

Read first time February 9, 1979, and referred to Committee on STATE GOVERNMENT.

1 AN ACT Relating to port districts; adding a new chapter to Title  
2 53 RCW; and providing an effective date.

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

4 NEW SECTION. Section 1. The purpose of this chapter is  
5 to financially assist port districts of the state to encourage  
6 increased coordination and cooperation among the port districts  
7 in order to: (1) Foster and stimulate domestic and foreign  
8 trade; (2) eliminate any wasteful competition and achieve  
9 economies of scale; (3) assist port districts in the  
10 construction and acquisition of port facilities and equipment to  
11 take advantage of advancing technology.

12 The legislature declares that the best interest of the  
13 state will be served by the creation of a state port commission  
14 with the authority to financially assist and develop our port  
15 districts in an orderly, efficient, and effective manner.

16 NEW SECTION. Sec. 2. There is created a state port  
17 commission as an agency of state government, responsible to the  
18 governor and the legislature for carrying out the purposes of  
19 this chapter. "Commission," as used in this chapter, means the  
20 state port commission.

21 The commission shall consist of three members who shall  
22 be appointed by the governor with the advice and consent of the  
23 senate, and no more than two of whom at the time of appointment  
24 or during their term may be members of the same political party.

25 The members of the commission shall serve six-year terms,  
26 except that the initial members of the commission shall be  
27 appointed for the respective terms of two, four, and six years,  
28 as designated by the governor. Each of the commissions shall  
29 hold office until a successor is appointed and qualified.

30 In the event of vacancy on the commission, the governor

1 shall appoint a person to complete the unexpired term of the  
2 previous appointee.

3 The governor shall appoint the members of the commission  
4 within sixty days of the effective date of this act. Members of  
5 the commission shall continue to serve unless the senate rejects  
6 their appointment at the next session of the legislature. The  
7 governor shall designate one of the commissioners to be the  
8 chairman of the commission.

9 NEW SECTION. Sec. 3. Members of the commission shall  
10 receive a salary as determined by the governor with the advice  
11 of the state committee on salaries. Members of the commission  
12 shall be reimbursed for travel expenses as provided in RCW  
13 43.03.050 and 43.03.060 as now or hereafter amended.

14 NEW SECTION. Sec. 4. A member of the commission may be  
15 removed for inefficiency, malfeasance, and misfeasance in  
16 office, under specific written charges filed by the governor,  
17 who shall transmit the written charges to the member accused and  
18 to the chief justice of the supreme court. The chief justice  
19 shall thereupon designate a tribunal composed of three judges of  
20 the superior court to hear and adjudicate the charges. The  
21 tribunal shall fix the time of the hearing and the procedure for  
22 the hearing, and the decision of the tribunal shall be final and  
23 not subject to review by the supreme court. Removal of a member  
24 of the commission by the tribunal shall disqualify the member  
25 for reappointment.

26 NEW SECTION. Sec. 5. A member of the commission: (1)  
27 Shall not be a candidate for nor hold any other public office  
28 and shall not engage in any occupation or business which is in  
29 conflict with his or her duty as a member of the commission, nor  
30 shall a member serve on or under a committee of a political  
31 party; and (2) shall not, for a period of one year after the  
32 termination of membership on the commission, act in a  
33 representative capacity before the commission in any matter.

34 NEW SECTION. Sec. 6. The commission may appoint,  
35 discharge, and fix the compensation of an executive secretary  
36 and other clerical, professional, and technical assistants as

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1 may be necessary, or may contract for required services. The  
2 employees of the commission are not subject to chapter 41.06  
3 RCW.

4 NEW SECTION. Sec. 7. The principal office of the  
5 commission shall be at the state capitol, but it may sit or hold  
6 meetings at any other place within or without the state. Two  
7 members of the commission constitute a quorum for making  
8 decisions, promulgating rules necessary for the conduct of its  
9 powers and duties, and transacting other official business, and  
10 may act though one position of the commission is vacant. Any  
11 investigation, inquiry, or hearing which the commission has  
12 power to undertake or to hold may be undertaken or held by or  
13 before any commissioner or any person designated and authorized  
14 by the commission.

15 NEW SECTION. Sec. 8. The commission, in addition to  
16 other powers and duties under this chapter, may:

17 (1) Conduct the necessary studies and surveys required  
18 for the proper development and improvement of the domestic and  
19 foreign commerce, trade, and business of the port districts of  
20 the state, and assemble and analyze the data thus obtained, and  
21 cooperate with port districts, both within and without the  
22 state, and operators of terminal and transportation facilities  
23 and make such expenditures as are necessary for these purposes,  
24 including the proper promotion and advertising of all such  
25 properties, utilities, and facilities;

26 (2) Exchange information relative to port construction,  
27 maintenance, operation, administration, and management;

28 (3) Promote and encourage port development along sound  
29 economic lines;

30 (4) Promote and encourage the development of  
31 transportation, commerce, and industry;

32 (5) Operate as a clearinghouse for information, public  
33 relations and liaison for the port districts of the state and to  
34 serve as a channel for cooperation among the various port  
35 districts and for the assembly and presentation of information  
36 relating to the needs and requirements of port districts to the

