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**SENATE BILL 6217**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Keiser, Saldaña, Nguyen, Hasegawa, Conway, and Wilson, C.

Prefiled 01/10/20. Read first time 01/13/20. Referred to Committee on Labor & Commerce.

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 Every airport and other air navigation facility controlled and  
8 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. Nothing in this section prohibits a  
4 municipality that controls or operates an airport or air navigation  
5 facility from enacting a minimum labor standard that applies to  
6 employees working at the airport or air navigation facility, or on  
7 other property owned by the municipality, so long as the minimum  
8 labor standard meets or exceeds the minimum labor standards enacted  
9 by any other municipality in which the airport, air navigation  
10 facility, or other property is located.

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

13 (1) In addition to the general powers conferred in this chapter,  
14 and without limitation thereof, a municipality that has established  
15 or may hereafter establish airports, restricted landing areas, or  
16 other air navigation facilities, or that has acquired or set apart or  
17 may hereafter acquire or set apart real property for that purpose or  
18 purposes is authorized:

19 ~~((1))~~ (a) To vest authority for the construction, enlargement,  
20 improvement, maintenance, equipment, operation, and regulation  
21 thereof in an officer, a board, or body of the municipality by  
22 ordinance or resolution that prescribes the powers and duties of the  
23 officer, board, or body; and the municipality may also vest authority  
24 for industrial and commercial development in a municipal airport  
25 commission consisting of at least five resident taxpayers of the  
26 municipality to be appointed by the governing board of the  
27 municipality by an ordinance or resolution that includes ~~((a))~~ (i)  
28 the terms of office, which may not exceed six years and which shall  
29 be staggered so that not more than three terms will expire in the  
30 same year, ~~((b))~~ (ii) the method of appointment and filling  
31 vacancies, ~~((c))~~ (iii) a provision that there shall be no  
32 compensation but may provide for a per diem of not to exceed twenty-  
33 five dollars per day plus travel expenses for time spent on  
34 commission business, ~~((d))~~ (iv) the powers and duties of the  
35 commission, and ~~((e))~~ (v) any other matters necessary to the  
36 exercise of the powers relating to industrial and commercial  
37 development. The expense of the construction, enlargement,  
38 improvement, maintenance, equipment, industrial and commercial

1 development, operation, and regulation are the responsibility of the  
2 municipality.

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

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

39 ~~((4))~~ (d) To lease airports or other air navigation facilities,  
40 or real property acquired or set apart for airport purposes, to

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

18 ~~((+5))~~ (e) Acting through its governing body, to sell or lease  
19 any property, real or personal, acquired for airport purposes and  
20 belonging to the municipality, which, in the judgment of its  
21 governing body, may not be required for aircraft landings, aircraft  
22 takeoffs or related aeronautic purposes, in accordance with the laws  
23 of this state, or the provisions of the charter of the municipality,  
24 governing the sale or leasing of similar municipally owned property.  
25 The municipal airport commission, if one has been organized and  
26 appointed under subsection (1)(a) of this section, may lease any  
27 airport property for aircraft landings, aircraft takeoffs, or related  
28 aeronautic purposes. If there is a finding by the governing body of  
29 the municipality that any airport property, real or personal, is not  
30 required for aircraft landings, aircraft takeoffs, or related  
31 aeronautic purposes, then the municipal airport commission may lease  
32 such space, land, area, or improvements, or construct improvements,  
33 or take leases back for financing purposes, grant concessions on such  
34 space, land, area, or improvements, all for industrial or commercial  
35 purposes, by private negotiation and under such terms and conditions  
36 that seem just and proper to the municipal airport commission. Any  
37 such lease of real property for aircraft manufacturing or aircraft  
38 industrial purposes or to any manufacturer of aircraft or aircraft  
39 parts or for any other business, manufacturing, or industrial purpose  
40 or operation relating to, identified with, or in any way dependent

1 upon the use, operation, or maintenance of the airport, or for any  
2 commercial or industrial purpose may be made for any period not to  
3 exceed seventy-five years, but any such lease of real property made  
4 for a longer period than ten years shall contain provisions requiring  
5 the municipality and the lessee to permit the rentals for each five-  
6 year period thereafter, to be readjusted at the commencement of each  
7 such period if written request for readjustment is given by either  
8 party to the other at least thirty days before the commencement of  
9 the five-year period for which the readjustment is requested. If the  
10 parties cannot agree upon the rentals for the five-year period, they  
11 shall submit to have the disputed rentals for the period adjusted by  
12 arbitration. The lessee shall pick one arbitrator, and the governing  
13 body of the municipality shall pick one, and the two so chosen shall  
14 select a third. After a review of all pertinent facts the board of  
15 arbitrators may increase or decrease such rentals or continue the  
16 previous rate thereof.

