

EHB 1868 - S COMM AMD

By Committee on Government Operations & Security

NOT CONSIDERED 4/15/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.82.070 and 2010 c 43 s 1 are each amended to
4 read as follows:

5 (1) Any money paid to any county road fund may be used for the
6 construction, alteration, repair, improvement, or maintenance of
7 county roads and bridges thereon and for wharves necessary for
8 ferriage of motor vehicle traffic, and for ferries, and for the
9 acquiring, operating, and maintaining of machinery, equipment,
10 quarries, or pits for the extraction of materials, and for the cost
11 of establishing county roads, acquiring rights-of-way therefor, and
12 expenses for the operation of the county engineering office, and for
13 any of the following programs when directly related to county road
14 purposes: ~~((+1))~~ (a) Insurance; ~~((+2))~~ (b) self-insurance programs;
15 and ~~((+3))~~ (c) risk management programs; and for any other proper
16 county road purpose. Such expenditure may be made either
17 independently or in conjunction with the state or any city, town, or
18 tax district within the county. County road purposes include the
19 construction, maintenance, or improvement of park and ride lots.
20 County road purposes also include the removal of barriers to fish
21 passage related to county roads, and include, but are not limited to,
22 the following activities associated with the removal of these
23 barriers: Engineering and technical services; stream bank
24 stabilization; streambed restoration; the placement of weirs, rock,
25 or woody debris; planting; and channel modification. County road
26 funds may be used beyond the county right-of-way for activities
27 clearly associated with removal of fish passage barriers that are the
28 responsibility of the county. Activities related to the removal of
29 barriers to fish passage performed beyond the county right-of-way
30 must not exceed twenty-five percent of the total cost of activities
31 related to fish barrier removal on any one project, and the total
32 annual cost of activities related to the removal of barriers to fish
33 passage performed beyond the county rights-of-way must not exceed

1 one-half of one percent of a county's annual road construction
2 budget. The use of county road funds beyond the county right-of-way
3 for activities associated with the removal of fish barriers is
4 permissive, and wholly within the discretion of the county
5 legislative authority. The use of county road funds beyond the county
6 right-of-way for such activities does not create or impose a legal
7 duty upon a county for salmon recovery work beyond the county right-
8 of-way.

9 (2) For counties that consist entirely of islands or have tidally
10 influenced islands, county road purposes also include marine uses
11 relating to navigation and moorage. Such a county may deposit revenue
12 collected under RCW 84.52.043 and 36.82.040, in the amount or
13 percentage determined by the county, into a subaccount within the
14 county road fund to be used for marine facilities including mooring
15 buoys, docks, and aids to navigation.

16 **Sec. 2.** RCW 36.79.140 and 2001 c 221 s 2 and 2001 c 212 s 26 are
17 each reenacted and amended to read as follows:

18 At the time the board reviews the six-year program of each county
19 each even-numbered year, it shall consider and shall approve for
20 inclusion in its recommended budget, as required by RCW 36.79.130,
21 the portion of the rural arterial construction program scheduled to
22 be performed during the biennial period beginning the following July
23 1st. Subject to the appropriations actually approved by the
24 legislature, the board shall as soon as feasible approve rural
25 arterial trust account funds to be spent during the ensuing biennium
26 for preliminary proposals in priority sequence as established
27 pursuant to RCW 36.79.090. Only those counties that during the
28 preceding twelve months have spent all revenues collected for road
29 purposes only for such purposes, including removal of barriers to
30 fish passage and accompanying streambed and stream bank repair as
31 specified in RCW 36.82.070, and including traffic law enforcement, as
32 are allowed to the state by Article II, section 40 of the state
33 Constitution or RCW 36.82.070(2) are eligible to receive funds from
34 the rural arterial trust account, except that: (1) Counties with a
35 population of less than eight thousand are exempt from this
36 eligibility restriction; (2) counties expending revenues collected
37 for road purposes only on other governmental services after
38 authorization from the voters of that county under RCW 84.55.050 are
39 also exempt from this eligibility restriction; and (3) this

1 restriction shall not apply to any moneys diverted from the road
2 district levy under chapter 39.89 RCW. The board shall authorize
3 rural arterial trust account funds for the construction project
4 portion of a project previously authorized for a preliminary proposal
5 in the sequence in which the preliminary proposal has been completed
6 and the construction project is to be placed under contract. At such
7 time the board may reserve rural arterial trust account funds for
8 expenditure in future years as may be necessary for completion of
9 preliminary proposals and construction projects to be commenced in
10 the ensuing biennium.

11 The board may, within the constraints of available rural arterial
12 trust funds, consider additional projects for authorization upon a
13 clear and conclusive showing by the submitting county that the
14 proposed project is of an emergent nature and that its need was
15 unable to be anticipated at the time the six-year program of the
16 county was developed. The proposed projects shall be evaluated on the
17 basis of the priority rating factors specified in RCW 36.79.080."

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18 On page 1, line 2 of the title, after "counties;" strike the
19 remainder of the title and insert "amending RCW 36.82.070; and
20 reenacting and amending RCW 36.79.140."

EFFECT: Specifies that county road levy money, as determined by a
qualifying county, may be deposited in a subaccount within the county
road fund to be used for marine facilities including mooring buoys,
docks, and aids to navigation. Provides that counties using road levy
money in this manner maintain eligibility for the rural arterial
program.

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