

SENATE BILL REPORT

SHB 1848

As Reported By Senate Committee On:
State & Local Government, March 29, 1999

Title: An act relating to clarifying the authority of port districts to exercise powers within and outside their territorial limits.

Brief Description: Clarifying the authority of port districts.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Grant, Mastin and Dunn).

Brief History:

Committee Activity: State & Local Government: 3/24/99, 3/29/99 [DPA].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass as amended.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Staff: Sharon Swanson (786-7445)

Background: Port District Powers. Port districts are authorized for the purpose of acquisition, construction, maintenance, operation, development and regulation within the district of harbor improvements, rail or motor vehicle transfer and terminal facilities, water and air transfer and terminal facilities, or any combination of these facilities. A port district may also, through its commission, spend money and conduct promotions of resources and facilities within the district or general area through advertising, publicizing, or marketing.

The Washington Constitution expressly states in Article VIII, Section 8, that the use of public funds by port districts for industrial development or trade promotion is deemed a public use for a public purpose.

Port District Interlocal Cooperation Agreements. Port districts may jointly exercise powers with any other port district to jointly acquire lands, property, property rights, leases, or easements necessary for port district purposes, either within or without the county(s) where the districts are located. A district may also enter into a contract with the United States or any state, county, or municipal corporation for carrying out any agreed duties.

Summary of Amended Bill: A port district located in a county with contiguous borders with another state and a population between 50,000 and 70,000 is authorized to exercise industrial development or trade promotion powers outside district or state boundaries or to exercise joint authority with another port district or in cooperation with other public agencies.

Port District Powers. A port district located in a county with contiguous borders with another state and a population between 50,000 and 70,000 is expressly authorized to exercise its powers through an interlocal cooperation agreement outside the boundaries of Washington in whole or in part. This authority must be made by resolution of the port district commission and may only be adopted after a public hearing. Notice for the public hearing must be published in a newspaper within the district at least ten days in advance.

Port District Interlocal Cooperation Agreements. Port districts located in a county with contiguous borders with another state and a population between 50,000 and 70,000 are authorized to enter into interlocal cooperation agreements with municipal corporations of adjoining states, as well as entities currently in statute, to operate within or outside the district. The authority to execute the promotion or development of trade or industry outside the boundaries of the state is also expressly stated.

This authority may only be granted when a notice of public hearing has been published at least ten days in advance in a newspaper within the district and pursuant to findings and a resolution of the port district commissioners. The findings must state that:

- the district's participation will substantially benefit the district and the state; and
- the district's share of the cost will not exceed an amount calculated by dividing the total cost of the undertaking by the number of participants.

Amended Bill Compared to Substitute Bill: The striking amendment conforms the bill to its original intent.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will allow local port districts to work across state lines. This will help promote jobs and industry. Great bill for smaller, struggling communities.

Testimony Against: None.

Testified: PRO: Representative Grant, prime sponsor; Jim Kuntz, Port of Walla Walla.