

2 SHB 1848 - S COMM AMD

3 By Committee on State & Local Government

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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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