

3. State Government Notice of Intended Rulemaking

- a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the **Secretary of State**:
- b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Legislative Service Office**:
- c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the **Attorney General**:

4. Public Notice of Intended Rulemaking

- a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A
- b. A public hearing was held on the proposed rules. Yes No

	If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

- a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**:
- b. Date on which final rules were sent to the **Legislative Service Office**:
- c. Date on which a PDF of the final rules was electronically sent to the **Secretary of State**:

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

<i>Signature of Authorized Individual (Blue ink as per Rules on Rules, Section 7)</i>	
<i>Printed Name of Signatory</i>	
<i>Signatory Title</i>	
<i>Date of Signature</i>	

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

<i>Governor's Signature</i>	
<i>Date of Signature</i>	

Attorney General: 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

LSO: 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

SOS: 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.

STATEMENT OF REASONS

WYOMING GAME AND FISH COMMISSION

CHAPTER 64

REGULATION FOR CENTRAL VISUAL ACUITY DISABILITY PERMITS

W.S. §23-1-302 (a)(xxii) provides the Commission the authority to promulgate such orders as the Commission considers necessary to carry out the intent of this act.

W.S. §23-3-306 (f) provides for the Commission to establish by rule and regulation specifications for the taking of game animals with the use of artificial light or lighting devices by persons with central visual acuity disabilities.

This is a new regulation and is designed after similar other Commission regulations.

Section 1 provides the statutory authority to promulgate this rule.

Section 2 indicates the Wyoming Game and Fish Commission is adopting this regulation governing the issuance of Central Visual Acuity Disability Permits.

Section 3 provides a definition for “Central Visual Acuity Disability”.

Section 4 provides for Central Visual Acuity Disability Permit Qualifications.

Section 5 addresses the application for a Central Visual Acuity Disability Permit.

Section 6 provides guidance for the use of artificial light or lighting devices by a person with a Central Visual Acuity Disability Permit.

Section 7 outlines Central Visual Acuity Disability Permit provisions.

Section 8 covers the revocation or denial of a Central Visual Acuity Disability Permit.

Section 9 indicates there will be no fee for a Central Visual Acuity Disability Permit.

Section 10 addresses a person making a false statement to obtain a permit.

Section 11 requires that permits issued under this regulation shall be in the possession of the individual whose name is on the permit and shall be immediately produced for inspection upon request by an officer authorized to enforce this regulation.

Section 12 provides for a savings clause if any provision of this regulation shall be held to be illegal or unconstitutional.

WYOMING GAME AND FISH COMMISSION

CHAPTER 64

REGULATION FOR CENTRAL VISUAL ACUITY DISABILITY PERMITS

Section 1. Authority. This regulation is promulgated by authority of W.S. §23-1-302 and W.S. §23-3-306.

Section 2. Regulation. The Wyoming Game and Fish Commission hereby adopts the following regulation governing issuance of Central Visual Acuity Disability Permits.

Section 3. Definitions. For the purpose of this regulation, definitions shall be set forth in Title 23, Wyoming Statutes, and the Commission also adopts the following definitions:

(a) "Artificial Light or Lighting Device" means, for the purpose of this regulation only, a light projected from a rifle scope onto a target used by a person having a Central Visual Acuity Disability as described in this regulation.

(b) "Central Visual Acuity Disability" means a person's vision permanently does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is greater than twenty (20) degrees.

Section 4. Central Visual Acuity Disability Permit Qualifications. Any person having a central visual acuity disability as attested in writing by the applicant and certified by a medical doctor, nurse practitioner, physician assistant, optometrist or ophthalmologist licensed to practice medicine, on a form provided by the Department, may be issued a Central Visual Acuity Disability Permit.

Section 5. Application for a Central Visual Acuity Disability Permit. A person with a central visual acuity disability shall submit an application on a form provided by the Department. The application shall be completed in full and shall bear the applicant's name, address and signature. The application shall also bear the printed name, address and signature of the individual licensed to practice medicine that certifies the applicant meets the qualifications of a person with a central visual acuity disability as specified in this Section 3. Central Visual Acuity Disability Permits shall be issued to qualified applicants by the Department's License Section, Regional Offices or designated Department personnel.

