WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

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ENROLLED

Com. Sub. for
HOUSE BILL No. 2615

(By Mr. Del. Brunty & Mezzatesta)

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Passed March 6, 1991

In Effect 90 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.

Persons in the following categories shall not be 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 such land, may hunt, trap or fish on their own land during open season in accordance with the laws and regulations applying to such hunting, 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 physician 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 fishing licenses valid in that state may hunt or fish on the Ohio River or from the West Virginia banks of said river without obtaining licenses to do so, but such
hunting or fishing shall be confined 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
discharged from the armed forces of the United States
of America, 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 director shall promul-
gate rules and regulations setting forth the procedure
for the certification of the veteran, manner of applying
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
Virginia, 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 veteran, manner of applying for and receiving
the certification, and requirements as to identification
while said disabled veteran is hunting, trapping or
fishing.

(i) Any resident or inpatient 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 statement or certificate signed by the superintendent of the mental health, health or benevolent institution or facility in which the resident or inpatient, 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 inpatient at all times while he is fishing in this state.

(j) Any resident who is developmentally disabled, as certified by a physician and the director of the department of health, may fish in this state without obtaining a fishing license to do so. As used in this section, “developmentally disabled” means a person with a severe, chronic disability which:

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

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

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

(4) Reflects the person’s need for a combination and sequence of care, treatment or supportive services which are of lifelong or extended duration and are individually planned and coordinated.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor