

2 SHB 1848 - S COMM AMD

3 By Committee on State & Local Government

4 ADOPTED 4/7/99

5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** Article VIII, section 8 of the Washington  
8 state Constitution authorizes the use of public funds by port districts  
9 in such manner as the legislature may prescribe for industrial  
10 development or trade promotion. The legislature recognizes a growing  
11 need for a Washington port district that is located in a county that  
12 has a contiguous border with another state, and a population between  
13 fifty and seventy thousand, to participate with other public agencies  
14 of this state and an adjoining state to attract, encourage, and develop  
15 industry and promote trade on both sides of their borders, for the  
16 economic benefit to the state of Washington. RCW 53.08.240 authorizes  
17 agreements between two or more port districts for the exercise of  
18 powers both within and outside their districts, and further authorizes  
19 contracts by port districts with other governmental entities. The  
20 interlocal cooperation act, chapter 39.34 RCW, also authorizes joint  
21 agreements and contracts between port districts and other state and  
22 local public agencies including political subdivisions of other states.  
23 However, there is uncertainty as to whether or not a port district that  
24 is located in a county that has a contiguous border with another state,  
25 and a population between fifty and seventy thousand, may exercise  
26 industrial development or trade promotion powers outside the district  
27 or state boundaries except jointly with another Washington port  
28 district.

29 The purpose of this act is to define and clarify the authority of  
30 a Washington port district that is located in a county that has a  
31 contiguous border with another state, and a population between fifty  
32 and seventy thousand, to exercise those powers jointly or in  
33 cooperation with other public agencies when found to be necessary and  
34 beneficial to the people of this state.

1       **Sec. 2.** RCW 53.04.010 and 1963 c 147 s 1 are each amended to read  
2 as follows:

3       (1) Port districts are hereby authorized to be established in the  
4 various counties of the state for the purposes of acquisition,  
5 construction, maintenance, operation, development and regulation within  
6 the district of harbor improvements, rail or motor vehicle transfer and  
7 terminal facilities, water transfer and terminal facilities, air  
8 transfer and terminal facilities, or any combination of such transfer  
9 and terminal facilities, and other commercial transportation, transfer,  
10 handling, storage and terminal facilities, and industrial improvements.

11       (2) Powers of a port district that is located in a county that has  
12 a contiguous border with another state, and a population between fifty  
13 and seventy thousand, shall be exercised within the district, except as  
14 otherwise provided by statute or pursuant to an interlocal cooperation  
15 agreement with another public agency as defined in chapter 39.34 RCW.  
16 In addition to other requirements of chapter 39.34 RCW, such an  
17 interlocal cooperation agreement may involve the exercise of a port  
18 district's powers for a port district that is located in a county that  
19 has contiguous borders with another state, and a population between  
20 fifty and seventy thousand, outside the boundaries of the state of  
21 Washington in whole or in part only if found, by resolution of the port  
22 district commission exercising such authority, to be reasonably  
23 necessary for the effective exercise of the port district's statutory  
24 powers and for the benefit of the inhabitants of the district and the  
25 state of Washington. The resolution may be adopted only after a public  
26 hearing of which notice has been published in a newspaper of general  
27 circulation within the district at least ten days in advance.

28       **Sec. 3.** RCW 53.08.240 and 1961 c 24 s 1 are each amended to read  
29 as follows:

30       (1) Any two or more port districts shall have the power, by mutual  
31 agreement, to exercise jointly all powers granted to each individual  
32 district, and in the exercise of such powers shall have the right and  
33 power to acquire jointly all lands, property, property rights, leases,  
34 or easements necessary for their purposes, either entirely within or  
35 partly within or partly without or entirely without such districts:  
36 PROVIDED, That any two or more districts so acting jointly, by mutual  
37 agreement, shall not acquire any real property or real property rights  
38 in any other port district without the consent of such district.

1       (2) A district may enter into any contract with the United States,  
2 or any state, county, or municipal corporation, or any department of  
3 those entities, for carrying out any of the powers that each of the  
4 contracting parties may by law exercise separately.

5       (3)(a) A port district that is located in a county that has a  
6 contiguous border with another state, and a population between fifty  
7 and seventy thousand, may enter into any contract that each of the  
8 contracting parties may by law exercise separately with, including but  
9 not limited to, municipal corporations of adjoining states.

10       (b) In addition to other powers granted by statute, a port district  
11 that is located in a county that has a contiguous border with another  
12 state, and a population between fifty and seventy thousand, may enter  
13 into agreements with the United States or any of its agencies, or with  
14 any state, or with any municipal corporation of this state or of an  
15 adjoining state, for exercising jointly or cooperatively within or  
16 outside the district, in whole or in part, any of the powers that each  
17 of the contracting parties may by law exercise separately, for the  
18 promotion or development of trade or industry. Such powers may be  
19 exercised outside the boundaries of this state only after a public  
20 hearing of which notice has been published in a newspaper of general  
21 circulation within the district at least ten days in advance, and  
22 pursuant to findings and a resolution by the port district's commission  
23 that: (i) The undertaking and the district's participation in it will  
24 substantially benefit the district and the state of Washington; and  
25 (ii) the districts' share of the cost will not exceed an amount  
26 calculated by dividing the total cost of the undertaking by the number  
27 of participants."

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31 On page 1, line 2 of the title, after "limits;" strike the  
32 remainder of the title and insert "amending RCW 53.04.010 and  
33 53.08.240; and creating a new section."

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