

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

Do Not Mark In this Box

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: WV Department of Natural Resources TITLE NUMBER: 47
RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code §§20-1-7(30) and
20-2-40(b)
AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 14

TITLE OF RULE BEING PROPOSED: _____

Small Arms Hunting Regulations

DATE OF PUBLIC HEARING: Monday, March 7, 1988 TIME: 1:00 p.m.

LOCATION OF PUBLIC HEARING: Director's Conference Room 674
Department of Motor Vehicles Building
1800 Washington Street, East
Charleston, West Virginia 25305

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: WV DNR

Room 842

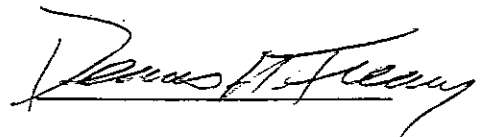
The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

1800 Washington St., E.

Charleston, WV 25305

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Department of Natural Resources TITLE NUMBER: 47
RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code §§20-1-7(30) and
20-2-40(b)
AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 14

TITLE OF RULE BEING PROPOSED: _____

Small Arms Hunting Regulations

~~IN LIEU OF A PUBLIC HEARING~~, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON March 7, 1988 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WV Department of Natural Resources
Room 842
1800 Washington Street, East
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Small Arms Hunting Regulations

Type of Rule: X Legislative Interpretive Procedural

Agency: West Virginia Department of Natural Resources

Address: 1800 Washington Street East, Charleston, West Virginia 25305

1. Effect of Proposed Rule (Estimated Total Cost)	Increase \$	ANNUAL		FISCAL YEAR	
		Decrease \$	Current \$	Next \$	Thereafter \$

Personal Services

Current Expense

Repairs and Alterations **NO CHANGE**

Equipment

Other

2. Explanation of Above Estimates:

This proposal updates existing regulations without any additional administrative expenditure.

3. Objectives of These Rules:

This proposal updates the existing regulations in order to correct minor errors in the phrasing of provisions.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: NO IMPACT

B. Economic Impact on Political Subdivisions: NO IMPACT
Economic Impact on Specific Industries: NO IMPACT
Economic Impact on Specific Groups of Citizens: NO IMPACT

C. Economic Impact on Citizens/Public at Large: NO IMPACT

Date: 2/5/88

Ronald R. Potesta
for Ronald R. Potesta
Director

70 100
100-1-7(30) 13

**PREAMBLE TO PROPOSED LEGISLATIVE RULE CONCERNING
SMALL ARMS HUNTING REGULATIONS**

REGULATIONS: Department of Natural Resources, Series 14,
Small Arms Hunting Regulations

AUTHORITY: W. Va. Code §§20-1-7(30) and 20-2-40(b)

ACTION: Proposed Rule; Notice of Hearing and Comment Period

DATES: A public hearing on this proposal will be held on March 7, 1988 at 1:00 p.m. in the Director's Conference Room 674, Department of Motor Vehicles Building, 1800 Washington Street, East, Charleston and written comments will be received by the Department until 4:30 p.m. on that day.

SUMMARY: The Department is proposing minor revisions to its legislative rule concerning hunting with small arms (pistols and revolvers) in West Virginia. The proposed rule would repeal and replace 47 C.S.R. 14 "Rules and Regulations Governing Small Arms Hunting" that was filed and became effective on June 4, 1985. Today's proposal corrects minor errors in the phrasing of existing rule provisions and adds a new provision clarifying the legality of carrying small arms while fishing.

CONTACT: For further information regarding this filing, please contact Mr. Jeffrey E. Herrold, WV Department of Natural Resources, 1800 Washington Street, East, Charleston, West Virginia 25305, telephone (304) 348-2761.

*10 TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF NATURAL RESOURCES

SERIES 14
SMALL ARMS HUNTING REGULATIONS

*09 §47-14-1. General.

1.1. Scope. -- This legislative rule establishes regulations to govern the use of small arms (pistols and revolvers) while hunting in West Virginia.

1.2. Authority. -- West Virginia Code §§20-1-7(30) and 20-2-40(b).

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces 47 C.S.R. 14 "Rules and Regulations Governing Small Arms Hunting" filed June 4, 1985 and effective June 4, 1985.

*09 §47-14-2. Hunting With Small Arms.

2.1. It is illegal to hunt bear, deer, or wild boar with a pistol or revolver using a straight-walled case of less than .357 magnum cartridge or a bottle-necked case of less than .24 caliber.

