

HOUSE BILL REPORT

HB 1243

As Amended by the Senate

Title: An act relating to municipal airport commissions.

Brief Description: Concerning municipal airport commissions.

Sponsors: Representatives Dent, Riccelli, Christian and Eslick.

Brief History:

Committee Activity:

Local Government: 1/17/23, 1/20/23 [DP].

Floor Activity:

Passed House: 3/8/23, 97-0.

Senate Amended.

Passed Senate: 4/12/23, 46-3.

Brief Summary of Bill

- Expands the powers and duties that can be vested in municipal airport commissions, and changes the requirements for commission membership.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Minority Report: Without recommendation. Signed by 1 member: Representative Griffey.

Staff: Kellen Wright (786-7134).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Counties, cities, airport districts, and port districts (local governments) are authorized to establish, regulate, and operate municipal airports. This includes the authority to acquire, lease, and sell land; construct airport facilities; raise funds for the airport; impose charges; adopt rules and regulations for the airport, as well as penalties for the violation of those rules; and to use revenue from the airport to finance airport maintenance and expansion or to finance commercial or industrial buildings.

Local governments can vest power for the construction, expansion, maintenance, operation, and regulation of the airport in an officer, board, or other body of the local government. The local government can also vest authority for industrial and commercial development in a municipal airport commission (MAC). A MAC must have at least five members, who must be resident taxpayers in the local government's jurisdiction. Initial members are appointed by the local government, and the local government can provide for how future appointments will be made and how future vacancies filled. The ordinance creating the MAC must set out the powers and duties of the MAC. The expenses of the airport's construction, enlargement, improvement, maintenance, equipment, industrial and commercial development, operation, and regulation are the responsibility of the local government.

Members of the MAC can be appointed to staggered terms of up to six years. There is no compensation for serving as a member of a MAC, but members can receive a per diem of up to \$25 a day and travel expenses for time spent on commission business.

The Community Aviation Revitalization Board is a board convened by the State Department of Transportation. The Board is authorized to make Public Use General Aviation Airport Loans to public use airports for airport improvements that primarily support general aviation activities.

The United States General Services Administration sets per diem rates for travelling federal employees. The standard General Services Administration per diem in Washington is \$98 for lodging, and \$59 for meals and incidental expenses. Some specific cities have greater per diem rates. Seattle's per diem rate, for example, is \$232 for lodging, and \$79 for meals and incidental expenses.

Summary of Bill:

A local government may vest authority for the construction, expansion, maintenance, operation, management, and regulation of a municipal airport in a MAC. The expenses of the airport's management are added to the list of expenses that are the responsibility of the local government.

The local government may authorize the MAC to apply for Public Use General Aviation

Airport Loans.

In a local government with fewer than 35,000 people, at least two of the MAC's members must be residents of the local government. Any remaining nonresident members must be residents of an adjacent county or counties. In a local government with a population of greater than 35,000, all MAC commissioners must be residents. A majority of MAC members must have expertise in the aviation industry; business administration or operations; finance; accounting; marketing; economic development; commercial real estate development; engineering; planning and construction; law; utilities; or other related experience from industries that logically have a nexus with airport administration, operations, and development. Members must agree to adhere to ethical standards adopted by the MAC or by the local government.

The per diem available to a MAC commissioner is \$25 a day plus travel expenses or, when travel requires overnight lodging, a per diem of not more than the United States General Services Administration's per diem rates.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment:

- requires that a majority of the members of a municipal airport commission in a municipality with a population of less than 35,000 be residents of the municipality or the county in which the municipality is located; and
- prohibits the governing body of a municipality from appointing immediate family members of the governing body or current or former employees of the municipal airport to a municipal airport commission.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill was the result of all municipal airports working together and is supported by the aviation industry. Previously, commission members would not be allowed to sit on the commission if they were from outside the jurisdiction, but this would not allow some members of the commission to come from outside the taxing authority. The option of a MAC is not mandatory, but gives small communities another tool to manage airports. This bill would allow people with relevant expertise to be put in place to manage the airport.

(Opposed) This bill is an expansion of the powers of MACs, which could be a political way to get around opposition to airport expansion. The definition of a MAC is too broad and could apply to larger airports as well as small municipal airports. The authority vested in the commissions could be used to override state authority, including bypassing the Department of Transportation and the Growth Management Act. These commissions are not needed as local governments already have these powers. Decision making authority should not be given to unelected officials that sit for six-year terms. Commissions should not be able to buy land, develop sites, or expand airports. There should be a requirement to have stakeholders on the MACs that are knowledgeable in health, as well as environmentalists and tribal representatives. The environmental impacts attributable to aircraft are significant. The commissions should only include members from the jurisdiction unless there would be impacts outside of the jurisdiction.

Persons Testifying: (In support) Representative Tom Dent, prime sponsor.

(Opposed) Ursula Euler; Bennett Butters; and Timothy OBrien.

Persons Signed In To Testify But Not Testifying: None.