

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

Form #4

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OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Bureau of Commerce, Division of Natural Resources **TITLE NUMBER** 58

CITE AUTHORITY: 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED:

TITLE OF RULE BEING AMENDED:

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 67

TITLE OF RULE BEING PROPOSED: Lifetime Hunting, Trapping and Fishing Licenses

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



JOHN B. RADER, DIRECTOR

\$2.60

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

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WEST VIRGINIA

**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. -- West Virginia Code §20-2B-7

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

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

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

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

4.5. 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.



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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE OF THE CLERK OF THE WEST VIRGINIA
SECRETARIAT OF STATE

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July 11, 1999

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Gordon Robertson
Division of Natural Resources
Building 3, Room 669
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

Proposed Rule: Lifetime Hunting, Trapping and Fishing Licenses, 58CSR67

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.

3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.

4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.

5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.

ANALYSIS OF PROPOSED LEGISLATIVE RULES

Agency: Division of Natural Resources

Subject: Lifetime Hunting, Trapping and Fishing Licenses,
58CSR67

PERTINENT DATES

Filed for public comment: May 3, 1999
Public comment period ended: June 1, 1999
Filed following public comment period: June 14, 1999
Filed LRMRC: June 14, 1999
Filed as emergency: April 1, 1999

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Fiscal Impact: The fiscal note shows no new administrative costs but fails to reflect the revenue to be derived from the increase in license fees.

ABSTRACT

The proposed rule is new. The following is a section by section synopsis of the proposed rule.

Section 1 is the standard general section, setting forth the scope, authority, filing date and effective date of the proposed rule.

Section 2 defines terms.

Section 3 requires applicants to be domiciled residents of the state. It requires applicants for a license, that includes hunting privileges, who were born after January 1, 1975, to provide proof of completion of a hunter education course.

This section also requires a parent or legal guardian who submits an application for a lifetime license for an infant to also submit a birth certificate and provide his or her drivers license. The application must be received by the Division or it must be postmarked before the infant reaches his or her second birthday.

Section 4 states that the fee for a lifetime license for an infant is one half the fee for the equivalent adult license.

Section 5 sets the fees for lifetime licenses. They range from \$150 to \$570.

Section 6 provides for the issuance of a duplicate license for a fee of \$6.

AUTHORITY

Statutory authority: W.Va. Code, §20-2B-7, which provides, in part, as follows:

...The director shall propose a legislative rule for promulgation in accordance with article three, chapter twenty-nine-a of this code, setting the fees for the lifetime licenses. The rule shall provide that the fee for any resident who has not reached his or her second birthday shall be one half of the adult fee set under the rule...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has technical modifications to suggest.