
SENATE BILL 5905

State of Washington

66th Legislature

2019 Regular Session

By Senators Saldaña, Cleveland, Hunt, Hasegawa, and Conway

1 AN ACT Relating to prohibiting funds available to port districts
2 from being allocated for the purchase of fully automated cargo
3 handling equipment; and amending RCW 53.08.040.

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

5 **Sec. 1.** RCW 53.08.040 and 2018 c 148 s 2 are each amended to
6 read as follows:

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

20 (2) Such conditions and rates shall be sufficient to reimburse
21 the port for all costs, including reasonable amortization of capital

1 outlays caused by or incidental to providing such other pollution
2 control facilities.

3 (3) No part of such costs of providing any pollution control
4 facility to others shall be paid out of any tax revenues of the port.

5 (4) No port shall enter into an agreement or contract to provide
6 sewer and/or water utilities or pollution control facilities if
7 substantially similar utilities or facilities are available from
8 another source (or sources) which is able and willing to provide such
9 utilities or facilities on a reasonable and nondiscriminatory basis
10 unless such other source (or sources) consents thereto.

11 (5) In the event that a port elects to make such other pollution
12 control facilities available to others, it shall do so by lease,
13 lease purchase agreement, or other agreement binding such user to pay
14 for the use of said facilities for the full term of the revenue bonds
15 issued by the port for the acquisition of said facilities, and said
16 payments shall at least fully reimburse the port for all principal
17 and interest paid by it on said bonds and for all operating or other
18 costs, if any, incurred by the port in connection with said
19 facilities. However, where there is more than one user of any such
20 facilities, each user shall be responsible for its pro rata share of
21 such costs and payment of principal and interest. Any port intending
22 to provide pollution control facilities to others shall first survey
23 the port district to ascertain the potential users of such facilities
24 and the extent of their needs. The port shall conduct a public
25 hearing upon the proposal and shall give each potential user an
26 opportunity to participate in the use of such facilities upon equal
27 terms and conditions.

28 (6) Funds available to ports shall not be allocated for the
29 purchase of fully automated cargo handling equipment. Nothing in this
30 subsection prohibits the:

31 (a) Use of funds available under this section for a project that
32 includes the purchase of human-operated zero-emission equipment,
33 human-operated near zero-emission equipment, and infrastructure
34 supporting the human-operated equipment; and

35 (b) Purchase of devices that support the human-operated equipment
36 in (a) of this subsection, including equipment to evaluate the
37 utilization and environmental benefits of that human-operated
38 equipment.

39 (7) For the purposes of this section:

1 (a) "Fully automated cargo handling equipment" means equipment
2 that is remotely operated or remotely monitored, with or without the
3 exercise of human intervention or control.

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

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