



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

7/30/2021 4:33:42 PM

Office of West Virginia
Secretary Of State

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

AGENCY: Natural Resources TITLE-SERIES: 58-67
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 58-67 Lifetime Hunting, Trapping, and Fishing Licenses

PRIMARY CONTACT

NAME: Wendy L Greene
ADDRESS: 324 4th Avenue
Room 341
South Charleston, WV 25303
EMAIL: wendy.l.greene@wv.gov
PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-2B-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-2B-7 provides statutory authority relating to the issuance and fees for resident lifetime license as well as rule making authority.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/30/2021

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/29/2021

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

press release

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This legislative rule establishes fees and the method for determining fees for lifetime hunting and fishing licenses for WV residents.

Revisions to this rule reflect changes necessary due to the passage of SB 502 during the 2021 Regular Legislative Session

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This legislative rule establishes fees and the method for determining fees for lifetime hunting and fishing licenses for WV residents.

Revisions to this rule reflect changes necessary due to the passage of SB 502 during the 2021 Regular Legislative Session

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There is no anticipated economic impact on the revenue of the state.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There is no anticipated impact on special revenue accounts.

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

No economic impact on the state or its residents is anticipated.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There is no anticipated changes to administrative costs or revenues.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jack M Rife -- 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 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES

SERIES 67
LIFETIME HUNTING, TRAPPING AND FISHING LICENSES

§58-67-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes fees and the method for determining fees of lifetime hunting and fishing licenses for West Virginia residents.

1.2. Authority. -- W. Va. Code §20-2B-7 & ~~20-2-42~~.

1.3. Filing Date. -- ~~May 8, 2009~~.

1.4. Effective Date. -- ~~August 8, 2009~~.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1 five years from the effective date.

§58-67-2. Definitions.

~~2.1. "Director" means the Director of the West Virginia Division of Natural Resources.~~

~~2.2.~~ 2.1. "Division" means the West Virginia Division of Natural Resources.

~~2.3. "Infant" means a West Virginia resident who has not yet reached the age of two years.~~

~~2.4. "Resident" means any person who is a citizen of the United States and who has been domiciled in the state of West Virginia for a period of thirty (30) consecutive days immediately prior to the date of his or her application for a license.~~

2.2. All other terms shall have the meaning prescribed in W. Va. Code §20-1-2.

§58-67-3. Lifetime Hunting, Trapping and Fishing License Requirements.

3.1. Applicants ~~shall~~ must be residents of the state of West Virginia to be eligible for a lifetime license.

3.2. A parent or legal guardian submitting an application for ~~an infant child who has not reached his or her 15th birthday~~ shall attach to the application a certified birth certificate or other notarized record of birth. A parent or legal guardian submitting an application for an adopted child or foster child who has not reached his or her 15th birthday shall also attach to the application a certified copy of the order or decree of adoption or placement into foster care.

~~3.2.1.~~ 3.3. ~~The infant's~~ A child's parent or legal guardian shall sign an application for a child and provide his or her own West Virginia driver's license number or a West Virginia Division of Motor Vehicles nondriver identification card number.

3.3.1. Parents of foster children submitting an application for a child who has not reached his or her 15th birthday must have the application signed and notarized by the case worker and Multidisciplinary Team of the foster child.

3.3.2. A child's parent or legal guardian who is a member of the Armed Forces and meets the definition of resident pursuant to W. Va. Code §20-1-2 et seq., may make application for a resident lifetime license for their child who has not reached his or her 18th birthday.

~~3.2.2.~~ 3.4. ~~The Division shall not issue infant licenses for which applications have been received by the Division, or postmarked, after the infant's second birthday~~ Applications received by the Division or are postmarked on or after the child's 15th birthday will not be processed for a child's discounted lifetime license.

~~3.3.~~ 3.5. If applying for a lifetime license that includes hunting privileges, each license applicant born on or after January 1, 1975 shall ~~shall~~ must present proof of successful completion of an approved Hunter Education course at the time of application for the license if they have successfully completed the course at that time. ~~Any person holding a lifetime hunting license obtained prior to his or her fifteenth birthday shall obtain a certificate of training as provided for in W. Va. §20-2-30a before hunting or trapping pursuant to the license.~~

3.6. Any person holding a lifetime hunting license who does not hold proof of successful completion of an approved Hunter Education Course must obtain a certificate of training as provided for in W. Va. Code §20-2-30a before hunting or trapping unaccompanied by a licensed adult pursuant to W. Va. Code §20-2-27.

§58-67-4. Fees for Lifetime Hunting, Trapping and Fishing Licenses.

4.1. In accordance with the provisions of W.Va. Code §20-2B-7, the fees for lifetime licenses are ~~twenty three~~ 23 times the fee for the equivalent annual licenses or stamps.

~~4.2.~~ 4.1.1. The fee for a Class A-L lifetime hunting and trapping licenses is \$782.

~~4.3.~~ 4.1.2. The fee for a Class AB-L lifetime hunting, trapping and fishing license is \$805.

~~4.4.~~ 4.1.3. The fee for a Class B-L lifetime fishing license is \$552.

~~4.5.~~ 4.1.4. The fee for a Class O-L lifetime trout license is \$230.

~~4.6.~~ The fees for all infant lifetime licenses shall be one half the price of the equivalent adult lifetime licenses rounded up to the nearest dollar.

4.2. In accordance with the provisions of W. Va. Code §21-2B-7, the fees for lifetime licenses for residents who have not reached his or her 15th birthday are:

4.2.1. Forty percent of the adult fee for any resident who has not reached his or her first birthday.

4.2.2. Fifty-five percent of the adult fee for any resident who is over one year old but has not reached his or her fifth birthday.

4.2.3. Seventy-five percent of the adult fee for any resident who is over five years old but has not reached his or her 10th birthday.

4.2.4. Ninety percent of the adult fee for any resident who is over 10 years old but has not reached his or her 15th birthday.

§58-67-5. Fees for Issuing Duplicate Lifetime Hunting, Trapping and Fishing Licenses.

5.1. Upon verification that an individual is a valid lifetime licensee, the Division shall issue a duplicate lifetime hunting, trapping, and fishing license to replace any lost, destroyed, or damaged lifetime hunting, fishing or trapping license.

5.2. The fee for issuing a duplicate lifetime hunting, trapping, or fishing license card is six (~~6~~) dollars.