
HOUSE BILL 1546

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Nelson, Haugen, Brough, Hine, Locke, Heavey, Valle, G. Fisher, O'Brien, Zellinsky, R. Fisher, Rust, Brekke, Belcher, Prentice, H. Sommers, Cole, Jacobsen, Phillips and Braddock.

Read first time January 31, 1991. Referred to Committee on Local Government\Revenue.

1 AN ACT Relating to port districts; amending RCW 53.36.020,
2 53.36.100, and 53.06.030; adding new section to chapter 53.12 RCW; and
3 adding a new section to chapter 43.09 RCW.

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

5 **Sec. 1.** RCW 53.36.020 and 1973 1st ex.s. c 195 s 56 are each
6 amended to read as follows:

7 (1) A port district with a population of less than one hundred
8 thousand may raise revenue by levy of an annual tax not to exceed
9 forty-five cents per thousand dollars of assessed value against the
10 assessed valuation of the taxable property in such port district for
11 general port purposes, including the establishment of a capital
12 improvement fund for future capital improvements, except that any levy
13 for the payment of the principal and interest of the general bonded
14 indebtedness of the port district shall be in excess of any levy made

1 by the port district under the forty-five cents per thousand dollars of
2 assessed value limitation. The levy shall be made and taxes collected
3 in the manner provided for the levy and collection of taxes in school
4 districts of the first class.

5 (2) A port district with a population of one hundred thousand or
6 more may impose property tax levies under this section only if a ballot
7 proposition authorizing the imposition of such levies for either one or
8 two years has been approved by a simple majority vote of the port
9 district voters voting on the proposition. However, a port district
10 with a population of one hundred thousand or more may continue imposing
11 property tax levies under this section without obtaining voter
12 approval, but only to the extent necessary to avoid the impairment of
13 the obligation to make redemption payments on general obligation bonds
14 issued prior to the effective date of this act.

15 **Sec. 2.** RCW 53.36.100 and 1982 1st ex.s. c 3 s 1 are each amended
16 to read as follows:

17 A port district having adopted a comprehensive scheme of harbor
18 improvements and industrial developments may thereafter raise revenue,
19 for twelve years only, in addition to all other revenues now authorized
20 by law, by an annual levy not to exceed forty-five cents per thousand
21 dollars of assessed value against the assessed valuation of the taxable
22 property in such port district. Said levy shall be used exclusively
23 for the exercise of the powers granted to port districts under chapter
24 53.25 RCW except as provided in RCW 53.36.110. The levy of such taxes
25 is herein authorized notwithstanding the provisions of RCW 84.52.050
26 and 84.52.043. The revenues derived from levies made under RCW
27 53.36.100 and 53.36.110 not expended in the year in which the levies
28 are made may be paid into a fund for future use in carrying out the
29 powers granted under chapter 53.25 RCW, which fund may be accumulated

1 and carried over from year to year, with the right to continue to levy
2 the taxes provided for in RCW 53.36.100 and 53.36.110 for the purposes
3 herein authorized.

4 If a port district with a population of less than one hundred
5 thousand intends to levy a tax under this section for one or more years
6 after the first six years authorized in this section, the port
7 commission shall publish notice of this intention, in one or more
8 newspapers of general circulation within the district, by June 1 of the
9 year in which the first levy of the seventh through twelfth year period
10 is to be made. If within ninety days of the date of publication a
11 petition is filed with the county auditor containing the signatures of
12 eight percent of the number of voters registered and voting in the port
13 district for the office of the governor at the last preceding
14 gubernatorial election, the county auditor shall canvass the signatures
15 in the same manner as prescribed in RCW 29.79.200 and certify their
16 sufficiency to the port commission within two weeks. The proposition
17 to make these levies in the seventh through twelfth year period shall
18 be submitted to the voters of the port district at a special election,
19 called for this purpose, no later than the date on which a primary
20 election would be held under RCW 29.13.070. The levies may be made in
21 the seventh through twelfth year period only if approved by a majority
22 of the voters of the port district voting on the proposition.

23 A port district with a population of one hundred thousand or more
24 may impose a tax levy under this section only if a ballot proposition
25 authorizing the imposition of such a levy is approved by a simple
26 majority vote of the voters of the port district voting on the
27 proposition. The ballot proposition may authorize such a port district
28 to impose a tax levy for either one or two years, out of the maximum
29 number of twelve years. A port district with a population of one
30 hundred thousand or more, that imposed a tax levy under this section

1 for collection in 1991 and which has imposed a levy under this section
2 for less than twelve years, may continue imposing tax levies under this
3 section for the remainder of the twelve-year period, but only to the
4 extent necessary to avoid the impairment of the obligation to make
5 redemption payments on general obligation bonds issued prior to the
6 effective date of this act.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 53.12 RCW
8 to read as follows:

9 (1) The voters of any port district are granted the powers of
10 initiative and referendum on the imposition of property taxes by the
11 port district, issuance of nonvoter-approved general obligation bonds
12 by the port district, and adoption or amendment of plans for the port
13 district, including, but not limited to, a comprehensive scheme of
14 harbor improvements, a general plan of harbor improvements, and a
15 general plan of industrial development.

