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HOUSE BILL 1848

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Grant, Mastin and Dunn

Read first time 02/08/1999. Referred to Committee on Local Government.

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 Washington port districts to participate with other public  
10 agencies of this state and adjoining states to attract, encourage, and  
11 develop industry and promote trade on both sides of their borders, for  
12 economic benefit to the state of Washington. RCW 53.08.240 authorizes  
13 agreements between two or more port districts for the exercise of  
14 powers both within and outside their districts, and further authorizes  
15 contracts by port districts with other governmental entities. The  
16 interlocal cooperation act, chapter 39.34 RCW, also authorizes joint  
17 agreements and contracts between port districts and other state and  
18 local public agencies including political subdivisions of other states.  
19 However, there is uncertainty as to whether or not a port district may

1 exercise industrial development or trade promotion powers outside the  
2 district or state boundaries except jointly with another Washington  
3 port district. The purpose of this legislation is to define and  
4 clarify the authority of Washington port districts to exercise those  
5 powers jointly or in cooperation with other public agencies when found  
6 to be necessary and beneficial to the people of this state.

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

9 Port districts are hereby authorized to be established in the  
10 various counties of the state for the purposes of acquisition,  
11 construction, maintenance, operation, development and regulation  
12 (~~within the district~~) of harbor improvements, rail or motor vehicle  
13 transfer and terminal facilities, water transfer and terminal  
14 facilities, air transfer and terminal facilities, or any combination of  
15 such transfer and terminal facilities, and other commercial  
16 transportation, transfer, handling, storage and terminal facilities,  
17 and industrial improvements. Powers of a port district shall be  
18 exercised within the district, except as otherwise provided by statute  
19 or pursuant to an interlocal cooperation agreement with another public  
20 agency as defined in chapter 39.34 RCW. In addition to other  
21 requirements of chapter 39.34 RCW, such an interlocal cooperation  
22 agreement may involve the exercise of a district's powers outside the  
23 boundaries of the state of Washington in whole or in part only if  
24 found, by resolution of the port district commission exercising such  
25 authority, to be reasonably necessary for the effective exercise of the  
26 port district's statutory powers and for the benefit of the inhabitants  
27 of the district and state of Washington. The resolution may be adopted  
28 only after a public hearing of which notice has been published in a  
29 newspaper of general circulation within the district at least ten days  
30 in advance.

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

33 Any two or more port districts shall have the power, by mutual  
34 agreement, to exercise jointly all powers granted to each individual  
35 district, and in the exercise of such powers shall have the right and  
36 power to acquire jointly all lands, property, property rights, leases,  
37 or easements necessary for their purposes, either entirely within or

1 partly within or partly without or entirely without such districts:  
2 PROVIDED, That any two or more districts so acting jointly, by mutual  
3 agreement, shall not acquire any real property or real property rights  
4 in any other port district without the consent of such district.

5 A district may enter into any contract with the United States, or  
6 any state, county, or municipal corporation, or any department of those  
7 entities, including but not limited to municipal corporations of  
8 adjoining states, for carrying out, either within or outside the  
9 district, in whole or in part, any of the powers that each of the  
10 contracting parties may by law exercise separately.

11 In addition to other powers granted by statute, a port district may  
12 enter into agreements with the United States or any of its agencies, or  
13 with any state, or with any municipal corporation of this state or of  
14 an adjoining state, for exercising jointly or cooperatively within or  
15 outside the district, in whole or in part, any of the powers that each  
16 of the contracting parties may by law exercise separately, for the  
17 promotion or development of trade or industry. Such powers may be  
18 exercised outside the boundaries of this state only after a public  
19 hearing of which notice has been published in a newspaper of general  
20 circulation within the district at least ten days in advance, and  
21 pursuant to findings and a resolution by the port district commission  
22 that: (1) The undertaking and the district's participation in it will  
23 substantially benefit the district and the state of Washington; and (2)  
24 the district's share of the cost will not exceed an amount calculated  
25 by dividing the total cost of the undertaking by the number of  
26 participants.

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