

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

2008 JUN 11 PM 3:18

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: DOC, DNR, Wildlife Resources Section TITLE NUMBER: 58

RULE TYPE: Legislative CITE AUTHORITY: 20-2-42

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 71

TITLE OF RULE BEING PROPOSED: HUNTING, TRAPPING AND FISHING LICENSE AND STAMP FEES

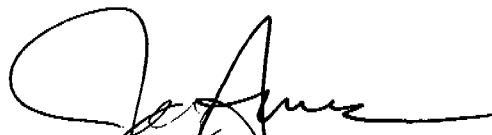
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 11, 2008 AT 10:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Curtis I. Taylor, Chief

Wildlife Resources Section
1900 Kanawha Blvd., E.

Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

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

**SERIES 71
HUNTING, TRAPPING AND FISHING LICENSE AND STAMP FEES**

Summary of Proposed Rule

In 2005, the State Legislature approved W. Va. §20-2-42 of the West Virginia Code to index hunting, fishing and trapping license fees to the rate of inflation with the intent of preventing larger, infrequent fee increases. §20-2-42 provides the authority for the Director to propose legislative rules to change the fees that were established in 2005. The proposed rule would implement that provision of the code by increasing fees for certain hunting, fishing and trapping fees by approximately 8.3 percent, the rate of increase in the Consumer Price index since January 1, 2006. License fees not proposed for an increase would remain at current levels.

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

**SERIES 71
HUNTING, TRAPPING AND FISHING LICENSE AND STAMP FEES**

Statement of the Circumstances Which Require This Rule

In 2005, the State Legislature approved W. Va. §20-2-42 of the West Virginia Code to index hunting, fishing and trapping license fees to the rate of inflation with the intent of preventing larger, infrequent fee increases that have proven to be unpopular and fiscally inefficient. §20-2-42 thus provides the authority for the Director to propose legislative rules to change the fees that were established in 2005. The proposed rule would implement that provision of the code by increasing certain hunting, fishing and trapping fees by approximately 8.3 percent, the rate of increase in the Consumer Price index since January 1, 2006. If approved, the revised fees will take effect January 1, 2010.

The Wildlife Resources and Law Enforcement programs of the West Virginia Division of Natural Resources are dependent upon revenues from the sale of hunting, fishing and trapping licenses. Agency expenditures for these programs have been significantly impacted by inflation. If license revenues do not keep pace with inflation, cuts in agency programs will be necessary. Even with the proposed increases, the adjusted fees will lag behind the actual rate of inflation due to the limitations imposed by the rulemaking process.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: SERIES 71, HUNTING, TRAPPING AND FISHING LICENSE AND STAMP FEES
 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: 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.

By increasing fees for annual hunting, trapping and fishing licenses in proportion to the increase in the Consumer Price Index, as provided for in section 20-2-42, implementation of the proposed rule will increase the special revenue available to the WV Division of Natural Resources by approximately \$900,000 annually. No increases in costs are anticipated.

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			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	342,000.00	900,000.00

Rule Title: SERIES 71, HUNTING, TRAPPING AND FISHING LICENSE AND STAMP FEES

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

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

In 2005, the State Legislature approved W.Va. Section 20-2-42 to provide for indexing of hunting, trapping and fishing license fees to the rate of increase in the Consumer Price Index. The intent was to allow license fees, revenues and the programs that are dependent upon them to keep pace with inflation, while preventing the large, periodic fee increases that would otherwise be necessary. Section 20-2-42 provides the authority for the director of the Division of Natural Resources to propose legislative rules to increase the fees that were established in the 2005 legislative session. This proposed rule would implement that provision by increasing certain hunting, trapping and fishing license and stamp fees by approximately 8.2 percent, the rate of increase in the Consumer Price Index from January, 2006 through April, 2008. The increase would affect fees for resident Class A, B, X, XJ, XXJ, RG, RB and RM licenses or stamps and nonresident Class E, EE, F, H, NN, OO, RRG, RRB, RRM, UU, VV, WW, and CS/LE licenses or stamps. The increased fees would become effective on January 1, 2010. The fiscal effect would be to increase license revenues for the second half of FY 2010 by an estimated \$342,000. The full fiscal impact of the increase would be realized in FY 2011, increasing license revenues by an estimated \$900,000.

