

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1257

68th Legislature
2023 Regular Session

Passed by the House April 18, 2023
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate April 12, 2023
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

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.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1257

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

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

By Representatives Hackney, Abbarno, and Reed

Read first time 01/12/23. Referred to Committee on Transportation.

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

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

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

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

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

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

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 53.08
8 RCW to read as follows:

9 (1) For the purpose of this section, "qualified cargo and
10 passenger port" means a Washington public port district that: (a)
11 Provides or seeks to provide wharfage, dock, warehouse, or other
12 marine terminal facilities to marine carriers; and (b) participates
13 in a meeting of other cargo and passenger ports where discussion of
14 wharfage, dockage, warehouse, and other issues affecting marine
15 terminal facilities are held under an agreement filed with the
16 federal maritime commission under 46 U.S.C. Sec. 40301(b) and
17 40302(a).

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

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

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

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

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

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

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