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OCT 18 8 45 AM '00

**WEST VIRGINIA LEGISLATURE**  
***Legislative Rule-Making Review Committee***

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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October 16, 2000

**NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

TO: Ken Hechler, Secretary of State, State Register

TO: Lt. Colonel W.B. Daniel  
Natural Resources, Division of  
Capitol Complex  
Building 3, Room 840

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **General Hunting, 58CSR49**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule
  - (a) as originally filed
  - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.

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**SCANNED**

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Division of Natural Resources

Subject: General Hunting, 58CSR49

PERTINENT DATES

Filed for public comment: July 31, 2000

Public comment period ended: August 31, 2000

Filed following public comment period: September 1, 2000

Filed LRMRC: September 1, 2000

Filed as emergency:

Fiscal Impact: None

OFFICE OF THE  
SECRETARY OF STATE

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ABSTRACT

The proposed rule amends a current legislative rule. The current rule requires a hunter to deliver each deer or wild turkey to a conservation officer or an official game checking station for checking and retagging within 72 hours of the time of kill or within 24 hours of the close of the respective hunting season, whichever comes first. The proposed rule requires that all deer killed in Logan, McDowell, Mingo or Wyoming counties be checked and retagged at an official game checking station in the four county area within 24 hours of the time of the kill. It also prohibits the checking of deer killed outside these counties within the four county area.

AUTHORITY

Statutory authority: W.Va. Code, §20-1-7, which provides, in part, as follows:

...(30) Promulgate rules, in accordance with the provisions of chapter twenty-nine-a of this code, to implement and make effective the powers and duties vested in him or her by the provisions of this chapter and take such other steps as may be necessary in his or her discretion for the proper and effective enforcement of the provisions of this chapter.

### ANALYSIS

- I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

- II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

- III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

- IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

- V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

- VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

- VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

- VIII. OTHER

Counsel has technical modifications to suggest.