



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: Department of Community Development

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: January 14, 1991 Administrative Order No. 91-01

(2) Purpose:  
Amend WAC 365-90 to reflect a new dedicated funding source and a new eligible jurisdiction for the Bordertown Program, and to update the name of the department.

(3) Citation of existing rules affected by this order:

Repealed: WAC 365-90-030, 365-90-050

Amended: WAC 365-90-010, 365-90-020, 365-90-040, 365-90-070, 365-90-080, 365-90-090

Suspended:

(4) Authority for adoption:

Statute: 43.63A.060 RCW

Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 90-22-107 on November 7, 1990 (date).

Describe any changes other than editing from proposed to adopted version:

n/a

(5.2) **EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

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

Yes  No If yes, explain:

(6) Effective date of rule:

**Permanent Rules**

**Emergency Rules**

31 days after filing

Immediately

Other (specify) \_\_\_\_\_ \*

Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JAN 28 1991

TIME 11:09 AM  
WSR 91-04-017

NAME (TYPE OR PRINT)

Chuck Clarke

SIGNATURE

*Chuck Clarke*

TITLE

Director

DATE

1-14-91

AMENDATORY SECTION (Amending Order 83-08, filed 10/27/83)

WAC 365-90-010 DECLARATION OF PUBLIC POLICY. The following regulations are adopted pursuant to chapter ((34.04)) 34.05 RCW, for the purpose of distributing ((funds--appropriated--by--the--legislature)) excess funds from the liquor revolving fund as supplemental resources for border areas, and commonly referred to as the bordertowns program.

The legislature has found and declared that certain counties and municipalities near international borders are subjected to a constant volume and flow of travelers and visitors for whom local government services must be provided. In addition, the legislature has further found that it is in the public interest and for the protection of the health, property, and welfare of both the residents and visitors to provide supplemental resources to augment and maintain existing levels of police protection in these areas.

((Funding-for-the-bordertowns-program-has--been--appropriated--to--the--planning--and--community-affairs-agency-by-the-legislature.)) The legislature has directed the liquor control board to disburse a percentage share of the excess funds from the liquor revolving fund to the department of community development for the bordertowns program. These rules are intended to provide the criteria and procedures that the ((planning-and-community-affairs-agency)) department of community development will utilize to distribute these funds to eligible jurisdictions.

AMENDATORY SECTION (Amending Order 83-08, filed 10/27/83)

WAC 365-90-020 DEFINITIONS. (1) ((("Agency")) "Department" means the ((planning-and-community-affairs-agency)) department of community development and any of its employees or personnel designated thereof.

(2) "Border areas" means ((any-incorporated-city-or-town-located within-seven-miles-of-the-Washington-Canadian-border-and-any-point--of land--surrounded--on-three-sides-by-water-and-adjacent-to-the-Canadian border--Further--border-areas-are--based--on--measurements--from--the boundary--of--Canada--to--the--incorporated--jurisdiction--or-affected area.)) Blaine, Everson, Friday Harbor, Lynden, Nooksack, Northport, Oroville, Port Angeles, Sumas, and the area of Whatcom County commonly referred to as Point Roberts. All funds received by Whatcom County shall be spent within the Point Roberts area.

(3) "Formula" means the formula developed by the ((planning--and community--affairs--agency)) department of community development under RCW 43.63A.190 based on border traffic and historical public impacts of law enforcement problems.

AMENDATORY SECTION (Amending Order 83-08, filed 10/27/83)

WAC 365-90-040 ALLOCATION OF FUNDS. The liquor control board shall disburse to the department three-tenths of one percent of the excess funds from the liquor revolving fund not less than once every three months. The department shall allocate those funds ((appropriated-by-the-legislature-shall-be-allocated)) within thirty days to the eligible jurisdictions based on criteria to include but not be limited to the following: (1) Traffic, (2) crime, and (3) per capita law enforcement budget.

AMENDATORY SECTION (Amending Order 83-08, filed 10/27/83)

WAC 365-90-070 CHANGES. The ((agency)) department, after consultation, discussion, or advisement, may modify or make minor adjustments to the formula for allocation of funds for the program. All decisions of the ((agency)) department under this program shall be final.

AMENDATORY SECTION (Amending Order 83-08, filed 10/27/83)

WAC 365-90-080 UNEXPENDED FUNDS. Any unspent funds may be reallocated by the ((agency)) department to other eligible jurisdictions.

AMENDATORY SECTION (Amending Order 83-08, filed 10/27/83)

WAC 365-90-090 ANNUAL REVIEW. The bordertowns program shall be reviewed on an annual basis in the first quarter of each fiscal year with the eligible jurisdictions to discuss the allocation formula and any recent changes that may affect the purpose of the program or the allocation of funds.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 365-90-030 ELIGIBLE JURISDICTION.

WAC 365-90-050 PROCEDURE FOR NOTIFICATION AND DISTRIBUTION.