

HOUSE BILL REPORT

HB 3007

As Passed Legislature

Title: An act relating to authorizing airport operators to make airport property available at less than fair market rental value for public recreational or other community uses.

Brief Description: Authorizing airport operators to make airport property available at less than fair market rental value for public recreational or other community uses.

Sponsors: Representatives Upthegrove, Orwall, Williams and Wallace.

Brief History:

Committee Activity:

Local Government & Housing: 2/1/10 [DP].

Floor Activity:

Passed House: 2/13/10, 79-16.

Passed Senate: 3/4/10, 43-1.

Passed Legislature.

Brief Summary of Bill

- Authorizes municipalities that have established or may establish airports to make airport property available for public recreational or other community uses at less than fair market rental value if specific requirements are met.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 8 members: Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia, Short, Springer, Upthegrove, White and Williams.

Minority Report: Do not pass. Signed by 2 members: Representatives Angel, Ranking Member; Fagan.

Staff: Ethan Moreno (786-7386).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Cities, towns, and port districts are authorized to acquire, maintain, and operate sites and facilities within their boundaries for the aerial transportation of persons or property.

Additionally, municipalities, a term defined in statute, that have established or may establish airports or other air navigation facilities within their boundaries, are granted specific powers related to airport operations, including the authority to:

- vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation of airports or related facilities in an officer, board, or body of the municipality;
- adopt and amend all needed rules, regulations, and ordinances for the management, government, and use of airport properties under its control;
- sell or lease real or personal property acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aircraft landings, aircraft takeoffs or related aeronautic purposes; and
- determine, with some limitations, the charges or rental for the use of any properties under its control and the terms and conditions under which the properties may be used.

Summary of Bill:

Municipalities that have established or may establish airports may make airport property available for less than fair market rental value if, prior to the lease or contract authorizing the use, the airport operator's governing board or body adopts a policy and related procedures meeting specified requirements. The policy must establish that the lease or other contract enhances the public acceptance of the airport and serves the airport's business interest, and the procedures must set forth an approval process for the lease or contract.

If the airport operator has adopted the required policy and procedures, the property may be leased or licensed at less than fair market rental value if the municipality's governing body finds that 13 specific criteria are met. Examples of the required criteria include the following:

- the lease or license of the subject property enhances public acceptance of the airport in a community in the immediate area of the airport;
- the subject property is put to a desired public recreational or other community use by the community in the immediate area of the airport;
- the desired community use and the community goodwill that would be generated by the community use serves the business interest of the airport in ways that can be articulated and demonstrated;
- the lease or other contract for community use must be used by nonprofits and must not benefit private individuals; and
- the lease or other contract for community use is subject to the requirement that if the term of the lease is for a period that exceeds 10 years, the lease must contain a provision allowing for a readjustment of the rent every five years after the initial 10-year term.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Port of Seattle, the operator of SeaTac Airport, many years ago purchased property necessary for the airport's second runway. For more than 20 years, properties in this area have been used as baseball fields, but the State Auditor has raised concerns about this practice. This bill will allow the current use to continue and will align relevant provisions of state law with federal requirements.

Under federal law, airports are required to be self-sustaining: they must be funded through user fees, not general tax funds. Federal law recognizes that under limited circumstances, airport properties may be properly used for community purposes.

(Opposed) None.

Persons Testifying: Representative Upthegrove, prime sponsor; and Linda Hull, Port of Seattle.

Persons Signed In To Testify But Not Testifying: None.