

2SSB 5955 - S AMD 639

By Senator Keiser

ADOPTED 02/13/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** Airports are an important part of
4 Washington's economy. Airports enable travel for business or
5 recreation, allow for the transportation of cargo, and provide
6 thousands of jobs for the people of the state.

7 For those living near an airport, there can also be adverse
8 impacts from aircraft operations. In King county, the majority of
9 people identifying as Black, Hispanic, Native Hawaiian, or Pacific
10 Islander live within 10 miles of Seattle-Tacoma international
11 airport.

12 Large port districts operating commercial service airports that
13 administer aircraft noise mitigation programming have expressed a
14 desire and intention to repair or replace aircraft noise mitigation
15 equipment that has been found to be no longer working as intended or
16 is reported to have caused additional hazards or structural damage to
17 the property. Large port districts are restricted to use local,
18 nonairport resources to address such equipment due to limitations
19 imposed by federal regulations.

20 Ensuring the efficacy of existing noise mitigation equipment, and
21 the repair or replacement of equipment that has caused hazards or
22 structural damage to the property serves a fundamental governmental
23 purpose and thereby provides wider public benefit to the citizens of
24 Washington.

25 The legislature intends to partner with port districts operating
26 large airports in the state and impacted areas to provide resources
27 to repair or replace noise mitigation equipment that has been found
28 to be no longer working as intended, or is found to have caused
29 additional hazards or structural damage to the property, and to
30 address the impacts of aircraft operations that are faced by impacted
31 areas.

1 With this partnership and resources large airports can be more
2 responsive, more effectively and quickly address relevant noise
3 mitigation equipment, and help uphold the values of respect,
4 antiracism, equity, and stewardship.

5 **Sec. 2.** RCW 53.54.020 and 2020 c 105 s 2 are each amended to
6 read as follows:

7 (1) Prior to initiating programs as authorized in this chapter,
8 the port commission shall undertake the investigation and monitoring
9 of aircraft noise impact to determine the nature and extent of the
10 impact. The port commission shall adopt a program of noise impact
11 abatement based upon the investigations and as amended periodically
12 to conform to needs demonstrated by the monitoring programs. In no
13 case may the port district undertake any of the programs prescribed
14 in this chapter in an area that is:

15 (a) More than (~~ten~~) 10 miles beyond the paved north end of any
16 runway;

17 (b) More than (~~thirteen~~) 13 miles beyond the paved south end of
18 any runway; or

19 (c) More than two miles from the centerline of any runway (~~ten~~)
20 10 miles north and (~~thirteen~~) 13 miles south from the paved end of
21 such runway.

22 (2) (~~Such areas as determined in this section,~~) Areas within
23 which a port district may undertake a program authorized in this
24 chapter shall be known as "impacted areas."

25 **Sec. 3.** RCW 53.54.030 and 2021 c 65 s 3 are each amended to read
26 as follows:

27 (1) For the purposes of this chapter, in developing a remedial
28 program, the port commission may take steps as appropriate including,
29 but not limited to, one or more of the following programs:

30 (a) Acquisition of property or property rights within the
31 impacted area, which shall be deemed necessary to accomplish a port
32 purpose. The port district may purchase such property or property
33 rights by time payment notwithstanding the time limitations provided
34 for in RCW 53.08.010. The port district may mortgage or otherwise
35 pledge any such properties acquired to secure such transactions. The
36 port district may assume any outstanding mortgages.

37 (b) Transaction assistance programs, including assistance with
38 real estate fees and mortgage assistance, and other neighborhood

1 remedial programs as compensation for impacts due to aircraft noise
2 and noise associated conditions. Any such programs shall be in
3 connection with properties located within an impacted area and shall
4 be provided upon terms and conditions as the port district shall
5 determine appropriate.

6 (c) Programs of soundproofing structures located within an
7 impacted area. Such programs may be executed without regard to the
8 ownership, provided the owner waives damages and conveys an easement
9 for the operation of aircraft, and for noise and noise associated
10 conditions therewith, to the port district.