Section 6. Use of Artificial Light to Take Game Animals Prohibited Except by Qualified Persons.

(a) No person shall take any small game, big game or trophy game animal with the aid of or by using any artificial light or lighting device except as otherwise provided in this regulation or state statute.

(b) Any person having a Central Visual Acuity Disability Permit may use an artificial light or lighting device to take any game species.

Section 7. Central Visual Acuity Disability Permit Provisions.

(a) A hunter with a Central Visual Acuity Disability Permit shall:

(i) Only take game animals in accordance with State statutes and Commission rules and regulations.

(ii) Be in possession of the Central Visual Acuity Disability Permit in the field while taking game animals.

(iii) Possess a valid hunting license issued under authority of Title 23, Wyoming Statutes, or Commission rules and regulations, unless exempt by statute from the need to possess a valid hunting license.

(b) A hunter with a Central Visual Acuity Disability Permit shall not:

(i) Discharge a firearm or other legal hunting device from a motor vehicle except as otherwise provided in accordance with Wyoming Game and Fish Commission Regulation Chapter 38, Hunters with a Qualifying Disability Authorized to Shoot from a Vehicle.

(ii) Discharge of a firearm or other legal hunting device from a watercraft (except a sinkbox), including those propelled by a motor, sail and wind, or both; except when the motor has been shut off, the sail furled, or both; and progress has ceased. The watercraft may be drifting as a result of current or wind action, beached, moored, or resting at anchor, or propelled by paddle, oars or pole. A watercraft under power may be used to retrieve a dead or wounded animal, but a firearm shall not be discharged while the watercraft is under way.

(iii) Transfer the Central Visual Acuity Disability Permit to another person or allow another person to utilize the permit.

(c) A Central Visual Acuity Disability Permit shall not be valid for use in Grand Teton National Park or on the National Elk Refuge.

Section 8. Revocation or Denial of a Central Visual Acuity Disability Permit.

(a) The Department may deny or revoke a Central Visual Acuity Disability Permit for the following reasons:

(i) The Department cannot verify all information and documentation provided by the applicant for the Central Visual Acuity Disability Permit;

(ii) The applicant made false statements on the application to secure a permit;

(iii) The permittee is convicted of violating any provision of Title 23, Wyoming Statutes, or any Commission rule and regulation governing the taking of game animals while exercising any privilege of the permit.

(iv) The permittee no longer qualifies for a Central Visual Acuity Disability Permit as defined in this Section.

(A) Any person who has a Central Visual Acuity Disability Permit application denied by the Department may appeal the Department's decision to the Fiscal Division Chief in accordance with Commission rules and regulations.

(B) Any person who has a Central Visual Acuity Disability Permit revoke by the Department may appeal the Department's decision to the Commission in accordance with Commission rules and regulations.

Section 9. Fees for a Central Visual Acuity Disability Permit. There shall be no fee for a Central Visual Acuity Disability Permit.

Section 10. Making False Statements to Obtain a Permit. Any person who makes a false statement on an application to obtain a Central Visual Acuity Disability Permit or any medical doctor,

nurse practitioner, physician assistant, optometrist, or ophthalmologist who makes a false statement on an application in order that a person might fraudulently obtain a Central Visual Acuity Disability Permit shall be in violation of this regulation and such activity shall be punishable as provided by Title 23, Wyoming Statutes.

Section 11. Proof of Permit. Permits issued in accordance with this regulation shall be in the possession of the individual in whose name the permit has been issued and shall immediately be provided for inspection upon request of an officer authorized to enforce this regulation.

Section 12. Savings Clause. If any provision of this regulation shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation shall be severable.

WYOMING GAME AND FISH COMMISSION

By:  _____
Mike Healy, President

Dated: July 10, 2013

DRAFT 6-11-13.5

WYOMING GAME AND FISH COMMISSION

CHAPTER 64

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By: _____
Mike Healy, President

Dated: July 10, 2013