



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: County Road Administration Board

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

WAC 136-150-025 Ascertaining the expenditures for marine navigation and moorage purposes – adoption of this new section outlines ascertaining expenditures for marine navigation and moorage purposes, which were added as road purposes by EHB1868.

WAC 136-150-030 Identifying eligible counties – proposed changes to this section defines uses of any expenditures of the road levy for marine navigation and moorage, per RCW 36.82.070, and highlights the requirement for a specific and identifiable account within the road fund for said purposes.

Citation of existing rules affected by this order:

Repealed:

Amended: WAC136-025 and WAC 136-150-030

Suspended:

Statutory authority for adoption: 36.78

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 15-17-006 on August 06, 2015 (date).

Describe any changes other than editing from proposed to adopted version: The following proposed changes were not adopted: "WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement – proposed changes to this section requires each county sheriff to maintain records of actual annual traffic law enforcement expenditures in such format and detail as to demonstrate that the funds were used for traffic law enforcement. Also references new WAC 136-25 for defining traffic law enforcement activities."

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: October 29, 2015

NAME (TYPE OR PRINT)

Jay P. Weber

SIGNATURE

TITLE

Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 01, 2015

TIME: 12:45 PM

WSR 15-24-109

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

N/A

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

N/A

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted using: N/A

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 136-150-025 Ascertaining the expenditures for marine navigation and moorage purposes. In those counties in which road funds have been used for marine navigation and moorage purposes as specified in RCW 36.82.070, the county engineer shall submit a certification showing the amount of county road fund used for those activities related to marine navigation and moorage purposes performed contiguous with, adjacent to, or offshore concomitant to the county road right of way. Such certification shall be submitted to the county road administration board no later than April 1st of each year.

AMENDATORY SECTION (Amending WSR 03-05-010, filed 2/7/03, effective 3/10/03)

WAC 136-150-030 Identifying eligible counties. All counties with a population of less than eight thousand shall be eligible to receive RATA funds. Counties with a population greater than eight thousand shall be eligible to receive RATA funds only if, during the immediately preceding calendar year:

(1) The actual expenditures for traffic law enforcement have been equal to or greater than either the amount of the diverted road levy budgeted for traffic law enforcement or the amount of road funds transferred to current expense to fund traffic law enforcement;

(2) The amount of county road funds used beyond the county right of way for activities clearly associated with removal of fish passage barriers that are the responsibility of the county did not exceed twenty-five percent of the total cost of activities related to fish barrier removal on any one project and the total cost of activities related to fish barrier removal beyond the county right of way did not exceed one-half of one percent of the county's total annual road construction budget;

(3) Any expenditures of the road levy for marine navigation and moorage by those counties eligible per RCW 36.82.070 were made from amounts deposited into a special account within the road fund for those purposes and, performed contiguous with, adjacent to, or offshore concomitant to the county road right of way;

(4) All road funds that have been transferred to other funds have been used for legitimate road purposes;

~~((4))~~ (5) Revenues collected for road purposes have been expended on other governmental services only after authorization from the voters of that county under RCW 84.55.050; and

~~((5))~~ (6) County road levy funds have been expended in accordance with chapter 36.82 RCW.