

HB 2703 S

FILED

2007 MAR 28 PM 3: 35

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2007



**ENROLLED**

**House Bill No. 2703**

(By Delegates Campbell, Williams, Eldridge,  
Hrutkay, Stemple, Paxton and Martin)



Passed March 10, 2007

In Effect Ninety Days from Passage

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H. B. 2703

OFFICE WEST VIRGINIA  
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(BY DELEGATES CAMPBELL, WILLIAMS, ELDRIDGE,  
HRUTKAY, STEMPLE, PAXTON AND MARTIN)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to authorizing certain students receiving instruction in fly fishing to fly fish while under the supervision of an instructor without obtaining a license; conditions.

*Be it enacted by the Legislature of West Virginia:*

That §20-2-28 of the Code of West Virginia, 1931, 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 of  
5       such land may hunt, trap or fish on their own land during

6 open season in accordance with the laws and regulations  
7 applying to such hunting, trapping and fishing without  
8 obtaining a license to do so unless such lands have been  
9 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 license  
12 to do so. A written statement or certificate from a duly  
13 licensed physician of this state showing the resident to be  
14 totally blind shall serve in lieu of a fishing license and shall  
15 be carried on the person of the resident at all times while he  
16 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 hunt,  
20 trap or fish in season in West Virginia without obtaining a  
21 license to do so. Leave or furlough papers shall serve in lieu  
22 of any such license and shall be carried on the person at all  
23 times while trapping, hunting or fishing.

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

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

43 (f) Residents of the state of Ohio who carry hunting or  
44 fishing licenses valid in that state may hunt or fish on the  
45 Ohio River or from the West Virginia banks of the river  
46 without obtaining licenses to do so, but the hunting or fishing  
47 shall be confined to fish and waterfowl of the river proper  
48 and to points on West Virginia tributaries and embayments  
49 identified by the director: *Provided*, That the state of Ohio  
50 shall first enter into a reciprocal agreement with the director  
51 extending a like privilege of hunting and fishing from the  
52 Ohio banks of the river to licensed residents of West Virginia  
53 without requiring the residents to obtain Ohio hunting and  
54 fishing licenses.

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

68 (h) Any disabled veteran who is a resident of West  
69 Virginia and who, as certified to by the Commissioner of  
70 Motor Vehicles, is eligible to be exempt from the payment of  
71 any fee on account of registration of any motor vehicle  
72 owned by such disabled veteran as provided in section eight,  
73 article ten, chapter seventeen-a of this code shall be permitted  
74 to hunt, trap or fish in this state without obtaining a license  
75 therefor. The director shall propose rules for legislative  
76 approval in accordance with the provisions of article three,  
77 chapter twenty-nine-a of this code setting forth the procedure  
78 for the certification of the disabled veteran, manner of  
79 applying for and receiving the certification and requirements  
80 as to identification while the disabled veteran is hunting,  
81 trapping or fishing.

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

92 (j) Any resident who is developmentally disabled, as  
93 certified by a physician and the Director of the Division of  
94 Health, may fish in this state without obtaining a fishing  
95 license to do so. As used in this section, "developmentally  
96 disabled" means a person with a severe, chronic disability  
97 which:

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

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

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

107 (4) Reflects the person's need for a combination and  
108 sequence of care, treatment or supportive services which are  
109 of lifelong or extended duration and are individually planned  
110 and coordinated.

111 (k) A student eighteen years of age or younger receiving  
112 instruction in fly fishing in a public, private, parochial or  
113 Christian school in this state may fly fish in the state for catch  
114 and release only without obtaining a fishing license to do so  
115 while under the supervision of an instructor authorized by the  
116 school.

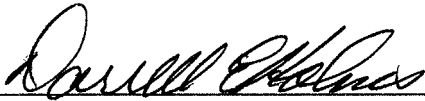
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

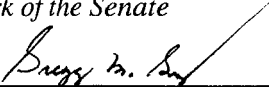
  
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Chairman Senate Committee

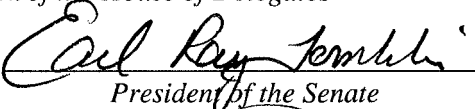
  
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Chairman House Committee

Originating in the House.

In effect ninety days from passage.

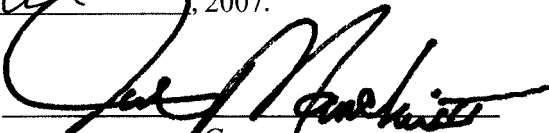
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 28th  
day of March, 2007.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 21 2007

Time 4:00 pm