



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (October 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 15, 2017

TIME: 3:43 PM

WSR 17-23-103

Agency: Washington Department of Fish and Wildlife (17-320)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: This emergency rule is for the purpose of interpreting and defining terminology of licenses in RCW 77.15.568 that were modified in Senate Bill 5306. The purpose of the proposal is to provide a cross-walk of the licenses identified in Senate Bill 5306 and existing license titles defined in RCW 77.08.010, RCW 77.15.568, and RCW 77.65.510.

Proposing to create a new WAC (WAC 220-352-032) regarding terminology for wholesale fish buyer and limited fish seller. For purposes of RCW 77.15.568, the term "wholesale fish buyer" means "wholesale fish dealer" as that term is defined in RCW 77.08.010 Section 70, and the term "limited fish seller" means a holder of a "direct retail endorsement" issued under the authority of RCW 77.65.510. The updated terminology would impact license holders and enforcement by clarifying the license terms used. If the terminology is not updated, there may be confusion among license holders and enforcement. Updating the terminology would clarify the license terms used.

Citation of rules affected by this order:

New: WAC 220-352-032
Repealed: WAC 220-352-03200B
Amended:
Suspended:

Statutory authority for adoption: RCW 77.04.090 and RCW 77.04.130

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This emergency rule is needed to create a new WAC for the purpose of interpreting and defining terminology of licenses in RCW 77.15.568 that were modified in Senate Bill 5306. Senate Bill 5306 went into effect on July 23, 2017 and introduces different terminologies of licenses that are not defined elsewhere. This WAC provides a cross-walk of the license in the modified bill in RCW 77.15.568 to the existing license titles defined in RCW 77.08.010 Section 70, RCW 77.65.510, RCW 77.65.515 and RCW 77.65.520. This emergency rule is interim until permanent rules take effect.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>1</u>	Amended	___	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: November 15, 2017

Name: J W Unsworth

Title: Director

Signature:



NEW SECTION

WAC 220-352-03200B Definitions for wholesale fish buyer and limited fish seller.

Notwithstanding the provisions of chapter 220-352 WAC, effective immediately through December 31, 2017, for purposes of RCW 77.15.568, the term “wholesale fish buyer” means “wholesale fish dealer” as that term is defined in RCW 77.08.010 Section 70, and the term “limited fish seller” means a holder of a “direct retail endorsement” issued under the authority of RCW 77.65.510.

REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2018:

WAC 220-352-03200B Definitions for wholesale fish buyer and limited fish seller.