

CERTIFICATION OF ENROLLMENT

SENATE BILL 6207

65th Legislature
2018 Regular Session

Passed by the Senate February 9, 2018
Yeas 47 Nays 0

President of the Senate

Passed by the House February 27, 2018
Yeas 63 Nays 35

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6207** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6207

Passed Legislature - 2018 Regular Session

State of Washington 65th Legislature 2018 Regular Session

By Senators Palumbo, Short, and Sheldon

Read first time 01/10/18. Referred to Committee on Local Government.

1 AN ACT Relating to clarifying the authority of port districts to
2 offer programs relating to air quality improvement equipment and fuel
3 programs that provide emission reductions for engines, vehicles, and
4 vessels; amending RCW 53.08.040; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that clean fuels
7 and vehicles protect public health by reducing toxic air and climate
8 change emissions.

9 (2) The legislature also finds that to encourage clean fuels and
10 vehicles, the state should develop policies and incentives that help
11 businesses gain greater access to affordable clean fuels and
12 vehicles. These policies and incentives should include incentives for
13 replacement of the most polluting diesel engines, especially in
14 trucks calling on the state's largest seaports.

15 (3) The legislature also finds that while the state, in 2007,
16 sought to allow port districts to use tax revenue to support this
17 type of equipment, the statute is confusing and further clarification
18 is needed for port districts to avoid litigation and audit risk.

19 **Sec. 2.** RCW 53.08.040 and 2007 c 348 s 103 are each amended to
20 read as follows:

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

14 (2) Such conditions and rates shall be sufficient to reimburse
15 the port for all costs, including reasonable amortization of capital
16 outlays caused by or incidental to providing such other pollution
17 control facilities. (~~However,~~)

18 (3) No part of such costs of providing any pollution control
19 facility to others shall be paid out of any tax revenues of the port,
20 (~~and~~)

21 (4) No port shall enter into an agreement or contract to provide
22 sewer and/or water utilities or pollution control facilities if
23 substantially similar utilities or facilities are available from
24 another source (or sources) which is able and willing to provide such
25 utilities or facilities on a reasonable and nondiscriminatory basis
26 unless such other source (or sources) consents thereto.

27 (~~(+2)~~) (5) In the event that a port elects to make such other
28 pollution control facilities available to others, it shall do so by
29 lease, lease purchase agreement, or other agreement binding such user
30 to pay for the use of said facilities for the full term of the
31 revenue bonds issued by the port for the acquisition of said
32 facilities, and said payments shall at least fully reimburse the port
33 for all principal and interest paid by it on said bonds and for all
34 operating or other costs, if any, incurred by the port in connection
35 with said facilities. However, where there is more than one user of
36 any such facilities, each user shall be responsible for its pro rata
37 share of such costs and payment of principal and interest. Any port
38 intending to provide pollution control facilities to others shall
39 first survey the port district to ascertain the potential users of
40 such facilities and the extent of their needs. The port shall conduct

1 a public hearing upon the proposal and shall give each potential user
2 an opportunity to participate in the use of such facilities upon
3 equal terms and conditions.

4 ~~((3))~~ (6) "Pollution control facility," as used in this section
5 and RCW 53.08.041, ~~((does not include air quality improvement
6 equipment that provides emission reductions for engines, vehicles,
7 and vessels))~~ includes programs and activities that are intended to
8 reduce air pollution from vehicles used in cargo transport to, from,
9 and within district facilities; and programs and activities that are
10 intended to reduce air pollution from cargo vessels within the
11 district. Use of district funds for these purposes are deemed a
12 governmental and public function, exercised for a public purpose and
13 as a public necessity for promoting cleaner air; provided however,
14 the provisions of subsections (2), (3), (4), and (5) of this section
15 relating to condition, rates, other providers, and cost recovery do
16 not apply to this subsection's subset of port pollution control
17 facilities.

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