
SUBSTITUTE HOUSE BILL 2715

State of Washington

66th Legislature

2020 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Gregerson, Orwall, Sells, Lekanoff, Valdez, Goodman, and Pollet)

READ FIRST TIME 02/07/20.

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) A municipality that controls or operates an airport having
5 more than twenty million annual commercial air service passenger
6 enplanements that is located within the boundaries of a city that has
7 passed a local law or ordinance setting a minimum labor standard that
8 applies to certain employers operating or providing goods and
9 services at the airport is authorized to enact a minimum labor
10 standard that applies to employees working at the airport, so long as
11 the minimum labor standard meets, but does not exceed, the minimum
12 labor standard in the city's law or ordinance.

13 (3) A municipality's authority to establish a minimum labor
14 standard pursuant to this section may be imposed only on employers
15 that are excluded from the minimum wage labor standard established by
16 such city because the type of good or service provided by the
17 employer is expressly excluded in the text of the city's law or
18 ordinance.

19 (4) This section does not authorize a municipality to establish a
20 minimum labor standard for an employer who was excluded from the
21 city's law or ordinance because it is a certificated air carrier
22 performing services for itself or based on the employer's size or
23 number of employees.

24 (5) The authority granted under subsection (2) of this section
25 shall only apply to employers who provide the goods or services at
26 the airport from facilities that are located on property owned by the
27 municipality and within the boundaries of the city that enacted the
28 minimum labor standard.

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

31 (1) In addition to the general powers conferred in this chapter,
32 and without limitation thereof, a municipality that has established
33 or may hereafter establish airports, restricted landing areas, or
34 other air navigation facilities, or that has acquired or set apart or
35 may hereafter acquire or set apart real property for that purpose or
36 purposes is authorized:

37 ((1)) (a) To vest authority for the construction, enlargement,
38 improvement, maintenance, equipment, operation, and regulation
39 thereof in an officer, a board, or body of the municipality by

1 ordinance or resolution that prescribes the powers and duties of the
2 officer, board, or body; and the municipality may also vest authority
3 for industrial and commercial development in a municipal airport
4 commission consisting of at least five resident taxpayers of the
5 municipality to be appointed by the governing board of the
6 municipality by an ordinance or resolution that includes ~~((a))~~ (i)
7 the terms of office, which may not exceed six years and which shall
8 be staggered so that not more than three terms will expire in the
9 same year, ~~((b))~~ (ii) the method of appointment and filling
10 vacancies, ~~((c))~~ (iii) a provision that there shall be no
11 compensation but may provide for a per diem of not to exceed twenty-
12 five dollars per day plus travel expenses for time spent on
13 commission business, ~~((d))~~ (iv) the powers and duties of the
14 commission, and ~~((e))~~ (v) any other matters necessary to the
15 exercise of the powers relating to industrial and commercial
16 development. The expense of the construction, enlargement,
17 improvement, maintenance, equipment, industrial and commercial
18 development, operation, and regulation are the responsibility of the
19 municipality.

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

1 perils and hazards of instrumentalities used in aerial navigation.
2 Rules, regulations, and ordinances shall be published as provided by
3 general law or the charter of the municipality for the publication of
4 similar rules, regulations, and ordinances. They shall conform to and
5 be consistent with the laws of this state and the rules of the state
6 department of transportation and shall be kept in conformity, as
7 nearly as may be, with the then current federal legislation governing
8 aeronautics and the regulations duly promulgated thereunder and the
9 rules and standards issued from time to time pursuant thereto.

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

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

35 ~~((5))~~ (e) Acting through its governing body, to sell or lease
36 any property, real or personal, acquired for airport purposes and
37 belonging to the municipality, which, in the judgment of its
38 governing body, may not be required for aircraft landings, aircraft
39 takeoffs or related aeronautic purposes, in accordance with the laws
40 of this state, or the provisions of the charter of the municipality,

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

34 The proceeds of the sale of any property the purchase price of
35 which was obtained by the sale of bonds shall be deposited in the
36 bond sinking fund. If all the proceeds of the sale are not needed to
37 pay the principal of bonds remaining unpaid, the remainder shall be
38 paid into the airport fund of the municipality. The proceeds of sales
39 of property the purchase price of which was paid from appropriations
40 of tax funds shall be paid into the airport fund of the municipality.

1 (~~(6)~~) (f) To determine the charges or rental for the use of any
2 properties under its control and the charges for any services or
3 accommodations, and the terms and conditions under which such
4 properties may be used: PROVIDED, That in all cases the public is not
5 deprived of its rightful, equal, and uniform use of the property.
6 Charges shall be reasonable and uniform for the same class of service
7 and established with due regard to the property and improvements used
8 and the expense of operation to the municipality. The municipality
9 shall have and may enforce liens, as provided by law for liens and
10 enforcement thereof, for repairs to or improvement or storage or care
11 of any personal property, to enforce the payment of any such charges.

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

39 (~~(8)~~) (h) To make airport property available for less than fair
40 market rental value under very limited conditions provided that prior

1 to the lease or contract authorizing such use the airport operator's
2 board, commission, or council has ~~((a))~~ (i) adopted a policy that
3 establishes that such lease or other contract enhances the public
4 acceptance of the airport and serves the airport's business interest
5 and ~~((b))~~ (ii) adopted procedures for approval of such lease or
6 other contract.

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

13 ~~((a))~~ (i) The lease or license of the subject property enhances
14 public acceptance of the airport in a community in the immediate area
15 of the airport;

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

19 ~~((c))~~ (iii) The desired community use and the community
20 goodwill that would be generated by such community use serves the
21 business interest of the airport in ways that can be articulated and
22 demonstrated;

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

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

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

32 ~~((g))~~ (vii) If the subject property can be reasonably expected
33 to produce more than de minimis revenue, the community use is
34 permitted only where the revenue to be earned from the community use
35 would approximate the revenue that could be generated by an alternate
36 use;

37 ~~((h))~~ (viii) Leases for community use must not preclude reuse
38 of the subject property for airport purposes if, in the opinion of
39 the airport owner, reuse of the subject property would provide

1 greater benefits to the airport than continuation of the community
2 use;

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

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

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

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

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

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

28 (2)(a) A municipality that controls or operates an airport having
29 more than twenty million annual commercial air service passenger
30 enplanements that is located within the boundaries of a city that has
31 passed a local law or ordinance setting a minimum labor standard that
32 applies to certain employers operating or providing goods and
33 services at the airport is authorized to enact a minimum labor
34 standard that applies to employees working at the airport, so long as
35 the minimum labor standard meets, but does not exceed, the minimum
36 labor standard in the city's law or ordinance.

37 (b) A municipality's authority to establish a minimum labor
38 standard pursuant to this section may be imposed only on employers
39 that are excluded from the minimum wage labor standard established by
40 such city because the type of good or service provided by the

1 employer is expressly excluded in the text of the city's law or
2 ordinance.

3 (c) This section does not authorize a municipality to establish a
4 minimum labor standard for an employer who was excluded from the
5 city's law or ordinance because it is a certificated air carrier
6 performing services for itself or based on the employer's size or
7 number of employees.

8 (d) The authority granted under (a) of this subsection shall only
9 apply to employers who provide the goods or services at the airport
10 from facilities that are located on property owned by the
11 municipality and within the boundaries of the city that enacted the
12 minimum labor standard.

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