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**SENATE BILL 5955**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senator Keiser

Prefiled 01/03/24.

1 AN ACT Relating to mitigating harm and improving equity in large  
2 port districts; amending RCW 53.36.020, 53.54.010, 53.54.020,  
3 53.54.040, and 70A.65.260; adding a new section to chapter 53.54 RCW;  
4 adding a new section to chapter 53.36 RCW; adding a new section to  
5 chapter 43.330 RCW; adding a new section to chapter 53.20 RCW; and  
6 creating a new section.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that airports are an  
9 important part of Washington's economy. Airports enable travel for  
10 business or recreation, allow for the transportation of cargo, and  
11 provide thousands of jobs for the people of the state.

12 For those living near an airport, however, there can also be  
13 adverse environmental and health impacts from airport noise and air  
14 pollution. In King county, the majority of people identifying as  
15 Black, Hispanic, Native Hawaiian, or Pacific Islander live within 10  
16 miles of Seattle-Tacoma international airport. A 2019 study conducted  
17 by the King county department of health found that this population  
18 faces health, resource, and risk disparities as compared to the rest  
19 of the county. Health issues within the community included a greater  
20 percentage of infants born prematurely, higher hospitalization rates  
21 for asthma, stroke, diabetes, heart disease, and chronic obstructive

1 pulmonary disease, and lower life expectancy and higher rates of  
2 death when compared to the county as a whole. Many of these  
3 conditions were found at higher rates the closer the population lived  
4 to the airport.

5 It is the intent of the legislature that port districts operating  
6 large airports in the state dedicate a portion of the property tax  
7 they levy toward the mitigation of some of the impacts of noise and  
8 air pollution that can be faced by communities near the airport. The  
9 legislature also intends to provide additional assistance to ports in  
10 fulfilling this goal and their environmental and community-related  
11 missions. With these resources, ports can be a more responsive  
12 community partner and help to uphold the values of respect,  
13 antiracism and equity, integrity, and stewardship.

14 **Sec. 2.** RCW 53.36.020 and 1973 1st ex.s. c 195 s 56 are each  
15 amended to read as follows:

16 (1) A district may raise revenue by levy of an annual tax not to  
17 exceed ((~~forty-five cents~~)) ~~\$0.45~~ per ((~~thousand dollars~~)) ~~\$1,000~~ of  
18 assessed value against the assessed valuation of the taxable property  
19 in such port district for general port purposes, including the  
20 establishment of a capital improvement fund for future capital  
21 improvements, except that any levy for the payment of the principal  
22 and interest of the general bonded indebtedness of the port district  
23 shall be in excess of any levy made by the port district under the  
24 ((~~forty-five cents~~)) ~~\$0.45~~ per ((~~thousand dollars~~)) ~~\$1,000~~ of  
25 assessed value limitation. The levy shall be made and taxes collected  
26 in the manner provided for the levy and collection of taxes in school  
27 districts of the first class.

28 (2) After July 1, 2024, for any increase in the dollar amount of  
29 a district's levy revenue over the district's prior year's levy at  
30 least half of the dollar amount of such revenue increase must be  
31 utilized for mitigation programs under section 3 of this act.

32 (3) (a) After July 1, 2025, at least one percent of a port  
33 districts annual tax levy revenue must be utilized for mitigation  
34 programs under section 3 of this act.

35 (b) For each year subsequent to the first year that a port  
36 district becomes subject to (a) of this subsection, an additional one  
37 percent of the port district's annual tax levy revenue must be  
38 utilized for mitigation programs under section 3 of this act, to a  
39 maximum of 10 percent.

1       (4) Revenue subject to the requirements in subsections (2) and  
2 (3) of this section must be maintained by the port district in a  
3 separate account.

4       (5) The requirements in subsections (2), (3), and (4) of this  
5 section only apply to port districts authorized to undertake programs  
6 for the abatement of aircraft noise under RCW 53.54.010. If a port  
7 district becomes qualified to undertake such a program after July 1,  
8 2024, then the requirements in subsections (2) and (3) of this  
9 section take effect in the fiscal year immediately following the year  
10 in which the port district becomes qualified.

