

1 **ENGROSSED**

2 **H. B. 4301**

3
4 (By Delegates Eldridge, Wells, Craig, A. Evans,
5 Hamilton, Paxton and White)

6 [Introduced January 24, 2014; referred to the
7 Committee on Agriculture and Natural Resources then the
8 Judiciary.]
9

10 A BILL to amend and reenact §20-2-28 of the Code of West Virginia,
11 1931, as amended, relating to hunting, trapping and fishing
12 licenses; allowing limited reciprocal use of hunting and
13 fishing licenses with the Commonwealth of Kentucky; and
14 requiring military identification for active duty members of
15 the Armed Forces hunting, trapping or fishing while on
16 furlough.

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

18 That §20-2-28 of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted 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. Military identification shall be carried on the person
17 at all times while trapping, hunting or fishing and shall serve in
18 lieu of a license to trap, hunt or fish.

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,

1 trapping or fishing carry on his or her person a valid West
2 Virginia driver's license or nondriver identification card issued
3 by the Division of Motor Vehicles.

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

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

1 obtain Ohio hunting and fishing licenses.

2 (g) Residents of the state of Kentucky who carry hunting or
3 fishing licenses valid in that state may hunt or fish on the Big
4 Sandy River and the Tug Fork or from the West Virginia banks of the
5 rivers without obtaining licenses, but the hunting or fishing shall
6 be confined to fish and migratory birds of the river proper:
7 Provided, That the Commonwealth of Kentucky shall first enter into
8 a reciprocal agreement with the director extending a like privilege
9 of hunting and fishing from the Kentucky banks of the rivers to
10 licensed residents of West Virginia without requiring the residents
11 to obtain Kentucky hunting and fishing licenses.

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

23 ~~(h)~~ (i) Any disabled veteran who is a resident of West

1 Virginia and who, as certified to by the Commissioner of Motor
2 Vehicles, is eligible to be exempt from the payment of any fee on
3 account of registration of any motor vehicle owned by the disabled
4 veteran as provided in section eight, article ten, chapter
5 seventeen-a of this code shall be permitted to hunt, trap or fish
6 in this state without obtaining a license. The director shall
7 propose rules for legislative approval in accordance with the
8 provisions of article three, chapter twenty-nine-a of this code
9 setting forth the procedure for the certification of the disabled
10 veteran, manner of applying for and receiving the certification and
11 requirements as to identification while the disabled veteran is
12 hunting, trapping or fishing.

13 ~~(i)~~ (j) Any resident or inpatient in any state mental health,
14 health or benevolent institution or facility may fish in this
15 state, under proper supervision of the institution involved,
16 without obtaining a fishing license. A written statement or
17 certificate signed by the superintendent of the mental health,
18 health or benevolent institution or facility in which the resident
19 or inpatient, as the case may be, is institutionalized shall serve
20 in lieu of a fishing license and shall be carried on the person of
21 the resident or inpatient at all times while he or she is fishing
22 in this state.

23 ~~(j)~~ (k) Any resident who is developmentally disabled, as

1 certified by a physician and the Director of the Division of
2 Health, may fish in this state without obtaining a fishing license.
3 As used in this section, "developmentally disabled" means a person
4 with a severe, chronic disability which:

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

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

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

10 (A) Self-care;

11 (B) Receptive and expressive language;

12 (C) Learning

13 (D) Mobility;

14 (E) Self-direction;

15 (F) Capacity for independent living;

16 (G) Economic self-sufficiency; and

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

20 ~~(k)~~ (l) A student eighteen years of age or younger receiving
21 instruction in fly fishing in a public, private, parochial or
22 Christian school in this state may fly fish in the state for catch
23 and release only without obtaining a fishing license while under

1 the supervision of an instructor authorized by the school.

NOTE: The purpose of this bill is to allow reciprocal use of hunting and fishing licenses with the Commonwealth of Kentucky on the Big Sandy and Tug Fork Rivers.

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