

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1848**

Chapter 306, Laws of 1999

56th Legislature  
1999 Regular Session

PORT DISTRICTS--POWERS

EFFECTIVE DATE: 7/25/99

Passed by the House April 19, 1999  
Yeas 92 Nays 5

CLYDE BALLARD  
**Speaker of the House of Representatives**

FRANK CHOPP  
**Speaker of the House of Representatives**

Passed by the Senate April 7, 1999  
Yeas 48 Nays 1

BRAD OWEN  
**President of the Senate**

Approved May 13, 1999

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1848** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER  
**Chief Clerk**

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

May 13, 1999 - 3:56 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1848**

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AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

**State of Washington                      56th Legislature                      1999 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Grant, Mastin and Dunn)

Read first time 03/02/1999.

1            AN ACT Relating to clarifying the authority of port districts to  
2 exercise powers within and outside their territorial limits; amending  
3 RCW 53.04.010 and 53.08.240; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** Article VIII, section 8 of the Washington  
6 state Constitution authorizes the use of public funds by port districts  
7 in such manner as the legislature may prescribe for industrial  
8 development or trade promotion. The legislature recognizes a growing  
9 need for a Washington port district that is located in a county that  
10 has a contiguous border with another state, and a population between  
11 fifty and seventy thousand, to participate with other public agencies  
12 of this state and an adjoining state to attract, encourage, and develop  
13 industry and promote trade on both sides of their borders, for the  
14 economic benefit to the state of Washington. RCW 53.08.240 authorizes  
15 agreements between two or more port districts for the exercise of  
16 powers both within and outside their districts, and further authorizes  
17 contracts by port districts with other governmental entities. The  
18 interlocal cooperation act, chapter 39.34 RCW, also authorizes joint  
19 agreements and contracts between port districts and other state and

1 local public agencies including political subdivisions of other states.  
2 However, there is uncertainty as to whether or not a port district that  
3 is located in a county that has a contiguous border with another state,  
4 and a population between fifty and seventy thousand, may exercise  
5 industrial development or trade promotion powers outside the district  
6 or state boundaries except jointly with another Washington port  
7 district.

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

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

16 (1) Port districts are hereby authorized to be established in the  
17 various counties of the state for the purposes of acquisition,  
18 construction, maintenance, operation, development and regulation within  
19 the district of harbor improvements, rail or motor vehicle transfer and  
20 terminal facilities, water transfer and terminal facilities, air  
21 transfer and terminal facilities, or any combination of such transfer  
22 and terminal facilities, and other commercial transportation, transfer,  
23 handling, storage and terminal facilities, and industrial improvements.

24 (2) Powers of a port district that is located in a county that has  
25 a contiguous border with another state, and a population between fifty  
26 and seventy thousand, shall be exercised within the district, except as  
27 otherwise provided by statute or pursuant to an interlocal cooperation  
28 agreement with another public agency as defined in chapter 39.34 RCW.  
29 In addition to other requirements of chapter 39.34 RCW, such an  
30 interlocal cooperation agreement may involve the exercise of a port  
31 district's powers for a port district that is located in a county that  
32 has contiguous borders with another state, and a population between  
33 fifty and seventy thousand, outside the boundaries of the state of  
34 Washington in whole or in part only if found, by resolution of the port  
35 district commission exercising such authority, to be reasonably  
36 necessary for the effective exercise of the port district's statutory  
37 powers and for the benefit of the inhabitants of the district and the  
38 state of Washington. The resolution may be adopted only after a public

1 hearing of which notice has been published in a newspaper of general  
2 circulation within the district at least ten days in advance.

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

5       (1) Any two or more port districts shall have the power, by mutual  
6 agreement, to exercise jointly all powers granted to each individual  
7 district, and in the exercise of such powers shall have the right and  
8 power to acquire jointly all lands, property, property rights, leases,  
9 or easements necessary for their purposes, either entirely within or  
10 partly within or partly without or entirely without such districts:  
11 PROVIDED, That any two or more districts so acting jointly, by mutual  
12 agreement, shall not acquire any real property or real property rights  
13 in any other port district without the consent of such district.

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

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

23       (b) In addition to other powers granted by statute, a port district  
24 that is located in a county that has a contiguous border with another  
25 state, and a population between fifty and seventy thousand, may enter  
26 into agreements with the United States or any of its agencies, or with  
27 any state, or with any municipal corporation of this state or of an  
28 adjoining state, for exercising jointly or cooperatively within or  
29 outside the district, in whole or in part, any of the powers that each  
30 of the contracting parties may by law exercise separately, for the  
31 promotion or development of trade or industry. Such powers may be  
32 exercised outside the boundaries of this state only after a public  
33 hearing of which notice has been published in a newspaper of general  
34 circulation within the district at least ten days in advance, and  
35 pursuant to findings and a resolution by the port district's commission  
36 that: (i) The undertaking and the district's participation in it will  
37 substantially benefit the district and the state of Washington; and  
38 (ii) the districts' share of the cost will not exceed an amount

1 calculated by dividing the total cost of the undertaking by the number  
2 of participants.

Passed the House April 19, 1999.

Passed the Senate April 7, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.