

1 **H. B. 3030**

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3 (By Delegate Faircloth, By Request)
4 [Introduced March 21, 2013; 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 and §20-2-42x of the Code of
11 West Virginia, 1931, as amended, all relating to Class XS
12 senior resident lifetime licenses; and providing that seniors
13 purchasing the Class XS license are not required to purchase
14 any additional hunting, fishing and trapping stamps or permits
15 issued by the Division of Natural Resources under article two,
16 chapter twenty of the West Virginia Code.

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

18 That §20-2-28 and §20-2-42x of the Code of West Virginia,
19 1931, as amended, be amended and reenacted, all to read as follows:

20 **ARTICLE 2. WILDLIFE RESOURCES.**

21 **§20-2-28. When licenses or permits not required.**

22 Persons in the following categories are not required to obtain
23 licenses or permits as indicated:

1 (a) Bona fide resident landowners or their resident children,
2 or resident parents, or bona fide resident tenants of the land may
3 hunt, trap or fish on their own land during open season in
4 accordance with the laws and rules applying to the hunting,
5 trapping and fishing without obtaining a license, unless the lands
6 have been designated as a wildlife refuge or preserve.

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

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

19 (d) In accordance with the provisions of section twenty-seven
20 of this article, any resident sixty-five years of age or older
21 before January 1, 2012, is not required to have a license to hunt,
22 trap or fish during the legal seasons in West Virginia, but in lieu
23 of the license the person shall at all times while hunting,
24 trapping or fishing carry on his or her person a valid West

1 Virginia driver's license or nondriver identification card issued
2 by the Division of Motor Vehicles: Provided, That any resident
3 sixty-five years of age or older before January 1, 2012, may
4 purchase a Class XS resident senior lifetime license issued under
5 section forty-two-x of this article which entitles that person to
6 hunt, fish and trap without purchasing any additional hunting,
7 fishing or trapping stamp or permit issued by the division under
8 this article two.

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

19 (f) Residents of the state of Ohio who carry hunting or
20 fishing licenses valid in that state may hunt or fish on the Ohio
21 River or from the West Virginia banks of the river without
22 obtaining licenses, but the hunting or fishing shall be confined to
23 fish and waterfowl of the river proper and to points on West
24 Virginia tributaries and embayments identified by the director:

1 *Provided*, That the state of Ohio shall first enter into a
2 reciprocal agreement with the director extending a like privilege
3 of hunting and fishing from the Ohio banks of the river to licensed
4 residents of West Virginia without requiring the residents to
5 obtain Ohio hunting and fishing licenses.

6 (g) Any resident of West Virginia who was honorably discharged
7 from the Armed Forces of the United States of America and who
8 receives a veteran's pension based on total permanent service-
9 connected disability as certified to by the Veterans Administration
10 may hunt, trap or fish in this state without obtaining a license.
11 The director shall propose rules for legislative approval in
12 accordance with the provisions of article three, chapter twenty-
13 nine-a of this code setting forth the procedure for the
14 certification of the veteran, manner of applying for and receiving
15 the certification and requirements as to identification while the
16 veteran is hunting, trapping or fishing.

17 (h) Any disabled veteran who is a resident of West Virginia
18 and who, as certified to by the Commissioner of Motor Vehicles, is
19 eligible to be exempt from the payment of any fee on account of
20 registration of any motor vehicle owned by the disabled veteran as
21 provided in section eight, article ten, chapter seventeen-a of this
22 code shall be permitted to hunt, trap or fish in this state without
23 obtaining a license. The director shall propose rules for
24 legislative approval in accordance with the provisions of article

1 three, chapter twenty-nine-a of this code setting forth the
2 procedure for the certification of the disabled veteran, manner of
3 applying for and receiving the certification and requirements as to
4 identification while the disabled veteran is hunting, trapping or
5 fishing.

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

16 (j) Any resident who is developmentally disabled, as certified
17 by a physician and the Director of the Division of Health, may fish
18 in this state without obtaining a fishing license. As used in this
19 section, "developmentally disabled" means a person with a severe,
20 chronic disability which:

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

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

24 (3) Results in substantial functional limitations in three or

1 more of the following areas of major life activity:

2 (A) Self-care;

3 (B) Receptive and expressive language;

4 (C) Learning;

5 (D) Mobility;

6 (E) Self-direction;

7 (F) Capacity for independent living; and

8 (G) Economic self-sufficiency; and

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

12 (k) A student eighteen years of age or younger receiving
13 instruction in fly fishing in a public, private, parochial or
14 Christian school in this state may fly fish in the state for catch
15 and release only without obtaining a fishing license while under
16 the supervision of an instructor authorized by the school.

17 **§20-2-42x. Class XS resident senior hunting, fishing and trapping**
18 **license.**

19 (a) A Class XS license is a resident senior hunting, fishing
20 and trapping license and entitles the licensee to hunt and trap for
21 all legal species of wild animals and wild birds, to fish for all
22 legal species of fish and to take frogs in all counties of the
23 state, except as prohibited by the rules of the Director or Natural
24 Resources Commission and when additional licenses, stamps or

1 permits are required. No additional fees shall be required of
2 Class XS licensees for ~~a Class CS stamp or a Class O stamp~~ any
3 hunting, fishing or trapping stamp or permit issued by the division
4 under this article two.

5 (b) A Class XS licensee shall be entitled to participate with
6 the same privileges and subject to the same restrictions as a youth
7 hunter in any special youth deer season established by the Natural
8 Resources Commission pursuant to the provisions of subdivision
9 (b) (7), section seventeen, article one of this chapter.

10 (c) A Class XS license is required for residents or aliens
11 lawfully residing in the United States who have been domiciled
12 residents of West Virginia for a period of thirty consecutive days
13 or more immediately prior to the date of their application for a
14 license and who reach sixty-five years of age on or after January
15 1, 2012.

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

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

1 (f) A Class XS license is valid for the lifetime of the
2 purchaser without payment of additional fees for ~~the privileges~~
3 ~~associated with the Class X license, Class CS stamp and the Class~~
4 ~~Ø stamp~~ any hunting, fishing or trapping stamp or permit issued by
5 the division under this article two.. This is a base license and
6 does not require the purchase of a prerequisite license to
7 participate in the activities specified in this section, except as
8 noted.

9 (g) The Division of Natural Resources shall coordinate with
10 the Department of Motor Vehicles to adopt and implement a program
11 whereby the senior hunting license provided ~~for~~ in this section
12 shall be identified by an appropriate decal, sticker or other
13 marking to be affixed to the drivers' or chauffeurs' license of
14 such person.

15 (h) On or before July 1 annually, the Division of Natural
16 Resources shall file an annual report with the Joint Committee on
17 Government and Finance describing its implementation of the senior
18 license program as set forth in this section. The report shall
19 include the number of licenses issued, any increase in state funds
20 as a result of the senior license created by this section, any
21 federal funds received as a result of the implementation of the
22 senior license created by this section and the intended use of
23 those funds.

NOTE: The purpose of this bill is to provide that a senior citizen purchasing the Class XS senior resident hunting, fishing and trapping license is not required to purchase any additional hunting, fishing and trapping stamps or permits issued by the Division of Natural Resources under article two, chapter twenty of the West Virginia Code.

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