- 1 public;
- 2 (6) Adopt bylaws for the regulation of its affairs and  
3 the conduct of its business;
- 4 (7) Adopt an official seal and alter the same at its  
5 pleasure;
- 6 (8) Contract with such consultants as may be necessary  
7 or desirable for its purposes, fix their compensation, and  
8 utilize the services of other governmental agencies;
- 9 (9) Accept from private groups or organizations, or any  
10 federal agency, loans or grants for the planning or financing of  
11 a project, and enter into an agreement with those groups,  
12 organizations, or agencies respecting the loans or grants;
- 13 (10) Conduct examinations and investigations and take  
14 testimony at public or private hearings of any matter material  
15 for its information that will assist in determinations related  
16 to exercise of the commission's lawful powers;
- 17 (11) Administer oaths, issue subpoenas, or compel the  
18 attendance of witness and testimony; and receive testimony in  
19 any hearing pertaining to its business, under such rules as the  
20 commission may adopt;
- 21 (12) Accept gifts, grants, loans, property, or other aid  
22 in any form from any other source on the terms and conditions  
23 thereof which are not in conflict with this chapter;
- 24 (13) Exercise, in its discretion, such of those powers  
25 granted to port districts generally under Title 53 RCW, as may  
26 be deemed necessary or useful in carrying out its purposes and  
27 functions under this chapter;
- 28 (14) Establish such procedures and rules consistent with  
29 the purposes of this chapter as are necessary; and
- 30 (15) Do all acts and things necessary or convenient to  
31 carry out the powers expressly granted or implied in this  
32 chapter.

33 NEW SECTION. Sec. 9. (1) The commission may make  
34 direct grants and loans to port districts of the state from  
35 funds appropriated by the legislature or the congress of the  
36 United States or received from private groups or organizations

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1) The commission may make  
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1 for the purpose of providing supplemental funding for port  
2 district projects, facilities, and equipment, including the cost  
3 of acquisition and development of land and improvements for port  
4 facilities, as well as the acquisition, construction,  
5 rehabilitation, alteration, expansion, or improvement of such  
6 facilities or equipment.

7 (2) To accomplish the purposes of this chapter of  
8 financially assisting port district development, all contracts,  
9 expenditures, and projects that utilize or receive grant or loan  
10 moneys under this section shall be subject to the approval of  
11 the commission.

12 (3) The term "contracts, expenditures, and projects"  
13 shall be liberally construed to grant broad authority to the  
14 commission to carry out its powers and duties and to accomplish  
15 the purposes of this chapter.

16 NEW SECTION. Sec. 10. A decision of the commission  
17 regarding the approval, denial, or modification of a port  
18 district proposal under section 9 of this act is final and is  
19 not subject to judicial review.

20 NEW SECTION. Sec. 11. The commission shall establish a  
21 comprehensive master plan, based on the purposes of this  
22 chapter, to be used in reviewing proposals submitted by the port  
23 districts of the state. The comprehensive master plan shall  
24 assist the commission in implementing a policy of furthering the  
25 development of the port districts of the state consistent with  
26 the intent and purposes of this chapter.

27 NEW SECTION. Sec. 12. (1) There is created the port  
28 facilities construction loan and grant revolving fund. The  
29 state treasurer shall be custodian of the revolving fund.  
30 Disbursements from the revolving fund shall be on authorization  
31 of the commission. In order to maintain an effective  
32 expenditure and revenue control, the port facilities  
33 construction loan and grant revolving fund shall be subject in  
34 all respects to chapter 43.88 RCW, but no appropriation is  
35 required to permit expenditures and payment of obligations from  
36 the fund.

1 (2) The moneys in the port facilities construction loan  
2 and grant revolving fund are to be used solely to fulfill  
3 commitments arising from loans and grants authorized in section  
4 9 of this act. The total outstanding amount which the  
5 commission may dispense at any time under this section may not  
6 exceed the moneys available for grants and loans from the fund.

7 (3) On contracts made for port facilities loans, the  
8 commission shall determine the interest rate which advances  
9 shall bear. The interest rate shall reflect reasonable market  
10 rates, and the commission shall provide such reasonable terms  
11 and conditions for repayment of advances as it may determine.  
12 The loans may not exceed thirty years in duration.

13 (4) Repayments of advances made pursuant to such  
14 contracts for port facilities construction loans shall be paid  
15 into the port facilities construction loan and grant revolving  
16 fund.

17 NEW SECTION. Sec. 13. Moneys from grants or loans  
18 authorized by this chapter shall not be used to satisfy any port  
19 district debts or obligations existing on the effective date of  
20 this act.

21 NEW SECTION. Sec. 14. Commission members and staff may  
22 be designated as agents of local port districts to insure the  
23 economic, industrial, social, and recreational development of  
24 port districts and to carry out the purposes of this chapter.

25 NEW SECTION. Sec. 15. Nothing in this chapter limits  
26 any taxing powers granted port districts by law. The state port  
27 commission shall have no power to levy or collect taxes.

28 NEW SECTION. Sec. 16. Sections 1 through 15 of this act  
29 constitute a new chapter in Title 53 RCW.

30 NEW SECTION. Sec. 17. If any provision of this act or  
31 its application to any person or circumstance is held invalid,  
32 the remainder of the act or the application of the provision to  
33 other persons or circumstances is not affected.

34 NEW SECTION. Sec. 18. This act shall take effect on  
35 July 1, 1979.