

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1868

64th Legislature
2015 Regular Session

Passed by the House April 21, 2015
Yeas 81 Nays 16

Speaker of the House of Representatives

Passed by the Senate April 15, 2015
Yeas 46 Nays 3

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1868** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1868

AS AMENDED BY THE SENATE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Representatives Lytton and Morris

Read first time 01/30/15. Referred to Committee on Local Government.

1 AN ACT Relating to county road fund purposes for certain
2 counties; amending RCW 36.82.070; and reenacting and amending RCW
3 36.79.140.

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

5 **Sec. 1.** RCW 36.82.070 and 2010 c 43 s 1 are each amended to read
6 as follows:

7 (1) Any money paid to any county road fund may be used for the
8 construction, alteration, repair, improvement, or maintenance of
9 county roads and bridges thereon and for wharves necessary for
10 ferriage of motor vehicle traffic, and for ferries, and for the
11 acquiring, operating, and maintaining of machinery, equipment,
12 quarries, or pits for the extraction of materials, and for the cost
13 of establishing county roads, acquiring rights-of-way therefor, and
14 expenses for the operation of the county engineering office, and for
15 any of the following programs when directly related to county road
16 purposes: ~~((+1))~~ (a) Insurance; ~~((+2))~~ (b) self-insurance programs;
17 and ~~((+3))~~ (c) risk management programs; and for any other proper
18 county road purpose. Such expenditure may be made either
19 independently or in conjunction with the state or any city, town, or
20 tax district within the county. County road purposes include the
21 construction, maintenance, or improvement of park and ride lots.

1 County road purposes also include the removal of barriers to fish
2 passage related to county roads, and include, but are not limited to,
3 the following activities associated with the removal of these
4 barriers: Engineering and technical services; stream bank
5 stabilization; streambed restoration; the placement of weirs, rock,
6 or woody debris; planting; and channel modification. County road
7 funds may be used beyond the county right-of-way for activities
8 clearly associated with removal of fish passage barriers that are the
9 responsibility of the county. Activities related to the removal of
10 barriers to fish passage performed beyond the county right-of-way
11 must not exceed twenty-five percent of the total cost of activities
12 related to fish barrier removal on any one project, and the total
13 annual cost of activities related to the removal of barriers to fish
14 passage performed beyond the county rights-of-way must not exceed
15 one-half of one percent of a county's annual road construction
16 budget. The use of county road funds beyond the county right-of-way
17 for activities associated with the removal of fish barriers is
18 permissive, and wholly within the discretion of the county
19 legislative authority. The use of county road funds beyond the county
20 right-of-way for such activities does not create or impose a legal
21 duty upon a county for salmon recovery work beyond the county right-
22 of-way.

23 (2) For counties that consist entirely of islands, county road
24 purposes also include marine uses relating to navigation and moorage.
25 Such a county may deposit revenue collected under RCW 84.52.043 and
26 36.82.040, in the amount or percentage determined by the county, into
27 a subaccount within the county road fund to be used for marine
28 facilities, including mooring buoys, docks, and aids to navigation.

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

31 At the time the board reviews the six-year program of each county
32 each even-numbered year, it shall consider and shall approve for
33 inclusion in its recommended budget, as required by RCW 36.79.130,
34 the portion of the rural arterial construction program scheduled to
35 be performed during the biennial period beginning the following July
36 1st. Subject to the appropriations actually approved by the
37 legislature, the board shall as soon as feasible approve rural
38 arterial trust account funds to be spent during the ensuing biennium
39 for preliminary proposals in priority sequence as established

1 pursuant to RCW 36.79.090. Only those counties that during the
2 preceding twelve months have spent all revenues collected for road
3 purposes only for such purposes, including removal of barriers to
4 fish passage and accompanying streambed and stream bank repair as
5 specified in RCW 36.82.070, and including traffic law enforcement, as
6 are allowed to the state by Article II, section 40 of the state
7 Constitution or RCW 36.82.070(2) are eligible to receive funds from
8 the rural arterial trust account, except that: (1) Counties with a
9 population of less than eight thousand are exempt from this
10 eligibility restriction; (2) counties expending revenues collected
11 for road purposes only on other governmental services after
12 authorization from the voters of that county under RCW 84.55.050 are
13 also exempt from this eligibility restriction; and (3) this
14 restriction shall not apply to any moneys diverted from the road
15 district levy under chapter 39.89 RCW. The board shall authorize
16 rural arterial trust account funds for the construction project
17 portion of a project previously authorized for a preliminary proposal
18 in the sequence in which the preliminary proposal has been completed
19 and the construction project is to be placed under contract. At such
20 time the board may reserve rural arterial trust account funds for
21 expenditure in future years as may be necessary for completion of
22 preliminary proposals and construction projects to be commenced in
23 the ensuing biennium.

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

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