CHAPTER 121

PORT DISTRICT AIRPORTS—AIRCRAFT NOISE CONTROL

AN ACT Relating to port districts; authorizing port districts operating an airport to undertake programs to control and abate aircraft noise; and adding a new chapter to Title 53 RCW.

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

NEW SECTION. Section 1. A port district operating an airport serving more than twenty scheduled jet aircraft flights per day may undertake any of the programs or combinations of such programs, as authorized by this chapter, for the purpose of alleviating and abating the impact of jet aircraft noise on areas surrounding such airport.

NEW SECTION. Sec. 2. Prior to initiating programs as authorized in this chapter the port commission shall undertake the investigation and monitoring of aircraft noise impact to determine the nature and extent of the impact. The port commission shall adopt a program of noise impact abatement based upon the investigations and as amended periodically to conform to needs demonstrated by the monitoring programs: PROVIDED, That in no case may the port district undertake any of the programs of this chapter in an area which is more than three miles beyond the paved end of any runway or more than fifteen hundred feet from the centerline of any runway or from an imaginary runway centerline extending three miles from the paved end of such runway: PROVIDED FURTHER, That the area within 2500 feet of the center of the end point of any runway may be included. Such areas as determined above, shall be known as "impacted areas".

NEW SECTION. Sec. 3. For the purposes of this chapter, in developing a remedial program, the port commission may utilize one or more of the following programs:

(1) Acquisition of property or property rights within the impacted area, which shall be deemed necessary to accomplish a port purpose. The port district may purchase such property or property rights by time payment notwithstanding the time limitations provided for in RCW 53.08.010. The port district may mortgage or otherwise pledge any such properties acquired to secure such transactions. The port district may assume any outstanding mortgages.

(2) Programs of soundproofing structures located within an impacted area. Such programs may be executed without regard to the onwership, provided the owner waives all damages and conveys a full and unrestricted easement for the operation of all aircraft, and for
all noise and noise associated conditions therewith, to the port
district.

(3) Mortgage insurance of private owners of lands or
improvements within such noise impacted area where such private
owners are unable to obtain mortgage insurance solely because of
noise impact. In this regard, the port district may establish
reasonable regulations and may impose reasonable conditions and
charges upon the granting of such mortgage insurance: PROVIDED, That
such fees and charges shall at no time exceed fees established for
federal mortgage insurance programs for like service.

(4) Management of all lands, easements, or development rights
acquired, including but not limited to the following:

(a) Rental of any or all lands or structures acquired;

(b) Redevelopment of any such lands for any economic use
consistent with airport operations, local zoning and the state
environmental policy;

(c) Sale of such properties for cash or for time payment and
subjection of such property to mortgage or other security
transaction: PROVIDED, That any such sale shall reserve to the port
district by covenant an unconditional right of easement for the
operation of all aircraft and for all noise or noise conditions
associated therewith.

(5) A property shall be considered within the impacted area
if any part thereof is within the impacted area.

NEW SECTION. Sec. 4. A port district may establish a fund to
be utilized in effectuating the intent of this chapter. The port
district may finance such fund by: The proceeds of any grants or
loans made by federal agencies; rentals, charges and other revenues
as may be generated by programs authorized by this chapter, airport
revenues; and revenue bonds based upon such revenues. The port
district may also finance such fund, as necessary, in whole or in
part, with the proceeds of general obligation bond issues of not more
than one eighth of one percent of the value of taxable property in
the port district: PROVIDED, That any such bond issue shall be in
addition to bonds authorized by RCW 53.36.030: PROVIDED FURTHER,
That any such general obligation bond issue may be subject to
referendum by petition as provided by county charter, the same as if
it were a county ordinance.

NEW SECTION. Sec. 5. The rule of strict construction shall
have no application to this chapter, which shall be liberally
construed to carry out the purposes and objects for which this
chapter is intended. The powers granted in this chapter shall be in
addition to all others granted to port districts.

[ 338 ]
NEW SECTION. Sec. 6. Sections 1 through 5 of this 1974 act shall constitute a new chapter in Title 53 RCW.

NEW SECTION. Sec. 7. If any provision of this 1974 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

Passed the House February 6, 1974.
Passed the Senate February 12, 1974.
Approved by the Governor February 19, 1974.
Filed in Office of Secretary of State February 19, 1974.

---------------------------

CHAPTER 122
[House Bill No. 1334]
PROPERTY TAX—CONSTITUTIONAL LIMITATION—REFUNDS

AN ACT Relating to revenue and taxation; amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 126, Laws of 1972 ex. sess. and RCW 84.69.020; and adding a new section to Title 84 RCW.

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

NEW SECTION. Section 1. There is added to Title 84 RCW a new section to read as follows:

The legislature recognizes that the operation of the provisions of RCW 84.52.065 and 84.48.080, providing for adjustments in the county-determined assessed value of property for purposes of the state property tax for schools, may, with respect to certain properties, result in a total regular property tax payment in excess of the one percent limitation provided for in Article 7, section 2 (Amendment 59) of the state Constitution. The primary purpose of this 1974 amendatory act is to provide a procedure for administrative relief in such cases, such relief to be in addition to the presently existing procedure for judicial relief through a refund action provided for in RCW 84.68.020.

Sec. 2. Section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 126, Laws of 1972 ex. sess. and RCW 84.69.020 are each amended to read as follows:

On order of the board of county commissioners or other county legislative authority of any county, ad valorem taxes paid before or after delinquency shall be refunded if they were:

(1) Paid more than once; or
(2) Paid as a result of manifest error in description; or
(3) Paid as a result of a clerical error in extending the tax rolls; or