

**5. LICENSE ISSUANCE RULES – RULE BRIEFING, PUBLIC HEARING,
AND RULE ACTION**

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“GREEN SHEET”

Meeting: October 7-8, 2011

Agenda Item 5: License Issuance Rules – **Rule Briefing, Public Hearing, and Rule Action**

Prepared By: Dave Ware, Game Division Manager, Wildlife Program

Presented By: Dave Ware, Game Division Manager, Wildlife Program
Bill Joplin, Licensing Division Manager, Business Services

Background:

The 2011 Washington State Legislature approved the Department’s request to increase fees for many of the fishing, hunting, and commercial licenses issued by the agency. Several other license documents and processes were modified as well. The Department is proposing several changes to the rules for issuing licenses to make them consistent with the statutory changes. In addition, a few modifications are being made to the rules for exchanges and refunds for clarification and to adapt them to recent changes to the special permit applications.

Policy Issue(s) you are bringing to the Commission for consideration:

Update the rules for issuing and managing fishing and hunting licenses and documents.

Public involvement process used and what you learned:

We conducted an extensive public involvement process at multiple levels of the agency leading to the fee package proposed to the legislature. As a result, our package was relatively well supported by our constituents and was well received by the legislature. In addition, since the last revisions to the licensing regulations, the need to clarify rule intent has come to the attention of customer service and licensing staff, and this proposal would address that need.

Action requested (identify the specific Commission decisions you are seeking):

Review licensing regulation updates recommended by the Department, take public comment, and adopt the amendments and repeals as proposed.

Draft motion language:

I move to amend chapter 220-55 WAC and WAC 232-12-168, and repeal WAC 220-55-120, 220-55-132, and 220-55-175, as proposed.

Justification for Commission action:

To make the rules for issuing and managing fishing, hunting, and commercial licenses consistent with recent legislative changes and to provide clarification of rule intent.

Communications plan:

News Release
Publication in Regulation Pamphlets
Washington State Register
Department Website

AMENDATORY SECTION (Amending Order 06-73, filed 4/11/06, effective 5/12/06)

WAC 220-55-040 Recreational license, tag, permit, and stamp refunds and exchanges. (1) For purposes of this section:

(a) "Refund" means the return of money received for a license, stamp, tag, or permit purchase. Refunds may be made by license dealers or the the Olympia office of the department ~~licensing office in Olympia.~~

(b) "Exchange" means the surrendering of a transport tag (such as archery deer or Eastern Washington elk archery) and the reissuing of a different transport tag (such as muzzleloader deer or Western Washington muzzleloader elk).

(2) Refunds will be made for the following:

(a) A license purchaser can obtain a refund from a license dealer for sixty minutes after the purchase of the license if a clerical dealer error is made or the dealer issues the wrong license. License dealers can correct clerical-dealer errors after sixty minutes, but may not refund license purchases.

(b) A license purchaser can obtain a refund from the Olympia office of the department at any time during the licensing year if an incorrect document has been issued due to a department, a dealer, or licensing system in-error, as verified by the department ~~and the error was not caused by the purchaser.~~

(c) A license purchaser can obtain a refund from the Olympia office of the department if the purchase of a second license was made on behalf of the licensee by someone other than the licensee.

(d) A license purchaser can obtain a refund from the Olympia office of the department if the licensee qualifies for a reduced fee license, but the refund amount will be the difference between the license purchased and the reduced fee license.

(e) A license purchaser who is active duty military and is transferred or otherwise obligated by the military and unable to use a license can obtain a refund from the Olympia office of the department after providing verifying documentation, provided that the request for refund is made within the license year~~prior to the opening of the applicable general hunting season.~~

(f) A license purchaser who is hospitalized or severely injured and provides a physician's statement that the person was incapable of participating in hunting can obtain a refund from the Olympia office of the department after providing verifying documentation, provided that the request for refund is made within the license year~~prior to the opening of the applicable general hunting season.~~

(g) The personal representative of a deceased license purchaser, who dies prior to the opening of the applicable general hunting season, can obtain a refund from Olympia after providing documentation of the death of the purchaser.

(3) Except as otherwise provided, refunds will not be made for the following:

(a) The department will not refund any recreational license or permit purchase for which a season or hunt has been scheduled, and

the licensee could have participated in the season or hunt, regardless of whether the licensee did in fact participate ~~or a permit could have been used, regardless of whether the person used the permit.~~

(b) The department will not refund purchases of raffle tickets ~~((τ))~~ or special hunt permit applications ~~((or collector bird stamps))~~.

