

**WSR 14-04-016
EXPEDITED RULES
OFFICE OF
FINANCIAL MANAGEMENT**

[Filed January 24, 2014, 9:27 a.m.]

Title of Rule and Other Identifying Information: WAC 82-50-021 Official state lagged semi-monthly pay dates established.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Roselyn Marcus, Office of Financial Management (OFM), P.O. Box 43113, Olympia, WA 98504-3113, AND RECEIVED BY April 8, 2014.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 82-50-021 publishes the official lagged, semi-monthly pay dates for state officers and employees. This WAC, which provides pay dates for the current and ensuing calendar years, is amended each year to add pay dates for the ensuing year and delete the pay dates for the previous year. The purpose of this filing is to establish official pay dates for state officers and employees for calendar year 2015 and delete the obsolete pay dates for calendar year 2013.

Reasons Supporting Proposal: The statute requires that OFM annually update and publish state pay dates.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Statute Being Implemented: RCW 42.16.010(1) and 42.16.017.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: OFM, governmental.

Name of Agency Personnel Responsible for Drafting: Steve Nielson, 1110 Capitol Way S.E., Olympia, (360) 725-0226; Implementation and Enforcement: Wendy Jarrett, 1110 Capitol Way S.E., Olympia, (360) 725-0185.

January 17, 2014
Roselyn Marcus
Assistant Director for
Legal and Legislative Affairs
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-08-078, filed 4/2/13, effective 5/3/13)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW

42.16.010(1). The following are the official lagged, semi-monthly pay dates for calendar years (~~2013 and~~) 2014 and 2015:

| <u>((CALENDAR YEAR 2013</u> | <u>CALENDAR YEAR 2014</u> |
|--------------------------------------|---------------------------------------|
| <u>Thursday, January 10, 2013</u> | <u>Friday, January 10, 2014</u> |
| <u>Friday, January 25, 2013</u> | <u>Friday, January 24, 2014</u> |
| <u>Monday, February 11, 2013</u> | <u>Monday February 10, 2014</u> |
| <u>Monday, February 25, 2013</u> | <u>Tuesday, February 25, 2014</u> |
| <u>Monday, March 11, 2013</u> | <u>Monday, March 10, 2014</u> |
| <u>Monday, March 25, 2013</u> | <u>Tuesday, March 25, 2014</u> |
| <u>Wednesday, April 10, 2013</u> | <u>Thursday, April 10, 2014</u> |
| <u>Thursday, April 25, 2013</u> | <u>Friday, April 25, 2014</u> |
| <u>Friday, May 10, 2013</u> | <u>Friday, May 9, 2014</u> |
| <u>Friday, May 24, 2013</u> | <u>Friday, May 23, 2014</u> |
| <u>Monday, June 10, 2013</u> | <u>Tuesday, June 10, 2014</u> |
| <u>Tuesday, June 25, 2013</u> | <u>Wednesday, June 25, 2014</u> |
| <u>Wednesday, July 10, 2013</u> | <u>Thursday, July 10, 2014</u> |
| <u>Thursday, July 25, 2013</u> | <u>Friday, July 25, 2014</u> |
| <u>Friday, August 9, 2013</u> | <u>Monday, August 11, 2014</u> |
| <u>Monday, August 26, 2013</u> | <u>Monday, August 25, 2014</u> |
| <u>Tuesday, September 10, 2013</u> | <u>Wednesday, September 10, 2014</u> |
| <u>Wednesday, September 25, 2013</u> | <u>Thursday, September 25, 2014</u> |
| <u>Thursday, October 10, 2013</u> | <u>Friday, October 10, 2014</u> |
| <u>Friday, October 25, 2013</u> | <u>Friday, October 24, 2014</u> |
| <u>Friday, November 8, 2013</u> | <u>Monday, November 10, 2014</u> |
| <u>Monday, November 25, 2013</u> | <u>Tuesday, November 25, 2014</u> |
| <u>Tuesday, December 10, 2013</u> | <u>Wednesday, December 10, 2014</u> |
| <u>Tuesday, December 24, 2013</u> | <u>Wednesday, December 24, 2014</u>) |
| <u>CALENDAR YEAR 2014</u> | <u>CALENDAR YEAR 2015</u> |
| <u>Friday, January 10, 2014</u> | <u>Friday - January 9, 2015</u> |
| <u>Friday, January 24, 2014</u> | <u>Monday - January 26, 2015</u> |
| <u>Monday February 10, 2014</u> | <u>Tuesday - February 10, 2015</u> |
| <u>Tuesday, February 25, 2014</u> | <u>Wednesday - February 25, 2015</u> |
| <u>Monday, March 10, 2014</u> | <u>Tuesday - March 10, 2015</u> |
| <u>Tuesday, March 25, 2014</u> | <u>Wednesday - March 25, 2015</u> |
| <u>Thursday, April 10, 2014</u> | <u>Friday - April 10, 2015</u> |
| <u>Friday, April 25, 2014</u> | <u>Friday - April 24, 2015</u> |
| <u>Friday, May 9, 2014</u> | <u>Monday - May 11, 2015</u> |
| <u>Friday, May 23, 2014</u> | <u>Friday - May 22, 2015</u> |
| <u>Tuesday, June 10, 2014</u> | <u>Wednesday - June 10, 2015</u> |
| <u>Wednesday, June 25, 2014</u> | <u>Thursday - June 25, 2015</u> |
| <u>Thursday, July 10, 2014</u> | <u>Friday - July 10, 2015</u> |
| <u>Friday, July 25, 2014</u> | <u>Friday - July 24, 2015</u> |
| <u>Monday, August 11, 2014</u> | <u>Monday - August 10, 2015</u> |
| <u>Monday, August 25, 2014</u> | <u>Tuesday - August 25, 2015</u> |
| <u>Wednesday, September 10, 2014</u> | <u>Thursday - September 10, 2015</u> |
| <u>Thursday, September 25, 2014</u> | <u>Friday - September 25, 2015</u> |
| <u>Friday, October 10, 2014</u> | <u>Friday - October 9, 2015</u> |
| <u>Friday, October 24, 2014</u> | <u>Monday - October 26, 2015</u> |
| <u>Monday, November 10, 2014</u> | <u>Tuesday - November 10, 2015</u> |
| <u>Tuesday, November 25, 2014</u> | <u>Wednesday - November 25, 2015</u> |

