



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

JOHN D. ROCKEFELLER IV
Governor

November 30, 1981

DAVID C. CALLAGHAN
Director

WILLIS H. HERTIG, JR.
Deputy Director

The Honorable A. James Manchin
Secretary of State of West Virginia
State Capitol Building
Charleston, West Virginia 25305

Dear Mr. Secretary:

This is in regard to the proposed amendment to West Virginia Administrative Regulations covering the establishment of a point system for revoking hunting and fishing licenses, designated Series IV-A, Chapter 20-2, filed in the State Register on October 9, 1981.

As a result of a public hearing held on November 12, 1981, it has been determined that the regulation be adopted as submitted to your office on October 9. I am enclosing a report on the public hearing.

Sincerely,


David C. Callaghan
Director

DCC/cia

Enclosure

cc: The Honorable John D. Rockefeller IV

Legislative Rule-making Review Committee (transmitted with 17 copies of the regulation)

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-8-81
Administrative Law Div.



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, David C. Callaghan, Director,
Title or Position

Natural Resources, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify (Index) .

This filing pertains to

Chapter 20
Article 2
Series IV-A
Section 1-5
Page No. 1 & 2

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

**FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE**
THIS DATE 12-8-81
Executive Law Division

November 30, 1981
Date Submitted

[Signature]
Signature of Person Authorizing
this Filing



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

JOHN D. ROCKEFELLER IV
Governor

November 17, 1981

DAVID C. CALLAGHAN
Director

WILLIS H. HERTIG, JR.
Deputy Director

MEMORANDUM TO: Colonel Richard M. Hall, Chief *Present*
FROM: Captain Harry E. Shaver, Jr. *HES*
SUBJECT: Public Hearing - Point System
November 12, 1981 - 4:00 p.m.

Channel 8 TV took statement interview of the point system
No one from the general public attended.
Closed at 7:05 p.m.
HES/cer

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-8-81
Administrative Law Division

FILING OF ADMINISTRATIVE REGULATIONS
Department of Natural Resources
Chapter 20-1
Series IV
Hunting and Trapping Regulations

- Section 1. Definition of terms used
- Section 2. General hunting rules
- Section 3. Hunting seasons
- Section 4. Hunting bag and possession limits
- Section 5. General Bow and arrow hunting regulations
- Section 6. Bow and arrow hunting seasons
- Section 7. General trapping regulations
- Section 8. Trapping seasons
- Section 9. Trapping and possession limits
- Section 10. Public hunting and fishing areas and state forests
- Section 11. Special muzzle-loading deer hunting season

Series IV-A
Point System for Revocation of Hunting and Fishing Licenses

- Section 1. General
- Section 2. Purpose
- Section 3. Revocation of license, duration
- Section 4. Assignment of points
- Section 5. Removal of points
- Section 6. Hearing

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
DATE 12-8-81

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF NATURAL RESOURCES

Chapter 20-2
Series IV-A
(1981 amended)

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-8-81
Administrative Law Division

Subject: Point System for the Revocation of Hunting and Fishing Licenses

Section 1. General

1.01. Scope - These regulations establish a point system for the revocation of hunting and fishing licenses.

1.02. Authority - These regulations are issued under authority of the West Virginia Code, Chapter 20, Article 2, Section 38.

1.03. Filing Date - The regulations are promulgated on the 5th day of October, 1981, and filed on the 9th day of October, 1981, in the Secretary of State's Office.

1.04. Effective Date - These regulations become effective on the 1st day of January, 1982.

Section 2. General Purpose

2.01. Purpose - To assure uniform, impartial application of hunting and fishing license revocation, from four to ten points will be assigned for each hunting and fishing violation, and a record system will be utilized to assure accuracy and expediency in the operation of revocation procedures.

Section 3. Revocation of License, Duration

3.01. Licenses of persons convicted of negligent shooting of a human being or livestock will be revoked for a period of five years.

3.02. Licenses of those amassing ten or more points in any two-year period will be revoked for a period of two years from the date the ten point total was reached. Should any person be convicted of a violation during the revocation period, the revocation period shall be extended for two years from the date of the last offense.

Section 4. Assignment of Points

4.01. Points Offense

- | | |
|----|--|
| 10 | Spotlighting with firearm or implement |
| 10 | Taking fish with explosive or poison materials |
| 4 | All other hunting and fishing violations |

Section 5. Removal of Points

5.01. Points will be removed on their second anniversary or upon restoration of the license(s).

Section 6. Hearing

6.01. Upon revoking the license(s) of any person, the Department of Natural Resources shall immediately notify the licensee in writing, sent by registered mail to the address given by the licensee in applying for license, and upon his/her request, shall afford an opportunity for a hearing within 30 days after receipt of the request.

6.02. The hearing may be conducted in the county in which the licensee resides or any other county designated by the director.

6.03. The director or his duly authorized agent shall act as hearing officer.

6.04. After such hearing, the director may uphold or rescind the revocation.