11       NEW SECTION. Sec. 3. A new section is added to chapter 53.54  
12 RCW to read as follows:

13       (1) Port districts authorized to undertake programs for the  
14 abatement of aircraft noise under this chapter must additionally  
15 undertake a remedial mitigation program as provided in this section.

16       (2) Remedial mitigation programs must consist of the following:

17       (a) The repair or replacement of failed mitigation equipment  
18 installed pursuant to this chapter;

19       (b) The provision of sound mitigation equipment to residential,  
20 recreational, or educational facilities that will measurably reduce  
21 or mitigate the impacts of aircraft noise;

22       (c) The provision of air quality mitigation equipment to  
23 residential, recreational, or educational facilities that will  
24 measurably improve air quality including, but not limited to, the  
25 provision of high particulate air purifiers designed to mitigate or  
26 eliminate ultrafine particles or other aviation-related air  
27 pollution;

28       (d) Programs to provide urban forests or green space within an  
29 impacted area;

30       (e) The provision or support of indoor recreation facilities  
31 available to the community within an impacted area; and

32       (f) The provision of indoor community greenhouses within an  
33 impacted area.

34       (3)(a) In order for an individual property to qualify for an  
35 individual benefit under a remedial mitigation program, the property  
36 must:

37       (i) Be determined by an inspection to have been provided  
38 mitigation equipment that failed;

1 (ii) Be within 10 miles of an airport and subject to levels of  
2 aircraft noise of a day-night average sound level of 55 decibels or  
3 more, regardless of whether the property was previously provided  
4 benefits under a program authorized in RCW 53.54.030; or

5 (iii) Be within both five miles of the end of a runway used for  
6 jet landings at the airport and within a two-mile radius of the  
7 landing path used by jets, regardless of whether the property was  
8 previously provided benefits under a program authorized in RCW  
9 53.54.030.

10 (b) Properties may also be provided benefits under a remedial  
11 mitigation program in order to realize community benefits within an  
12 impacted area.

13 (c) A port district may not require the provision of an  
14 unconditional right of easement for the operation of aircraft and for  
15 noise or noise conditions associated with aircraft as a condition of  
16 an individual property receiving an individual benefit under a  
17 remedial mitigation program.

18 (4) When administering remedial mitigation programs, port  
19 districts must prioritize remedial mitigation programs so that  
20 benefits are received:

21 (a) First, by properties that have failed mitigation equipment;

22 (b) Second, for sound mitigation equipment by properties  
23 qualifying under subsection (3)(a)(ii) of this section and for air  
24 quality mitigation equipment by properties qualifying under  
25 subsection (3)(a)(iii) of this subsection; and

26 (c) Third, for other qualifying properties.

27 (5)(a) Any port district subject to the requirements of this  
28 section must enter into an interlocal agreement under chapter 39.34  
29 RCW with the county in which the port is located for the provision of  
30 a qualified building inspector or inspectors to conduct the  
31 inspections required under this section. The port district must  
32 contract with the county for sufficient inspectors to carry out the  
33 necessary inspections required under this section in a timely manner.

34 (b) If the port district cannot enter into an interlocal  
35 agreement with the county as required by this section, it must  
36 contract with sufficient independent qualified building inspectors to  
37 conduct the required inspections. A port district that is not  
38 utilizing county building inspectors must produce and make publicly  
39 available a report by February 1st of each year detailing the  
40 aggregate results of the inspections conducted during the prior

1 calendar year and detailing the steps taken by the port district to  
2 ensure that the inspector or inspectors are conducting accurate and  
3 impartial inspections.

4 (c) Inspections required under this section must be provided at  
5 no cost upon request of the owner of a residential or educational  
6 facility that qualifies under subsection (3)(a) of this section,  
7 except as provided in (d) of this subsection.

8 (d) No inspection under this section may be provided more than  
9 once every five years to an individual property inspected by a  
10 building inspector provided by the county under an interlocal  
11 agreement with the port district or more than once a year by a  
12 building inspector contracted with by the port district, unless,  
13 following an inspection conducted under this section, the inspector  
14 recommends an inspection occur at a shorter interval.