(4) Transport tag exchanges will be allowed for the following:

(a) The season for which the tag was issued has not opened, and the hunter wishes to exchange the tag for a different area or a different weapon type. In these instances archery tag holders must request a tag exchange before September 1, muzzleloader tag holders must request a tag exchange before September 20, and modern firearm tag holders must request a tag exchange before October 10, as verified by the department.

(b) The hunter has killed an animal that is unfit for human consumption and the department has authorized issuance of an exchange tag.

(c) The tag was issued in error ~~((τ))~~ and the error was not caused by the person applying for the tag, as verified by the department. ~~There must be evidence that an error was made and what caused the error.~~

(5) Except as otherwise provided, ~~Tt~~ transport tag exchanges will not be allowed for the following:

(a) If a special hunt permit application was submitted by the tag holder and that application required a big game transport tag, it is unlawful to exchange the transport tag after the application

~~submission deadline date has passed. It is unlawful to exchange a big game transport tag ((during or)) after the submission date has passed for a drawing for a special hunting season permit ((has occurred)), if the drawing requires the hunter to have the big game transport tag. However, if the tag holder's request for a tag exchange was made prior to the application submission deadline date, as verified by the department, an exchange can be made. Special permit applications for ghost hunts, regardless of the submission method, are not applicable to this subsection.~~

~~(6)(a)(b) Except as otherwise provided, it is unlawful to possess ~~exchange~~ a big game transport tag that was exchanged after the opening of the season for which the original tag ~~was~~ valid.~~

~~(eb) Violation of this subsection is punishable under RCW 77.15.410 Unlawful hunting of big game.~~

[Statutory Authority: RCW 77.12.047. 06-09-024 (Order 06-73), § 220-55-040, filed 4/11/06, effective 5/12/06. Statutory Authority: 1998 c 191 and RCW 75.08.080. 99-03-029 (Order 99-02), § 220-55-040, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. 94-01-001, § 220-55-040, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-040, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-040, filed 2/4/88; 86-24-047 (Order 86-191), § 220-55-040, filed 11/26/86; 79-09-021 (Order 79-58), § 220-55-040, filed 8/10/79.]

WAC 232-55-040 Recreational license, tag, permit, and stamp refunds and exchanges.

RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR 102) filing and are already included in your notebook.

Pages 1-4

- Throughout the rule, all references to the Licensing Division of the Department or Olympia were changed to “the Olympia office of the department” for clarity and consistency.

Page 1

- In subsection 2a, the term “clerical error” was undefined and subject to multiple interpretations. Therefore, this term was replaced with “dealer error” to identify the source of the error.
- In subsection 2b, language was change from:

“A license purchaser can obtain a refund from the Olympia office of the department at any time during the licensing year if a document has been issued in error, and the error was not caused by the purchaser.”

to:

“A license purchaser can obtain a refund from the Olympia office of the department at any time during the licensing year if an incorrect document has been issued due to a department, a dealer, or licensing system error, as verified by the department.”

These changes further clarify the source of the document error and identify the party to verify the occurrence of an error.

Page 2

- In subsections 2e and 2f, the word “verifying” was added to stipulate that the documentation provided would need to confirm that the license purchaser is active duty military personnel, was transferred or otherwise obligated by the military, and was unable to use the license purchased.
- In subsection 2e, “by the military” was added to clarify that the obligation would need to be associated with the license purchaser’s military service.
- In subsections 2e and 2f, the timeframe in which a refund request must be made was changed from “...prior to the opening of the applicable general hunting season.” to “...within the license year.” This change was due to the fact that the department would have already received verification that the requester was unable to participate in the hunts for which the tag was issued.

