

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

**SERIES 67
LIFETIME HUNTING, TRAPPING AND FISHING LICENSES**

Summary of Proposed Rule

W. Va §20-2B-7 specifies that the fees for lifetime licenses are twenty-three times the fee for the equivalent annual licenses or stamps. Proposed rule 58CSR71 would increase fees for annual hunting, fishing and trapping licenses, thus this rule would increase fees for lifetime license fees accordingly.

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Statement of the Circumstances Which Require This Rule

W. Va §20-2B-7 specifies that the fees for lifetime licenses are twenty-three times the fee for the equivalent annual licenses or stamps. Proposed rule 58CSR71 would increase fees for annual hunting, fishing and trapping licenses, thus this rule would increase fees for lifetime license fees accordingly.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: SERIES 67, LIFETIME HUNTING, TRAPPING AND FISHING LICENSES

Type of Rule: Legislative Interpretive Procedural

Agency: Department of Commerce, Division of Natural Resources, Wildlife Resources

Address: Curtis I. Taylor, 1900 Kanawha Blvd., E., Charleston, WV 25305

Phone Number: 304-558-2771 Email: billieshearer@wvdnr.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The proposed rule is a revision to the existing rule specifying fees for lifetime hunting, trapping and fishing licenses. These licenses may be purchased by hunters and anglers instead of annual hunting, trapping and fishing licenses. Investment income from lifetime license fees compensates for the loss of annual license revenue. To achieve revenue neutrality, lifetime license fees are required by law (W. Va. 20-2B-7) to be twenty-three times the fees for annual licenses conveying equivalent privileges. Annual license fees are proposed for an inflationary adjustment by rule (58CSR71), thus requiring an accompanying increase in lifetime license fees. This proposed revision to 58CSR67 will neither increase nor decrease the costs or revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: SERIES 67, LIFETIME HUNTING, TRAPPING AND FISHING LICENSES

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

The proposed rule is a revision to the existing rule 58CSR67 specifying fees for lifetime hunting, trapping and fishing licenses. These licenses may be purchased by hunters and anglers instead of annual hunting, trapping and fishing licenses. Investment income from lifetime license fees compensates for the loss of annual license revenue. To achieve revenue neutrality, lifetime license fees are required by law (W. Va. 20-2B-7) to be twenty-three times the fees for annual licenses conveying equivalent privileges. Annual license fees are proposed for an inflationary adjustment by rule (58CSR71), thus requiring an accompanying increase in lifetime license fees. This proposed revision to 58CSR67 will neither increase nor decrease the costs or revenues of state government.

Lifetime license fees will increase as follows:

	From	To	Price of Equivalent Annual Licenses
Lifetime hunting	\$760	\$782	$\$19 + \$5 + \$10 = \34^*
Lifetime fishing	\$530	\$552	$\$19 + \$5 = \$24^{**}$
Lifetime combination	\$760	\$805	\$35
Lifetime trout fishing	\$230	\$230	\$10

Infant (< 2 years of age) license fees will be one-half of the above fees.

* Base license (\$19) + Conservation Stamp (\$5) + Big Game Stamp (\$10)

** Base license (\$19) + Conservation Stamp (\$5)

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: 7/29/08

Signature of Agency Head or Authorized Representative



QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 7/29/2008

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Curtis I Taylor, Chief
Division of Natural Resources
Wildlife Resources Section
1900 Kanawha Blvd., E.
Charleston, WV 25305

LEGISLATIVE RULE TITLE: Lifetime Hunting, Trapping and Fishing Licenses

1. Authorizing statute(s) citation 20-2B-7

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 11, 2008

b. What other notice, including advertising, did you give of the hearing?
News Release to state papers, web ste, public meetings and outdoor writer columns

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 11, 2008

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

Attached _____ No comments received X

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

July 29, 2008

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Curtis J. Taylor, Chief
Division of Natural Resources
Wildlife Resources Section
1900 Kanawha Blvd., E.
Capitol Complex, Bldg. 3, Room 842
Charleston, WV 25305

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

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.

b. Date of hearing or comment period:

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

d. Attach findings and determinations and reasons:

Attached

FILED

TITLE 58
LEGISLATIVE RULE 2008 JUL 29 AM 11: 07
BUREAU DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 67
LIFETIME HUNTING, TRAPPING AND FISHING LICENSES

§58-67-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes fees and the method for determining fees of lifetime hunting and fishing licenses for West Virginia residents.

1.2. Authority. -- W. Va. Code §20-2B-7 & 20-2-42.

1.3. Filing Date. --

1.4. Effective Date. --

§58-67-2. Definitions.

2.1. "Director" means the Director of the West Virginia Division of Natural Resources.

2.2. "Division" means the West Virginia Division of Natural Resources.

2.3. "Infant" means a West Virginia resident who has not yet reached the age of two years.

2.4. "Resident" means any person who is a citizen of the United States and who has been domiciled in the state of West Virginia for a period of thirty (30) consecutive days immediately prior to the date of his or her application for a license.

§58-67-3. Lifetime Hunting, Trapping and Fishing License Requirements.

3.1. Applicants shall be residents of the state of West Virginia.

3.2. A parent or legal guardian submitting an application for an infant shall attach to the application a certified birth certificate or other notarized record of birth.

3.2.1. The infant's parent or legal guardian shall sign and provide his or her own West Virginia driver's license number or a West Virginia Division of Motor Vehicles nondriver identification card number.

3.2.2. The Division shall not issue infant licenses for which applications have been received by the Division, or postmarked, after the infant's second birthday.

3.3. If applying for a lifetime license that includes hunting privileges, each license applicant born on or after January 1, 1975 shall present proof of successful completion of an approved Hunter Education course at the time of application for the license. Any person holding a lifetime hunting license obtained prior to his or her fifteenth birthday shall obtain a certificate of training as provided for in W.Va §20-2-30a before hunting or trapping pursuant to the license.

§58-67-4. Fees for Lifetime Hunting, Trapping and Fishing Licenses.

4.1. In accordance with the provisions of W.Va §20-2B-7, the fees for lifetime licenses are twenty-three times the fee for the equivalent annual licenses or stamps.

4.2. The fee for a Class A-L lifetime hunting and trapping licenses is ~~\$760~~ \$782.

4.3. The fee for a Class AB-L lifetime hunting, trapping and fishing license is ~~\$760~~ \$805.

4.4. The fee for a Class B-L lifetime fishing license is ~~\$530~~ \$552.

4.5. The fee for a Class O-L lifetime trout license is \$230.

4.6. The fees for all infant lifetime licenses shall be one-half the price of the equivalent adult lifetime licenses rounded up to the nearest dollar.

§58-67-5. Fees for Issuing Duplicate Lifetime Hunting, Trapping and Fishing Licenses.

5.1. Upon verification that an individual is a valid lifetime licensee, the Division shall issue a duplicate lifetime hunting, trapping and fishing license to replace any lost, destroyed or damaged lifetime hunting, fishing or trapping license.

5.2. The fee for issuing a duplicate lifetime hunting, trapping or fishing license card is six (6) dollars.