

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

1989 AUG 31 AM 9:18

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia 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 October 18, 1989 AT 4:00 p.m.

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

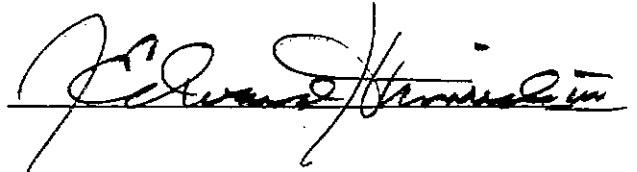
DNR Rule Comments

Room 712, Building 3

State Capitol Complex

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

FILED

Rule Title: Small Arms Hunting Regulations

1989 AUG 31 AM 9:18

Type of Rule: X Legislative Interpretive Procedural
 OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Agency: West Virginia Department of Natural Resources

Address: Building 3, State Capitol Complex, Charleston, West Virginia

1. Effect of Proposed Rule (Estimated Total Cost)	ANNUAL			FISCAL YEAR	
	Increase \$	Decrease \$	Current \$	Next \$	Thereafter \$
Personal Services					
Current Expense					
Repairs and Alterations					NO CHANGE
Equipment					
Other					

2. Explanation of Above Estimates:

This rule replaces existing regulations -- no new administrative expenditures will be necessary for its implementation.


3. Objectives of These Rules:

This rule revises existing regulations in order to allow hunters to use 9mm pistols and revolvers to hunt bear, deer, or wild boar.

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: August 23, 1989


 J. Edward Hamrick III
 Director



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES

Capitol Complex, Building 3
1900 Kanawha Boulevard, East
Charleston, WV 25305

GASTON CAPERTON
Governor

J. EDWARD HAMRICK III
Director

August 23, 1989

LARRY W. GEORGE
Deputy Director

MEMORANDUM TO: Leonard Harvey, Secretary
Department of Commerce, Labor,
and Environmental Resources

FROM: J. Edward Hamrick III, Director
Division of Natural Resources

SUBJECT: Consent to File a New Rule Proposal

A handwritten signature in black ink, appearing to read "J. E. Hamrick III".

Enclosed please find a new legislative rule proposal entitled "Small Arms Hunting Regulations" for your review and consent to file. This rule will replace and revise existing regulations in order to allow hunters to use 9mm pistols and revolvers to hunt bear, deer, or wild boar. No new administrative expenditures will be necessary for the implementation of this rule.

Please note that the Secretary of State's Administrative Law Division has advised my staff to continue the use of references to the "West Virginia Department of Natural Resources" in this and all rules until changes can be made in both the West Virginia Code and the Code of State Rules revising agency titles and rule-making authorities.

You may wish to use the enclosed form to indicate your consent to the filing of this rule.

Enclosures

JEH/jeh

FILED

1989 AUG 31 AM 9 18

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

MEMORANDUM OF CONSENT

TO: J. Edward Hamrick III, Director
Division of Natural Resources

FROM: Leonard Harvey, Secretary
Department of Commerce, Labor,
and Environmental Resources

SUBJECT: Approval of Regulatory Proposal

RE: Small Arms Hunting Regulations

I have reviewed the proposed rule and authorize its filing for public comment in accordance with the provisions of the West Virginia Administrative Procedures Act.

Leonard Harvey

Leonard Harvey
Secretary

8-28-89

Date

PREAMBLE TO A PROPOSED LEGISLATIVE RULE
CONCERNING HUNTING WITH PISTOLS AND REVOLVERS

STATE AGENCY: West Virginia Department of Natural Resources

REGULATIONS: 47 C.S.R. 14, "Small Arms Hunting Regulations"

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

ACTION: Proposed Rule; Notice of Comment Period

SUMMARY: The Department is proposing the replacement of its legislative rule concerning hunting with small arms (pistols and revolvers). The principal revision made in the new rule is a change in the legal straight-walled case size from .357 magnum to .354 magnum. This change will now allow hunters to use 9mm pistols and revolvers to take bear, deer, or wild boar in West Virginia.

A public comment period for the proposed rule commences with today's filing and ends at 4:00 p.m. on Wednesday, October 18, 1989. Written comments on this rule may be mailed or delivered to: DNR Rule Comments, Room 712, Building 3, State Capitol Complex, Charleston, West Virginia 25305.

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF NATURAL RESOURCES

SERIES 14
SMALL ARMS HUNTING REGULATIONS

FILED
1989 AUG 31 AM 9:19
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§47-14-1. General.

1.1. Scope and Purpose. -- 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" that was filed on June 4, 1985 and became effective on June 4, 1985.

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

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 .354 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 hunt between thirty (30) minutes after sunset and thirty (30) minutes before sunrise with a pistol or revolver of larger than .22 caliber.

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

§47-14-3. Transporting Small Arms.

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

§47-14-4. Volunteer Small Arms Training Program.

4.1. The West Virginia 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 small arms. This course shall be made available on a voluntary basis to all residents twenty-one (21) years of age and older who possess a valid Class A, Class AB, Class A-L, or Class AB-L hunting license or who are otherwise exempt from small arms licensing requirements.

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF NATURAL RESOURCES

SERIES 14
RULES AND REGULATIONS GOVERNING SMALL ARMS HUNTING

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

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

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

§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.

§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.

§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

TO BE REPEALED

carried in a locked box or compartment which shall not be readily accessible to the passengers of the vehicles.