

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
 A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Fish and Wildlife (ODFW)	635
Agency and Division	Administrative Rules Chapter Number
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Rules Coordinator	Telephone

3406 Cherry Ave NE, Salem, OR 97303

RULE CAPTION

Adopt new rules for license refunds and exchanges.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

September 1, 2011	8:00 a.m.	414 North Prom, Seaside, Oregon 97138	Oregon Fish and Wildlife Commission
Hearing Date	Time	Location	Hearings Officer

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<i>Auxiliary aids for persons with disabilities are available upon advance request.</i>			

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: Chapter 635-001

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth : ORS 293.445, 496.138, 497

Other Auth.:

Stats. Implemented: ORS 293.445

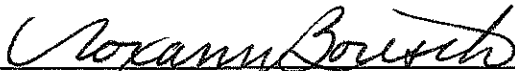
RULE SUMMARY

Amend rules to provide a consistent method for addressing license refunds and exchanges.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

August 31, 2011

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

	Roxann Borisch	July 11, 2011
Signature	Printed name	Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Department of Fish and Wildlife (ODFW)
Agency and Division

635

Administrative Rules Chapter Number

Adopt new rules for license refunds and exchanges

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of Amendment of Rules)	Statutory Authority,
Relating to the Department of Fish)	Statutes Implemented,
and Wildlife Administration Procedural)	Statement of Need,
Rules, Chapter 635, Division 001)	Principal Documents Relied Upon,
)	Statement of Fiscal Impact

Statutory Authority: ORS 293.445, 496.138, 497

Other Authority:

Stats. Implemented: ORS 293.445

Need for the Rule(s): This rule change is needed in order to provide a consistent method for addressing license refunds and exchanges.

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact: See attached.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

2. Cost of compliance effect on small business (ORS 183.336):
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

 - c. Equipment, supplies, labor and increased administration required for compliance:


How were small businesses involved in the development of this rule?

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The draft administrative rules were developed without a rule advisory committee. However, licensing staff consulted with other departments regarding the amendment of the rules to adopt a process for issuing refunds where a customer has been overcharged by the agency or has miscalculated the fee and overpaid. This amendment of the rules will provide a consistent method for addressing license refunds and exchanges and will save agency dollars and will enhance customer service.

Correspondence from and testimony by interested and affected persons is accepted into record and is part of the rulemaking process.


Signature

Roxann Borisch
Printed name

7/11/11
Date

**Fiscal and Economic Impact Statement for the September 1, 2011
Hearing on Refunding License and Tag Fees and Exchanging Licenses**

Fiscal and economic impact: Rule changes are being proposed to change how the Department of Fish and Wildlife deals with refunds of license and tag fees and exchanges of licenses. The proposed changes relating to license fees would allow the Department to take a more cost-effective approach to refunds, by removing the obligation to seek out persons who are entitled to refunds (and instead putting the obligation on the person to make a written request for refund). The proposed changes would also remove certain provisions concerning tag fee refunds. As to license exchanges, the proposed changes would specify the circumstances in which a license holder may exchange that license for another type of license.

A. The only state agency that might be affected by adoption of these rules is the Department of Fish and Wildlife. No major changes from the current levels of this agency's operations or expenditures are expected as a result of adoption of these particular rules. The proposed rules are expected to result in some cost savings for the Department, but the amount of such savings is difficult to predict.

B. No units of local government are expected to be affected by these rules.

C. The public will be affected by the adoption of these rules. Under the proposed rules, the Department would no longer be obligated to seek out persons who are entitled to license refunds of five dollars or less. For such minor refund amounts, the person would have to submit a written request to the Department. This may result in fewer persons obtaining refunds of five dollars or less. This may also impose some minor costs (involved with submitting the written requests for refund, such as postage). The proposed rules would also narrow the circumstances under which a person may obtain a tag fee refund. In addition, the proposed rules would allow persons to exchange purchased licenses for free or reduced cost licenses (and to obtain refunds as appropriate).

The rules are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon.

We do not believe that a less intrusive or less costly alternative adaptation to only small business is consistent with the purpose of the rule.