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WEST VIRGINIA LEGISLATURE

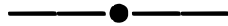
FIRST REGULAR SESSION, 2011



ENROLLED

House Bill No. 2845

(By Delegates Williams, Moye, D. Poling, Shaver,
Skaff, Hamilton and Rowan)



Passed March 12, 2011

In Effect Ninety Days From Passage

HB 2845

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ENROLLED OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES
SECRETARY OF STATE

H. B. 2845

(BY DELEGATES WILLIAMS, MOYE, D. POLING, SHAVER,
SKAFF, HAMILTON AND ROWAN)

[Passed March 12, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §20-2-27 and §20-2-28 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-42x, all relating to senior resident lifetime hunting, fishing and trapping license and fee of \$25; and allowing persons who are sixty-five years of age before January 1, 2012, to remain exempt from the purchase of the license.

Be it enacted by the Legislature of West Virginia:

That §20-2-27 and §20-2-28 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §20-2-42x, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-27. Necessity for license.

1 Except as otherwise provided by law, no resident who
2 has reached his or her fifteenth birthday and who has not
3 reached his or her sixty-fifth birthday before January 1, 2012,
4 and no nonresident shall at any time take, hunt, pursue, trap
5 for, kill or chase any wild animals, wild birds, or fish for,
6 take, kill or catch any fish, amphibians or aquatic life of any
7 kind whatsoever in this state without first having secured a
8 license or permit and then only during the respective open
9 seasons, except that a nonresident who has not reached his or
10 her fifteenth birthday may fish for, take, kill or catch any fish,
11 amphibians or aquatic life of any kind whatsoever in this
12 state without first having secured a license or permit. A
13 person under the age of fifteen years shall not hunt or chase
14 any wild animals or wild birds upon lands of another unless
15 accompanied by a licensed adult.

16 A resident or nonresident member of any club,
17 organization or association or persons owning or leasing a
18 game preserve or fish preserve, plant or pond in this state
19 shall not hunt or fish therein without first securing a license
20 or permit as required by law: *Provided*, That resident
21 landowners or their resident children, or bona fide resident
22 tenants of land, may, without a permit or license, hunt and
23 fish on their own land during open seasons in accordance
24 with laws and rules applying to such hunting and fishing
25 unless the lands have been designated as a wildlife refuge or
26 preserve.

27 Licenses and permits shall be of the kinds and classes
28 set forth in this article and shall be conditioned upon the
29 payment of the fees established for the licenses and permits.

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

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

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

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

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

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

31 (e) Residents of the state of Maryland who carry hunting
32 or fishing licenses valid in that state may hunt or fish from
33 the West Virginia banks of the Potomac River without
34 obtaining licenses, but the hunting or fishing shall be

35 confined to the fish and waterfowl of the river proper and not
36 on its tributaries: *Provided*, That the state of Maryland shall
37 first enter into a reciprocal agreement with the director
38 extending a like privilege of hunting and fishing on the
39 Potomac River from the Maryland banks of the river to
40 licensed residents of West Virginia without requiring the
41 residents to obtain Maryland hunting and fishing licenses.

42 (f) Residents of the state of Ohio who carry hunting or
43 fishing licenses valid in that state may hunt or fish on the
44 Ohio River or from the West Virginia banks of the river
45 without obtaining licenses, but the hunting or fishing shall be
46 confined to fish and waterfowl of the river proper and to
47 points on West Virginia tributaries and embayments
48 identified by the director: *Provided*, That the state of Ohio
49 shall first enter into a reciprocal agreement with the director
50 extending a like privilege of hunting and fishing from the
51 Ohio banks of the river to licensed residents of West Virginia
52 without requiring the residents to obtain Ohio hunting and
53 fishing licenses.

