WEST VIRGINIA LEGISLATURE
Regular Session, 2003

ENROLLED

SENATE BILL NO. 417

(By Senator Fanning, et al.)

PASSED February 28, 2003

In Effect ninety days from Passage
ENROLLED

Senate Bill No. 447

(BY SENATORS FANNING, WHITE, BOWMAN, DEEM, FACEMYER, HELMICK, LOVE, MINEAR, PREZIOSO, ROSS AND SMITH)

[Passed February 28, 2003; 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 the director of natural resources to enter reciprocal agreements with the state of Ohio with regard to hunting and fishing on tributaries of the Ohio River.

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:

§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:
(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 or she 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 is not 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 or her person a valid West Virginia driver's license or nondriver identification card issued by the division of motor vehicles.

(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 to points on West Virginia tributaries and
embayments identified by the director: 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.

(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 propose rules for legislative
approval in accordance with the provisions of article three,
chapter twenty-nine-a of this code setting forth the
procedure for the certification of the veteran, manner of
applying for and receiving the certification and require-
ments 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 propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code 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 or she is fishing in this state.

(j) Any resident who is developmentally disabled, as certified by a physician and the director of the division 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

Originated in the Senate.

In 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 is approved this the 10th Day of March, 2003.

Governor