

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #3 ■

Do Not Mark In This Box

FILED

2001 JUL 27 A 8:46

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: BOC, DNR - Wildlife Resources Section TITLE NUMBER: 58

CITE AUTHORITY: 20-2-33

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 68

TITLE OF RULE BEING AMENDED: Issuance of Hunting, Trapping and Fishing Licenses by
Telephone and Other Electronic Methods

IF NO, SERIES NUMBER OF 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.



Authorized Signature

\$4.00

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

**SERIES 68
ISSUANCE OF HUNTING, TRAPPING AND FISHING LICENSES
BY TELEPHONE AND OTHER ELECTRONIC METHODS**

SUMMARY

Series 68 establishes methods and issuing fees for selling hunting, trapping and fishing licenses electronically by telephone, on the Internet and by point-of-sale.

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

**SERIES 68
ISSUANCE OF HUNTING, TRAPPING AND FISHING LICENSES
BY TELEPHONE AND OTHER ELECTRONIC METHODS**

CIRCUMSTANCE

The Division of Natural Resources seeks to make the purchase of hunting, trapping and fishing licenses more convenient for residents and nonresidents providing authorized license agents the option of participating in a point-of-sale electronic sales system. This rule establishes those methods and the fees for electronic issuance.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Series 68, Issuance of Hunting, Trapping and Fishing Licenses by Telephone and Other Electronic Methods

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	40,000	200,000
PERSONAL SERVICES	0	100,000	240,000	0	0
CURRENT EXPENSE	0	0	375,000	40,000	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	300,000	0	20,000	0	200,000
OTHER	0	0	0	0	0

2. Explanation of above estimates: Cost of selling licenses electronically will be born by the selected license agent and will result in no additional cost to the division.

3. Objectives of these rules: To establish fees and methods for selling hunting, trapping and fishing licenses by telephone and on the Internet.

4. Explanation of overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: None.

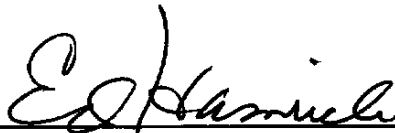
Rule Title: Series 68, Issuance of Hunting, Trapping and Fishing Licenses by Telephone and other Electronic Methods

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: None.

C. Economic Impact on Citizens/Public at Large: None.

Date: _____

**Signature of Agency or
Authorized Representative:**



ED HAMRICK, 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: July 19, 2001

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No) BOC, DNR - Wildlife Resources Section

1900 Kanawha Blvd., E.

Charleston, WV 25305

LEGISLATIVE RULE TITLE: Issuance of Hunting, Trapping and Fishing Licenses by
Telephone and Other Electronic Methods

1. Authorizing statute(s) citation 20-2-33

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 15, 2001

b. What other notice, including advertising, did you give of the hearing?
No public hearing was held. There was a 30 day comment period which was also
advertised in a Statewide News Release distributed June 22, 2001.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 12, 2001

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)

N/A

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

Gordon Robertson, Deputy Chief

DNR Wildlife Resources Section

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.

N/A

b. Date of hearing or comment period:

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
DIVISION OF NATURAL RESOURCES**

FILED

2001 JUL 27 A 8:47

**SERIES 68
ISSUANCE OF HUNTING, TRAPPING AND FISHING LICENSES BY TELEPHONE
AND OTHER ELECTRONIC METHODS**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§58-68-1. General.

1.1. **Scope and Purpose.** -- This legislative rule establishes issuing fees and the method for selling West Virginia hunting, trapping and fishing licenses by telephone and by other electronic methods.

1.2. **Authority.** -- West Virginia Code §20-2-33

1.3. **Filing Date.** --

1.4. **Effective Date.** --

§58-68-2. Definitions.

2.1. **“Electronic license”** - means a hunting, trapping and fishing license facsimile prescribed in form, size and content by the director.

2.2. **“Issuing fee”** - means the fee paid to the license agent by the license purchaser at the time a transaction is effected.

2.3. **“Point-of-sale”** - means a license issued electronically by a license agent authorized by the director as prescribed in §20-2-33.

2.34. **“Transaction”**- means one electronic purchase of any number of licenses for one license holder at one time. The purchase of a duplicate license qualifies as a transaction.

§58-68-3. Licenses sold by telephone transaction.

3.1. Except as otherwise provided by law, a purchaser of a license issued by telephone transaction shall carry the license as described in West Virginia Code §20-2-36. In cases where the license must be used before it is received in the mail by the purchaser, and until the license has been received, the purchaser shall carry the valid confirmation number produced by the license issuing system and a valid driver's license or picture identification card issued by the state of residence as a substitute for the license.

3.2. A purchaser of hunting, trapping and fishing licenses issued by telephone shall pay up to a five dollar (\$5.00) license issuing fee per transaction in addition to the cost of the licenses purchased.

3.3. The license agent shall retain the fee and not remit it to the Division of Natural Resources. The licensing agent may charge one issuing fee per transaction.

§58-68-4. Licenses sold by Internet transaction.

4.1. Except as otherwise provided by law, any purchaser of a license issued by Internet transaction shall carry the license as described in West Virginia Code §20-2-36. In cases where the license must be used before it is received in the mail by the purchaser, and until the license has been received, the purchaser shall carry the valid confirmation number produced by the license issuing system and a valid driver's license or picture identification card issued by the state of residence as a substitute for the license.

4.2. A purchaser of hunting, trapping and fishing licenses issued by Internet transaction shall pay up to a five dollar (\$5.00) license issuing fee per transaction in addition to the cost of the licenses purchased.

4.3. The license agent shall retain the fee and not remit it to the Division of Natural Resources. The licensing agent may charge one issuing fee per transaction.

§58-68-5. Licenses sold electronically at the point of sale

5.1. Except as otherwise provided by law, any purchaser of a license issued by point of sale shall carry the license as described in West Virginia Code §20-2-36.

5.2. A purchaser of hunting, trapping and fishing licenses issued by a point of sale transaction shall pay up to a one dollar (\$1.00) license issuing fee per transaction in addition to the cost of the licenses purchased.

5.3. The license agent shall retain the fee and not remit it to the Division of Natural Resources. The licensing agent may charge one issuing fee per transaction.

5.4. Where it is not cost efficient or technically feasible a non-electronic paper based licensing system will be retained by license agents.