The director shall propose rules for
75 legislative approval in accordance with the provisions of
76 article three, chapter twenty-nine-a of this code setting forth
77 the procedure for the certification of the disabled veteran,
78 manner of applying for and receiving the certification and
79 requirements as to identification while the disabled veteran
80 is hunting, trapping or fishing.

81 (i) Any resident or inpatient in any state mental health,
82 health or benevolent institution or facility may fish in this
83 state, under proper supervision of the institution involved,
84 without obtaining a fishing license. ~~to do so~~ A written
85 statement or certificate signed by the superintendent of the
86 mental health, health or benevolent institution or facility in
87 which the resident or inpatient, as the case may be, is
88 institutionalized shall serve in lieu of a fishing license and
89 shall be carried on the person of the resident or inpatient at
90 all times while he or she is fishing in this state.

91 (j) Any resident who is developmentally disabled, as
92 certified by a physician and the Director of the Division of
93 Health, may fish in this state without obtaining a fishing license.
94 ~~to do so~~ As used in this section, “developmentally disabled”
95 means a person with a severe, chronic disability which:

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

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

100 (3) Results in substantial functional limitations in three
101 or more of the following areas of major life activity:

102 (A) Self-care;

103 (B) Receptive and expressive language;

104 (C) Learning;

105 (D) Mobility;

106 (E) Self-direction;

107 (F) Capacity for independent living; and

108 (G) Economic self-sufficiency; and

109 (4) Reflects the person's need for a combination and
110 sequence of care, treatment or supportive services which are
111 of lifelong or extended duration and are individually planned
112 and coordinated.

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

§20-2-42x. Class XS resident senior hunting, fishing and trapping license.

1 (a) A Class XS license is a resident senior hunting,
2 fishing and trapping license and entitles the licensee to hunt
3 and trap for all legal species of wild animals and wild birds,
4 to fish for all legal species of fish and to take frogs in all
5 counties of the state, except as prohibited by the rules of the
6 Director or Natural Resources Commission and when
7 additional licenses, stamps or permits are required. No
8 additional fees shall be required of Class XS licensees for a
9 Class CS stamp or a Class O stamp.

10 (b) A Class XS licensee shall be entitled to participate
11 with the same privileges and subject to the same restrictions
12 as a youth hunter in any special youth deer season
13 established by the Natural Resources Commission pursuant
14 to the provisions of subdivision (b)(7), section 17, article one
15 of this chapter.

16 (c) A Class XS license is required for residents or aliens
17 lawfully residing in the United States who have been
18 domiciled residents of West Virginia for a period of thirty

19 consecutive days or more immediately prior to the date of
20 their application for a license and who reach sixty-five years
21 of age on or after January 1, 2012.

22 (d) A Class XS license may be voluntarily purchased by
23 residents or aliens lawfully residing in the United States and
24 who have been domiciled residents of West Virginia for a
25 period of thirty consecutive days or more immediately prior
26 to the date of their application for a license and who reach
27 sixty-five years of age on or before December 31, 2011,
28 entitling those persons to the same privileges and subjecting
29 them to the same restrictions as any Class XS licensee.

30 (e) The fee for the Class XS license is \$25.

31 (f) A Class XS license is valid for the lifetime of the
32 purchaser without payment of additional fees for the privileges
33 associated with the Class X license, Class CS stamp and the
34 Class O stamp. This is a base license and does not require the
35 purchase of a prerequisite license to participate in the activities
36 specified in this section, except as noted.

NOTE: The purpose of this bill is to create a senior resident lifetime hunting, fishing and trapping license that will cost \$25. Persons who are sixty-five years of age before January 1, 2012, are grandfathered in. However, if a person meeting the age requirement wants to purchase a XS license in order to receive the same benefit as youth hunters they will be able.

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

§20-2-42x is new; therefore, it has been completely underscored.