

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 537

FISCAL
NOTE

BY SENATOR MAYNARD

[Introduced January 20, 2020; referred
to the Committee on Natural Resources]

1 A BILL to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating
 2 generally to hunting, trapping, and fishing licensing; and permitting nonresident
 3 landowners and certain of their family members to hunt, trap, and fish on the nonresident
 4 landowner’s land without obtaining a license.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

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

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

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

7 (2) Bona fide nonresident landowners or their children or parents, who reside in the same
 8 household as the landowner, may hunt, trap, or fish on their own land during open season in
 9 accordance with the laws and rules applying to the hunting, trapping, and fishing without obtaining
 10 a license, unless the lands have been designated as a wildlife refuge or preserve.

11 ~~(b)~~ (3) Any bona fide resident of this state who is totally blind may fish in this state without
 12 obtaining a fishing license. A written statement or certificate from a duly licensed physician of this
 13 state showing the resident to be totally blind shall serve in lieu of a fishing license and shall be
 14 carried on the person of the resident at all times while he or she is fishing in this state.

15 ~~(c)~~ (4) All residents of West Virginia on active duty in the armed forces of the United States
 16 of America, while on leave or furlough, may hunt, trap, or fish in season in West Virginia without
 17 obtaining a license. Leave or furlough papers shall serve in lieu of any license and shall be carried
 18 on the person at all times while trapping, hunting, or fishing.

19 ~~(d)~~ (5) In accordance with the provisions of §20-2-27 of this code, any resident 65 years

20 of age or older before January 1, 2012, is not required to have a license to hunt, trap, or fish
21 during the legal seasons in West Virginia, but in lieu of the license the person shall at all times
22 while hunting, trapping, or fishing carry on his or her person a valid West Virginia driver's license
23 or nondriver identification card issued by the Division of Motor Vehicles.

24 ~~(e)~~ (6) Except as otherwise provided for in this section, residents of states that share river
25 borders with the State of West Virginia who carry hunting or fishing licenses valid in that state
26 may hunt or fish without obtaining licenses, but the hunting or fishing shall be confined to the fish
27 and waterfowl of the river proper and not on its tributaries: *Provided*, That the state shall first enter
28 into a reciprocal agreement with the director extending a like privilege of hunting and fishing to
29 licensed residents of West Virginia without requiring the residents to obtain that state's hunting
30 and fishing licenses.

31 ~~(f)~~ (7) Residents of the State of Ohio who carry hunting or fishing licenses valid in that
32 state may hunt or fish on the Ohio River or from the West Virginia banks of the river without
33 obtaining licenses, but the hunting or fishing shall be confined to fish and waterfowl of the river
34 proper and to points on West Virginia tributaries and embayments identified by the director:
35 *Provided*, That the State of Ohio shall first enter into a reciprocal agreement with the director
36 extending a like privilege of hunting and fishing from the Ohio banks of the river to licensed
37 residents of West Virginia without requiring the residents to obtain Ohio hunting and fishing
38 licenses.

39 ~~(g)~~ (8) Any resident of West Virginia who was honorably discharged from the Armed
40 Forces of the United States of America and who receives a veteran's pension based on total
41 permanent service-connected disability as certified to by the Veterans Administration may hunt,
42 trap or fish in this state without obtaining a license. The director shall propose rules for legislative
43 approval in accordance with the provisions of §29A-3-1 *et seq.* of this code setting forth the
44 procedure for the certification of the veteran, manner of applying for and receiving the certification
45 and requirements as to identification while the veteran is hunting, trapping, or fishing.

46 ~~(H)~~ (9) Any disabled veteran who is a resident of West Virginia and who, as certified to by
47 the Commissioner of Motor Vehicles, is eligible to be exempt from the payment of any fee on
48 account of registration of any motor vehicle owned by the disabled veteran as provided §17A-10-
49 8 of this code shall be permitted to hunt, trap, or fish in this state without obtaining a license. The
50 director shall propose rules for legislative approval in accordance with the provisions of §29A-3-
51 1 *et seq.* of this code setting forth the procedure for the certification of the disabled veteran,
52 manner of applying for and receiving the certification, and requirements as to identification while
53 the disabled veteran is hunting, trapping, or fishing.

54 ~~(I)~~ (10) Any resident or inpatient in any state mental health, health, or benevolent institution
55 or facility may fish in this state, under proper supervision of the institution involved, without
56 obtaining a fishing license. A written statement or certificate signed by the superintendent of the
57 mental health, health, or benevolent institution or facility in which the resident or inpatient, as the
58 case may be, is institutionalized shall serve in lieu of a fishing license and shall be carried on the
59 person of the resident or inpatient at all times while he or she is fishing in this state.

60 ~~(J)~~ (11) Any resident who is developmentally disabled, as certified by a physician and the
61 Director of the Division of Health, may fish in this state without obtaining a fishing license. As used
62 in this section, "developmentally disabled" means a person with a severe, chronic disability which:

63 ~~(1)~~ (A) Is attributable to a mental or physical impairment or a combination of mental and
64 physical impairments;

65 ~~(2)~~ (B) Is manifested before the person attains age 22;

66 ~~(3)~~ (C) Results in substantial functional limitations in three or more of the following areas
67 of major life activity:

68 ~~(A)~~ (i) Self-care;

69 ~~(B)~~ (ii) Receptive and expressive language;

70 ~~(C)~~ (iii) Learning;

71 ~~(D)~~ (iv) Mobility;

- 72 ~~(E)~~ (v) Self-direction;
- 73 ~~(F)~~ (vi) Capacity for independent living; and
- 74 ~~(G)~~ (vii) Economic self-sufficiency; and
- 75 ~~(4)~~ (D) Reflects the person's need for a combination and sequence of care, treatment or
- 76 supportive services which are of lifelong or extended duration and are individually planned and
- 77 coordinated.
- 78 ~~(k)~~ (12) A student 18 years of age or younger receiving instruction in fly fishing in a public,
- 79 private, parochial, or Christian school in this state may fly fish in the state for catch and release
- 80 only without obtaining a fishing license while under the supervision of an instructor authorized by
- 81 the school.

NOTE: The purpose of this bill is to provide for nonresident landowners and certain of their family members to hunt, trap, or fish on the nonresident landowner's land without a license.

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