Page 3

- In subsection 3a, the verbiage “...or a permit could have been used, regardless of whether the person used the permit.” was struck from the last sentence because it was redundant and confusing.
- In subsection 4a, specific dates, by which tag holders for each weapon type would be eligible for an exchange, were added to simplify the determination of eligibility and to exclude early muzzleloader and modern firearm hunts in limited geographic areas.
- In subsection 4c, “...as verified by the department.” was added to identify the party to verify the occurrence and the source of an error.
- In subsection 5, “Except as otherwise provided, ...” was added to clarify eligibility and ensure there is not a discrepancy in criteria.
- In subsection 5a, language was change from:

“It is unlawful to exchange a big game transport tag (~~during or~~) after the submission date has passed for a drawing for a special hunting season permit (~~has occurred~~), if the drawing requires the hunter to have the big game transport tag.”

to:

“If a special hunt permit application was submitted by the tag holder and that application required a big game

transport tag, it is unlawful to exchange the transport tag after the application submission deadline date has passed.”

These changes were made for clarification and readability.

Page 4

- In subsection 5a, “However, if the tag holder’s request for a tag exchange was made prior to the application submission deadline date, as verified by the department, an exchange can be made.” was added to allow the department, during periods of high volume workloads, to assist tag holders who requested exchanges before the deadlines provided in this rule.
- In subsection 5a, the verbiage, “regardless of the submission method” was added to clarify that the exception applied to both tag holders who submitted their special hunt applications with the ghost points option and tag holders for which the drawing system submitted their application for the ghost points option.
- Subsection 5b was changed to subsection 6a and the language was changed from:

“It is unlawful to exchange a big game transport tag after the opening of the season for the tag is valid.”

to:

“Except as otherwise provided, it is unlawful to possess a big game transport tag that was exchanged after the opening of the season for which the original tag was valid.”
- The verbiage “Except as otherwise provided, ...” was added to clarify tag exchange eligibility and ensure there is not a discrepancy in criteria. The remaining changes were to clarify who was subject to the penalties associated with a violation of RCW 77.15.410.

AMENDATORY SECTION (Amending Order 10-94, filed 4/30/10, effective 5/31/10)

WAC 220-55-115 Recreational license dealer's fees. The department and License license dealers ~~may~~ shall charge a license issuance fee as follows:

(1) Two dollars for the issuance of any of the following fishing licenses:

- (a) A combination license.
- (b) A saltwater license.
- (c) A freshwater license.
- (d) A ~~two-day~~ one, two, or three day temporary fishing license.
- (e) A family fishing weekend license.
- (f) A shellfish and seaweed license.
- (g) A razor clam license.

(2) Two dollars for the issuance of any of the following hunting licenses:

- (a) A big game combination license.
- (b) A small game license.
- (c) A three-consecutive day small game license.
- (d) A hunter education deferral for a big game license.
- (e) A hunter education deferral for a small game license.
- (f) A second animal license.
- (g) A special hunt license for mountain goat, bighorn sheep, or moose.

(h) A western Washington pheasant license.

(i) A three day western Washington pheasant license.

~~(3) Two dollars for the issuance of a fish and wildlife lands vehicle use permit when issued separately from an annual freshwater, saltwater or combination fishing license, or separately from an annual small game hunting license, big game combination license, or trapping license.~~

(34) Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle ~~use permit~~ access pass is issued with any recreational license, the license issuance fee for the document is two dollars.

(45) Two dollars for the issuance of a an annual discover pass.

(56) Fifty cents for the issuance of any of the following:

(a) A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.

~~((A state of Washington migratory bird stamp.~~

~~((c)) A Western Washington pheasant permit.~~

~~((d))~~ ~~((e))~~ An application for a special permit hunt.

~~((e))~~ (cd) A migratory Migratory bird hunting authorization ~~(including harvest report cards)~~ issued with a hunt authorization.

~~((f))~~ (de) A replacement of substitute special hunting season permit.

(e) A migratory bird permit.

(f) Additional fishing catch record cards.

(g) A Puget Sound crab endorsement.

(h) A temporary Puget Sound crab endorsement.

(i) A two pole endorsement.

(j) A Columbia River salmon/steelhead endorsement.

(k) A one day discover pass.

