

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

Form #2

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2014 JUN 23 A 11:24

WEST VIRGINIA  
SECRETARY OF STATE

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: 71

TITLE OF RULE BEING AMENDED: Hunting, Trapping and Fishing License and Stamp Fees

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

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 23<sup>23</sup>, 2014 AT 10:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Curtis I. Taylor, Chief

DNR, Wildlife Resources Section  
324 4th Avenue

South Charleston, WV 25303

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

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

58CSR71

**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 maintaining pending power for the DNR's Wildlife and Law Enforcement programs while preventing larger, infrequent fee increases that had proven unpopular and inefficient in the past. §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 18 percent from their 2006 base levels, the rate of increase in the Consumer Price index since fees were originally indexed on January 1, 2006. Because a previous indexed fee increase occurred in 2010, the average proposed increase from the current fees is approximately 8 percent. Adjusted fees are rounded down to the nearest dollar. License fees not proposed for an increase would remain at current levels. If approved, the revised fees will take effect January 1, 2016.

58CSR71

**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 had 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 fees for certain hunting, fishing and trapping fees by approximately 18 percent from their 2006 base levels, the rate of increase in the Consumer Price index since fees were originally indexed on January 1, 2006. Because a previous indexed fee increase occurred in 2010, the average proposed increase from the current fees is approximately 8 percent. Adjusted fees are rounded down to the nearest dollar. License fees not proposed for an increase would remain at current levels. If approved, the revised fees will take effect January 1, 2016.

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. 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**

58CSR71HUNTING, TRAPPING AND FISHING LICENSE AND STAMP FEES

Rule Title: \_\_\_\_\_

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Bureau of Commerce, Division of Natural Resources

Address: Steve Brown, WVDNR, PO Box 67, Elkins, WV 26241

\_\_\_\_\_

\_\_\_\_\_

Phone Number: 304-637-0245 Email: Walter.S.Brown@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.

In 2005, §20-2-42 of the West Virginia Code indexed hunting, fishing and trapping license fees to the rate of inflation with the intent of maintaining spending power for the DNR's Wildlife and Law Enforcement programs while preventing larger, infrequent fee increases that had proven to be unpopular and fiscally inefficient. Since that time, one indexed fee increase was approved and became effective in 2010. The current proposed rule would increase fees to compensate for the rate of inflation and reductions in spending power that have occurred since the 2010 adjustment. The effect of the proposed rule would be to increase the amount of license fund special revenue available to the DNR's Wildlife and Law Enforcement programs by approximately 8 percent, or \$1,250,000 annually, thus maintaining the agency's 2010 spending power.

**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)
<b>1. Estimated Total Cost</b>	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>		625,000.00	1,250,000.00

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.

The proposed rule increases fees by the rate of inflation (as measured by the Consumer Price Index) that has been experienced since the base fees were originally established in 2006. A previous indexed adjustment occurred in 2010, thus the current proposal would increase fees only from those levels, by an average of 8 percent. Calculated fee increases are rounded down to the nearest dollar. The proposed fees would take effect January 1, 2016 and would be in effect for half of that fiscal year. The resulting revenues are estimated for that half of the fiscal year and for a full fiscal year thereafter.

Current and proposed (Current, Proposed) fees for licenses and stamps are as follows:

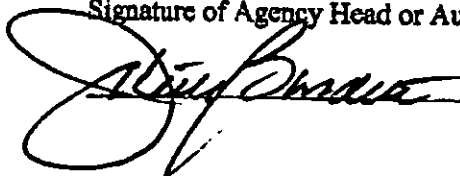
Class A (\$19,\$21), Class B (\$19,\$21), Class N (\$10,\$11), Class BG (\$10,\$11), Class RG (\$21,\$23), Class RB (\$21,\$23), Class RM (\$16,\$17), Class X (\$35,\$38), Class XJ (\$16,\$16), Class A-1 (\$8,\$9), Class DS (\$10,\$11), Class O (\$10,\$11), Class CS (\$5,\$5), Class E (\$119,\$129), Class EE (\$162,\$177), Class F (\$37,\$41), Class H (\$27,\$29), Class NN (\$27,\$29), Class RRG (\$43,\$47), Class RRB (\$37,\$41), Class RRM (\$37,\$41), Class UU (\$32,\$35), Class VV (\$32,\$35), Class WW (\$32,\$35), Class XXJ (\$16,\$16), Class OO (\$16,\$17), Class J (\$10,\$11), Class CS/LE (\$13/14)

