

TITLE 70
WATERCOURSES AND PORT DISTRICTS

CHAPTER 15
PORT DISTRICTS -- POWERS

70-1501. ACQUISITION OF PROPERTY AND FACILITIES -- OPERATION. A port district may finance, construct, condemn, purchase, acquire, add to, equip, maintain and operate any and all facilities and services reasonably incident to the operation of a modern, efficient and competitive port, together with industrial and economic development facilities of any kind or nature which maintain or increase employment opportunities in a port district. In connection with its operations, a port district may perform all customary services including, but not limited to, the handling, weighing, measuring, reconditioning and storage for hire, processing and/or holding for transshipment of all commodities.

[70-1501, added 1969, ch. 55, sec. 47, p. 144; am. 1994, ch. 114, sec. 1, p. 261; am. 2001, ch. 189, sec. 2, p. 652.]

70-1502. ACQUISITION OF PROPERTY -- EMINENT DOMAIN -- LEVY OF ASSESSMENTS. A port district may acquire by purchase, for cash or on deferred payments for a period not exceeding ten (10) years, or by condemnation, or by both, all lands, property, property rights, leases or easements necessary for its purposes and may exercise the right of eminent domain in the acquirement or damaging of all such lands, property, and property rights, and may levy and collect assessments upon property for the payment of all damages and compensations in carrying out its purposes. Except as modified or enlarged in this act, the provisions of chapter 7 of title 7, Idaho Code, shall apply to condemnation of estates, interests or rights in lands by port districts.

[70-1502, added 1969, ch. 55, sec. 48, p. 144.]

70-1503. OWNERSHIP AND OPERATION OF PROPERTY IN GENERAL. A port district may own and control lands, leases, and all easements and interests in land and all manner of personal property for all lawful port purposes and operate any and all property or facilities in any way acquired or owned by such port district, either within or without the boundaries of said district.

[70-1503, added 1969, ch. 55, sec. 49, p. 144.]

70-1504. NAVIGATION -- WATERWAY IMPROVEMENT. Port districts shall have full power and authority to regulate and control all navigable and non-navigable waters of the United States and of the state of Idaho, so far and to the full extent that this state can grant the same, within and adjacent to the boundaries thereof, when necessary to the efficient development and operation of the port district; and to that end may straighten, widen, deepen, and otherwise improve any and all such waterways, waters, water courses, bays, lakes, streams or other waters, whether navigable or otherwise, and may create or improve new waterways.

[70-1504, added 1969, ch. 55, sec. 50, p. 144.]

70-1505. RATES AND CHARGES. A district may fix, without right of appeal therefrom, the rate of wharfage, dockage, warehousing, and all necessary port and terminal charges upon all improvements owned and/or operated by it, and the charges of ferries operated by it. The port commission shall file

with the public utilities commission of this state, its schedule of rates and charges so fixed. It may change any rate or charge so filed, by filing with the commission a notice of the proposed change not less than thirty (30) days before the change shall go into effect.

It may fix, subject to state regulation, all such charges upon all docks, wharves, warehouses, quays and piers owned by the state of Idaho, and operated under lease therefrom, and/or by agreement therewith.

[70-1505, added 1969, ch. 55, sec. 51, p. 144.]

70-1506. FOREIGN TRADE ZONES. A port district may apply to the proper authority of the United States under any law now or hereafter in force for the right to establish, operate and maintain foreign trade zones within the limits of the port district and may establish, operate and maintain such foreign trade zones.

[70-1506, added 1969, ch. 55, sec. 52, p. 144.]

70-1507. INDUSTRIAL DEVELOPMENT -- IMPROVEMENTS. A port district may improve its lands by dredging, filling, bulk-heading, providing waterways, or otherwise developing such lands for sale or lease for industrial and commercial purposes. Such district may cooperate with the U.S. Army Corps of Engineers, or any other applicable governmental agencies or instrumentalities in the management and development of lands acquired by the port and/or acquired by such governmental agencies and/or acquired by the port and such governmental agencies jointly.

[70-1507, added 1969, ch. 55, sec. 53, p. 144.]

70-1508. JOINT EXERCISE OF POWERS -- JOINT ACQUISITION OF PROPERTY -- CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES. Any two (2) or more port districts shall have the power, by mutual agreement, to exercise jointly all powers granted to each individual district, and in the exercise of such powers shall have the right and power to acquire jointly all lands, property, property rights, leases, or easements necessary for their purposes, either entirely within, or partly within and partly without, or entirely without such districts; provided that any two (2) or more districts so acting jointly, by mutual agreement, shall not acquire any real property or real property rights in any other port district without the consent of such district. A port district may enter into any contract with the United States, or any state, county or municipal corporation, or any agency or instrumentality thereof, for carrying out any powers which each of the contracting parties may by law exercise separately.

[70-1508, added 1969, ch. 55, sec. 54, p. 144.]

