

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5584

59th Legislature
2005 Regular Session

Passed by the Senate March 14, 2005
YEAS 31 NAYS 18

President of the Senate

Passed by the House April 6, 2005
YEAS 77 NAYS 21

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5584** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5584

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Transportation (originally sponsored by
Senators Jacobsen, Swecker and Haugen)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to consolidated rental car facilities at airports;
2 and amending RCW 14.08.120.

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

4 **Sec. 1.** RCW 14.08.120 and 1990 c 215 s 1 are each amended to read
5 as follows:

6 In addition to the general powers conferred in this chapter, and
7 without limitation thereof, a municipality that has established or may
8 hereafter establish airports, restricted landing areas, or other air
9 navigation facilities, or that has acquired or set apart or may
10 hereafter acquire or set apart real property for that purpose or
11 purposes is authorized:

12 (1) To vest authority for the construction, enlargement,
13 improvement, maintenance, equipment, operation, and regulation thereof
14 in an officer, a board, or body of the municipality by ordinance or
15 resolution that prescribes the powers and duties of the officer, board,
16 or body; and the municipality may also vest authority for industrial
17 and commercial development in a municipal airport commission consisting
18 of at least five resident taxpayers of the municipality to be appointed
19 by the governing board of the municipality by an ordinance or

1 resolution that includes (a) the terms of office, which may not exceed
2 six years and which shall be staggered so that not more than three
3 terms will expire in the same year, (b) the method of appointment and
4 filling vacancies, (c) a provision that there shall be no compensation
5 but may provide for a per diem of not to exceed twenty-five dollars per
6 day plus travel expenses for time spent on commission business, (d) the
7 powers and duties of the commission, and (e) any other matters
8 necessary to the exercise of the powers relating to industrial and
9 commercial development. The expense of the construction, enlargement,
10 improvement, maintenance, equipment, industrial and commercial
11 development, operation, and regulation are the responsibility of the
12 municipality.

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

1 transportation and shall be kept in conformity, as nearly as may be,
2 with the then current federal legislation governing aeronautics and the
3 regulations duly promulgated thereunder and the rules and standards
4 issued from time to time pursuant thereto.

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

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

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

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

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

35 (6) To determine the charges or rental for the use of any
36 properties under its control and the charges for any services or
37 accommodations, and the terms and conditions under which such
38 properties may be used: PROVIDED, That in all cases the public is not

1 deprived of its rightful, equal, and uniform use of the property.
2 Charges shall be reasonable and uniform for the same class of service
3 and established with due regard to the property and improvements used
4 and the expense of operation to the municipality. The municipality
5 shall have and may enforce liens, as provided by law for liens and
6 enforcement thereof, for repairs to or improvement or storage or care
7 of any personal property, to enforce the payment of any such charges.

8 (7) To impose a customer facility charge upon customers of rental
9 car companies accessing the airport for the purposes of financing,
10 designing, constructing, operating, and maintaining consolidated rental
11 car facilities and common use transportation equipment and facilities
12 which are used to transport the customer between the consolidated car
13 rental facilities and other airport facilities. The airport operator
14 may require the rental car companies to collect the facility charges,
15 and any facility charges so collected shall be deposited in a trust
16 account for the benefit of the airport operator and remitted at the
17 direction of the airport operator, but no more often than once per
18 month. The charge shall be calculated on a per-day basis. Facility
19 charges may not exceed the reasonable costs of financing, designing,
20 constructing, operating, and maintaining the consolidated car rental
21 facilities and common use transportation equipment and facilities and
22 may not be used for any other purpose.

23 (8) To exercise all powers necessarily incidental to the exercise
24 of the general and special powers granted in this section.

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