
SUBSTITUTE SENATE BILL 6217

State of Washington

66th Legislature

2020 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Keiser, Saldaña, Nguyen, Hasegawa, Conway, and Wilson, C.)

READ FIRST TIME 02/05/20.

1 AN ACT Relating to minimum labor standards for certain employees
2 working at an airport or air navigation facility; and amending RCW
3 14.08.330 and 14.08.120.

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

5 **Sec. 1.** RCW 14.08.330 and 1985 c 246 s 1 are each amended to
6 read as follows:

7 (1) Every airport and other air navigation facility controlled
8 and operated by any municipality, or jointly controlled and operated
9 pursuant to the provisions of this chapter, shall, subject to federal
10 and state laws, rules, and regulations, be under the exclusive
11 jurisdiction and control of the municipality or municipalities
12 controlling and operating it. The municipality or municipalities
13 shall have concurrent jurisdiction over the adjacent territory
14 described in RCW 14.08.120(~~((+2))~~) (1)(b). No other municipality in
15 which the airport or air navigation facility is located shall have
16 any police jurisdiction of the same or any authority to charge or
17 exact any license fees or occupation taxes for the operations.
18 However, by agreement with the municipality operating and controlling
19 the airport or air navigation facility, a municipality in which an
20 airport or air navigation facility is located may be responsible for
21 the administration and enforcement of the uniform fire code, as

1 adopted by that municipality under RCW 19.27.040, on that portion of
2 any airport or air navigation facility located within its
3 jurisdictional boundaries.

4 (2) Nothing in subsection (1) of this section prohibits a
5 municipality that controls or operates a commercial airport that
6 averages five hundred or more scheduled flights per day from enacting
7 a minimum labor standard that applies to employees working at the
8 airport or air navigation facility, or on other property owned by the
9 municipality, or from conditioning a license to perform services at
10 the airport or air navigation facility upon an employer complying
11 with minimum labor standards for employees providing such services,
12 so long as the minimum labor standard meets or exceeds the minimum
13 labor standards enacted by any other municipality in which the
14 airport, air navigation facility, or other property is located. In
15 enacting minimum labor standards pursuant to this subsection (2), the
16 municipality may not enact labor standards that apply to employees of
17 an airline. For the purposes of this subsection (2), "airline" means
18 an air carrier operating interstate routes on a scheduled basis that
19 offers to fly passengers or cargo on the basis of available capacity
20 on regularly scheduled routes.

21 **Sec. 2.** RCW 14.08.120 and 2010 c 155 s 1 are each amended to
22 read as follows:

23 (1) In addition to the general powers conferred in this chapter,
24 and without limitation thereof, a municipality that has established
25 or may hereafter establish airports, restricted landing areas, or
26 other air navigation facilities, or that has acquired or set apart or
27 may hereafter acquire or set apart real property for that purpose or
28 purposes is authorized:

29 ~~((1))~~ (a) To vest authority for the construction, enlargement,
30 improvement, maintenance, equipment, operation, and regulation
31 thereof in an officer, a board, or body of the municipality by
32 ordinance or resolution that prescribes the powers and duties of the
33 officer, board, or body; and the municipality may also vest authority
34 for industrial and commercial development in a municipal airport
35 commission consisting of at least five resident taxpayers of the
36 municipality to be appointed by the governing board of the
37 municipality by an ordinance or resolution that includes ~~((a))~~ (i)
38 the terms of office, which may not exceed six years and which shall
39 be staggered so that not more than three terms will expire in the

1 same year, ~~((b))~~ (ii) the method of appointment and filling
2 vacancies, ~~((e))~~ (iii) a provision that there shall be no
3 compensation but may provide for a per diem of not to exceed twenty-
4 five dollars per day plus travel expenses for time spent on
5 commission business, ~~((d))~~ (iv) the powers and duties of the
6 commission, and ~~((e))~~ (v) any other matters necessary to the
7 exercise of the powers relating to industrial and commercial
8 development. The expense of the construction, enlargement,
9 improvement, maintenance, equipment, industrial and commercial
10 development, operation, and regulation are the responsibility of the
11 municipality.