11 (d) Mortgage insurance of private owners of lands or improvements
12 within such noise impacted area where such private owners are unable
13 to obtain mortgage insurance solely because of noise impact. In this
14 regard, the port district may establish reasonable regulations and
15 may impose reasonable conditions and charges upon the granting of
16 such mortgage insurance. Such mortgage insurance fees and charges
17 shall at no time exceed fees established for federal mortgage
18 insurance programs for like service.

19 (e) Management of all lands, easements, or development rights
20 acquired, including but not limited to the following:

21 (i) Rental of any or all lands or structures acquired;

22 (ii) Redevelopment of any such lands for any economic use
23 consistent with airport operations, local zoning and the state
24 environmental policy;

25 (iii) Sale of such properties for cash or for time payment and
26 subjection of such property to mortgage or other security
27 transaction: PROVIDED, That any such sale shall reserve to the port
28 district by covenant an unconditional right of easement for the
29 operation of all aircraft and for all noise or noise conditions
30 associated therewith.

31 (2)(a) An individual property may be provided benefits by the
32 port district under each of the programs described in subsection (1)
33 of this section. However, an individual property may not be provided
34 benefits under any one of these programs more than once, unless the
35 property:

36 (i) Is subjected to increased aircraft noise or differing
37 aircraft noise impacts that would have afforded different levels of
38 mitigation, even if the property owner had waived all damages and
39 conveyed a full and unrestricted easement; or

1 (ii) Contains a soundproofing installation, structure, or other
2 type of sound mitigation equipment product or benefit previously
3 installed pursuant to the remedial program under this chapter by the
4 port district that is determined through inspection to be in need of
5 a repair or replacement.

6 (b) Port districts choosing to exercise the authority under
7 (a)(ii) of this subsection are required to conduct inspections of
8 homes where mitigation improvements are no longer working as
9 intended. In those properties, port districts (~~must work with a~~
10 ~~state certified building inspector~~) may contract with building
11 inspectors or other professionals with experience in sound testing,
12 or window and door installs, or port districts may enter into an
13 interlocal agreement under chapter 39.34 RCW with the county in which
14 the port is located to contract for the provision of building
15 inspectors or professionals with experience in sound testing, or
16 window and door installs to determine whether package failure
17 resulted in additional hazards or structural damage to the property.
18 Any expense incurred by the county related to contracting of a
19 building inspector or professional under this subsection (2)(b) must
20 be reimbursed by the port district. A port district may use funds
21 from the grant program created under section 5 of this act to
22 reimburse the county for expenses incurred for the contracting of a
23 building inspector or other professional.

24 (c) Port districts choosing to exercise their authority under (b)
25 of this subsection may apply to the grant program created under
26 section 5 of this act for resources to facilitate the assessment and
27 inspection of noise mitigation equipment that is no longer working as
28 intended, or is reported to have caused additional hazards or
29 structural damage to the property.

30 (d) If a building inspector or other professional contracted
31 pursuant to (c) of this subsection identifies that a property's noise
32 mitigation equipment is no longer working as intended, then the
33 associated port district must apply to the grant program created
34 under section 5 of this act for resources to repair or replace
35 existing noise mitigation equipment. If an inspection confirms that
36 installation of noise mitigation equipment resulted in additional
37 hazards or structural damage to the property, then a port district
38 must apply to the grant program under section 5 of this act for
39 resources to address those hazards or damages.

1 (3) A property shall be considered within the impacted area if
2 any part thereof is within the impacted area.

3 **Sec. 4.** RCW 53.54.040 and 1974 ex.s. c 121 s 4 are each amended
4 to read as follows:

5 A port district may establish a fund to be utilized in
6 effectuating the intent of this chapter. The port district may
7 finance such fund by: The proceeds of any grants or loans made by
8 federal agencies; the proceeds of any grants made by the department
9 of commerce pursuant to section 5 of this act; rentals, charges, and
10 other revenues as may be generated by programs authorized by this
11 chapter, airport revenues; and revenue bonds based upon such
12 revenues. The port district may also finance such fund, as necessary,
13 in whole or in part, with the proceeds of general obligation bond
14 issues of not more than one-eighth of one percent of the value of
15 taxable property in the port district: PROVIDED, That any such bond
16 issue shall be in addition to bonds authorized by RCW 53.36.030:
17 PROVIDED FURTHER, That any such general obligation bond issue may be
18 subject to referendum by petition as provided by county charter, the
19 same as if it were a county ordinance.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.330
21 RCW to read as follows:

22 (1) The department of commerce shall administer a grant program
23 to provide assistance to qualifying port districts for expenses
24 related to noise mitigation pursuant to RCW 53.54.030(2) (c) and (d).

