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SENATE BILL 6522

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State of Washington

58th Legislature

2004 Regular Session

By Senators Doumit and Swecker

Read first time 01/22/2004. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to proper uses of county road funds; and amending  
2 RCW 36.82.020, 36.82.070, and 36.82.160.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.82.020 and 1991 c 363 s 87 are each amended to read  
5 as follows:

6 Any funds accruing to and to be deposited in the county road fund  
7 arising from any levy in any road district shall be expended for proper  
8 county road purposes. Compensation to county commissioners for the  
9 performance of their duties as road commissioners is a proper use of  
10 the county road fund.

11 **Sec. 2.** RCW 36.82.070 and 2001 c 221 s 3 are each amended to read  
12 as follows:

13 Any money paid to any county road fund may be used for the  
14 construction, alteration, repair, improvement, or maintenance of county  
15 roads and bridges thereon and for wharves necessary for ferriage of  
16 motor vehicle traffic, and for ferries, and for the acquiring,  
17 operating, and maintaining of machinery, equipment, quarries, or pits  
18 for the extraction of materials, and for the cost of establishing

1 county roads, acquiring rights-of-way therefor, and expenses for the  
2 operation of the county engineering office, and for any of the  
3 following programs when directly related to county road purposes: (1)  
4 Insurance; (2) self-insurance programs; and (3) risk management  
5 programs; and for any other proper county road purpose. Such  
6 expenditure may be made either independently or in conjunction with the  
7 state or any city, town, or tax district within the county. County  
8 road purposes include compensation to county commissioners for the  
9 performance of their duties as road commissioners. County road  
10 purposes also include the removal of barriers to fish passage related  
11 to county roads, and include but are not limited to the following  
12 activities associated with the removal of these barriers: Engineering  
13 and technical services; stream bank stabilization; streambed  
14 restoration; the placement of weirs, rock, or woody debris; planting;  
15 and channel modification. County road funds may be used beyond the  
16 county right-of-way for activities clearly associated with removal of  
17 fish passage barriers that are the responsibility of the county.  
18 Activities related to the removal of barriers to fish passage performed  
19 beyond the county right-of-way must not exceed twenty-five percent of  
20 the total cost of activities related to fish barrier removal on any one  
21 project, and the total annual cost of activities related to the removal  
22 of barriers to fish passage performed beyond the county rights-of-way  
23 must not exceed one-half of one percent of a county's annual road  
24 construction budget. The use of county road funds beyond the county  
25 right-of-way for activities associated with the removal of fish  
26 barriers is permissive, and wholly within the discretion of the county  
27 legislative authority. The use of county road funds beyond the county  
28 right-of-way for such activities does not create or impose a legal duty  
29 upon a county for salmon recovery work beyond the county right-of-way.

30 **Sec. 3.** RCW 36.82.160 and 1991 c 363 s 88 are each amended to read  
31 as follows:

32 Each county legislative authority, with the assistance of the  
33 county road engineer, shall prepare and file with the county auditor on  
34 or before the second Monday in August in each year, detailed and  
35 itemized estimates of all expenditures required in the county for the  
36 ensuing fiscal year. In the preparation and adoption of the county  
37 road budget the legislative authority shall determine and budget sums

1 to become available for the following county road purposes: (1)  
2 Administration, including compensation to county commissioners for the  
3 performance of their duties as road commissioners; (2) bond and warrant  
4 retirement; (3) maintenance; (4) construction; (5) operation of  
5 equipment rental and revolving fund; and (6) such other items relating  
6 to the county road budget as may be required by the county road  
7 administration board; and the respective amounts as adopted for these  
8 several items in the final budget for the ensuing calendar year shall  
9 not be altered or exceeded except as by law provided.

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