

## Summary

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**Meeting dates:** December 11-12, 2015

**Agenda item:** Transaction Fee WAC – Briefing, Public Hearing and Decision

**Presenter(s):** Joe Stohr, Deputy Director

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### **Background summary:**

The department is considering changes to WAC 220-55-180 to align the WAC language to allow for the use of transaction fee funds as provided in RCW 77.32.050. RCW 77.32.050 states that a transaction fee on commercial and recreational license documents issued through an automated licensing system may be set by the Fish and Wildlife Commission and collected from licensees. RCW 77.32.050 also provides that the department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing services. The department sets this transaction fee in WAC 220-55-180. The department is considering changes to WAC 220-55-180 to align the WAC language to allow for the use of transaction fee funds as provided in RCW 77.32.050.

The language in WAC 220-55-180 narrows the use of funds generated by the transaction fee further than the restrictions already in place under RCW 77.32.050. The Department is proposing a reversion to the restrictions on fee use to those under the RCW while including language that ensures the funds will be used for the automated licensing system (WILD) or for other uses that support providing fish and wildlife related opportunities, customer service, and enhanced experiences for department license holders.

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### **Policy issue(s) you are bringing to the Commission for consideration:**

Lifting additional restrictions on the use of transaction fee funds in WAC 220-55-180 to allow the restrictions on the use of the funds as provided in RCW 77.32.050 to apply.

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### **Public involvement process used and what you learned:**

The Department followed standard rulemaking procedures in filing this permanent rulemaking proposal, including publishing the proposed changes in the Washington State Register, posting the proposed changes on WDFW's website, and by sending out an e-mail notice to those interested in Department rulemaking activities. To date, the Department has not received any comments on this proposal from the public. The Department will provide a public hearing at the time this rule change proposal is presented to the Commission at the Commission's December meeting.

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### **Action requested:**

Adopt the proposed changes as presented by the Department.

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**Draft motion language:**

“I move that the Commission adopts the changes to WAC 220-55-180 as proposed and presented by the Department.”

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**Justification for Commission action:**

As stated above, the changes proposed in this rulemaking will allow for use of funds generated by the transaction fee under the restrictions placed on fund uses in RCW 77.32.050. Additional safeguards to ensure that our users will benefit from the use of transaction fee funds have been placed within the proposed changes to rule language.

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**Communications Plan:**

The Department followed standard rulemaking procedures in filing this permanent rulemaking proposal, including publishing the proposed changes in the Washington State Register, posting the proposed changes on WDFW’s website, and by sending out an e-mail notice to those interested in Department rulemaking activities. To date, the Department has not received any comments on this proposal from the public. The Department will provide a public hearing at the time this rule change proposal is presented to the Commission at the Commission’s December meeting.



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 15-18-114 on 9/2/15; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject)

WAC 220-55-180, Point-of-sale transaction fee.

**Hearing location(s):**

Northwest Maritime Center  
431 Water Street  
Port Townsend, WA 98368

Date: December 11-12, 2015 Time: 8:30 a.m.

**Submit written comments to:**

Name: Joanna Eide, WDFW Rules Coordinator  
Address: 600 Capitol Way N  
Olympia, WA 98501-1091  
E-mail: [Rules.Coordinator@dfw.wa.gov](mailto:Rules.Coordinator@dfw.wa.gov)  
Fax (360) 902-2155 by (date) December 4, 2015

**Assistance for persons with disabilities:**

Contact Tami Lininger by December 4, 2015

TTY (800) 833-6388 or (360) 902-2267

**Date of intended adoption:** On or after December 11, 2015  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The department is considering changes to WAC 220-55-180 to align the WAC language to allow for the use of transaction fee funds as provided in RCW 77.32.050.

**Reasons supporting proposal:** RCW 77.32.050 states that a transaction fee on commercial and recreational license documents issued through an automated licensing system may be set by the Fish and Wildlife Commission and collected from licensees. RCW 77.32.050 also provides that the department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing services. The department sets this transaction fee in WAC 220-55-180. The department is considering changes to WAC 220-55-180 to align the WAC language to allow for the use of transaction fee funds as provided in RCW 77.32.050.

**Statutory authority for adoption:** RCW 77.04.012, 77.04.055, 77.12.047, and 77.32.050

**Statute being implemented:** RCW 77.04.012, 77.04.055, 77.12.047, and 77.32.050

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE**  
November 3, 2015

**NAME** (type or print)  
Joanna Eide

**SIGNATURE**

**TITLE**  
Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: November 03, 2015**

**TIME: 3:29 PM**

**WSR 15-22-098**

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

Additional information on the Fish and Wildlife Commission meeting where the public hearing on this rule making will be held is available here: <http://wdfw.wa.gov/commission/meetings.html>.

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

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Joanna Eide	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2403
Implementation....	Joe Stohr	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2650
Enforcement.....	Steve Crown	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2373

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

- Name:
- Address:
- phone
- fax
- e-mail

No. Explain why no statement was prepared.

This rule making does not make changes to the fee amount or the collection of the fee; rather, it proposes changes to how the Department uses the transaction fee after its collection. For this reason, this rule making will not have any impacts to small business as it is an internal administrative change.

**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: This proposal does not involve hydraulics rules which are the only rules in WDFW's administrative code that are considered significant legislative rules that would require a cost-benefit analysis under RCW 34.05.328.

AMENDATORY SECTION (Amending WSR 11-22-002, filed 10/19/11, effective 11/19/11)

**WAC 220-55-180 Point-of-sale transaction fee.** The point-of-sale transaction fee shall be used to operate an automated licensing system or for other uses that support providing fish and wildlife related opportunities, customer service, and enhanced experiences for department license holders. 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.