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HOUSE BILL 1314

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State of Washington                      62nd Legislature                      2011 Regular Session

By Representatives Jacks, Walsh, Takko, Nealey, Blake, and Fitzgibbon

Read first time 01/18/11. Referred to Committee on Local Government.

1            AN ACT Relating to clarifying the authority of port districts to  
2 deliver water through a public water system; and amending RCW  
3 53.08.040.

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

5            **Sec. 1.** RCW 53.08.040 and 2007 c 348 s 103 are each amended to  
6 read as follows:

7            (1) A district may improve its lands by dredging, filling,  
8 bulkheading, providing waterways or otherwise developing such lands for  
9 industrial and commercial purposes. A district may also acquire,  
10 construct, install, improve, and operate sewer and water utilities to  
11 serve its own property and other property owners, or to deliver treated  
12 or raw water to a public water system for municipal water supply  
13 purposes, under terms, conditions, and rates to be fixed and approved  
14 by the port commission. A district may also acquire, by purchase,  
15 construction, lease, or in any other manner, and may maintain and  
16 operate other facilities for the control or elimination of air, water,  
17 or other pollution, including, but not limited to, facilities for the  
18 treatment and/or disposal of industrial wastes, and may make such  
19 facilities available to others under terms, conditions and rates to be

1 fixed and approved by the port commission. Such conditions and rates  
2 shall be sufficient to reimburse the port for all costs, including  
3 reasonable amortization of capital outlays caused by or incidental to  
4 providing such other pollution control facilities. However, no part of  
5 such costs of providing any pollution control facility to others shall  
6 be paid out of any tax revenues of the port and no port shall enter  
7 into an agreement or contract to provide sewer and/or water utilities  
8 or pollution control facilities if substantially similar utilities or  
9 facilities are available from another source (or sources) which is able  
10 and willing to provide such utilities or facilities on a reasonable and  
11 nondiscriminatory basis unless such other source (or sources) consents  
12 thereto.

13 (2) In the event that a port elects to make such other pollution  
14 control facilities available to others, it shall do so by lease, lease  
15 purchase agreement, or other agreement binding such user to pay for the  
16 use of said facilities for the full term of the revenue bonds issued by  
17 the port for the acquisition of said facilities, and said payments  
18 shall at least fully reimburse the port for all principal and interest  
19 paid by it on said bonds and for all operating or other costs, if any,  
20 incurred by the port in connection with said facilities. However,  
21 where there is more than one user of any such facilities, each user  
22 shall be responsible for its pro rata share of such costs and payment  
23 of principal and interest. Any port intending to provide pollution  
24 control facilities to others shall first survey the port district to  
25 ascertain the potential users of such facilities and the extent of  
26 their needs. The port shall conduct a public hearing upon the proposal  
27 and shall give each potential user an opportunity to participate in the  
28 use of such facilities upon equal terms and conditions.

29 (3) "Pollution control facility," as used in this section and RCW  
30 53.08.041, does not include air quality improvement equipment that  
31 provides emission reductions for engines, vehicles, and vessels.

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