

1 **H. B. 4301**

2
3 (By Delegates Eldridge, Wells, Craig, A. Evans,
4 Hamilton, Paxton and White)

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

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9
10 A BILL to amend and reenact §20-2-28 of the Code of West Virginia,
11 1931, as amended, relating to allowing limited reciprocal use
12 of hunting and fishing licenses with the Commonwealth of
13 Kentucky.

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 are not required to obtain
20 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 the land may
23 hunt, trap or fish on their own land during open season in

1 accordance with the laws and rules applying to the hunting,
2 trapping and fishing without obtaining a license, unless the lands
3 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. A
6 written statement or certificate from a duly licensed physician of
7 this state showing the resident to be totally blind shall serve in
8 lieu of a fishing license and shall be carried on the person of the
9 resident at all times while he or she is fishing in this state.

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

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

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

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

22 (g) Residents of the state of Kentucky who carry hunting or
23 fishing licenses valid in that state may hunt or fish on the Big

1 Sandy River and the Tug Fork or from the West Virginia banks of the
2 rivers without obtaining licenses, but the hunting or fishing shall
3 be confined to fish and migratory birds of the river proper:
4 Provided, That the Commonwealth of Kentucky shall first enter into
5 a reciprocal agreement with the director extending a like privilege
6 of hunting and fishing from the Kentucky banks of the rivers to
7 licensed residents of West Virginia without requiring the residents
8 to obtain Kentucky hunting and fishing licenses.

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

20 ~~(h)~~ (i) Any disabled veteran who is a resident of West
21 Virginia and who, as certified to by the Commissioner of Motor
22 Vehicles, is eligible to be exempt from the payment of any fee on
23 account of registration of any motor vehicle owned by the disabled

1 veteran as provided in section eight, article ten, chapter
2 seventeen-a of this code shall be permitted to hunt, trap or fish
3 in this state without obtaining a license. The director shall
4 propose rules for legislative approval in accordance with the
5 provisions of article three, chapter twenty-nine-a of this code
6 setting forth the procedure for the certification of the disabled
7 veteran, manner of applying for and receiving the certification and
8 requirements as to identification while the disabled veteran is
9 hunting, trapping or fishing.

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

20 ~~(j)~~ (k) Any resident who is developmentally disabled, as
21 certified by a physician and the Director of the Division of
22 Health, may fish in this state without obtaining a fishing license.
23 As used in this section, "developmentally disabled" means a person

1 with a severe, chronic disability which:

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

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

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

7 (A) Self-care;

8 (B) Receptive and expressive language;

9 (C) Learning

10 (D) Mobility;

11 (E) Self-direction;

12 (F) Capacity for independent living;

13 (G) Economic self-sufficiency; and

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

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