CALENDAR YEAR 2014
 Wednesday, December 10, 2014
 Wednesday, December 24, 2014

CALENDAR YEAR 2015
 Thursday - December 10, 2015
 Thursday - December 24, 2015

WSR 14-04-118
EXPEDITED RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Filed February 4, 2014, 4:26 p.m.]

Title of Rule and Other Identifying Information: Department of natural resources (DNR) performance security identified in WAC 332-18-140 Surface mine reclamation permits, pertaining to interest in real property in lieu of other performance security required for surface mining reclamation permits. DNR annual fees identified in WAC 332-18-01005 Annual permit fees for county governments, pertaining to variances and schedules required for county government annual surface mining reclamation permit fees.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rochelle Goss, DNR, 1111 Washington Street S.E., P.O. Box 47015, Olympia, WA 98504, AND RECEIVED BY April 8, 2014.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

- Repeal WAC 332-18-140 pertaining to assignment of interest in real property within the state of Washington as an approved performance security. Repeal of the WAC will achieve consistency with legislative changes approved by the Laws of 2006 deleting RCW 78.44.087(6).
- Repeal WAC 332-18-01005 pertaining to variances and schedules required for county government annual surface mining reclamation permit fees. Repeal of WAC 332-18-01005 will achieve consistency with legislative changes approved by the Laws of 2006 to RCW 78.44.085.

Reasons Supporting Proposal: The intent is to make DNR rules consistent with Washington state statutes.

Statutory Authority for Adoption: RCW 34.05.220.

Statute Being Implemented: Statute amended in Laws of 2006.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DNR, governmental.

Name of Agency Personnel Responsible for Drafting: Rochelle Goss, 1111 Washington Street S.E., (360) 902-2117.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The expedited rule making repeals WAC 332-18-140 language that implemented RCW 78.44.087(6) language. The legislature repealed the RCW in 2006.

The expedited rule making repeals WAC 332-18-01005 pertaining to variances and schedules required for county government annual surface mining reclamation permit fees. Repeal of WAC 332-18-01005 will achieve consistency with legislative changes approved by the Laws of 2006 to RCW 78.44.085.

January 31, 2014
 Peter Goldmark
 Commissioner of
 Public Lands

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 332-18-01005 Annual permit fees for county governments.
- WAC 332-18-140 Interest in real property in lieu of other performance security.

WSR 14-04-119
EXPEDITED RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Filed February 4, 2014, 4:33 p.m.]

Title of Rule and Other Identifying Information: WAC 332-10-030 Description of organization of department of natural resources.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rochelle Goss, External Affairs Program Lead, Washington Department of Natural Resources (DNR), 111 [1111] Washington Street, P.O. Box 47015, Olympia, WA 98504, AND RECEIVED BY April 8, 2014.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule change is to update the description of the organization of DNR. This section has not been updated since 2003, and does not reflect

changes made to the DNR region offices locations. The rule needs to be updated to provide accurate locations for the two DNR region offices that were merged in July 2004.