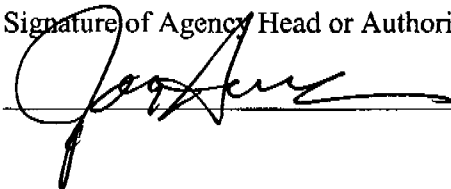
MEMORANDUM

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.

License Class (Current Fee, Proposed Fee)
A (\$18, \$19), B (\$18, \$19), CS/LE (\$12, \$13) X (\$33, \$35), XJ (\$15, \$16), RG (\$20, \$21), RB (\$20, \$21), RM (\$15, \$16), E (\$110, \$119), EE (\$150, \$162), F (\$35, \$37), H (\$25, \$27), NN (\$25, \$27), OO (\$15, \$16), RRG (\$40, \$43), RRB (\$35, \$37), RRM (\$35, \$37), UU (\$30, \$32), VV (\$30, \$32), WW (\$30, \$32), XXJ (\$15, \$16)

Date: 6/10/08

Signature of Agency Head or Authorized Representative



TITLE 58
LEGISLATIVE RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES

2008 JUN 11 PM 3:48

SERIES 71
HUNTING, TRAPPING AND FISHING LICENSE AND STAMP FEES

§58-71-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes fees of certain hunting, fishing and trapping licenses and stamps.

1.2. Authority. -- W.Va. Code §20-2-42.

1.3. Filing Date --

1.4. Effective Date --

§58-71-2. Fees for Hunting, Trapping and Fishing Licenses.

2.1. In accordance with the provisions of W. Va. §20-2-42, the fees for the following hunting, trapping and fishing licenses and stamps are increased and indexed to the increase in the Consumer Price Index (All Items) published by the United States Department of Labor rounded down to the nearest dollar. The Consumer Price Index (All Items) increased by 8.33 percent for the period January 1, 2006 through April 30, 2008.

2.2. The fee for the Class A resident hunting and trapping license is \$19.

2.3. The fee for the Class B resident fishing license is \$19.

2.4. The fee for the Class E nonresident hunting and trapping license is \$119.

2.5. The fee for the Class EE nonresident bear hunting license is \$162.

2.6. The fee for the Class F nonresident fishing license is \$37.

2.7. The fee for the Class H nonresident small game hunting license is \$27.

2.8. The fee for the Class X resident hunting, fishing and trapping license is \$35.

2.9. The fee for the Class XJ resident junior and Class XXJ nonresident junior hunting, fishing and trapping license is \$16.

2.10. The fee for the Class NN nonresident antlerless deer hunting stamp is \$27.

2.11. The fee for the Class OO nonresident trout fishing stamp is \$16.

2.12. The fee for the Class RG resident gun deer hunting stamp for an additional deer is \$21.

2.13. The fee for the Class RRG nonresident gun deer hunting stamp for an additional deer is \$43.

2.14. The fee for the Class RB resident archery deer hunting stamp for an additional deer is \$21.

2.15. The fee for the Class RRB nonresident archery deer hunting stamp for an additional deer is \$37.

2.16. The fee for the Class RM resident muzzleloader deer hunting stamp for an additional deer is \$16.

2.17. The fee for the Class RRM nonresident muzzleloader deer hunting stamp for an additional deer is \$37.

2.18. The fee for the Class UU nonresident archery deer hunting stamp is \$32.

2.19. The fee for the Class VV nonresident muzzle-loading deer hunting stamp is \$32.

2.20. The fee for the Class WW nonresident turkey hunting stamp is \$32.

2.21. The fee for the Class CS/LE nonresident conservation law-enforcement and sports education stamp is \$13.

2.22. Fees for licenses and stamps not specified in 2.2 through 2.21 will remain at current levels.