

SENATE BILL REPORT

SB 6074

As Reported By Senate Committee On:
Highways & Transportation, April 10, 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: Senators Horn, Haugen, Swecker and Prentice.

Brief History:

Committee Activity: Highways & Transportation: 4/10/03 [DPS, DNP].

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.

Summary of Substitute 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.

Substitute Bill Compared to Original Bill: Labor provisions relating to preferential hiring of former employees of WSDOT and card cross-checks are authorized unless otherwise prohibited by federal or state law.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately, but only if ESHB 1853 has become law. If ESHB1853 has not become law by June 30, 2003, this act is null and void.

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).