

# SENATE BILL REPORT

## ESSB 6074

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As Passed Senate, April 15, 2003

**Title:** An act relating to technical changes to passenger-only ferry service statutes.

**Brief Description:** Making technical changes to passenger-only ferry service statutes.

**Sponsors:** Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Swecker and Prentice).

**Brief History:**

**Committee Activity:** Highways & Transportation: 4/10/03 [DPS, DNP].  
Passed Senate: 4/15/03, 49-0.

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### SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6074 be substituted therefor, and the substitute bill do pass.

Signed by Senators Horn, Chair; Swecker, Vice Chair; Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

**Minority Report:** Do not pass.

Signed by Senators Benton, Vice Chair; and Mulliken.

**Staff:** Tami Neilson (786-7452)

**Background:** Engrossed Substitute House Bill 1853 (ESHB 1853), allowing public transportation benefit areas (PTBAs) and ferry districts to provide passenger-only ferry (POF) service, was introduced during the 2003 legislative session. In ESHB 1853, ferry districts must be charged fair market value for Washington State Ferries' (WSF) vessels, equipment, and space, taking into account public benefit derived from the ferry service.

Additionally, ferry districts are provided with the following labor provisions, unless otherwise prohibited by law: (1) ferry districts, and any contract with their subcontractors, must give preferential hiring to former employees of the Washington State Department of Transportation who were displaced when state passenger-only ferry service was terminated; and (2) any questions concerning representation of employees for collective bargaining purposes may be determined by conducting a card cross-check, comparing an employee organization's membership records against the employment records of the employer.

PTBAs and ferry districts are not subject to the WSF's contractual labor obligations. However, PTBAs and ferry districts are subject to the terms of the contracts they negotiate with the bargaining representatives of their employees under the Public Employees Relations Commission (PERC) or the National Labor Relations Act, as applicable.

Current law establishes financial responsibility requirements for certain passenger vessels that transport petroleum products, either as cargo or as fuel. During the 2003 legislative session, the Legislature revised these requirements.

**Summary of Bill:** PTBAs are subject to the same labor provisions as ferry districts when offering POF services. In addition, PTBAs must be charged fair market value, taking into account public benefit derived from the ferry service, for WSF vessels, equipment, and space. A reference is also added to the PERC statute to clarify that public employees of PTBAs and ferry districts are subject to PERC requirements.

Private passenger vessels that transport passengers and vehicles between Washington and a foreign country are not subject to the revised financial responsibility requirements adopted by the 2003 Legislature.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Sections 1 and 2 contain an emergency clause and take effect immediately, but only if ESHB 1853 has become law. If ESHB1853 has not become law by June 30, 2003, Sections 1 and 2 are null and void. Section 3 takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The bill makes technical corrections.

**Testimony Against:** With Concerns: It is unclear how public benefit derived from POF service is defined.

**Testified:** PRO: Gordon Baxter, Inland Boatman's Union, Masters, Mates, and Pilots; Don Griffith, Washington State Department of Transportation (with concerns).