12 ~~((2))~~ (b) To adopt and amend all needed rules, regulations, and
13 ordinances for the management, government, and use of any properties
14 under its control, whether within or outside the territorial limits
15 of the municipality; to provide fire protection for the airport,
16 including the acquisition and operation of fire protection equipment
17 and facilities, and the right to contract with any private body or
18 political subdivision of the state for the furnishing of such fire
19 protection; to appoint airport guards or police, with full police
20 powers; to fix by ordinance or resolution, as may be appropriate,
21 penalties for the violation of the rules, regulations, and
22 ordinances, and enforce those penalties in the same manner in which
23 penalties prescribed by other rules, regulations, and ordinances of
24 the municipality are enforced. For the purposes of such management
25 and government and direction of public use, that part of all
26 highways, roads, streets, avenues, boulevards, and territory that
27 adjoins the limits of any airport or restricted landing area acquired
28 or maintained under the provisions of this chapter is under like
29 control and management of the municipality. It may also adopt and
30 enact rules, regulations, and ordinances designed to safeguard the
31 public upon or beyond the limits of private airports or landing
32 strips within the municipality or its police jurisdiction against the
33 perils and hazards of instrumentalities used in aerial navigation.
34 Rules, regulations, and ordinances shall be published as provided by
35 general law or the charter of the municipality for the publication of
36 similar rules, regulations, and ordinances. They shall conform to and
37 be consistent with the laws of this state and the rules of the state
38 department of transportation and shall be kept in conformity, as
39 nearly as may be, with the then current federal legislation governing

1 aeronautics and the regulations duly promulgated thereunder and the
2 rules and standards issued from time to time pursuant thereto.

3 ~~((3))~~ (c) To create a special airport fund, and provide that
4 all receipts from the operation of the airport be deposited in the
5 fund, which fund shall remain intact from year to year and may be
6 pledged to the payment of aviation bonds, or kept for future
7 maintenance, construction, or operation of airports or airport
8 facilities.

9 ~~((4))~~ (d) To lease airports or other air navigation facilities,
10 or real property acquired or set apart for airport purposes, to
11 private parties, any municipal or state government or the national
12 government, or any department thereof, for operation; to lease or
13 assign to private parties, any municipal or state government or the
14 national government, or any department thereof, for operation or use
15 consistent with the purposes of this chapter, space, area,
16 improvements, or equipment of such airports; to authorize its lessees
17 to construct, alter, repair, or improve the leased premises at the
18 cost of the lessee and to reimburse its lessees for such cost,
19 provided the cost is paid solely out of funds fully collected from
20 the airport's tenants; to sell any part of such airports, other air
21 navigation facilities or real property to any municipal or state
22 government, or to the United States or any department or
23 instrumentality thereof, for aeronautical purposes or purposes
24 incidental thereto, and to confer the privileges of concessions of
25 supplying upon its airports goods, commodities, things, services, and
26 facilities: PROVIDED, That in each case in so doing the public is not
27 deprived of its rightful, equal, and uniform use thereof.

28 ~~((5))~~ (e) Acting through its governing body, to sell or lease
29 any property, real or personal, acquired for airport purposes and
30 belonging to the municipality, which, in the judgment of its
31 governing body, may not be required for aircraft landings, aircraft
32 takeoffs or related aeronautic purposes, in accordance with the laws
33 of this state, or the provisions of the charter of the municipality,
34 governing the sale or leasing of similar municipally owned property.
35 The municipal airport commission, if one has been organized and
36 appointed under subsection (1)(a) of this section, may lease any
37 airport property for aircraft landings, aircraft takeoffs, or related
38 aeronautic purposes. If there is a finding by the governing body of
39 the municipality that any airport property, real or personal, is not
40 required for aircraft landings, aircraft takeoffs, or related

