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SENATE BILL 5240

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Hatfield, Swecker, Rasmussen, Schoesler, Morton and Keiser

Read first time 01/15/2007.      Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to powers and authority of port districts; and  
2 amending RCW 53.04.010, 53.04.150, 53.04.180, and 53.08.290.

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

4            **Sec. 1.** RCW 53.04.010 and 1999 c 306 s 2 are each amended to read  
5 as follows:

6            (1) Port districts are hereby authorized to be established in the  
7 various counties of the state for the purposes of acquisition,  
8 construction, maintenance, operation, development and regulation within  
9 the district, or outside the district pursuant to an interlocal  
10 cooperation agreement with another public agency as defined in chapter  
11 39.34 RCW or as otherwise allowed under this title, of harbor  
12 improvements, rail or motor vehicle transfer and terminal facilities,  
13 water transfer and terminal facilities, air transfer and terminal  
14 facilities, or any combination of such transfer and terminal  
15 facilities, and other commercial transportation, transfer, handling,  
16 storage and terminal facilities, and industrial improvements.

17            (2) Powers of a port district that is located in a county that has  
18 a contiguous border with another state, and a population between fifty  
19 and seventy thousand, shall be exercised within the district, except as

1 otherwise provided by statute or pursuant to an interlocal cooperation  
2 agreement with another public agency as defined in chapter 39.34 RCW.  
3 In addition to other requirements of chapter 39.34 RCW, such an  
4 interlocal cooperation agreement may involve the exercise of a port  
5 district's powers for a port district that is located in a county that  
6 has contiguous borders with another state, and a population between  
7 fifty and seventy thousand, outside the boundaries of the state of  
8 Washington in whole or in part only if found, by resolution of the port  
9 district commission exercising such authority, to be reasonably  
10 necessary for the effective exercise of the port district's statutory  
11 powers and for the benefit of the inhabitants of the district and the  
12 state of Washington. The resolution may be adopted only after a public  
13 hearing of which notice has been published in a newspaper of general  
14 circulation within the district at least ten days in advance.

15 **Sec. 2.** RCW 53.04.150 and 2000 c 200 s 2 are each amended to read  
16 as follows:

17 A port district that is less than county-wide, and that is located  
18 in a county with a population of less than ninety thousand and located  
19 in either the Interstate 5 or Interstate 90 corridor, may petition for  
20 annexation of ((an)) any area ((that is contiguous to its boundaries,))  
21 within the county that is not located within the boundaries of any  
22 other port district((~~τ~~)) and contains no registered voters. The  
23 petition must be in writing, addressed to and filed with the port  
24 commission, and signed by the owners of not less than seventy-five  
25 percent of the property value in the area to be annexed, according to  
26 the assessed value for general taxation. The petition must contain a  
27 legal description of the property according to government legal  
28 subdivisions or legal plats, or a sufficient metes and bounds  
29 description, and must be accompanied by a plat outlining the boundaries  
30 of the property to be annexed.

31 **Sec. 3.** RCW 53.04.180 and 2000 c 200 s 1 are each amended to read  
32 as follows:

33 (1) By a majority vote of the commission, and with the written  
34 consent of ((all)) seventy-five percent of the owners of the property  
35 to be annexed, a port commission of a district that is less than  
36 county-wide, and that is located in a county with a population of less

1 than ninety thousand and located in either the Interstate 5 or  
2 Interstate 90 corridor, may annex, for industrial development or other  
3 port district purposes, any property (~~contiguous to the district's~~  
4 ~~boundaries and~~) within the county that is not located within the  
5 boundaries of any other port district.

6 (2) The written consent required by subsection (1) of this section  
7 must contain a full and correct legal description of the property to be  
8 annexed, must include the signature of all owners of the property to be  
9 annexed, and must be addressed to and filed with the commission.

10 (3) If the commission approves annexation under this section, it  
11 shall do so by resolution and shall file a certified copy of the  
12 resolution with the board of county commissioners of the county in  
13 which the annexed property is located. Upon the date fixed in the  
14 resolution, the area annexed becomes part of the district.

15 **Sec. 4.** RCW 53.08.290 and 1981 c 47 s 1 are each amended to read  
16 as follows:

17 In addition to the other powers under this chapter, a port  
18 district, in connection with the operation of facilities and  
19 improvements of the district, may perform all necessary activities  
20 related to the (~~intermodal~~) movement of interstate and foreign cargo:  
21 PROVIDED, That nothing contained herein shall authorize a port district  
22 to engage in the transportation of commodities by motor vehicle for  
23 compensation outside the boundaries of the port district. A port  
24 district may, by itself or in conjunction with public or private  
25 entities, acquire, construct, purchase, lease, contract for, provide,  
26 and operate rail services, equipment, and facilities inside or outside  
27 the port district: PROVIDED, That such authority may only be exercised  
28 outside the boundaries of the port district if such extraterritorial  
29 rail services, equipment, or facilities are found, by resolution of the  
30 commission of the port district exercising such authority, to be  
31 reasonably necessary to link the rail services, equipment, and  
32 facilities within the port district to an interstate railroad system;  
33 however, if such extraterritorial rail services, equipment, or  
34 facilities are in or are to be located in one or more other port  
35 districts, the commission of such other port district or districts must  
36 consent by resolution to the proposed plan of the originating port

1 district which consent shall not be unreasonably withheld: PROVIDED  
2 FURTHER, That no port district shall engage in the manufacture of rail  
3 cars for use off port property.

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