

RCW 47.87.030 Commission formation agreement. (1) Upon enactment of an act by a bordering state having the same material effect as chapter 89, Laws of 2022, as determined by the office of the attorney general, local governments may enter into a commission formation agreement to form and charter a commission under this chapter. The commission shall be a public corporation formed under the laws of both states, vested with the powers and duties granted by this chapter. The commission shall perform an essential governmental function and shall exercise its powers for the public purposes described in this chapter.

(2) Local governments may by resolution enter a commission formation agreement, consistent with the requirements of this chapter, to charter and form a commission. The commission formation agreement shall, at a minimum, be approved and executed by the owner of an existing bridge and the governing bodies of the counties within which an existing bridge is situated. A commission formation agreement may be enacted by local governments in phases. However, all required elements of a commission formation agreement must be enacted by the local governments prior to any board authorization to issue toll revenue bonds for the construction of the bridge. The commission formation agreement shall establish the following provisions:

(a) A name for the commission;

(b) The date on which the powers granted to the commission by this chapter become effective;

(c) The primary place of business for the purpose of establishing applicable laws under RCW 47.87.130;

(d) The composition and appointment process for members of the board, as described in RCW 47.87.040 (1) and (2);

(e) The term of office for, and rules, responsibilities, and requirements applicable to, the office of chair and cochair, as described in RCW 47.87.040(4);

(f) The requirements for formal actions of the board, as described in RCW 47.87.040(5); and

(g) Such other provisions as the local governments may elect, as long as the provisions comply with applicable laws, and do not impair or adversely affect the powers of the commission granted by this chapter.

(3) The commission formation agreement may allow the board to amend all or some of the provisions included in the commission formation agreement pursuant to subsection (2)(d), (e), (f), or (g) of this section and RCW 47.87.040(5), and may establish conditions for such amendments.

(4) The purposes of the commission are to:

(a) Design, engineer, develop, finance and refinance, install, equip, and construct a bridge to replace and remove an existing toll bridge;

(b) Act as a cooperative bistate governance structure to develop, own or control, fix and adjust tolls, and regulate the use of a bridge;

(c) Oversee the efficient operation, maintenance, administration, rehabilitation, and renewal of the bridge; and

(d) Perform such additional duties and exercise such additional powers as may hereafter be conferred upon the commission pursuant to law. [2022 c 89 § 3.]