16 (2) An initiative measure proposing the adoption of a resolution or
17 other official action of a port commission may be submitted to the
18 voters of the port district by filing with the county auditor of the
19 county in which the port district is located a petition that proposes
20 the measure and that has been signed by voters of the port district
21 equal in number to at least eight percent of the number of voters of
22 the port district who voted at the last state general election. Each
23 initiative petition shall identify the port district to which the
24 initiative measure is submitted, set forth the text of the proposed
25 measure, and shall include space for the name, signature, and address
26 of each voter who signs the petition.

27 The county auditor shall verify the signatures on the initiative
28 petition and certify its sufficiency within fourteen days of its
29 filing. If the number of valid signatures is sufficient, the county

1 auditor shall certify the sufficiency of the petition and submit the
2 proposed measure to the voters of the port district at the next state
3 general election occurring at least ninety days after its submittal,
4 unless the port commission adopts the proposed measure in full and
5 without change. Approval of the proposed measure shall be by simple
6 majority vote of the voters of the port district who vote on the
7 measure.

8 The port commission may submit an alternative measure to the voters
9 for their approval or rejection. When an alternative measure is
10 submitted, the ballots shall be printed in the same manner that
11 conflicting state measures are submitted to the voters under Article
12 II, section 1(a) of the state Constitution.

13 (3) A referendum measure proposing the referral of a resolution or
14 other official action of a port commission, or any portion thereof, may
15 be submitted to the voters of the port district by filing with the
16 county auditor of the county in which the port district is located a
17 petition that proposes the referendum and that has been signed by
18 voters of the port district equal in number to at least six percent of
19 the number of voters of the port district who voted at the last state
20 general election. Each referendum petition shall identify the port
21 district to which the referendum measure is submitted, set forth the
22 text of the resolution or other official action, or part thereof, that
23 is sought to be subjected to referendum action, and shall include space
24 for the name, signature, and address of each voter who signs the
25 petition. A referendum petition must be submitted to the county
26 auditor within twenty-five days of the date the resolution or other
27 official action was adopted by the port commission. However, a
28 resolution or other official action of a port commission, or portion
29 thereof, shall not be subject to such referendum action if the
30 resolution or other official action is necessary for the immediate

1 preservation of public peace, health, and safety or for the support of
2 the port district, contains a statement of urgency, and is passed by
3 unanimous action of the port commission.

4 The county auditor shall verify the signatures on the referendum
5 petition and certify its sufficiency within fourteen days of its
6 filing. Upon the filing of a referendum petition, the resolution or
7 other official action, or portion thereof, sought to be referred to
8 voters shall be suspended until the county auditor certifies that the
9 petitions do not have sufficient valid signatures or until the voters
10 have approved the measure that is subjected to referendum action, or
11 portion thereof. If the petition is certified as having sufficient
12 valid signatures, the measure shall be referred to the voters of the
13 port district for their approval or rejection at the next state general
14 election occurring at least ninety days after the day of its submittal,
15 unless the port commission repeals the resolution or other official
16 action, or portion thereof. Approval of a resolution or other official
17 action, or portion thereof, that is referred to the voters shall be by
18 simple majority vote of the voters of the port district voting on the
19 measure.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 53.12 RCW
21 to read as follows:

22 In lieu of per diem compensation authorized under RCW 53.12.260, a
23 board of commissioners of a port district may adopt a resolution
24 providing each commissioner with a salary of not to exceed one thousand
25 dollars per month if the port district received nontax operating
26 revenues of at least forty million dollars in the calendar year
27 preceding the payment of the monthly salary.

1 **Sec. 5.** RCW 53.06.030 and 1989 c 425 s 4 are each amended to read
2 as follows:

3 The port district commissions in this state are empowered to
4 designate the Washington public ports association as a coordinating
5 agency through which the duties imposed by RCW 53.06.020 may be
6 performed, harmonized or correlated. The purposes of the Washington
7 public ports association shall be:

8 (1) To initiate and carry on the necessary studies, investigations
9 and surveys required for the proper development and improvement of the
10 commerce and business generally common to all port districts, and to
11 assemble and analyze the data thus obtained and to cooperate with the
12 state of Washington, port districts both within and without the state
13 of Washington, and other operators of terminal and transportation
14 facilities for this purpose, and to make such expenditures as are
15 necessary for these purposes, including the proper promotion and
16 advertising of all such properties, utilities and facilities;

17 (2) To establish coordinating and joint marketing bodies comprised
18 of association members, including but not limited to establishment of
19 a federation of Washington ports as described in RCW 53.06.070, as may
20 be necessary to provide effective and efficient marketing of the
21 state's trade, tourism, and travel resources;

22 (3) To exchange information relative to port construction,
23 maintenance, operation, administration and management;

24 (4) To promote and encourage port development along sound economic
25 lines;

26 (5) To promote and encourage the development of transportation,
27 commerce and industry;

28 (6) To operate as a clearing house for information, public
29 relations and liaison for the port districts of the state and to serve
30 as a channel for cooperation among the various port districts and for

1 the assembly and presentation of information relating to the needs and
2 requirements of port districts to the public; and

3 (7) To publish annually a summary of port district finances showing
4 for each port district, among other items, the amount of property tax
5 collections and the percentage of total income that the property tax
6 collections constitute, and to distribute these summaries to the
7 legislature and interested citizens.

8 NEW SECTION. Sec. 6. A new section is added to chapter 43.09 RCW
9 to read as follows:

10 The system of accounting and reporting for port districts shall
11 treat all property tax receipts as a discrete category or categories of
12 nonoperating income.