1 aeronautic purposes, then the municipal airport commission may lease
2 such space, land, area, or improvements, or construct improvements,
3 or take leases back for financing purposes, grant concessions on such
4 space, land, area, or improvements, all for industrial or commercial
5 purposes, by private negotiation and under such terms and conditions
6 that seem just and proper to the municipal airport commission. Any
7 such lease of real property for aircraft manufacturing or aircraft
8 industrial purposes or to any manufacturer of aircraft or aircraft
9 parts or for any other business, manufacturing, or industrial purpose
10 or operation relating to, identified with, or in any way dependent
11 upon the use, operation, or maintenance of the airport, or for any
12 commercial or industrial purpose may be made for any period not to
13 exceed seventy-five years, but any such lease of real property made
14 for a longer period than ten years shall contain provisions requiring
15 the municipality and the lessee to permit the rentals for each five-
16 year period thereafter, to be readjusted at the commencement of each
17 such period if written request for readjustment is given by either
18 party to the other at least thirty days before the commencement of
19 the five-year period for which the readjustment is requested. If the
20 parties cannot agree upon the rentals for the five-year period, they
21 shall submit to have the disputed rentals for the period adjusted by
22 arbitration. The lessee shall pick one arbitrator, and the governing
23 body of the municipality shall pick one, and the two so chosen shall
24 select a third. After a review of all pertinent facts the board of
25 arbitrators may increase or decrease such rentals or continue the
26 previous rate thereof.

27 The proceeds of the sale of any property the purchase price of
28 which was obtained by the sale of bonds shall be deposited in the
29 bond sinking fund. If all the proceeds of the sale are not needed to
30 pay the principal of bonds remaining unpaid, the remainder shall be
31 paid into the airport fund of the municipality. The proceeds of sales
32 of property the purchase price of which was paid from appropriations
33 of tax funds shall be paid into the airport fund of the municipality.

34 ~~((+6))~~ (f) To determine the charges or rental for the use of any
35 properties under its control and the charges for any services or
36 accommodations, and the terms and conditions under which such
37 properties may be used: PROVIDED, That in all cases the public is not
38 deprived of its rightful, equal, and uniform use of the property.
39 Charges shall be reasonable and uniform for the same class of service
40 and established with due regard to the property and improvements used

1 and the expense of operation to the municipality. The municipality
2 shall have and may enforce liens, as provided by law for liens and
3 enforcement thereof, for repairs to or improvement or storage or care
4 of any personal property, to enforce the payment of any such charges.

5 ~~((7))~~ (g) To impose a customer facility charge upon customers
6 of rental car companies accessing the airport for the purposes of
7 financing, designing, constructing, operating, and maintaining
8 consolidated rental car facilities and common use transportation
9 equipment and facilities which are used to transport the customer
10 between the consolidated car rental facilities and other airport
11 facilities. The airport operator may require the rental car companies
12 to collect the facility charges, and any facility charges so
13 collected shall be deposited in a trust account for the benefit of
14 the airport operator and remitted at the direction of the airport
15 operator, but no more often than once per month. The charge shall be
16 calculated on a per-day basis. Facility charges may not exceed the
17 reasonable costs of financing, designing, constructing, operating,
18 and maintaining the consolidated car rental facilities and common use
19 transportation equipment and facilities and may not be used for any
20 other purpose. For the purposes of this subsection ~~((7))~~ (1)(g), if
21 an airport operator makes use of its own funds to finance the
22 consolidated rental car facilities and common use transportation
23 equipment and facilities, the airport operator ~~((a))~~ (i) is
24 entitled to earn a rate of return on such funds no greater than the
25 interest rate that the airport operator would pay to finance such
26 facilities in the appropriate capital market, provided that the
27 airport operator establish the rate of return in consultation with
28 the rental car companies, and ~~((b))~~ (ii) may use the funds earned
29 under ~~((a))~~ (g)(i) of this subsection for purposes other than those
30 associated with the consolidated rental car facilities and common use
31 transportation equipment and facilities.

32 ~~((8))~~ (h) To make airport property available for less than fair
33 market rental value under very limited conditions provided that prior
34 to the lease or contract authorizing such use the airport operator's
35 board, commission, or council has ~~((a))~~ (i) adopted a policy that
36 establishes that such lease or other contract enhances the public
37 acceptance of the airport and serves the airport's business interest
38 and ~~((b))~~ (ii) adopted procedures for approval of such lease or
39 other contract.

