
SENATE BILL 6179

State of Washington

56th Legislature

2000 Regular Session

By Senators Patterson, Jacobsen, Fraser and Kline; by request of
Commissioner of Public Lands

Read first time 01/10/2000. Referred to Committee on Natural
Resources, Parks & Recreation.

1 AN ACT Relating to terms of, and time frames for, updating port
2 management agreements; amending RCW 79.90.475; adding a new section to
3 chapter 79.90 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 79.90 RCW
6 to read as follows:

7 (1) The purpose of a port management agreement authorized in RCW
8 79.90.475 is to assure that the port manages state-owned aquatic land
9 in the same manner as the state would act in implementing state laws,
10 rules, and policies adopted for state-owned aquatic lands. To that
11 end, as laws, rules, and policies change to address a wide variety of
12 social, legal, and financial risk management issues, the role of the
13 port as described in any port management agreement must change as well.

14 (2) Any existing port management agreement that is not in complete
15 compliance with any change in law, rule, or policy shall be modified
16 within three years of the effective date of any change in law, rule, or
17 policy. For purposes of this section, any action by the board of
18 natural resources to adopt or modify a model port management agreement
19 shall also result in a modification within three years of any existing

1 port management agreement so that the agreement is consistent with the
2 model.

3 (3) The term of a port management agreement shall not exceed thirty
4 years from the effective date of the signed agreement.

5 **Sec. 2.** RCW 79.90.475 and 1984 c 221 s 6 are each amended to read
6 as follows:

7 Upon request of a port district, the department and port district
8 may enter into an agreement authorizing the port district to manage
9 state-owned aquatic lands abutting or used in conjunction with and
10 contiguous to uplands owned, leased, or otherwise managed by a port
11 district, for port purposes as provided in Title 53 RCW. Such
12 agreement shall include, but not be limited to, provisions defining the
13 specific area to be managed, the term, conditions of occupancy,
14 reservations, periodic review, and other conditions to ensure
15 consistency with the state Constitution and the policies of this
16 chapter. If a port district acquires operating management, lease, or
17 ownership of real property which abuts state-owned aquatic lands
18 currently under lease from the state to a person other than the port
19 district, the port district shall manage such aquatic lands if: (1)
20 The port district acquires the leasehold interest in accordance with
21 state law, or (2) the current lessee and the department agree to
22 termination of the current lease to accommodate management by the port.
23 The administration of aquatic lands covered by a management agreement
24 shall be consistent with the aquatic land policies of chapters 79.90
25 through 79.96 RCW and the implementing regulations adopted by the
26 department. The administrative procedures for management of the lands
27 shall be those of Title 53 RCW.

28 No rent shall be due the state for the use of state-owned aquatic
29 lands managed under this section for water-dependent or water-oriented
30 uses. If a port district manages state-owned aquatic lands under this
31 section and either leases or otherwise permits any person to use such
32 lands, the rental fee attributable to such aquatic land only shall be
33 comparable to the rent charged lessees for the same or similar uses by
34 the department: PROVIDED, That a port district need not itemize for
35 the lessee any charges for state-owned aquatic lands improved by the
36 port district for use by carriers by water. If a port leases state-
37 owned aquatic lands to any person for nonwater-dependent use, eighty-

1 five percent of the revenue attributable to the rent of the state-owned
2 aquatic land only shall be paid to the state.

3 Upon application for a management agreement, and so long as the
4 application is pending and being diligently pursued, no rent shall be
5 due the department for the lease by the port district of state-owned
6 aquatic lands included within the application for water-dependent or
7 water-oriented uses. The application process shall not extend more
8 than one year from the date of application without written consent of
9 both parties. If the parties fail to reach an agreement in writing to
10 extend the application process within the one-year period, the
11 application shall lapse and payment for any lease shall be reinstated
12 retroactive to the beginning of the application period. In the event
13 of a lapse in application, reapplication may not occur within one year
14 of the date of the notification of the lapse in application.

15 The department and representatives of the port industry shall
16 develop a proposed model management agreement which shall be used as
17 the basis for negotiating the management agreements required by this
18 section. The model management agreement shall be reviewed and approved
19 by the board of natural resources.

20 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect July 1,
21 2000.

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