
SUBSTITUTE HOUSE BILL 1848

State of Washington 56th Legislature 1999 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Grant, Mastin and Dunn)

Read first time 03/02/1999.

1 AN ACT Relating to clarifying the authority of port districts to
2 exercise powers within and outside their territorial limits; amending
3 RCW 53.04.010 and 53.08.240; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** Article VIII, section 8 of the Washington
6 state Constitution authorizes the use of public funds by port districts
7 in such manner as the legislature may prescribe for industrial
8 development or trade promotion. The legislature recognizes a growing
9 need for a Washington port district that is located in a county that
10 has a contiguous border with another state, and a population between
11 fifty and seventy thousand, to participate with other public agencies
12 of this state and an adjoining state to attract, encourage, and develop
13 industry and promote trade on both sides of their borders, for the
14 economic benefit to the state of Washington. RCW 53.08.240 authorizes
15 agreements between two or more port districts for the exercise of
16 powers both within and outside their districts, and further authorizes
17 contracts by port districts with other governmental entities. The
18 interlocal cooperation act, chapter 39.34 RCW, also authorizes joint
19 agreements and contracts between port districts and other state and

1 local public agencies including political subdivisions of other states.
2 However, there is uncertainty as to whether or not a port district that
3 is located in a county that has a contiguous border with another state,
4 and a population between fifty and seventy thousand, may exercise
5 industrial development or trade promotion powers outside the district
6 or state boundaries except jointly with another Washington port
7 district.

8 The purpose of this act is to define and clarify the authority of
9 a Washington port district that is located in a county that has a
10 contiguous border with another state, and a population between fifty
11 and seventy thousand, to exercise those powers jointly or in
12 cooperation with other public agencies when found to be necessary and
13 beneficial to the people of this state.

14 **Sec. 2.** RCW 53.04.010 and 1963 c 147 s 1 are each amended to read
15 as follows:

16 (1) Port districts are hereby authorized to be established in the
17 various counties of the state for the purposes of acquisition,
18 construction, maintenance, operation, development and regulation within
19 the district of harbor improvements, rail or motor vehicle transfer and
20 terminal facilities, water transfer and terminal facilities, air
21 transfer and terminal facilities, or any combination of such transfer
22 and terminal facilities, and other commercial transportation, transfer,
23 handling, storage and terminal facilities, and industrial improvements.

24 (2) Powers of a port district that is located in a county that has
25 a contiguous border with another state, and a population between fifty
26 and seventy thousand, shall be exercised within the district, except as
27 otherwise provided by statute or pursuant to an interlocal cooperation
28 agreement with another public agency as defined in chapter 39.34 RCW.
29 In addition to other requirements of chapter 39.34 RCW, such an
30 interlocal cooperation agreement may involve the exercise of a port
31 district's powers for a port district that is located in a county that
32 has contiguous borders with another state, and a population between
33 fifty and seventy thousand, outside the boundaries of the state of
34 Washington in whole or in part only if found, by resolution of the port
35 district commission exercising such authority, to be reasonably
36 necessary for the effective exercise of the port district's statutory
37 powers and for the benefit of the inhabitants of the district and the
38 state of Washington. The resolution may be adopted only after a public

1 hearing of which notice has been published in a newspaper of general
2 circulation within the district at least ten days in advance.

3 **Sec. 3.** RCW 53.08.240 and 1961 c 24 s 1 are each amended to read
4 as follows:

5 (1) Any two or more port districts shall have the power, by mutual
6 agreement, to exercise jointly all powers granted to each individual
7 district, and in the exercise of such powers shall have the right and
8 power to acquire jointly all lands, property, property rights, leases,
9 or easements necessary for their purposes, either entirely within or
10 partly within or partly without or entirely without such districts:
11 PROVIDED, That any two or more districts so acting jointly, by mutual
12 agreement, shall not acquire any real property or real property rights
13 in any other port district without the consent of such district.

14 (2) A district may enter into any contract with the United States,
15 or any state, county, or municipal corporation, or any department of
16 those entities, for carrying out any of the powers that each of the
17 contracting parties may by law exercise separately.

18 (3)(a) A port district that is located in a county that has a
19 contiguous border with another state, and a population between fifty
20 and seventy thousand, may enter into any contract that each of the
21 contracting parties may by law exercise separately with, including but
22 not limited to, municipal corporations of adjoining states.

23 (b) In addition to other powers granted by statute, a port district
24 that is located in a county that has a contiguous border with another
25 state, and a population between fifty and seventy thousand, may enter
26 into agreements with the United States or any of its agencies, or with
27 any state, or with any municipal corporation or this state or of an
28 adjoining state, for exercising jointly or cooperatively within or
29 outside the district, in whole or in part, any of the powers that each
30 of the contracting parties may by law exercise separately, for the
31 promotion or development of trade or industry. Such powers may be
32 exercised outside the boundaries of this state only after a public
33 hearing of which notice has been published in a newspaper of general
34 circulation within the district at least ten days in advance, and
35 pursuant to findings and a resolution by the port district's commission
36 that: (i) The undertaking and the district's participation in it will
37 substantially benefit the district and the state of Washington; and
38 (ii) the districts' share of the cost will not exceed an amount

1 calculated by dividing the total cost of the undertaking by the number
2 of participants.

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