15 (6) A port district subject to the requirements of this section  
16 shall prepare a pamphlet or other document detailing government  
17 assistance programs available to assist property owners with  
18 maintenance, repairs, energy assistance, or updating electrical  
19 systems within an impacted area. If, during an inspection conducted  
20 under this section, a building inspector finds structural or other  
21 deficiencies on a property that are unrelated to failed mitigation  
22 equipment, the inspector shall provide the property owner with the  
23 information prepared by the port district.

24 (7) Beginning February 1, 2026, and every year thereafter, port  
25 districts subject to the requirements of this section must produce a  
26 publicly available report detailing the funds used on remedial  
27 mitigation programs under this section. The report must indicate the  
28 funds required to be used on remedial mitigation programs under  
29 section 2 of this act, and funds made available to the port district  
30 under sections 8 and 10 of this act. The report must explain how the  
31 funds were used and the benefits that were provided.

32 (8) For the purposes of this section:

33 (a) "Airport" means an airport serving more than 900 scheduled  
34 jet aircraft flights per day.

35 (b) "Educational facilities" means any structure used by children  
36 as part of a public or private day care, kindergarten, elementary, or  
37 secondary school.

38 (c) "Failed mitigation equipment" means any soundproofing  
39 installation, structure, or other type of sound mitigation equipment  
40 product or benefit provided under a program authorized in RCW

1 53.54.030 that is functioning at a level that is measurably inferior  
2 to the level at which it was intended to function or that has caused,  
3 through improper installation or other means, mold within the  
4 property.

5 (d) "Impacted area" has the same meaning as in RCW 53.54.020.

6 (e) "Recreational facilities" means any senior center as defined  
7 in RCW 18.29.056, or any facility used for recreation primarily by  
8 those under the age of 21.

9 (f) "Residential facilities" means any residential dwelling unit,  
10 including dwelling units in a multiunit dwelling.

11 **Sec. 4.** RCW 53.54.010 and 2020 c 105 s 1 are each amended to  
12 read as follows:

13 A port district operating an airport serving more than (~~nine~~  
14 ~~hundred~~) 900 scheduled jet aircraft flights per day may undertake  
15 any of the programs or combinations of such programs, as authorized  
16 by this chapter, and must undertake remedial mitigation programs as  
17 provided in section 3 of this act, for the purpose of alleviating and  
18 abating the impact of jet aircraft noise and other adverse impacts on  
19 areas surrounding such airport.

20 **Sec. 5.** RCW 53.54.020 and 2020 c 105 s 2 are each amended to  
21 read as follows:

22 (1) Prior to initiating programs as authorized in this chapter,  
23 the port commission shall undertake the investigation and monitoring  
24 of aircraft noise impact to determine the nature and extent of the  
25 impact. The port commission shall adopt a program of noise impact  
26 abatement based upon the investigations and as amended periodically  
27 to conform to needs demonstrated by the monitoring programs. In no  
28 case may the port district undertake any of the programs prescribed  
29 in this chapter in an area that is:

30 (a) More than (~~ten~~) 10 miles beyond the paved north end of any  
31 runway;

32 (b) More than (~~thirteen~~) 13 miles beyond the paved south end of  
33 any runway; or

34 (c) More than two miles from the centerline of any runway (~~ten~~)  
35 10 miles north and (~~thirteen~~) 13 miles south from the paved end of  
36 such runway.

1           (2) (~~Such areas as determined in this section,~~) Areas within  
2 which a port district may undertake a program authorized in this  
3 chapter shall be known as "impacted areas."

