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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002



ENROLLED

SENATE BILL NO. 721

(By Senator Helmick, et al)



PASSED March 5, 2002

In Effect ninety days from Passage

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Senate Bill No. 721

(BY SENATORS HELMICK, MITCHELL, BOWMAN, LOVE, MINARD,
PLYMALE, ROSS, ROWE, SNYDER, DEEM AND MINEAR)

[Passed March 5, 2002; 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 into 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:

ARTICLE 2. WILDLIFE RESOURCES.

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

- 1 Persons in the following categories shall not be required
- 2 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 tenants
5 of such land, may hunt, trap or fish on their own land
6 during open season in accordance with the laws and
7 regulations applying to such hunting, trapping and fishing
8 without obtaining a license to do so unless such lands have
9 been designated as a wildlife refuge or 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 to do so. A written statement or certificate from a
13 duly licensed physician of this state showing the said
14 resident to be totally blind shall serve in lieu of a fishing
15 license and shall be carried on the person of said resident
16 at all times while he 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
19 leave or furlough, shall have the right and privilege to
20 hunt, trap or fish in season in West Virginia without
21 obtaining a license to do so. Leave or furlough papers
22 shall serve in lieu of any such license and shall be carried
23 on the person at all times while trapping, hunting or
24 fishing.

25 (d) In accordance with the provisions of section twenty-
26 seven of this article, any resident sixty-five years of age or
27 older is not required to have a license to hunt, trap or fish
28 during the legal seasons in West Virginia, but in lieu of
29 such license any such person shall at all times while
30 hunting, trapping or fishing, carry on his or her person a
31 valid West Virginia driver's license or nondriver identifi-
32 cation card issued by the division of motor vehicles.

33 (e) Residents of the state of Maryland who carry hunting
34 or fishing licenses valid in that state may hunt or fish from
35 the West Virginia banks of the Potomac River without
36 obtaining licenses to do so, but such hunting or fishing
37 shall be confined to the fish and waterfowl of the river
38 proper and not on its tributaries: *Provided*, That the state

39 of Maryland shall first enter into a reciprocal agreement
40 with the director extending a like privilege of hunting and
41 fishing on the Potomac River from the Maryland banks of
42 said river to licensed residents of West Virginia, without
43 requiring said residents to obtain Maryland hunting and
44 fishing licenses.

45 (f) Residents of the state of Ohio who carry hunting or
46 fishing licenses valid in that state may hunt or fish on the
47 Ohio River or from the West Virginia banks of said river
48 without obtaining licenses to do so, but such hunting or
49 fishing shall be confined to fish and waterfowl of the river
50 proper and to points on West Virginia tributaries and
51 embayments identified by the director: *Provided*, That the
52 state of Ohio shall first enter into a reciprocal agreement
53 with the director extending a like privilege of hunting and
54 fishing from the Ohio banks of said river to licensed
55 residents of West Virginia without requiring said residents
56 to obtain Ohio hunting and fishing licenses. In the event
57 the state of Ohio accords this privilege to residents of West
58 Virginia, such Ohio residents will not be required to obtain
59 the license provided for by section forty-two of this article.

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

73 (h) Any disabled veteran, who is a resident of West
74 Virginia and who, as certified to by the commissioner of
75 motor vehicles, is eligible to be exempt from the payment

76 of any fee on account of registration of any motor vehicle
77 owned by such disabled veteran as provided for in section
78 eight, article ten, chapter seventeen-a of this code, shall be
79 permitted to hunt, trap or fish in this state without
80 obtaining a license therefor. The director shall propose
81 rules for legislative approval in accordance with the
82 provisions of article three, chapter twenty-nine-a of this
83 code setting forth the procedure for the certification of the
84 disabled veteran, manner of applying for and receiving the
85 certification, and requirements as to identification while
86 said disabled veteran is hunting, trapping or fishing.

87 (i) Any resident or inpatient in any state mental health,
88 health or benevolent institution or facility may fish in this
89 state, under proper supervision of the institution involved,
90 without obtaining a fishing license to do so. A written
91 statement or certificate signed by the superintendent of
92 the mental health, health or benevolent institution or
93 facility in which the resident or inpatient, as the case may
94 be, is institutionalized shall serve in lieu of a fishing
95 license and shall be carried on the person of the resident or
96 inpatient at all times while he or she is fishing in this state.

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

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

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

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

112 (4) Reflects the person's need for a combination and
113 sequence of care, treatment or supportive services which
114 are of lifelong or extended duration and are individually
115 planned and coordinated.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *18th*
Day of *March*, 2002.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/02

Time 10:50 am