

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

2013 JUL 25 PM 3:21

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: Department of Commerce, Division of Natural Resources TITLE NUMBER: 58

CITE AUTHORITY: 20-2-4

AMENDMENT TO AN EXISTING RULE: YES NO

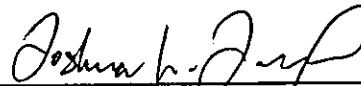
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 72

TITLE OF RULE BEING PROPOSED: Electronic Registration of Wildlife

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

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: 7/25/2013

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) DOC-DNR-Wildlife Resources Section
324 Fourth Avenue
South Charleston, WV 25303

LEGISLATIVE RULE TITLE: Electronic Registration of Wildlife

1. Authorizing statute(s) citation 20-2-4

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

June 26, 2013

b. What other notice, including advertising, did you give of the hearing?

c. Date of Public Hearing(s) *or* Public Comment Period ended:

July 25, 2013

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)

Curtis J. Taylor, Chief
DNR Wildlife Resources Section
324 4th Avenue
So. Charleston, WV 25303

- 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 RULES
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES**

**SERIES 72
ELECTRONIC REGISTRATION OF WILDLIFE**

SUMMARY: The proposed rule establishes the procedures for the electronic registration of wildlife and obtaining a game tag number.

CIRCUMSTANCES: This rule will enable hunters to electronically check harvested wildlife and will clarify the procedures for recording their game tag number supplied by the Division or its representatives. The rule will make it much easier for hunters that no longer have to transport their animal to an official game checking station.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Electronic Registration of Wildlife 58CSR72

Rule Title: _____

Type of Rule: Legislative Interpretive Procedural

Agency: WV Department of Commerce Division of Natural Resources

Address: 324 4th Avenue
South Charleston, WV 25303

Phone Number: 304-558-2771 Email: billie.j.shearer@wv.gov

Fiscal Note Summary

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

At this time the Division anticipates no revenue modifications to the 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	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

N/A

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.

N/A

Date: July 25, 2013

Signature of Agency Head or Authorized Representative

Joshua L. Jans

FILED

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

2013 JUL 25 PM 3: 21

**SERIES 72
ELECTRONIC REGISTRATION OF WILDLIFE**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§58-72-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes the procedures for the electronic registration and checking of wildlife.

1.2. Authority. -- W. Va. Code §20-2-4.

1.3. Filing Date. -- .

1.4. Effective Date. -- .

§58-72-2. 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. "Electronically Register" or "Electronic Registration" means the submission of all required data via any electronic method made available by the Division to complete the game checking process and obtain a game tag number in lieu of the delivery of wildlife to an official game checking station.

2.4. "Game Tag Number" means the number provided by the Division or its representatives that verifies a hunter or trapper has successfully electronically registered their animal.

§58-72-3. Electronic Registration Requirements.

3.1. Hunters and trappers in compliance with all other applicable requirements of law and the rules promulgated thereunder may electronically register wildlife in lieu of delivery to a Natural Resources Police Officer or official checking station.

3.2. Hunters and trappers shall provide all requested information via any electronic method made available by the Division.

3.3. Upon completion of providing the requested data, the Division or its representatives shall issue a game tag number.

3.4. The game tag number must be recorded on the hunter or trapper's field tag or recorded on a separate sheet of paper that displays the hunter or trapper's name and address. This information is the equivalent to that which would have been issued by a Natural Resources Police Officer or official checking station.

3.5. The game tag number, hunter or trapper's name and address shall be affixed to the animal or parts thereof and remain affixed until it is dressed for consumption or processed into commercial fur.

3.6. As deemed necessary to manage the wildlife resources of the state, the director may suspend all

58CSR72

or a part of the requirements to electronically register wildlife and require the physical inspection and checking of wildlife. Any such suspension of the requirements to electronically register wildlife shall be published annually by the Division.