4           **Sec. 6.** RCW 53.54.040 and 1974 ex.s. c 121 s 4 are each amended  
5 to read as follows:

6           A port district may establish a fund to be utilized in  
7 effectuating the intent of this chapter. The port district may  
8 finance such fund by: The proceeds of any grants or loans made by  
9 federal agencies; the proceeds of any grants or loans made by the  
10 department of commerce pursuant to section 10 of this act; rentals,  
11 charges and other revenues as may be generated by programs authorized  
12 by this chapter, airport revenues; (~~and~~) revenue bonds based upon  
13 such revenues; and tax levy revenue required by RCW 53.36.020 to be  
14 utilized for remedial mitigation programs under section 3 of this  
15 act. The port district may also finance such fund, as necessary, in  
16 whole or in part, with the proceeds of general obligation bond issues  
17 of not more than one-eighth of one percent of the value of taxable  
18 property in the port district: PROVIDED, That any such bond issue  
19 shall be in addition to bonds authorized by RCW 53.36.030: PROVIDED  
20 FURTHER, That any such general obligation bond issue may be subject  
21 to referendum by petition as provided by county charter, the same as  
22 if it were a county ordinance.

23           NEW SECTION. **Sec. 7.** A new section is added to chapter 53.36  
24 RCW to read as follows:

25           (1) When considering a significant port action initiated after  
26 July 1, 2025, a qualifying port district must comply with the  
27 requirements of this section prior to approving the action.

28           (2) To comply with this section, a port district must:

29           (a) Conduct an assessment on the likely adverse cumulative  
30 impacts of the proposed action on overburdened communities and  
31 vulnerable populations that will be affected by the action;

32           (b) Provide a written explanation of actions the port district is  
33 taking to minimize the likely adverse impacts, or, if the port  
34 district determines it does not have the ability or authority to  
35 avoid or reduce any likely adverse impacts, including public health  
36 impacts, of the action on overburdened communities and vulnerable  
37 populations, provide a clear explanation of why it has made that  
38 determination; and

1 (c) Consult with overburdened communities and vulnerable  
2 populations about the proposed action, including by publicly  
3 providing the results of the assessment, conducting outreach within  
4 the communities or populations to raise awareness of the proposed  
5 action, and holding at least one public meeting at a location easily  
6 accessible to the communities and populations.

7 (3) Nothing in this section creates a right of action against a  
8 port district or a right of review of an action taken by a port  
9 district.

10 (4) For the purposes of this section:

11 (a) "Overburdened communities" has the same meaning as in RCW  
12 70A.65.010.

13 (b) "Qualifying port district" means a port district authorized  
14 to undertake programs for the abatement of aircraft noise under RCW  
15 53.54.010.

16 (c) "Significant port action" means any action involving a  
17 capital improvement project, purchase, or construction of \$12,000,000  
18 or more in value.

19 (d) "Vulnerable populations" has the same meaning as in RCW  
20 70A.02.010.

21 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.330  
22 RCW to read as follows:

23 (1) Subject to the availability of amounts appropriated for this  
24 specific purpose, the department of commerce shall administer a grant  
25 program to provide assistance to qualifying port districts for hiring  
26 or contracting with a building inspector or inspectors, or for  
27 entering into an interlocal agreement with the county in which the  
28 port district is located for the provision of a building inspector or  
29 inspectors, as necessary to conduct inspections required under  
30 section 3 of this act.

31 (2) The department of commerce shall prepare and publish an  
32 annual report on its website detailing grants made under this  
33 section. The report must include: (a) The number of inspectors hired  
34 or contracted with, including inspectors provided under an interlocal  
35 agreement with a county, because of the grants; (b) the number of  
36 inspections conducted by the inspectors; and (c) the number of  
37 remedial mitigation packages provided under section 3 of this act  
38 subsequent to an inspection.



1 (3) For the purposes of this section, "qualifying port district"  
2 means a port district authorized to undertake programs for the  
3 abatement of aircraft noise under RCW 53.54.010.