25 (2) The department of commerce shall prepare and publish an
26 annual report on its website detailing grants made under this
27 section. The report must include: (a) The number of inspectors or
28 other professionals contracted; (b) the number of inspections
29 conducted; (c) the number of properties provided with new or improved
30 noise mitigation equipment subsequent to an inspection; (d) the
31 number of properties receiving funds to address hazards or damages
32 proven by an inspection to be associated with the installation of
33 noise mitigation equipment; and (e) the number of inspected
34 properties where no repairs occurred and the reasons why.

35 (3) A qualifying port district receiving funds under this section
36 may commit to matching, from port district funds not subject to
37 federal airport revenue use requirements, at least half of the total
38 funding provided by the legislature under section 6 of this act for

1 the purposes of noise mitigation under RCW 53.54.030(2) (c) and (d)
2 each fiscal year.

3 (4) For the purposes of this section, "qualifying port district"
4 means a port district authorized to undertake programs for the
5 abatement of aircraft noise under RCW 53.54.010.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 53.20
7 RCW to read as follows:

8 (1) The port district equity fund is created in the custody of
9 the state treasurer. Moneys to the account may consist of
10 appropriations by the legislature, contributions from county and
11 local governments and port districts, and private contributions.
12 Expenditures from the account may only be used to make grants to port
13 districts under section 5 of this act. Only the director of the
14 department of commerce or the director's designee may authorize
15 expenditures from the account. The account is subject to the
16 allotment procedures under chapter 43.88 RCW, but an appropriation is
17 not required for expenditures.

18 (2) The department of commerce shall provide management services
19 for the port district equity fund. The department shall establish
20 procedures for fund management. The department shall develop the
21 grant criteria, monitor the grant program, and select grant
22 recipients.

23 (3) The department of commerce shall prepare and publish an
24 annual report on its website detailing grants made under this
25 section, the uses to which the grants have been put, and the benefits
26 that have been realized.

27 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.131
28 RCW to read as follows:

29 The grant program providing assistance to qualifying port
30 districts for expenses related to noise mitigation under section 5 of
31 this act shall be terminated July 1, 2029.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.131
33 RCW to read as follows:

34 In addition to the requirements of this chapter, the joint
35 legislative audit and review committee must include in its review of
36 the grant program under section 5 of this act the number of homes

1 remediated since the effective date of this section and the number of
2 homes remaining in need of noise mitigation remediation.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.131
4 RCW to read as follows:

5 The following acts or parts of acts, as now existing or hereafter
6 amended, are each repealed, effective July 1, 2030:

- 7 (1) RCW 43.330.--- and 2024 c . . . s 5 (section 5 of this act);
8 and
9 (2) RCW 53.20.--- and 2024 c . . . s 6 (section 6 of this act)."

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10 On page 1, line 2 of the title, after "districts;" strike the
11 remainder of the title and insert "amending RCW 53.54.020, 53.54.030,
12 and 53.54.040; adding a new section to chapter 43.330 RCW; adding a
13 new section to chapter 53.20 RCW; adding new sections to chapter
14 43.131 RCW; creating a new section; and providing an effective date."

EFFECT: Makes the port district equity fund a nonappropriated account; specifies that moneys in the fund may consist of appropriations by the Legislature, contributions from counties, cities, or port districts, and private contributions; removes the requirement that sales and use taxes collected on capital construction projects within the port district must be transferred from the general fund to the port district equity fund; and adds a sunset provision expiring the noise mitigation grant program July 1, 2029, and requiring the Joint Legislative Audit and Review Committee to evaluate the number of homes remediated under the grant program and the number of homes still in need of noise mitigation remediation.

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