

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6217

Chapter 96, Laws of 2020

66th Legislature
2020 Regular Session

AIRPORT AND AIR NAVIGATION FACILITY EMPLOYEES--LABOR STANDARDS

EFFECTIVE DATE: June 11, 2020

Passed by the Senate February 17,
2020

Yea 33 Nays 15

CYRUS HABIB

President of the Senate

Passed by the House March 4, 2020
Yea 58 Nays 39

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 19, 2020 2:50 PM

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6217** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 19, 2020

JAY INSLEE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6217

Passed Legislature - 2020 Regular Session

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 14.08.120.

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

5 **Sec. 1.** RCW 14.08.120 and 2010 c 155 s 1 are each amended to
6 read as follows:

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

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

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

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

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

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

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

29 ((+5)) (e) Acting through its governing body, to sell or lease
30 any property, real or personal, acquired for airport purposes and
31 belonging to the municipality, which, in the judgment of its
32 governing body, may not be required for aircraft landings, aircraft
33 takeoffs or related aeronautic purposes, in accordance with the laws
34 of this state, or the provisions of the charter of the municipality,
35 governing the sale or leasing of similar municipally owned property.
36 The municipal airport commission, if one has been organized and
37 appointed under ((subsection (1))) (a) of this ((section))
38 subsection, may lease any airport property for aircraft landings,
39 aircraft takeoffs, or related aeronautic purposes. If there is a
40 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
5 purposes, grant concessions on such space, land, area, or
6 improvements, all for industrial or commercial purposes, by private
7 negotiation and under such terms and conditions that seem just and
8 proper to the municipal airport commission. Any such lease of real
9 property for aircraft manufacturing or aircraft industrial purposes
10 or to any manufacturer of aircraft or aircraft parts or for any other
11 business, manufacturing, or industrial purpose or operation relating
12 to, identified with, or in any way dependent upon the use, operation,
13 or maintenance of the airport, or for any commercial or industrial
14 purpose may be made for any period not to exceed seventy-five years,
15 but any such lease of real property made for a longer period than ten
16 years shall contain provisions requiring the municipality and the
17 lessee to permit the rentals for each five-year period thereafter, to
18 be readjusted at the commencement of each such period if written
19 request for readjustment is given by either party to the other at
20 least thirty days before the commencement of the five-year period for
21 which the readjustment is requested. If the parties cannot agree upon
22 the rentals for the five-year period, they shall submit to have the
23 disputed rentals for the period adjusted by arbitration. The lessee
24 shall pick one arbitrator, and the governing body of the municipality
25 shall pick one, and the two so chosen shall select a third. After a
26 review of all pertinent facts the board of arbitrators may increase
27 or decrease such rentals or continue 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
30 bond sinking fund. If all the proceeds of the sale are not needed to
31 pay the principal of bonds remaining unpaid, the remainder shall be
32 paid into the airport fund of the municipality. The proceeds of sales
33 of property the purchase price of which was paid from appropriations
34 of tax funds shall be paid into the airport fund of the municipality.

35 ((+6)) (f) 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
39 deprived of its rightful, equal, and uniform use of the property.
40 Charges shall be reasonable and uniform for the same class of service

1 and established with due regard to the property and improvements used
2 and the expense of operation to the municipality. The municipality
3 shall have and may enforce liens, as provided by law for liens and
4 enforcement thereof, for repairs to or improvement or storage or care
5 of any personal property, to enforce the payment of any such charges.
6 As used in this subsection (1)(f), the term "charges" does not refer
7 to any minimum labor standard imposed by a municipality pursuant to
8 subsection (2) of this section.

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

36 ((+8)) (h) To make airport property available for less than fair
37 market rental value under very limited conditions provided that prior
38 to the lease or contract authorizing such use the airport operator's
39 board, commission, or council has ((+a)) (i) adopted a policy that
40 establishes that such lease or other contract enhances the public

1 acceptance of the airport and serves the airport's business interest
2 and ((b)) (ii) adopted procedures for approval of such lease or
3 other contract.

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

10 ((a)) (i) The lease or license of the subject property enhances
11 public acceptance of the airport in a community in the immediate area
12 of the airport;

13 ((b)) (ii) The subject property is put to a desired public
14 recreational or other community use by the community in the immediate
15 area of the airport;

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

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

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

26 ((f)) (vi) At the time the community use is contemplated, the
27 subject property would not reasonably be expected to produce more
28 than de minimis revenue;

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

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

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

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

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

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

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

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

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

35 (b) A municipality's authority to establish a minimum labor
36 standard pursuant to (a) of this subsection may be imposed only on
37 employers that are excluded from the minimum labor standard
38 established by such city because the type of good or service provided
39 by the employer is expressly excluded in the text of the city's law
40 or ordinance.

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

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

Passed by the Senate February 17, 2020.

Passed by the House March 4, 2020.

Approved by the Governor March 19, 2020.

Filed in Office of Secretary of State March 19, 2020.

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