(l) Raffle tickets.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530. 10-10-061 (Order 10-94), § 220-55-115, filed 4/30/10, effective 5/31/10. Statutory Authority: RCW 77.12.047, 77.12.040, 77.12.020, 77.12.570, 77.12.210. 09-15-122, § 220-55-115, filed 7/17/09, effective 8/17/09. Statutory Authority: RCW 77.12.047. 04-17-097 (Order 04-216), § 220-55-115, filed 8/17/04, effective 9/17/04; 01-10-030 (Order 01-62), § 220-55-115, filed 4/24/01, effective 5/25/01. Statutory Authority: RCW 77.32.050. 00-11-178 (Order 00-80), § 220-55-115, filed 5/24/00, effective 6/24/00. Statutory Authority: SB 5020 and RCW 75.08.090. 99-17-095 (Order 99-129), § 220-55-115, filed 8/17/99, effective 9/17/99. Statutory Authority: 1998 c 191 and RCW 75.08.080. 99-03-029 (Order 99-02), § 220-55-115, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. 94-01-001, § 220-55-115, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-115, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-115, filed 2/4/88; 80-03-064 (Order 80-12), § 220-55-115, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-047.]

WAC 232-55-115 Recreational license dealer fees.

RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR 102) filing and are already included in your notebook.

All of the following changes to this rule were made to bring the rule into compliance with recent legislation:

Page 1

- The first sentence of the rule was changed to include the department as an entity that would charge a license issuance fee and the word “may” was changed to “shall” to indicate the decision to charge was not discretionary.
- In subsection 1d, the temporary fishing license was changed from a two-day license to a one, two, or three day license.
- Subsections 2d through 2i were added to reflect all applicable hunting licenses.

Pages 2& 3

- Subsections 3-5 were renumbered to accommodate the changes below. The number references below reflect the re-numeration.
- Subsection 3 was deleted as these items are no longer issued as separate documents.
- Subsection 4 was altered from “a discover pass” to “an annual discover pass” to distinguish between the annual pass and a one day pass.
- Subsection 5b was deleted as the western Washington pheasant permit is currently a standalone license document that has a two dollar fee.
- Subsection 5c was changed to clarify that the fifty cent fee applied to the harvest cards issued with a hunt authorization rather than to the hunt authorization itself.
- Subsections 5e through 5l were added to reflect all items to which a fifty cent fee is applied.

AMENDATORY SECTION (Amending Order 05-273, filed 12/9/05, effective 1/9/06)

WAC 220-55-180 Point-of-sale transaction fee. The point-of-sale transaction fee shall be used to operate an automated recreational licensing system. This fee shall be applied to all automated licensing system purchases of recreational and commercial documents. The transaction fee shall be ten percent of the value of the document transaction, excluding any applicable dealer fees (~~((except through June 30, 2007, the transaction fee shall be nine and one-half percent of the value of the document transaction, excluding any applicable dealer fee))~~).

[Statutory Authority: RCW 77.12.047. 06-01-012 (Order 05-273), § 220-55-180, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 77.12.047 and 2003 c 389. 04-01-095 (Order 03-311), § 220-55-180, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 77.32.050. 00-11-176 (Order 00-81), § 220-55-180, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 77.12.040 and 77.32.050. 00-02-049 (Order 99-234), § 220-55-180, filed 12/30/99, effective 1/30/00.]

AMENDATORY SECTION (Amending Order 02-153, filed 7/11/02, effective 8/11/02)

WAC 220-55-200 Duplicate license fees. (1) The cost of a duplicate license document is seven dollars, plus the automated licensing system processing fee and dealer fee, unless the cost of all licenses on the original license document was less than seven dollars, then the license document cost is the same as the original cost, plus the automated licensing system processing fee and dealer fee. The duplicate license document shall contain all licenses purchased at the time the original license document was issued, including a migratory waterfowl (~~(validation)~~) permit if such (~~(validation)~~) permit was purchased, but shall not include any game tags issued with the original license.

(2) The cost of a duplicate game tag is seven dollars per game tag, plus the automated licensing system processing fee and the dealer fee.

(3) The department will not issue duplicate ~~two~~one-day fishing licenses issued as a charter stamp, (~~(duplicate collector migratory waterfowl stamps,)~~) duplicate ~~additional access decals~~special hunt applications, or duplicate game raffle tickets.

[Statutory Authority: RCW 77.12.047, 2002 c 222. 02-15-038 (Order 02-153), § 220-55-200, filed 7/11/02, effective 8/11/02.]

WAC 232-55-200 Duplicate license fees.

RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR 102) filing and are already included in your notebook.

Page 1

- In subsection 3, “two-day fishing licenses” was changed to “one-day fishing licenses” and “additional access decals” was changed to “special hunt applications.” These changes were made to bring the rule into compliance with recent legislation.

