



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

8/29/2016 8:21:57 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY **Natural Resources**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-24**

RULE NAME **Point System For the Revocation of Hunting - Repeal**

CITE AUTHORITY **W. Va. Code 20-1-7 and 20-2-38**

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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-24



Rule Id: 10259



Document: 29921



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

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PRIMARY CONTACT

Jerry B. Jenkins
324 4th Avenue

South Charleston, STATE ZIP

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AUTHORIZING STATUTE(S) CITATION

W. Va. Code 20-1-7 and 20-2-38

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD

Monday, July 25, 2016

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

News Release

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED

Thursday, August 25, 2016

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ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,
AMENDMENTS, REASONS FOR AMENDMENTS.

No comments received

DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE
FOLLOWING PUBLIC HEARING: (BE EXACT)

Monday, August 29, 2016

**Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. 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.

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CITE AUTHORITY **W. Va. Code 20-1-7 and 20-2-38**

DATE OF HEARING OR COMMENT PERIOD

ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS REQUIRED TOGETHER WITH THE REASONS THEREFOR?

ATTACH FINDINGS AND DETERMINATIONS AND REASONS

None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

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SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

N/A Repealing Rule

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

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RULE NAME **Point System For the Revocation of Hunting - Repeal**

CITE AUTHORITY **W. Va. Code 20-1-7 and 20-2-38**

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.

| Effect Of Proposal | Current Increase/Decrease (use ' - ') | Next Increase/Decrease (use ' - ') | Fiscal Year (Upon Full Implementation) |
|-------------------------------------|--|---------------------------------------|---|
| ESTIMATED TOTAL COST | 0.00 | 0.00 | 0.00 |
| PERSONAL SERVICES | | | |
| CURRENT EXPENSES | | | |
| REPAIRS AND ALTERATIONS | | | |
| ASSETS | | | |
| OTHER | | | |
| ESTIMATED TOTAL REVENUES | 0.00 | 0.00 | 0.00 |

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CITE AUTHORITY **W. Va. Code 20-1-7 and 20-2-38**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

N/A Repealing Rule

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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 Repealing Rule

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

~~SERIES 24~~
~~POINT SYSTEM FOR THE REVOCATION OF HUNTING~~
~~AND FISHING LICENSES~~

~~§58-24-1. General.~~

~~1.1. Scope. — These are legislative rules and regulations establishing a point system for the revocation of hunting and fishing licenses.~~

~~1.2. Authority. — W. Va. Code §20-1-7 and §20-2-38.~~

~~1.3. Filing Date. — December 30, 1982.~~

~~1.4. Effective Date. — January 1, 1983.~~

~~§58-24-2. General Purpose.~~

~~2.1. Purpose. — To assure uniform, impartial application of hunting and fishing license revocation, from four (4) to ten (10) points will be assigned for each hunting and fishing violation, and a record system will be utilized to assured accuracy and expediency in the operation of revocation procedures.~~

~~§58-24-3. Revocation Of License; Duration.~~

~~3.1. Negligent Shooting. — Licenses of persons convicted of negligent shooting of a human being or livestock will be revoked for a period of five (5) years.~~

~~3.2. Points. — Licenses of those amassing ten (10) or more points in any two (2) years period will be revoked for a period of two (2) years from the date the ten (10) points total was reached. Should any person be convicted of a violation during the revocation period, the revocation period shall be extended for two (2) years.~~

~~§58-24-4. Assignment Of Points.~~

~~4.1. Points — Offense.~~

~~Spotlighting with firearm or implement~~

~~Taking fish with explosive or poison materials~~

~~All other hunting and fishing violations~~

~~§58-24-5. Removal Of Points.~~

~~5.1. Points will be removed on their second anniversary or upon restoration of the license(s).~~

~~§58-24-6. Hearing.~~

~~6.1. Notification. — Upon revoking the license(s) of any person, the Division of Natural Resources shall immediately notify the licensee in writing, sent by registered mail to the address given by the licensee in applying for license, and upon his/her request, shall afford an opportunity for a hearing within thirty (30) days after receipt of the request.~~

~~6.2. Hearing. — The hearing may be conducted in the county in which the licensee resides or any other county designated by the director.~~

~~6.3. Hearing Officer. — The director or his/her duly authorized agent shall act as hearing officer.~~

~~6.4. Action. — After such hearing, the director may uphold or rescind the revocation.~~