1 ~~((9))~~ (i) If the airport operator has adopted the policy and
2 procedures under subsection ~~((8))~~ (h) of this section, to lease or
3 license the use of property belonging to the municipality and
4 acquired for airport purposes at less than fair market rental value
5 as long as the municipality's council, board, or commission finds
6 that the following conditions are met:

7 ~~((a))~~ (i) The lease or license of the subject property enhances
8 public acceptance of the airport in a community in the immediate area
9 of the airport;

10 ~~((b))~~ (ii) The subject property is put to a desired public
11 recreational or other community use by the community in the immediate
12 area of the airport;

13 ~~((c))~~ (iii) The desired community use and the community
14 goodwill that would be generated by such community use serves the
15 business interest of the airport in ways that can be articulated and
16 demonstrated;

17 ~~((d))~~ (iv) The desired community use does not adversely affect
18 the capacity, security, safety, or operations of the airport;

19 ~~((e))~~ (v) At the time the community use is contemplated, the
20 subject property is not reasonably expected to be used by an
21 aeronautical tenant or otherwise be needed for airport operations in
22 the foreseeable future;

23 ~~((f))~~ (vi) At the time the community use is contemplated, the
24 subject property would not reasonably be expected to produce more
25 than de minimis revenue;

26 ~~((g))~~ (vii) If the subject property can be reasonably expected
27 to produce more than de minimis revenue, the community use is
28 permitted only where the revenue to be earned from the community use
29 would approximate the revenue that could be generated by an alternate
30 use;

31 ~~((h))~~ (viii) Leases for community use must not preclude reuse
32 of the subject property for airport purposes if, in the opinion of
33 the airport owner, reuse of the subject property would provide
34 greater benefits to the airport than continuation of the community
35 use;

36 ~~((i))~~ (ix) The airport owner ensures that airport revenue does
37 not support the capital or operating costs associated with the
38 community use;

1 (~~(j)~~) (x) The lease or other contract for community use is not
2 to a for-profit organization or for the benefit of private
3 individuals;

4 (~~(k)~~) (xi) The lease or other contract for community use is
5 subject to the requirement that if the term of the lease is for a
6 period that exceeds ten years, the lease must contain a provision
7 allowing for a readjustment of the rent every five years after the
8 initial ten-year term;

9 (~~(l)~~) (xii) The lease or other contract for community use is
10 subject to the requirement that the term of the lease must not exceed
11 fifty years; and

12 (~~(m)~~) (xiii) The lease or other contract for community use is
13 subject to the requirement that if the term of the lease exceeds one
14 year, the lease or other contract obligations must be secured by
15 rental insurance, bond, or other security satisfactory to the
16 municipality's board, council, or commission in an amount equal to at
17 least one year's rent, or as consistent with chapter 53.08 RCW.
18 However, the municipality's board, council, or commission may waive
19 the rent security requirement or lower the amount of the rent
20 security requirement for good cause.

21 (~~(10)~~) (j) To exercise all powers necessarily incidental to the
22 exercise of the general and special powers granted in this section.

23 (2) Nothing in subsection (1) of this section prohibits a
24 municipality that controls or operates a commercial airport that
25 averages five hundred or more scheduled flights per day from enacting
26 a minimum labor standard that applies to employees working at the
27 airport or air navigation facility, or on other property owned by the
28 municipality, or from conditioning a license to perform services at
29 the airport or air navigation facility upon an employer complying
30 with minimum labor standards for employees providing such services,
31 so long as the minimum labor standard meets or exceeds the minimum
32 labor standards enacted by any other municipality in which the
33 airport, air navigation facility, or other property is located. In
34 enacting minimum labor standards pursuant to this subsection (2), the
35 municipality may not enact labor standards that apply to employees of
36 an airline. For the purposes of this subsection (2), "airline" means
37 an air carrier operating interstate routes on a scheduled basis that

1 offers to fly passengers or cargo on the basis of available capacity
2 on regularly scheduled routes.

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