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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 2615

(By ~~Mr.~~ Del. Prunty + Mezzatesta)

— ● —

Passed March 6, 1991

In Effect 90 Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2615
(By DELEGATES PRUNTY AND MEZZATESTA)

[Passed March 6, 1991; 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 allowing developmentally disabled residents to fish without a license; defining developmentally disabled.

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
2 required to obtain licenses or permits as indicated:

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

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

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

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

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

47 (f) Residents of the state of Ohio who carry hunting
48 or fishing licenses valid in that state may hunt or fish
49 on the Ohio River or from the West Virginia banks of
50 said river without obtaining licenses to do so, but such

51 hunting or fishing shall be confined to fish and
52 waterfowl of the river proper and not on its tributaries:
53 *Provided*, That the state of Ohio shall first enter into a
54 reciprocal agreement with the director extending a like
55 privilege of hunting and fishing from the Ohio banks of
56 said river to licensed residents of West Virginia without
57 requiring said residents to obtain Ohio hunting and
58 fishing licenses. In the event the state of Ohio accords
59 this privilege to residents of West Virginia, such Ohio
60 residents will not be required to obtain the license
61 provided for by section forty-two of this article.

62 (g) Any resident of West Virginia who was honorably
63 discharged from the armed forces of the United States
64 of America, and who receives a veteran's pension based
65 on total permanent service connected disability as
66 certified to by the veterans administration, shall be
67 permitted to hunt, trap or fish in this state without
68 obtaining a license therefor. The director shall promul-
69 gate rules and regulations setting forth the procedure
70 for the certification of the veteran, manner of applying
71 for and receiving the certification and requirements as
72 to identification while said veteran is hunting, trapping
73 or fishing.

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

88 (i) Any resident or inpatient in any state mental
89 health, health or benevolent institution or facility may
90 fish in this state, under proper supervision of the
91 institution involved, without obtaining a fishing license

92 to do so. A written statement or certificate signed by the
93 superintendent of the mental health, health or benevo-
94 lent institution or facility in which the resident or
95 inpatient, as the case may be, is institutionalized shall
96 serve in lieu of a fishing license and shall be carried on
97 the person of the resident or inpatient at all times while
98 he is fishing in this state.

99 (j) Any resident who is developmentally disabled, as
100 certified by a physician and the director of the depart-
101 ment of health, may fish in this state without obtaining
102 a fishing license to do so. As used in this section,
103 "developmentally disabled" means a person with a
104 severe, chronic disability which:

105 (1) Is attributable to a mental or physical impair-
106 ment, or a combination of mental and physical
107 impairments;

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

110 (3) Results in substantial functional limitations in
111 three or more of the following areas of major life
112 activity: (A) Self care; (B) receptive and expressive
113 language; (C) learning; (D) mobility; (E) self-direction;
114 (F) capacity for independent living; and (G) economic
115 self-sufficiency; and

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

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

Homer Leck
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Garrett E. Eubank
Clerk of the Senate

Donald H. Koop
Clerk of the House of Delegates

Keat Fendley
President of the Senate

BBT Chel
Speaker of the House of Delegates

The within is approved this the 27th
day of *March*, 1991.

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/41

Time 9:50 am