2.2. It is illegal to hunt bear, deer, or wild boar with a muzzle-loading pistol of less than .44 caliber.

2.3. It is illegal to carry a pistol or revolver while fishing except during legal open hunting seasons.

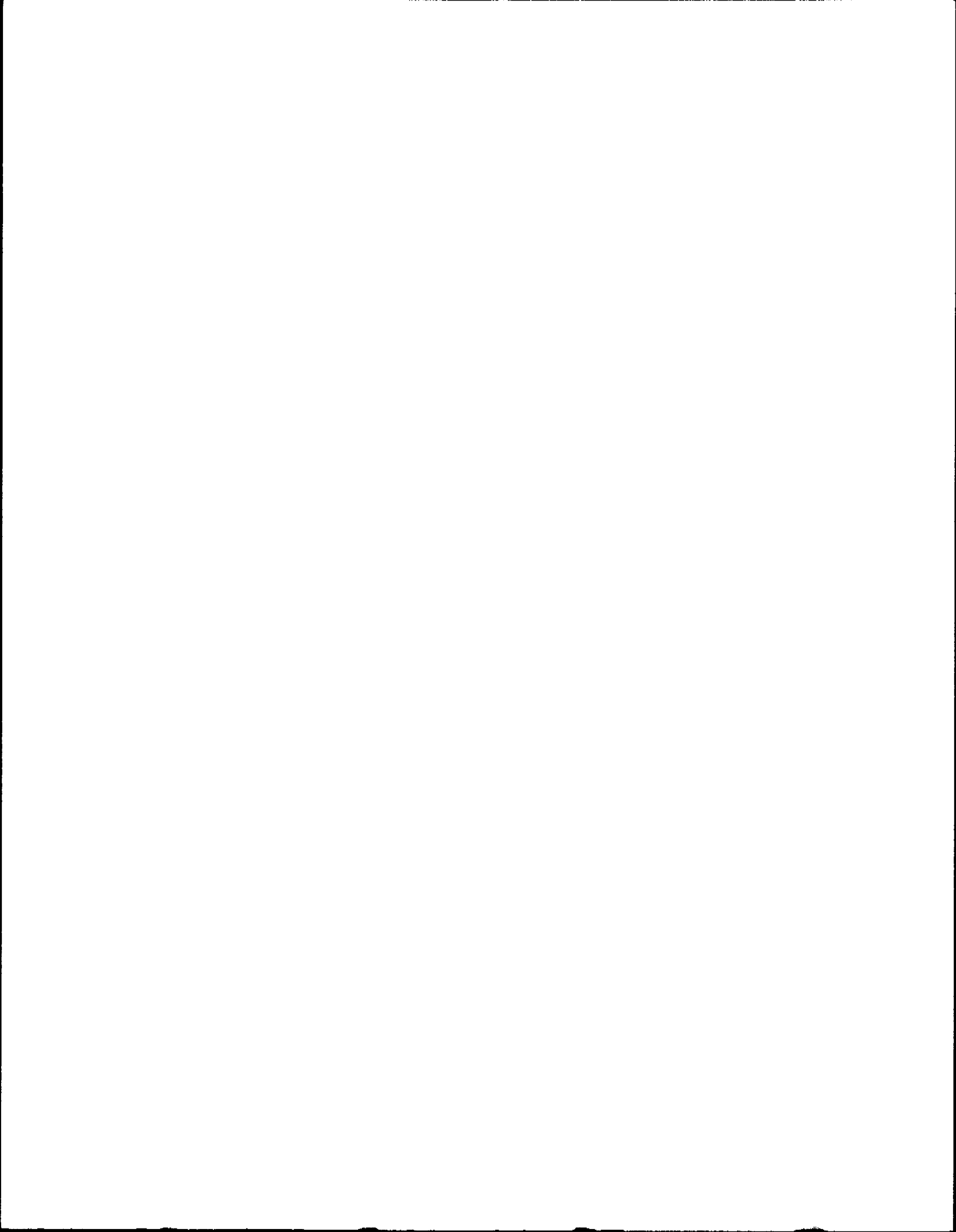
2.4. It is legal to hunt woodchuck in the open fields of the State with a pistol or revolver.

*09 §47-14-3. Transporting Small Arms.

3.1. When the pistol or revolver is being transported in a vehicle that does not have an exterior locked compartment, the pistol or revolver shall be unloaded and carried in a locked box or compartment which shall not be readily accessible to either the driver or any passenger of the vehicle.

***09 §47-14-4. Volunteer Training Program.**

4.1. The Department of Natural Resources will contract with pistol and rifle organizations, sportsmen's groups, and other interested organizations to provide an approved National Rifle Association course on safety and proficiency in the use of small arms. This course will be available on a voluntary basis to all residents twenty-one (21) years of age or older who possess a valid Class A, AB, A-L, or AB-L hunting license or are otherwise exempt from licensing requirements.



*10 TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF NATURAL RESOURCES

SERIES 14
RULES AND REGULATIONS GOVERNING SMALL ARMS HUNTING

*09 §47-14-1. General.

1.1. Scope. -- This legislative rule establishes regulations for hunting with small arms (pistol or revolver) in West Virginia.

1.2. Authority. -- W. Va. Code §20-1-7 and §20-2-40(b).

1.3. Filing Date. -- June 4, 1985.

1.4. Effective Date. -- June 4, 1985.

*09 §47-14-2. General Small Arms Hunting Rules.

2.1. No person shall hunt deer, bear or wild boar with any pistol or revolver using a straight-walled case of less than .357 magnum cartridge, a bottle-necked case of less than .24 caliber, or a muzzle-loading pistol of less than .44 caliber.

2.2. It shall be lawful to hunt woodchuck in the open fields with a pistol or revolver.

2.3. It shall be unlawful to hunt between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise with any pistol or revolver larger than .22 caliber.

*09 §47-14-3. Volunteer Training Program.

3.1. The Department of Natural Resources shall contract with pistol and rifle organizations, sportsmen's groups, and other interested organizations to provide an approved National Rifle Association course on safety and proficiency in the use of handguns. Such course shall be available on a voluntary basis to all persons who hold proper hunting licenses who are twenty-one (21) years of age or older.

*09 §47-14-4. Transporting Small Arms.

4.1. When the pistol or revolver is being transported in a vehicle that does not have an exterior locked compartment, the pistol or revolver shall be unloaded and carried in a locked box or compartment which shall not be readily accessible to the passengers of the vehicle.