AMENDATORY SECTION (Amending Order 09-27, filed 2/25/09, effective 5/1/09)

WAC 232-12-168 Fishing contests. (1) Contest defined: By definition, a fishing contest exists when 6 or more licensed persons fish competitively and determine winners, regardless of prize value.

(2) Application:

(a) Fishing contest permit applications should be submitted to the department by July 1 of each year for contests that are to take place the following calendar year. After July 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

(b) Applications must include the permit fee required by RCW 77.65.480. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year. (~~The fee is \$24 per permit.~~)

(c) For purposes of application for a fishing contest permit, "permittee" means a "person" as defined in RCW 77.08.010. All applications from a permittee must be in a single name.

(3) Approval:

(a) Fishing contests which adversely affect fish or wildlife resources or other recreational opportunity may be denied.

(b) Contests will not be allowed on sea-run cutthroat trout, wild steelhead, Dolly Varden or bull trout.

(c) During fishing contests, where anglers target tiger

muskies, no retention of caught fish is allowed. Tiger muskies may be caught, measured for length, photographed and all fish must be immediately released alive.

(4) Prize value: Total prize value per contest will not exceed \$5,000 when trout, steelhead, char, whitefish, grayling, tiger muskie, or kokanee are included as target species; provided that contests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are released alive and in good condition after the contest, may qualify for no limitation on amount of prize.

(5) Legal requirements, all contests:

(a) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(b) Contests are restricted to the species and waters approved on the permit. Only those species listed as a target of the contest may be retained by contest participants during bass or walleye contests where all contestants fish at the same time and place.

(c) Sponsors must report contest information requested by the department within 30 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(d) Contest participants may not restrict public access at boat launches.

(e) Contests for bass and walleye where participants expect to fish at the same time from boats on lakes or reservoirs will not last longer than four consecutive days and have the following limits per

water:

ACRES	CONTESTS PER DAY	BOATS PER CONTEST DAY
Less than 300	1	15
301 - 3,000	1	35
3,001 - 6,000	2	75
6,001 - 10,000	2	120
More than 10,000	3	250

* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

(f) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit, or of general fishing rules not specifically exempted by this permit. Failure of the permittee or any of the contestants to comply with all provisions of the contest permit or of other fishing regulations during a contest may lead to revocation of the permit and result in denial of fishing contest permits to the permittee and related organizations or individuals sponsoring contests for two years.

(6) Special regulations, bass and walleye contests:

(a) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may

be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality (high waves, equipment deficiency, etc.) ceases or is corrected by contest officials.

(b) During bass and walleye contests only, participants may continue to fish while holding up to five fish in possession, as long as one fish is released immediately upon catching a fish which would make the angler in excess of five fish if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than five fish in the livewell.

(c) During bass contests, contestants may not use live bait.

(d) During bass and walleye contests participants may retain up to five bass and walleye of any size to be weighed in. A tournament angler may not be in possession of more than five bass or walleye from the water being fished, except as authorized under (6)(e) below.

(e) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

(f) Boat identification: All boats used for fishing in bass and walleye contests must be clearly identified according to criteria established by the department.

(7) Aquatic invasive species decontamination. Prior to launching into any Washington state body of water:

(a) All contest participants are required to sign an aquatic

invasive species decontamination statement that their boats and/or boat trailers have or have not been in physical contact with any waters outside of Washington state for thirty days immediately preceding the contest and, if the boat and/or trailer has been in contact with such waters, the participant must complete an aquatic invasive species decontamination report indicating that the following actions have been taken:

(i) A physical inspection has been made of the hull, motor, trailer, livewell and bilge by the contest director or designee, according to criteria established by the department; and

(ii) Any aquatic invasive species, if found, have been disposed of in a garbage container; and

(iii) The hull, motor, trailer, livewell, and bilge have been decontaminated according to criteria established by the department.

(b) The aquatic invasive species decontamination statement and decontamination report shall be submitted to the department as part of the fishing contest report.

