

in concert with other governmental entities, when necessary to achieve implementation of master programs adopted hereunder;

(2) Accept grants, contributions, and appropriations from any agency, public or private, or individual for the purposes of this chapter;

(3) Appoint advisory committees to assist in carrying out the purposes of this chapter;

(4) Contract for professional or technical services required by it which cannot be performed by its employees.

Passed the House January 30, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 54

[Engrossed House Bill No. 257]

POLLUTION CONTROL FACILITIES

AN ACT Relating to environmental quality; providing for construction of new facilities for the control of pollution; furthering the economic development of the state; amending section 5, chapter 65, Laws of 1955 as amended by section 1, chapter 131, Laws of 1967 and RCW 53.08.040; adding new sections to chapter 65, Laws of 1955 and to chapter 53.08 RCW; creating new sections; and declaring an emergency.

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

Section 1. Section 5, chapter 65, Laws of 1955 as amended by section 1, chapter 131, Laws of 1967 and RCW 53.08.040 are each amended to read as follows:

A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands for sale or lease for industrial and commercial purposes. ((Where)) A district may also acquire, construct, install, improve, and operate sewer and water utilities ((are constructed and operated by the port as an incident to servicing port lands;)) to serve its own property and other property owners ((in areas adjacent to such system may be permitted to connect thereto)) under terms, conditions, and rates to be fixed and approved by the port commission. A district may also acquire, by purchase, construction, lease, or in any other manner, and may maintain and operate other facilities for the control or elimination of air, water, or other pollution, including, but not limited to, facilities for the treatment and/or disposal of industrial wastes, and may make such facilities available to others

under terms, conditions and rates to be fixed and approved by the port commission. Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing such ((utilities)) other pollution control facilities: PROVIDED, That no part of such costs of providing any pollution control facility to others shall be paid out of any tax revenues of the port: AND PROVIDED FURTHER, That no port shall enter into an agreement or contract to provide sewer and/or water utilities or pollution control facilities if substantially similar utilities or facilities are available ((to such adjacent property owners)) from another source (or sources) which is able and willing to provide such utilities or facilities on a reasonable and nondiscriminatory basis unless such other source (or sources) consents thereto.

In the event that a port elects to make such other pollution control facilities available to others, it shall do so by lease, lease purchase agreement, or other agreement binding such user to pay for the use of said facilities for the full term of the revenue bonds issued by the port for the acquisition of said facilities, and said payments shall at least fully reimburse the port for all principal and interest paid by it on said bonds and for all operating or other costs, if any, incurred by the port in connection with said facilities: PROVIDED, HOWEVER, That where there is more than one user of any such facilities, each user shall be responsible for its pro rata share of such costs and payment of principal and interest. Any port intending to provide pollution control facilities to others shall first survey the port district to ascertain the potential users of such facilities and the extent of their needs. The port shall conduct a public hearing upon the proposal and shall give each potential user an opportunity to participate in the use of such facilities upon equal terms and conditions.

NEW SECTION. Sec. 2. The department of ecology may determine that any item of property forming part of an industrial, commercial, manufacturing, electric generating or other building or group of buildings which is used partly for pollution control purposes and partly for other purposes is a pollution control facility to the extent that such item of property is attributable to pollution control purposes and not to other purposes; in making such determination the department shall consider the incremental cost of such item of property attributable solely to pollution control purposes and such other factors as the department may deem relevant.

NEW SECTION. Sec. 3. There is added to chapter 65, Laws of 1955 and to chapter 53.08 RCW a new section to read as follows:

Facilities constructed by a port district under authority of this chapter will be subject to taxation of leasehold interest

pursuant to applicable laws as now or hereafter enacted.

NEW SECTION. Sec. 4. There is added to chapter 65, Laws of 1955 and to chapter 53.08 RCW a new section to read as follows:

Neither this chapter nor anything herein contained shall be construed as a restriction or limitation upon any powers which a district might otherwise have under any laws of this state, but shall be construed as cumulative.

NEW SECTION. Sec. 5. If any provision of this 1972 amendatory act or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this 1972 amendatory act are declared to be severable.

NEW SECTION. Sec. 6. This 1972 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 16, 1972.

Passed the Senate February 11, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

CHAPTER 55

[Substitute House Bill NO. 426]

LITTER ASSESSMENT

AN ACT Relating to annual litter assessments.

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

NEW SECTION. Section 1. During the 1972 calendar year until the date on which the secretary of state certifies the election results on chapter 307, Laws of 1971 ex. sess., as provided in RCW 70.93.910, the annual litter assessment provided for in RCW 70.93.120 shall accrue monthly and shall be payable and collected by the department of revenue in the manner provided by RCW 82.04.490. This section shall cease to be effective upon certification by the secretary of state of the election results on chapter 307, Laws of 1971 ex. sess., as provided in RCW 70.93.910. Assessments which accrue for any complete months in calendar year 1972 prior to such certification and which have not theretofore been paid, shall be payable and may be collected by the department of revenue after the date of such certification.

NEW SECTION. Sec. 2. No provision of this act shall be included in the alternative to Initiative 40 approved by the