4 **Sec. 9.** RCW 70A.65.260 and 2023 c 475 s 939 are each amended to  
5 read as follows:

6 (1) The climate commitment account is created in the state  
7 treasury. The account must receive moneys distributed to the account  
8 from the climate investment account created in RCW 70A.65.250. Moneys  
9 in the account may be spent only after appropriation. Projects,  
10 activities, and programs eligible for funding from the account must  
11 be physically located in Washington state and include, but are not  
12 limited to, the following:

13 (a) Implementing the working families' tax credit in RCW  
14 82.08.0206;

15 (b) Supplementing the growth management planning and  
16 environmental review fund established in RCW 36.70A.490 for the  
17 purpose of making grants or loans to local governments for the  
18 purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and  
19 36.70A.600, for costs associated with RCW 36.70A.610, and to cover  
20 costs associated with the adoption of optional elements of  
21 comprehensive plans consistent with RCW 43.21C.420;

22 (c) Programs, activities, or projects that reduce and mitigate  
23 impacts from greenhouse gases and copollutants in overburdened  
24 communities, including strengthening the air quality monitoring  
25 network to measure, track, and better understand air pollution levels  
26 and trends and to inform the analysis, monitoring, and pollution  
27 reduction measures required in RCW 70A.65.020;

28 (d) Programs, activities, or projects that deploy renewable  
29 energy resources, such as solar and wind power, and projects to  
30 deploy distributed generation, energy storage, demand-side  
31 technologies and strategies, and other grid modernization projects;

32 (e) Programs, activities, or projects that increase the energy  
33 efficiency or reduce greenhouse gas emissions of industrial  
34 facilities including, but not limited to, proposals to implement  
35 combined heat and power, district energy, or on-site renewables, such  
36 as solar and wind power, to upgrade the energy efficiency of existing  
37 equipment, to reduce process emissions, and to switch to less  
38 emissions intensive fuel sources;

1 (f) Programs, activities, or projects that achieve energy  
2 efficiency or emissions reductions in the agricultural sector  
3 including:

4 (i) Fertilizer management;

5 (ii) Soil management;

6 (iii) Bioenergy;

7 (iv) Biofuels;

8 (v) Grants, rebates, and other financial incentives for  
9 agricultural harvesting equipment, heavy duty trucks, agricultural  
10 pump engines, tractors, and other equipment used in agricultural  
11 operations;

12 (vi) Grants, loans, or any financial incentives to food  
13 processors to implement projects that reduce greenhouse gas  
14 emissions;

15 (vii) Renewable energy projects;

16 (viii) Farmworker housing weatherization programs;

17 (ix) Dairy digester research and development;

18 (x) Alternative manure management; and

19 (xi) Eligible fund uses under RCW 89.08.615;

20 (g) Programs, activities, or projects that increase energy  
21 efficiency in new and existing buildings, or that promote low carbon  
22 architecture, including use of newly emerging alternative building  
23 materials that result in a lower carbon footprint in the built  
24 environment over the life cycle of the building and component  
25 building materials;

26 (h) Programs, activities, or projects that promote the  
27 electrification and decarbonization of new and existing buildings,  
28 including residential, commercial, and industrial buildings;

29 (i) Programs, activities, or projects that improve energy  
30 efficiency, including district energy, and investments in market  
31 transformation of high efficiency electric appliances and equipment  
32 for space and water heating;

33 (j) Clean energy transition and assistance programs, activities,  
34 or projects that assist affected workers or people with lower incomes  
35 during the transition to a clean energy economy, or grow and expand  
36 clean manufacturing capacity in communities across Washington state  
37 including, but not limited to:

38 (i) Programs, activities, or projects that directly improve  
39 energy affordability and reduce the energy burden of people with  
40 lower incomes, as well as the higher transportation fuel burden of

1 rural residents, such as bill assistance, energy efficiency, and  
2 weatherization programs;

3 (ii) Community renewable energy projects that allow qualifying  
4 participants to own or receive the benefits of those projects at  
5 reduced or no cost;

6 (iii) Programs, activities, or other worker-support projects for  
7 bargaining unit and nonsupervisory fossil fuel workers who are  
8 affected by the transition away from fossil fuels to a clean energy  
9 economy. Worker support may include, but is not limited to: (A) Full  
10 wage replacement, health benefits, and pension contributions for  
11 every worker within five years of retirement; (B) full wage  
12 replacement, health benefits, and pension contributions for every  
13 worker with at least one year of service for each year of service up  
14 to five years of service; (C) wage insurance for up to five years for  
15 workers reemployed who have more than five years of service; (D) up  
16 to two years of retraining costs, including tuition and related  
17 costs, based on in-state community and technical college costs; (E)  
18 peer counseling services during transition; (F) employment placement  
19 services, prioritizing employment in the clean energy sector; and (G)  
20 relocation expenses;