[Statutory Authority: RCW 77.12.047. 09-06-042 (Order 09-27), § 232-12-168, filed 2/25/09, effective 5/1/09; 08-07-003, § 232-12-168, filed 3/5/08, effective 4/5/08; 06-05-085 (Order 06-23), § 232-12-168, filed 2/14/06, effective 5/1/06; 04-07-009 (Order 04-39), § 232-12-168, filed 3/4/04, effective 5/1/04; 02-08-048 (Order 02-53), § 232-12-168, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 232-12-168, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 77.12.020 and 77.12.040. 96-15-096 (Order 96-80),

§ 232-12-168, filed 7/19/96, effective 8/19/96. Statutory Authority: RCW 77.12.040. 96-11-079, § 232-12-168, filed 5/13/96, effective 7/1/96; 94-06-014 (Order 629), § 232-12-168, filed 2/18/94, effective 3/21/94; 92-22-015 (Order 577), § 232-12-168, filed 10/21/92, effective 11/21/92. Statutory Authority: RCW 77.12.040 and 77.04.055. 90-22-057 (Order 464), § 232-12-168, filed 11/5/90, effective 12/6/90. Statutory Authority: RCW 77.12.040 and 77.16.010. 86-21-017 (Order 280), § 232-12-168, filed 10/6/86.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-55-120	Recreational licenses, stamps and tags--Inventory return.
WAC 220-55-132	Migratory bird validations and stamps.
WAC 220-55-175	Special license application for permanent annual combination licenses.



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 11-14-107 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject):
 Amend: WAC 220-55-040 Recreational license, tag, permit, and stamp refunds and exchanges; 220-55-115 Recreational license dealer's fees; 220-55-180 Point of sale transaction fee; 220-55-200 Duplicate license fees; and 232-12-168 Fishing contests.

Repeal: WAC 220-55-120 Recreational licenses, stamps and tags--Inventory return.; 220-55-132 Migratory bird validations and stamps.; and 220-55-175 Special license application for permanent annual combination licenses.

Hearing location(s): Natural Resources Building, Conference Room 172 1111 Washington Street SE Olympia, Washington 98504	Submit written comments to: Name: Wildlife Program Commission Meeting Public Comments Address: 600 Capitol Way North, Olympia WA 98501-1091 e-mail Wildthing@dfw.wa.gov fax (360) 902-2162 by (date) <u>September 15, 2011</u>
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Date: <u>October 7-8, 2011</u> Time: <u>8:30 a.m.</u>	Assistance for persons with disabilities: Contact <u>Susan Yeager</u> by <u>October 3, 2011</u> TTY (800) <u>833-6388</u> or (360) <u>902-2267</u>
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Date of intended adoption: October 7-8, 2011
 (Note: This is **NOT** the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
 This proposal updates the rules regarding issuing licenses by the department and eliminates those rules that are no longer applicable.

Reasons supporting proposal: Provides clarification of licensing regulations and updates rules to make them consistent with changes made by the Legislature, earlier this year, as related to fish and wildlife licensing requirements.

Statutory authority for adoption: RCW 77.08.045, 77.12.170, 77.12.177, 77.32.050, 77.32.240, 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.520, 77.32.580, 77.65.020, 77.65.090, 77.65.110, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 6 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.450, 77.65.480, 77.65.510, 77.70.080, 77.70.190, 77.70.220, 77.70.260, 77.70.490, 77.115.040; and RCW 43.84.092	Statute being implemented: RCW 77.08.045, 77.12.170, 77.12.177, 77.32.050, 77.32.240, 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.520, 77.32.580, 77.65.020, 77.65.090, 77.65.110, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 6 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.450, 77.65.480, 77.65.510, 77.70.080, 77.70.190, 77.70.220, 77.70.260, 77.70.490, 77.115.040; and RCW 43.84.092
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Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE
August 24, 2011

NAME (type or print)
Lori Preuss

SIGNATURE
Lori Preuss

TITLE
Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 24, 2011
TIME: 9:35 AM

WSR 11-17-139

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization): Washington Fish and Wildlife Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Nate Pamplin	Natural Resources Building, Olympia	(306) 902-2693
Implementation....Nate Pamplin	Natural Resources Building, Olympia	(360) 902-2693
Enforcement.....Bruce Bjork	Natural Resources Building, Olympia	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Wildlife Program Administrative Division
Address: 600 Capitol Way North
Olympia, Washington 98501

phone (360) 902-2515
fax (360) 902-2162
e-mail Wildthing@dfw.wa.gov

No. Explain why no statement was prepared.

These rule amendments are to implement recent changes to statutes made by the 2011 Legislature. They will have very minimal impact to vendors who sell fishing and hunting licenses.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:

phone () _____
fax () _____
e-mail _____

No: Please explain: These are not hydraulics rules.