Reasons Supporting Proposal: This is only an update to remove the location information for the two region offices that are no longer region offices, and add the location of the region that those two became.

Statutory Authority for Adoption: RCW 43.30.215.

Statute Being Implemented: RCW 34.05.220.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DNR, governmental.

Name of Agency Personnel Responsible for Drafting: Rochelle Goss, 1111 Washington Street S.E., Olympia, WA 98504, (360) 902-2117.

January 31, 2014
Peter Goldmark
Commissioner of
Public Lands

AMENDATORY SECTION (Amending WSR 91-14-014, filed 6/24/91, effective 7/25/91)

WAC 332-10-030 Description of organization of department of natural resources. (1) The department of natural resources consists of a board of natural resources, an administrator, and a supervisor. The administrative office of the department and its staff are located in Olympia, Washington 98504. Field offices of the department are located at:

| Region Office | Address |
|---|---|
| Olympic | ((Rt. 1, Box 1375,)) <u>411 Tillicum Lane, Forks, WA 98331</u> |
| Northwest | 919 North Township Street, Sedro Woolley, WA 98284 |
| South Puget Sound | ((28329 SE 448th St.)) <u>950 Farman Ave. N., Enumclaw, WA 98022</u> |
| ((Central | 1405 Rush Road, Chehalis, WA 98532)) |
| ((Southwest)) <u>Pacific Cascade</u> | 601 Bond Road, Castle Rock, WA 98611 |
| Southeast | 713 East Bowers Road, Box 280, Ellensburg, WA 98926 |
| Northeast | 225 South Silke Road, Colville, WA 99114 |

~~((2) Map-))~~

(2) Map.

WSR 14-04-130
EXPEDITED RULES
DEPARTMENT OF
NATURAL RESOURCES
[Filed February 5, 2014, 10:45 a.m.]

Title of Rule and Other Identifying Information: Department of natural resources (DNR) administrative appeals related to surface mining penalties and mitigation of penalties.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rochelle Goss, DNR, 1111 Washington Street S.E., P.O. Box 47015, Olympia, WA 98504, AND RECEIVED BY April 8, 2014.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amend rules in WAC 332-18-05005, 332-18-05006 and 332-18-05007 to incorporate provisions of the 2010 Natural Resources Reform (chapter 210, Laws of 2010) pertaining to adjudicative proceedings and changing proceedings related to mitigation of surface mining penalties.

Reasons Supporting Proposal: The intent is to make DNR rules consistent with Washington state statutes.

Statutory Authority for Adoption: RCW 78.44.404, 34.05.220, 43.21C.135, 78.44.250.

Statute Being Implemented: Statute amended in Laws of 2006.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DNR, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Bromley, 1111 Washington Street S.E., (360) 902-1452.

January 31, 2014
Peter Goldmark
Commissioner of
Public Lands

AMENDATORY SECTION (Amending WSR 94-14-051, filed 6/30/94, effective 8/2/94)

WAC 332-18-05005 Calculation of penalty. Fines shall be calculated using the following steps:

(1) The base penalty shall be the minimum fine in each category as set forth in WAC 332-18-05004(~~(, unless mitigated pursuant to WAC 332-18-05007)).~~)

(2) The department may adjust the fine by multiplying the Category II and III base penalties by factors specific to the incident, miner or permit holder, and/or site. The follow-

ing factors shall not be imposed unless the department explains in writing how each factor was determined:

(a) Severity: The department shall adjust the penalty to reflect the extent or magnitude and difficulty of repairing the damage to lands, waters, and neighboring properties. This factor shall increase the base penalty by not more than 5.0 times the base penalty.

(b) Previous violation(s): The department shall consider whether the violator has had previous significant violations of the act, rules, permit, or reclamation plan as documented by an enforcement action. This factor shall increase the base penalty by not more than 3.0 times the base penalty.

AMENDATORY SECTION (Amending WSR 94-14-051, filed 6/30/94, effective 8/2/94)

WAC 332-18-05006 Penalties due. (1) Penalties imposed under this section shall become due and payable thirty days after receipt of a notice imposing the fine unless the miner or permit holder (~~(applies for mitigation or)~~) files an appeal.

(2) Thirty days after the miner or permit holder is notified that administrative review of penalties is complete, the penalty shall become due and payable.

(3) Thirty days after a penalty becomes due and payable, interest shall accrue at the maximum rate allowed by RCW 19.52.020 until the penalty is paid to the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-18-05007 Civil penalties—Mitigation, appeals.