

HB 1257 - S COMM AMD
By Committee on Transportation

ADOPTED 04/12/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) Washington state ports were created
4 to preserve public ownership of public resources, giving local
5 governments the ability and statutory authority to support economic
6 development for the public benefit.

7 (2) The legislature finds and declares that Washington public
8 port districts that carry out or seek to carry out operations
9 involving the movement of cargo or passengers are a vital part of the
10 economy and trade infrastructure within the state.

11 (3) The legislature further finds that there is an important
12 public purpose for qualified cargo and passenger ports to coordinate,
13 reach agreement on, and implement all actions under their authority
14 with other qualified cargo and passenger ports. The legislature
15 intends by this act to grant qualified cargo and passenger ports with
16 the authority to operate in furtherance of this public purpose,
17 including the specified powers granted in this act relating to cargo
18 and passenger transportation, without liability under federal
19 antitrust laws.

20 (4) The legislature further intends to restore parity between
21 qualified cargo and passenger ports and the marine carrier industry.
22 The marine carrier industry can create an exemption from federal
23 antitrust law liability and with this act the legislature intends to
24 allow the same protection to the qualified cargo and passenger ports
25 they serve.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 53.08
27 RCW to read as follows:

28 (1) For the purpose of this section, "qualified cargo and
29 passenger port" means a Washington public port district that: (a)
30 Provides or seeks to provide wharfage, dock, warehouse, or other
31 marine terminal facilities to marine carriers; and (b) participates

1 in a meeting of other cargo and passenger ports where discussion of
2 wharfage, dockage, warehouse, and other issues affecting marine
3 terminal facilities are held under an agreement filed with the
4 federal maritime commission under 46 U.S.C. Sec. 40301(b) and
5 40302(a).

6 (2) Qualified cargo and passenger ports have the power to
7 coordinate, reach agreement on, and implement all actions under their
8 authority with other qualified cargo and passenger ports. This
9 includes the power to meet with qualified cargo and passenger ports
10 and other port authorities to discuss and agree on issues of mutual
11 interest relating to maritime operations, including:

12 (a) Rates and charges to be assessed at the qualified cargo and
13 passenger ports;

14 (b) Rules, practices, and procedures relating to cargo and
15 passenger service operations;

16 (c) Matters concerning the planning, development, management,
17 marketing, operation, and use of their facilities; and

18 (d) Any other matters relating to cargo and passenger service
19 operations.

20 (3) This section expires 10 years after the effective date of
21 this section."

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22 On page 1, line 1 of the title, after "ports;" strike the
23 remainder of the title and insert "adding a new section to chapter
24 53.08 RCW; creating a new section; and providing an expiration date."

EFFECT: (1) Adds further intent language regarding restoring
parity between qualified cargo and passenger ports and the marine
carrier industry.

(2) Redefines cargo and passenger ports as port districts that
provide wharfage, dock, warehouse, or other marine terminal
facilities to marine carriers, and that participate in a meeting of
other cargo and passenger ports where those topics are discussed
under an agreement filed with the Federal Maritime Commission.

(3) Expires the substantive portion of the bill 10 years after the effective date of the act.

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