

**H. B. 2083**

(By Delegate Faircloth and D. Evans)

[Introduced January 16, 2015; referred to the

Committee on Agriculture and Natural Resources then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §20-2-28 and §20-2-42x of the Code of West Virginia, 1931, as amended, all relating to Class XS senior resident lifetime licenses; and providing that seniors purchasing the Class XS license are 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.

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

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

**ARTICLE 2. WILDLIFE RESOURCES.**

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

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

(a) Bona fide resident landowners or their resident children, or resident parents, or bona fide resident tenants of the land may hunt, trap or fish on their own land during open season in

1 accordance with the laws and rules applying to the hunting, trapping and fishing without obtaining  
2 a license, unless the lands have been designated as a wildlife refuge or preserve.

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

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

11 (d) In accordance with the provisions of section twenty-seven of this article, any resident  
12 sixty-five years of age or older before January 1, 2012, is not required to have a license to hunt, trap  
13 or fish during the legal seasons in West Virginia, but in lieu of the license the person shall at all  
14 times while hunting, trapping or fishing carry on his or her person a valid West Virginia driver's  
15 license or nondriver identification card issued by the Division of Motor Vehicles: Provided, That  
16 any resident sixty-five years of age or older before January 1, 2014, may purchase a Class XS  
17 resident senior lifetime license issued under section forty-two-x of this article which entitles that  
18 person to hunt, fish and trap without purchasing any additional hunting, fishing or trapping stamp  
19 or permit issued by the division under this article two.

20 (e) Residents of the state of Maryland who carry hunting or fishing licenses valid in that state  
21 may hunt or fish from the West Virginia banks of the Potomac River without obtaining licenses, but  
22 the hunting or fishing shall be confined to the fish and waterfowl of the river proper and not on its

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

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

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

19 (h) Any disabled veteran who is a resident of West Virginia and who, as certified to by the  
20 Commissioner of Motor Vehicles, is eligible to be exempt from the payment of any fee on account  
21 of registration of any motor vehicle owned by the disabled veteran as provided in section eight,  
22 article ten, chapter seventeen-a of this code shall be permitted to hunt, trap or fish in this state

1 without obtaining a license. The director shall propose rules for legislative approval in accordance  
2 with the provisions of article three, chapter twenty-nine-a of this code setting forth the procedure for  
3 the certification of the disabled veteran, manner of applying for and receiving the certification and  
4 requirements as to identification while the disabled veteran is hunting, trapping or fishing.

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

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

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

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

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

19 (A) Self-care;

20 (B) Receptive and expressive language;

21 (C) Learning;

22 (D) Mobility;

1 (E) Self-direction;

2 (F) Capacity for independent living; and

3 (G) Economic self-sufficiency; and

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

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

11 **§20-2-42x. Class XS resident senior hunting, fishing and trapping license.**

12 (a) A Class XS license is a resident senior hunting, fishing and trapping license and entitles  
13 the licensee to hunt and trap for all legal species of wild animals and wild birds, to fish for all legal  
14 species of fish and to take frogs in all counties of the state, except as prohibited by the rules of the  
15 Director or Natural Resources Commission and when additional licenses, stamps or permits are  
16 required. No additional fees shall be required of Class XS licensees for ~~a Class CS stamp or a Class~~  
17 ~~Θ stamp~~ any hunting, fishing or trapping stamp or permit issued by the division under this article.

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

22 (c) A Class XS license is required for residents or aliens lawfully residing in the United States

1 who have been domiciled residents of West Virginia for a period of thirty consecutive days or more  
2 immediately prior to the date of their application for a license and who reach sixty-five years of age  
3 on or after January 1, 2012.

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

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

10 (f) A Class XS license is valid for the lifetime of the purchaser without payment of additional  
11 fees for ~~the privileges associated with the Class X license, Class CS stamp and the Class O stamp~~  
12 any hunting, fishing or trapping stamp or permit issued by the division under this article. This is a  
13 base license and does not require the purchase of a prerequisite license to participate in the activities  
14 specified in this section, except as noted.

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

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

- 1 received as a result of the implementation of the senior license created by this section and the
- 2 intended use of 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.