

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

JAN 15 10 42 AM '99

OFFICE OF THE
SECRETARY OF STATE
WEST VIRGINIA

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: BUREAU OF COMMERCE, DIVISION OF NATURAL RESOURCES TITLE NUMBER: 58

CITE AUTHORITY: 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 48

TITLE OF RULE BEING AMENDED: SPECIAL BEAR HUNTING RULE

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

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



JOHN B. RADER, DIRECTOR

\$3.60

**TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES**

**SERIES 48
SPECIAL BEAR HUNTING RULE**

SUMMARY

Series 48, Special Bear Hunting Rule, is no longer required.

**TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES**

**SERIES 48
SPECIAL BEAR HUNTING RULE**

CIRCUMSTANCES

Series 48, Special Bear Hunting Rule, is being repealed because the seasons for the type of bear seasons described in Series 48 are established in Series 45, Hunting and Trapping Rules, an exempt rule promulgated after public review by the Natural Resources Commission.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Series 48, Special Bear Hunting Rule

Type of Rule X **Legislative** _____ **Interpretive** _____ **Procedural**

Agency Division of Natural Resources, Wildlife Resources Section

Address Capitol Complex

Building 3, Room 842

Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR	
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of above estimates: n/a

3. Objectives of these rules: n/a

4. Explanation of overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: n/a

Rule Title: Series 48, Special Bear Hunting Rule

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: n/a

C. Economic Impact on Citizens/Public at Large: N/a

Date: 1-14-99

**Signature of Agency or
Authorized Representative:**



JOHN B. RADER, DIRECTOR

DATE: January 8, 1999

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: BOC, DNR - WILDLIFE RESOURCES SECTION

LEGISLATIVE RULE TITLE: SPECIAL BEAR HUNTING RULE

1. Authorizing statute(s) citation 20-1-7(30)

2. a. Date filed in State Register with Notice of Hearing N/A

b. What other notice, including advertising, did you give of the hearing

No public hearing was held but there was a 30-day comment period which was
advertised in the State Register.

c. Date of Hearing(s) N/A

d. Attach list of persons who appeared at hearing, comments received, amendments,
reasons for amendments.

Attached _____ No comments received _____ None _____

e. Date you filed in State Register the agency approved proposed Legislative Rule
following public hearing: (be exact)

N/A

f. Name and phone number(s) of agency persons(s) to contact for additional information:

Gordon Robertson - 304-558-2771

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 48
SPECIAL BEAR HUNTING RULE

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~~§58-48-1. General:~~

~~1.1. Scope and Purpose. -- The purpose of this rule is to control the taking of bear within the boundaries of this State.~~

~~1.2. Authority. -- West Virginia Code §20-1-7(30).~~

~~1.3. Filing Date. -- May 8, 1995~~

~~1.4. Effective Date. -- May 9, 1995~~

~~1.5. Repeal of Former Rule. -- These rules repeal and replace 58 C.S.R. 11C "Special Bear Hunting Rule" that were filed on June 24, 1993 and became effective June 24, 1993.~~

~~§58-48-2. Definitions:~~

~~2.1. All terms have the meaning prescribed to them in the Rule Defining The Terms To Be Used Concerning All Hunting and Trapping Regulations (58 C.S.R. 46).~~

~~§58-48-3. The Use of Dogs:~~

~~3.1. The use of dogs while hunting for bear during the firearms bear season is illegal in the following counties: Barbour (East of State Route 92), Boone, Fayette, Kanawha, Nicholas, Preston, and Raleigh.~~

~~3.2. Except as provided for in the Hunting and Trapping Rule (Exempt Rule) (58 C.S.R. 45), the use of dogs while bow hunting for bear is legal during any portion of the archery bear season which may coincide with an open firearms bear season.~~