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

66 (h) Any disabled veteran who is a resident of West
67 Virginia and who, as certified to by the Commissioner of

68 Motor Vehicles, is eligible to be exempt from the payment of
69 any fee on account of registration of any motor vehicle
70 owned by the disabled veteran as provided in section eight,
71 article ten, chapter seventeen-a of this code shall be permitted
72 to hunt, trap or fish in this state without obtaining a license.
73 The director shall propose rules for legislative approval in
74 accordance with the provisions of article three, chapter
75 twenty-nine-a of this code setting forth the procedure for the
76 certification of the disabled veteran, manner of applying for
77 and receiving the certification and requirements as to
78 identification while the disabled veteran is hunting, trapping
79 or fishing.

80 (i) Any resident or inpatient in any state mental health,
81 health or benevolent institution or facility may fish in this
82 state, under proper supervision of the institution involved,
83 without obtaining a fishing license. A written statement or
84 certificate signed by the superintendent of the mental health,
85 health or benevolent institution or facility in which the
86 resident or inpatient, as the case may be, is institutionalized
87 shall serve in lieu of a fishing license and shall be carried on
88 the person of the resident or inpatient at all times while he or
89 she is fishing in this state.

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

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

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

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

101 (A) Self-care;

102 (B) Receptive and expressive language;

103 (C) Learning;

104 (D) Mobility;

105 (E) Self-direction;

106 (F) Capacity for independent living; and

107 (G) Economic self-sufficiency; and

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

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

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

1 (a) A Class XS license is a resident senior hunting,
2 fishing and trapping license and entitles the licensee to hunt
3 and trap for all legal species of wild animals and wild birds,
4 to fish for all legal species of fish and to take frogs in all

5 counties of the state, except as prohibited by the rules of the
6 Director or Natural Resources Commission and when
7 additional licenses, stamps or permits are required. No
8 additional fees shall be required of Class XS licensees for a
9 Class CS stamp or a Class O stamp.

10 (b) A Class XS licensee shall be entitled to participate
11 with the same privileges and subject to the same restrictions
12 as a youth hunter in any special youth deer season established
13 by the Natural Resources Commission pursuant to the
14 provisions of subdivision (b)(7), section 17, article one of this
15 chapter.

16 (c) A Class XS license is required for residents or aliens
17 lawfully residing in the United States who have been
18 domiciled residents of West Virginia for a period of thirty
19 consecutive days or more immediately prior to the date of
20 their application for a license and who reach sixty-five years
21 of age on or after January 1, 2012.

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

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

31 (f) A Class XS license is valid for the lifetime of the
32 purchaser without payment of additional fees for the
33 privileges associated with the Class X license, Class CS
34 stamp and the Class O stamp. This is a base license and does
35 not require the purchase of a prerequisite license to

36 participate in the activities specified in this section, except as
37 noted.

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

44 (h) On or before July 1 annually, the Division of Natural
45 Resources shall file an annual report with the joint committee
46 on government and finance describing its implementation of
47 the senior license program as set forth in this section. The
48 report shall include the number of licenses issued, any
49 increase in state funds as a result of the senior license created
50 by this section, any federal funds received as a result of the
51 implementation of the senior license created by this section
52 and the intended use of the those funds.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman, House Committee



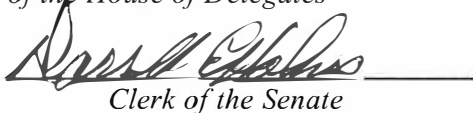
Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.



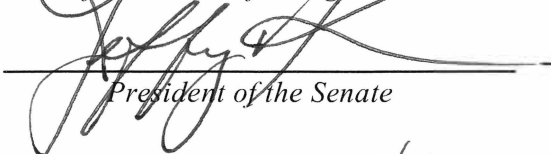
Clerk of the House of Delegates



Clerk of the Senate



Speaker of the House of Delegates



President of the Senate

The within is approved this the 4th
day of April, 2011.



Governor

2011 APR -4 PM 4:49
REGISTRATION OF STATE

PRESENTED TO THE GOVERNOR

MAR 31 2011

Time 11:30 am
ETST