70-1509. COOPERATION WITH UNITED STATES -- FEDERAL AID -- SALE OF BONDS -- POWERS CONFERRED. Every port district shall have power and is hereby authorized to completely and fully cooperate with the United States in all its programs and under all its laws, and to accept and use all available federal aid, and by way of illustration and not of limitation to do any or all of the following:

(1) Accept from the United States or any agency or instrumentality thereof, loans or grants for or in aid of any port development;

(2) Make contracts and execute instruments containing such terms, provisions, and conditions as in the discretion of the port commission may be necessary, proper or advisable for the purpose of obtaining grants or loans,

or both, from any such federal agency or instrumentality, under any law of the United States, or the rules or regulations promulgated thereunder; to make all other contracts and to execute all other instruments necessary, proper or advisable in or for the furtherance of any port improvement and to carry out and perform the terms and conditions of all such contracts or instruments;

(3) Subscribe to and comply with the provisions of all the laws of the United States and any rules and regulations made by any such federal agency or instrumentality, with regard to any such grants or loans or both;

(4) Perform any acts authorized under this act through or by means of its own officers, agents and employees, or by contract with corporations, firms, or individuals;

(5) Any contract to be let involving funds secured or to be secured in whole or in part under any such United States laws, rule or regulation, or any part thereof, may be awarded upon any day at least fifteen (15) days after one (1) publication of a notice requesting bids upon such contract in a newspaper of general circulation in the port district; provided, that in any case where publication of notice may be made for a shorter period of time under the provisions of existing statute or charter, such statute or charter shall govern;

(6) To sell bonds at private sale to any agency or instrumentality of the United States or of this state, or to any sister state, or to any municipal corporation of this or any sister state, without any public advertisement;

(7) To issue interim receipts, certificates, warrants, or other temporary obligations, in such form and containing such terms, conditions and provisions as the port commission issuing the same may determine, pending the preparation or execution of bonds for the purpose of financing such projects;

(8) To issue bonds bearing the signatures of officers in office of the date of signing such bonds, notwithstanding that before delivery thereof any or all the persons whose signatures appear thereon shall have ceased to be the officers of the port commission issuing the same;

(9) To include in the cost of any such project which may be financed by the issuance of bonds: (a) engineering, inspection, accounting, fiscal and legal expenses; (b) the cost of issuance of the bonds, including engraving, printing, advertising, and other similar expenses; (c) any interest costs during the period of construction on such project and for six (6) months thereafter on money borrowed or estimated to be borrowed;

(10) To stipulate in any contract for the construction of any such project or part thereof, the maximum hours that any laborer, workman or mechanic shall be permitted or required to work in any one (1) calendar day or calendar week or calendar month, and the minimum wages to be paid to laborers, workmen or mechanics in connection with any such project; provided, that no such stipulation shall provide for hours in excess of, or for wages less than may now or hereafter be required by any other law;

(11) To exercise any power conferred by this act independently or in conjunction with any power or powers conferred by any other law.

[70-1509, added 1969, ch. 55, sec. 55, p. 144.]

70-1510. FEDERAL AID -- PRELIMINARY STUDIES. Port districts are hereby authorized to accept from the United States government all loans, advances, grants in aid, or donations which may be made available under any federal

act, rule or regulation, for the purpose of financing the cost of architectural, engineering, or economic investigations or of studies, surveys, designs, plans, working drawings, specifications, procedures, and other matters preliminary to the construction of public works.

[70-1510, added 1969, ch. 55, sec. 56, p. 144.]

70-1511. UNITED STATES SURPLUS PROPERTY -- ACQUISITION. Port districts may acquire, by gift or for consideration, individually or with other port districts or municipal corporations or instrumentalities of this state, surplus United States property, and/or other property of the United States or any other public body made available for such acquisition, and may hold and use the same for all lawful port purposes, subject to applicable federal laws and regulations appertaining thereto. Such property may be so acquired and used whenever the port commission finds the acquisition and/or use thereof to be to the present or future benefit of the port district, and whether or not the acquisition and/or use thereof is contemplated within the port district's comprehensive plan of harbor improvement and port development.

[70-1511, added 1969, ch. 55, sec. 57, p. 144.]

70-1512. FEDERAL AID POWERS SUPPLEMENTAL -- CONSTRUCTION. The powers conferred by sections 70-1509--70-1512[, Idaho Code,] shall be in addition and supplemental to, and not in diminution of or substitution for any powers now or hereafter conferred upon any port district by this act or any other law. The provisions of such sections are intended to simplify the procedure for the construction and financing of port improvements, and are remedial in nature and the powers thereby granted shall be liberally construed; provided, that such section shall not be construed to authorize the issuance of general obligation bonds by such port, in excess of the limitations contained in this act and any such bonds shall be issued only upon compliance with the provisions of this act concerning the issuance of general obligation bonds.

[70-1512, added 1969, ch. 55, sec. 58, p. 144.]