WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1974

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ENROLLED

HOUSE BILL No. 215

(By Mr. [Signature]

PASSED May 24, 1974

In Effect 90 days from Passage

C 641

FILED IN THE OFFICE
EDGAR F. NEIKILL III
SECRETARY OF STATE
THIS DATE 6-5-74
ENROLLED

H. B. 215
(By Mr. Lohr and Mr. Stacy)

[Passed May 24, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-eight, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to natural resources; wildlife resources; when licenses or permits not required; permitting any resident who was honorably discharged from the armed forces and receives a veteran's pension based on total permanent service connected disability to hunt, trap or fish without obtaining a license, promulgation of rules and regulations governing same; permitting any disabled veteran who is a resident, and eligible to to be exempt from the payment of any motor vehicle registration fee in this state to hunt, trap or fish without obtaining a license, promulgation of rules and regulations governing same.

Be it enacted by the Legislature of West Virginia:

That section twenty-eight, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

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

3 (a) Bona fide resident landowners or their resident children, or resident parents, or bona fide resident tenants of such land, may hunt, trap or fish on their own land during open season in
accordance with the laws and regulations applying to such hunt-
ing, trapping and fishing without obtaining a license to do so
unless such lands have been designated as a wildlife refuge or
preserve.

(b) Any bona fide resident of this state who is totally blind
may fish in this state without obtaining a fishing license to do
so. A written statement or certificate from a duly licensed phy-
sician of this state showing the said resident to be totally blind
shall serve in lieu of a fishing license and shall be carried on the
person of said resident at all times while he is fishing in this state.

(c) All residents of West Virginia on active duty in the
armed forces of the United States of America, while on leave
or furlough, shall have the right and privilege to hunt, trap or
fish in season in West Virginia without obtaining a license to
do so. Leave or furlough papers shall serve in lieu of any such
license and shall be carried on the person at all times while
trapping, hunting or fishing.

(d) In accordance with the provisions of section twenty-
seven of this article, any resident sixty-five years of age or
older shall not be required to have a license to hunt, trap or
fish during the legal seasons in West Virginia, but in lieu of
such license any such person shall at all times while hunting,
trapping or fishing, carry on his person a card issued by the
director stating his name, address and date of birth.

(e) Residents of the state of Maryland who carry hunting or
fishing licenses valid in that state may hunt or fish from the
West Virginia banks of the Potomac river without obtaining
licenses to do so, but such hunting or fishing shall be confined
to the fish and waterfowl of the river proper and not on its
tributaries: Provided, That the state of Maryland shall first
enter into a reciprocal agreement with the director extending a
like privilege of hunting and fishing on the Potomac river from
the Maryland banks of said river to licensed residents of West
Virginia, without requiring said residents to obtain Maryland
hunting and fishing licenses.

(f) Residents of the state of Ohio who carry hunting or fish-
ing licenses valid in that state may hunt or fish on the Ohio river
or from the West Virginia banks of said river without obtain-
ing licenses to do so, but such hunting or fishing shall be con-
 fined to fish and waterfowl of the river proper and not on its
tributaries: Provided, That the state of Ohio shall first enter
into a reciprocal agreement with the director extending a like
privilege of hunting and fishing from the Ohio banks of said
river to licensed residents of West Virginia without requiring
said residents to obtain Ohio hunting and fishing licenses. In
the event the state of Ohio accords this privilege to residents
of West Virginia, such Ohio residents will not be required to
obtain the license provided for by section forty-two of this
article.

(g) Any resident of West Virginia who was honorably dis-
charged from the armed forces of the United States of Amer-
ica, and who receives a veteran's pension based on total
permanent service connected disability as certified to by
the veterans administration, shall be permitted to hunt, trap or
fish in this state without obtaining a license therefor. The di-
rector shall promulgate rules and regulations setting forth the
procedure for the certification of the veteran, manner of ap-
plying for and receiving the certification and requirements as
to identification while said veteran is hunting, trapping or
fishing.

(h) Any disabled veteran, who is a resident of West Vir-
ginia, and who, as certified to by the commissioner of motor
vehicles, is eligible to be exempt from the payment of any fee
on account of registration of any motor vehicle owned by such
disabled veteran as provided for in section eight, article ten,
chapter seventeen-a of this code, shall be permitted to hunt,
trap or fish in this state without obtaining a license therefor.
The director shall promulgate rules and regulations setting
forth the procedure for the certification of the disabled vet-
eran, manner of applying for and receiving the certification,
and requirements as to identification while said disabled vet-
eran is hunting, trapping or fishing.

(i) Any resident or in-patient in any state mental health,
health or benevolent institution or facility may fish in this
state, under proper supervision of the institution involved,
without obtaining a fishing license to do so. A written state-
ment or certificate signed by the superintendent of the mental
health, health or benevolent institution or facility in which the resident or in-patient, as the case may be, is institutionalized shall serve in lieu of a fishing license and shall be carried on the person of the resident or in-patient at all times while he is fishing in this state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within appeared this the 5th day of June, 1974.

Governor
PRESENTED TO THE GOVERNOR

Date 5/31/74
Time 1:55 p.m.