

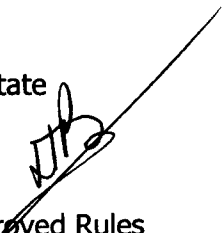
L. Thomas Bulla, Secretary
Department of Commerce
State Capitol
Building 6, Room 525
Charleston, WV 25305-0311

State of West Virginia
Joe Manchin III
Governor

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MEMORANDUM

TO: Betty Ireland, Secretary of State

FROM: L. Thomas Bulla, Secretary 

SUBJECT: Approval to File Agency Approved Rules
Division of Natural Resources Series 58

DATE: July 28, 2005

Permission is hereby granted for the Division of Natural Resources to file the following agency approved rules:

58CSR12	Whitewater Rule
58CSR25	Boating Rule
58CSR31	Rules Governing Public Use of West Virginia State Parks, State Forests, and State Wildlife Management Areas under the Division of Natural Resources
58CSR46	Rule Defining the Terms to be Used Concerning All Hunting and Fishing Rules
58CSR52	Wild Boar Hunting
58CSR58	Special Waterfowl Hunting Rule
58CSR64	Miscellaneous Permits and Licenses
58CSR65	Falconry Rules
58CSR67	Lifetime Hunting, Trapping and Fishing Licenses Rules

If you have any questions, please feel free to contact me. Thank you for your assistance in this matter.

LTB:ffh

cc: Brian Helmick, Deputy Secretary
Frank Jezioro, Director

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: 7/29/05

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* Curtis I. Taylor
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 28, 2005

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

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 28, 2005

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, 2005

- 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 I. Taylor
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

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

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

SUMMARY

The proposed rule is a revision to the existing rule specifying fees for lifetime hunting, trapping and fishing licenses. These licenses are purchased voluntarily by hunters and anglers in lieu of annual hunting, trapping and fishing licenses. Lifetime license fees are required by law (WV 20-2B-7) to be twenty-three times the fees for equivalent annual licenses. Annual license fees were increased by the 2005 legislature, thus requiring an increase by rule in lifetime license fees. Because higher fees for lifetime licenses will proportionally reduce sales of those licenses, the proposed rule will neither increase nor decrease the costs of revenues of state government.

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

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

CIRCUMSTANCE

The proposed rule is a revision to the existing rule specifying fees for lifetime hunting, trapping and fishing licenses. These licenses are purchased voluntarily by hunters and anglers in lieu of annual hunting, trapping and fishing licenses. Lifetime license fees are required by law (WV 20-2B-7) to be twenty-three times the fees for equivalent annual licenses. Annual license fees were increased by the 2005 legislature, thus requiring an increase by rule in lifetime license fees. Because higher fees for lifetime licenses will proportionately reduce sales of those licenses, this proposed rule will neither increase nor decrease the costs or revenues of state government.

Lifetime license fees will increase as follows:

	From	To
Lifetime hunting	\$425	\$760
Lifetime fishing	\$325	\$530
Lifetime combination	\$570	\$760
Lifetime trout fishing	\$150	\$230

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

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Series 67, Lifetime Hunting, Trapping and Fishing Licenses

Type of Rule: Legislative Interpretive Procedural

Agency: BOC, Division of Natural Resources, Wildlife Resources Section

Address: 1900 Kanawha Blvd., E., Capitol Complex, Bldg. 3, Room 842
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 are purchased voluntarily by hunters and anglers in lieu of annual hunting, trapping and fishing licenses. Lifetime license fees are required by law (WV 20-2B-7) to be twenty-three times the fees for equivalent annual licenses. Annual license fees were increased by the 2005 legislature, thus requiring an increase by rule in lifetime license fees. Because higher fees for lifetime licenses will proportionally reduce sales of those licenses, the proposed rule will neither increase nor decrease the costs of 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	<i>2006</i> Increase/Decrease (use "-")	<i>2007</i> 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			
Equipment			
Other			
2. Estimated Total Revenues	484,145.00	484,145.00	484,145.00

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 specifying fees for lifetime hunting, trapping and fishing licenses. These licenses are purchased voluntarily by hunters and anglers in lieu of annual hunting, trapping and fishing licenses. Lifetime license fees are required by law (WV 20-2B-7) to be twenty-three times the fees for equivalent annual licenses. Annual license fees were increased by the 2005 legislature, thus requiring an increase by rule in lifetime license fees. Because higher fees for lifetime licenses will proportionately reduce sales of those licenses, this proposed rule will neither increase nor decrease the costs or revenues of state government.

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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.

None

Date: 7-29-05

Signature of Agency Head or Authorized Representative
Brian Delmonico

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 WV §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 WV §20-2B-7, the fees for lifetime licenses are twenty-three times the fee for the equivalent annual licenses or stamps.

4.1 2. The fee for a Class A-L lifetime hunting and trapping licenses is ~~\$425~~ 760.

4.2 3. The fee for a Class AB-L lifetime hunting, trapping and fishing license is ~~\$570~~ 760.

4.3 4. The fee for a Class B-L lifetime fishing license is ~~\$325~~ 530.

4.4 5. The fee for a Class O-L lifetime trout license is ~~\$150~~ 230.

4.5 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.