CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1257**

Chapter 347, Laws of 2023

68th Legislature

2023 Regular Session

CARGO AND PASSENGER PORTS—COORDINATION WITH OTHER PORTS

EFFECTIVE DATE: July 23, 2023

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| Passed by the House April 18, 2023  Yeas 97 Nays 0  LAURIE JINKINS  **Speaker of the House of Representatives**  Passed by the Senate April 12, 2023  Yeas 49 Nays 0  DENNY HECK  **President of the Senate** | CERTIFICATE  I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1257** as passed by the House of Representatives and the Senate on the dates hereon set forth.  BERNARD DEAN  Chief Clerk |
| Approved May 9, 2023 10:44 AM | May 10, 2023 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**HOUSE BILL 1257**

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Hackney, Abbarno, and Reed

AN ACT Relating to the authority of cargo and passenger ports; adding a new section to chapter 53.08 RCW; creating a new section; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) Washington state ports were created to preserve public ownership of public resources, giving local governments the ability and statutory authority to support economic development for the public benefit.

(2) The legislature finds and declares that Washington public port districts that carry out or seek to carry out operations involving the movement of cargo or passengers are a vital part of the economy and trade infrastructure within the state.

(3) The legislature further finds that there is an important public purpose for qualified cargo and passenger ports to coordinate, reach agreement on, and implement all actions under their authority with other qualified cargo and passenger ports. The legislature intends by this act to grant qualified cargo and passenger ports with the authority to operate in furtherance of this public purpose, including the specified powers granted in this act relating to cargo and passenger transportation, without liability under federal antitrust laws.

(4) The legislature further intends to restore parity between qualified cargo and passenger ports and the marine carrier industry. The marine carrier industry can create an exemption from federal antitrust law liability and with this act the legislature intends to allow the same protection to the qualified cargo and passenger ports they serve.

NEW SECTION. **Sec.**  A new section is added to chapter 53.08 RCW to read as follows:

(1) For the purpose of this section, "qualified cargo and passenger port" means a Washington public port district that: (a) Provides or seeks to provide wharfage, dock, warehouse, or other marine terminal facilities to marine carriers; and (b) participates in a meeting of other cargo and passenger ports where discussion of wharfage, dockage, warehouse, and other issues affecting marine terminal facilities are held under an agreement filed with the federal maritime commission under 46 U.S.C. Sec. 40301(b) and 40302(a).

(2) Qualified cargo and passenger ports have the power to coordinate, reach agreement on, and implement all actions under their authority with other qualified cargo and passenger ports. This includes the power to meet with qualified cargo and passenger ports and other port authorities to discuss and agree on issues of mutual interest relating to maritime operations, including:

(a) Rates and charges to be assessed at the qualified cargo and passenger ports;

(b) Rules, practices, and procedures relating to cargo and passenger service operations;

(c) Matters concerning the planning, development, management, marketing, operation, and use of their facilities; and

(d) Any other matters relating to cargo and passenger service operations.

(3) This section expires 10 years after the effective date of this section.

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Passed by the House April 18, 2023.

Passed by the Senate April 12, 2023.

Approved by the Governor May 9, 2023.

Filed in Office of Secretary of State May 10, 2023.