17 The proceeds of the sale of any property the purchase price of  
18 which was obtained by the sale of bonds shall be deposited in the  
19 bond sinking fund. If all the proceeds of the sale are not needed to  
20 pay the principal of bonds remaining unpaid, the remainder shall be  
21 paid into the airport fund of the municipality. The proceeds of sales  
22 of property the purchase price of which was paid from appropriations  
23 of tax funds shall be paid into the airport fund of the municipality.

24 ~~((6))~~ (f) To determine the charges or rental for the use of any  
25 properties under its control and the charges for any services or  
26 accommodations, and the terms and conditions under which such  
27 properties may be used: PROVIDED, That in all cases the public is not  
28 deprived of its rightful, equal, and uniform use of the property.  
29 Charges shall be reasonable and uniform for the same class of service  
30 and established with due regard to the property and improvements used  
31 and the expense of operation to the municipality. The municipality  
32 shall have and may enforce liens, as provided by law for liens and  
33 enforcement thereof, for repairs to or improvement or storage or care  
34 of any personal property, to enforce the payment of any such charges.

35 ~~((7))~~ (g) To impose a customer facility charge upon customers  
36 of rental car companies accessing the airport for the purposes of  
37 financing, designing, constructing, operating, and maintaining  
38 consolidated rental car facilities and common use transportation  
39 equipment and facilities which are used to transport the customer  
40 between the consolidated car rental facilities and other airport

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

22 (~~(8)~~) (h) To make airport property available for less than fair  
23 market rental value under very limited conditions provided that prior  
24 to the lease or contract authorizing such use the airport operator's  
25 board, commission, or council has (~~(a)~~) (i) adopted a policy that  
26 establishes that such lease or other contract enhances the public  
27 acceptance of the airport and serves the airport's business interest  
28 and (~~(b)~~) (ii) adopted procedures for approval of such lease or  
29 other contract.

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

36 (~~(a)~~) (i) The lease or license of the subject property enhances  
37 public acceptance of the airport in a community in the immediate area  
38 of the airport;

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

4       ~~((c))~~ (iii) The desired community use and the community  
5 goodwill that would be generated by such community use serves the  
6 business interest of the airport in ways that can be articulated and  
7 demonstrated;

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

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

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

17       ~~((g))~~ (vii) If the subject property can be reasonably expected  
18 to produce more than de minimis revenue, the community use is  
19 permitted only where the revenue to be earned from the community use  
20 would approximate the revenue that could be generated by an alternate  
21 use;

22       ~~((h))~~ (viii) Leases for community use must not preclude reuse  
23 of the subject property for airport purposes if, in the opinion of  
24 the airport owner, reuse of the subject property would provide  
25 greater benefits to the airport than continuation of the community  
26 use;

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

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

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

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

1       (~~(m)~~) (xiii) The lease or other contract for community use is  
2 subject to the requirement that if the term of the lease exceeds one  
3 year, the lease or other contract obligations must be secured by  
4 rental insurance, bond, or other security satisfactory to the  
5 municipality's board, council, or commission in an amount equal to at  
6 least one year's rent, or as consistent with chapter 53.08 RCW.  
7 However, the municipality's board, council, or commission may waive  
8 the rent security requirement or lower the amount of the rent  
9 security requirement for good cause.

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

12       (2) Nothing in this section prohibits a municipality that  
13 controls or operates an airport or air navigation facility from  
14 enacting a minimum labor standard that applies to employees working  
15 at the airport or air navigation facility, or on other property owned  
16 by the municipality, so long as the minimum labor standard meets or  
17 exceeds the minimum labor standards enacted by any other municipality  
18 in which the airport, air navigation facility, or other property is  
19 located.

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