### 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.

Date: 4/19/14

Signature of Agency Head or Authorized Representative

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TITLE 58  
LEGISLATIVE RULE  
DIVISION OF NATURAL RESOURCES

SERIES 71  
HUNTING, TRAPPING AND FISHING LICENSE AND STAMP FEES

FILED

2014 JUN 23 A 11:24

WALTER A  
SECRETARY OF GAME

**§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 and rounded down to the nearest dollar. The Consumer Price Index (All Items) increased by 8.33 18 percent for the period January 1, 2006 through April 30, 2008~~ May 20, 2014. The Division adjusted these fees in 2010. Taking into account the 2010 indexed adjustments, and the effect of rounding, actual fees will increase approximately 8 percent. Accordingly, effective January 1, 2016, the revised inflation-indexed fees are as follows.

2.2. ~~The fee for the Class A resident hunting and trapping license is \$1921.~~

2.3. ~~The fee for the Class B resident fishing license is \$1921.~~

2.4. ~~The fee for the Class E nonresident hunting and trapping license is \$119129.~~

2.5. ~~The fee for the Class EE nonresident bear hunting license is \$162177.~~

2.6. ~~The fee for the Class F nonresident fishing license is \$3741.~~

2.7. ~~The fee for the Class H nonresident small game hunting license is \$2729.~~

2.8. ~~The fee for the Class X resident hunting, fishing and trapping license is \$3538.~~

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 \$2729.~~

2.11. ~~The fee for the Class OO nonresident trout fishing stamp is \$1617.~~

2.12. ~~The fee for the Class RG resident gun deer hunting stamp for an additional deer is \$2123.~~

- 2.13. ~~The fee for the Class RRG nonresident gun deer hunting stamp for an additional deer is \$4347.~~
- 2.14. ~~The fee for the Class RB resident archery deer hunting stamp for an additional deer is \$2123.~~
- 2.15. ~~The fee for the Class RRB nonresident archery deer hunting stamp for an additional deer is \$3741.~~
- 2.16. ~~The fee for the Class RM resident muzzleloader deer hunting stamp for an additional deer is \$1617.~~
- 2.17. ~~The fee for the Class RRM nonresident muzzleloader deer hunting stamp for an additional deer is \$3741.~~
- 2.18. ~~The fee for the Class UU nonresident archery deer hunting stamp is \$3235.~~
- 2.19. ~~The fee for the Class VV nonresident muzzle-loading deer hunting stamp is \$3235.~~
- 2.20. ~~The fee for the Class WW nonresident turkey hunting stamp is \$3235.~~
- 2.21. ~~The fee for the Class CS/LE nonresident conservation law-enforcement and sports education stamp is \$14.~~
- 2.22. ~~Fees for licenses and stamps not specified in subsections 2.2 through 2.21 of this rule shall remain at current levels. Class N resident antlerless deer hunting stamp is \$11.~~
- 2.23. Class BG resident big game stamp is \$11.
- 2.24. Class A-1 small arms hunting stamp is \$9.
- 2.25. Bear damage stamp is \$11.
- 2.26. Class O resident trout fishing stamp is \$11.
- 2.27. Class CS resident conservation stamp is \$5.
- 2.28. Class I nonresident national forest hunting, trapping and fishing stamp is \$2.
- 2.29. Class LL nonresident one-day fishing license is \$3.
- 2.30. Class J nonresident small game shooting preserve license is \$11.