

SENATE BILL REPORT

HB 1394

As Reported By Senate Committee On:
Transportation, April 2, 2001

Title: An act relating to clarifying the use of county road funds in salmon recovery projects.

Brief Description: Clarifying the use of county road funds in salmon recovery projects.

Sponsors: By Representatives Eickmeyer, Schoesler, Rockefeller, Sump, Jackley, Kessler, Cox and Dunshee.

Brief History:

Committee Activity: Transportation: 3/26/01, 4/2/01 [DPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Staff: Dean Carlson (786-7305)

Background: The use of county road funds and rural arterial trust account funds are restricted to county road purposes. Current statute identifies expenditures that are considered county road purposes.

County roads can affect stream beds and fish passage in those streams. The effects of a county road, including culverts, can impact stream beds beyond the county road right-of-way.

Summary of Amended Bill: Counties may use county road moneys for the removal of barriers to fish passage related to county roads. The use of their moneys may include engineering services, stream bank stabilization, stream restoration, or channel modification. These expenditures may be used for activities beyond the county right-of-way if caused by the county road or culvert.

Expenditure of county road moneys for removal of barriers to fish passage and accompanying streambed and stream bank repair is not considered a diversion from road purposes.

A county can only spend 25 percent of the total cost of fish barrier removal or any one project beyond the right-of-way.

A county is also limited to one half of 1 percent of their annual county road construction budget to be spent beyond the right-of-way for fish barrier removal.

Amended Bill Compared to Original Bill: The amendment clarifies that the use of the funds is for removal of barriers for fish passage. It also limits the amount of county road

funds to be used beyond the right-of-way to 25 percent of total fish barrier removal cost and to .5 percent of a county's annual road construction budget.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Counties are concerned with the legalities of using funds beyond the right-of-way. It's to the extent that the project demands going beyond the right-of-way. It doesn't make sense to only work within the right-of-way, if you have to go beyond to do the project right. This language is permissive. We would like an amendment that keeps the focus on fish passage rather than habitat degradation.

Testimony Against: None.

Testified: Representative William Eickmeyer, prime sponsor; Jackie White, Washington State Association of Counties (pro); Paul Sekulich, Department of Fisheries & Wildlife (pro w/amendment).