

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

**Introduced**

### **House Bill 2629**

**FISCAL  
NOTE**

BY DELEGATES NESTOR, WAMSLEY, KIMBLE, CONLEY,

FLUHARTY, SYPOLT, AND JENNINGS

[Introduced February 22, 2021; Referred to the

Committee on Veterans' Affairs and Homeland

Security then Finance]

1 A BILL to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating  
 2 to providing hunting, fishing, and trapping privileges in West Virginia to all persons who  
 3 are former members of the United States Armed Forces that were honorably or  
 4 administratively discharged from service.

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

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

11 (c) All residents of West Virginia on active duty in the armed forces of the United States of  
 12 America, while on leave or furlough, may hunt, trap or fish in season in West Virginia without  
 13 obtaining a license. Leave or furlough papers shall serve in lieu of any license and shall be carried  
 14 on the person at all times while trapping, hunting or fishing. All former members of the armed  
 15 forces of the United States of America who have been honorably discharged or administratively  
 16 discharged under honorable conditions from service may hunt, trap or fish in season in West  
 17 Virginia without obtaining a license. A certified copy of the veteran’s DD 214 filed in the Office of  
 18 the Clerk of the County of which the veteran permanently resides shall be carried on the person  
 19 at all times while trapping, hunting, or fishing.

20 (d) In accordance with the provisions of §20-2-27 of this code, any resident 65 years of  
21 age or older before January 1, 2012, is not required to have a license to hunt, trap or fish during  
22 the legal seasons in West Virginia, but in lieu of the license the person shall at all times while  
23 hunting, trapping or fishing carry on his or her person a valid West Virginia driver's license or  
24 nondriver identification card issued by the Division of Motor Vehicles.

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

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

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

46 (h) Any disabled veteran who is a resident of West Virginia and who, as certified to by the  
47 Commissioner of Motor Vehicles, is eligible to be exempt from the payment of any fee on account  
48 of registration of any motor vehicle owned by the disabled veteran as provided in §17A-10-8 of  
49 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) Any resident or inpatient in any state mental health, health or benevolent institution or  
55 facility may fish in this state, under proper supervision of the institution involved, without obtaining  
56 a fishing license. A written statement or certificate signed by the superintendent of the mental  
57 health, health or benevolent institution or facility in which the resident or inpatient, as the case  
58 may be, is institutionalized shall serve in lieu of a fishing license and shall be carried on the person  
59 of the resident or inpatient at all times while he or she is fishing in this state.

60 (j) 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) Is attributable to a mental or physical impairment or a combination of mental and  
64 physical impairments;

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

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

68 (A) Self-care;

69 (B) Receptive and expressive language;

70 (C) Learning;

71 (D) Mobility;

72 (E) Self-direction;

73 (F) Capacity for independent living; and

74 (G) Economic self-sufficiency; and

75 (4) 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) 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 expand the scope of hunting, fishing, and trapping benefits provided to former members of the United States Armed Forces who were honorably discharged or administratively discharged.

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