



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: February 14, 2020

TIME: 10:59 AM

WSR 20-05-059

Agency: Department of Natural Resources

Title of rule and other identifying information: (describe subject) WAC 332-24-600. Forest fire protection and special forest fire suppression account minimum assessment refund procedure.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Expedited rulemaking sought to align DNR's rules (WAC 332.24.600) with RCW regarding refunds of Forest Fire Protection Assessment (RCW 76.04.610) and Landowner Contingency Agreement Assessments (RCW 76.04.630). The former RCW mandates that DNR provide refunds of Forest Fire Protection Assessments; the latter RCW does not require DNR to provide refunds for Landowner Contingency Assessments. WAC 332.24.600 title implies that DNR may provide refunds for both. Further, update the name of the responsible Division from Fire Control to Wildfire.

Reasons supporting proposal: Rule must be amended to be compliant with RCW 76.04.630.

Statutory authority for adoption: RCW 76.04.015 (4)(b)

Statute being implemented: RCW 76.04.630

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization) Department of Natural Resources

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jonathan Guzzo	1111 Washington St SE, Olympia, WA 98504	360.292.5921
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Enforcement:	George Geissler	1111 Washington St SE, Olympia, WA 98504	360.902.1318

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

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): Expedited rulemaking is appropriate for the proposed revisions, since DNR is aligning WAC to be consistent with RCW.

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

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Agency: Department of Natural Resources

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AND RECEIVED BY (date) April 21, 2020

Date: February 13, 2020

Name: George Geissler

Title: Washington State Forester

Signature:

Place signature here


WAC 332-24-600 Forest fire protection (~~(and special forest fire suppression account minimum)~~) assessment refund procedure. This section implements the provisions of RCW 76.04.610 (~~(and 76.04.630)~~), which provides that an owner of forest land owning two or more parcels, each containing less than fifty acres in a county, may obtain a refund of the assessments paid on all such parcels over one.

(1) The forest landowner must:

(a) Obtain a forest fire protection assessment refund form from any department or county treasurer office;

(b) Complete refund form per instructions on form;

(c) Pay taxes and assessments to county treasurer and obtain treasurer's signature on refund form to verify assessments have been paid in full;

(d) Mail refund form before December 31 of the year the assessments are due to: Department of Natural Resources, (~~(Fire Control)~~) Wildfire Division, Olympia, WA 98504.

(2) The department's (~~(fire control)~~) wildfire division will complete the refund due the landowner and process for payment through the department's (~~(financial services' division)~~) office of finance. The (~~(financial services' division)~~) office of finance will prepare the refund check and send the check and a copy of the refund form to the landowner.