21 (iv) Direct investment in workforce development, via technical  
22 education, community college, institutions of higher education,  
23 apprenticeships, and other programs including, but not limited to:

24 (A) Initiatives to develop a forest health workforce established  
25 under RCW 76.04.521; and

26 (B) Initiatives to develop new education programs, emerging  
27 fields, or jobs pertaining to the clean energy economy;

28 (v) Transportation, municipal service delivery, and technology  
29 investments that increase a community's capacity for clean  
30 manufacturing, with an emphasis on communities in greatest need of  
31 job creation and economic development and potential for commute  
32 reduction;

33 (k) Programs, activities, or projects that reduce emissions from  
34 landfills and waste-to-energy facilities through diversion of organic  
35 materials, methane capture or conversion strategies, installation of  
36 gas collection devices and gas control systems, monitoring and  
37 reporting of methane emissions, or other means, prioritizing funding  
38 needed for any activities by local governments to comply with chapter  
39 70A.540 RCW;

1 (1) Carbon dioxide removal projects, programs, and activities;  
2 ((and))

3 (m) Activities to support efforts to mitigate and adapt to the  
4 effects of climate change affecting Indian tribes, including capital  
5 investments in support of the relocation of Indian tribes located in  
6 areas at heightened risk due to anticipated sea level rise, flooding,  
7 or other disturbances caused by climate change. The legislature  
8 intends to dedicate at least \$50,000,000 per biennium from the  
9 account for purposes of this subsection; and

10 (n) Supplementing the port district environmental equity fund  
11 established in section 10 of this act for the purpose of making  
12 grants or loans to port districts to undertake remedial mitigation  
13 programs under section 3 of this act or to comply with requirements  
14 related to consultation with overburdened communities and vulnerable  
15 populations prior to undertaking significant port actions under  
16 section 7 of this act.

17 (2) Moneys in the account may not be used for projects or  
18 activities that would violate tribal treaty rights or result in  
19 significant long-term damage to critical habitat or ecological  
20 functions. Investments from this account must result in long-term  
21 environmental benefits and increased resilience to the impacts of  
22 climate change.

23 (3) During the 2023-2025 fiscal biennium, the legislature may  
24 appropriate moneys from the climate commitment account for activities  
25 related to environmental justice, including implementation of chapter  
26 314, Laws of 2021.

27 NEW SECTION. Sec. 10. A new section is added to chapter 53.20  
28 RCW to read as follows:

29 (1) The port district environmental equity fund is created in the  
30 state treasury. Moneys in the fund may be spent only after  
31 appropriation. Moneys in the fund shall be used to make loans or  
32 grants to port districts to undertake remedial mitigation programs  
33 under section 3 of this act or to comply with requirements related to  
34 significant port actions under section 7 of this act. Any payment of  
35 either principal or interest, or both, derived from loans made from  
36 this fund must be deposited into the fund.

37 (2) (a) The department of commerce shall provide management  
38 services for the port district environmental equity fund. The  
39 department shall establish procedures for fund management. The

1 department shall develop the grant or loan criteria, monitor the  
2 grant or loan program, and select grant or loan recipients.

3 (b) A grant or loan may be awarded to port districts to undertake  
4 remedial mitigation programs under section 3 of this act or to comply  
5 with requirements related to significant port actions under section 7  
6 of this act. In order to qualify for a grant or loan, a port district  
7 must demonstrate that the action or actions it proposes to take is  
8 likely to measurably improve the effectiveness of mitigation measures  
9 taken under section 3 of this act or the communication and  
10 consultation with overburdened communities and vulnerable populations  
11 required under section 7 of this act.

12 (3) The department of commerce shall prepare and publish an  
13 annual report on its website detailing grants and loans made under  
14 this section, the uses to which the grants and loans have been put,  
15 and the benefits that have been realized.

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