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**SUBSTITUTE SENATE BILL 6074**

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**State of Washington                      58th Legislature                      2003 Regular Session**

**By Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Swecker and Prentice)**

READ FIRST TIME 04/11/03.

1            AN ACT Relating to technical changes to passenger-only ferry  
2 service statutes; amending RCW 47.64.090; adding a new section to  
3 chapter 41.56 RCW; providing a contingent effective date; and declaring  
4 an emergency.

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

6            **Sec. 1.** RCW 47.64.090 and 2003 c . . . (ESHB 1853) s 205 are each  
7 amended to read as follows:

8            USE OF STATE FERRY FACILITIES. (1) Except as provided in section  
9 203 (~~of this act~~), chapter . . . (ESHB 1853), Laws of 2003 and  
10 subsection (2) of this section, or as provided in section 303 (~~of this~~  
11 ~~act~~), chapter . . . (ESHB 1853), Laws of 2003 and subsection (3) of  
12 this section, if any party assumes the operation and maintenance of any  
13 ferry or ferry system by rent, lease, or charter from the department of  
14 transportation, such party shall assume and be bound by all the  
15 provisions herein and any agreement or contract for such operation of  
16 any ferry or ferry system entered into by the department shall provide  
17 that the wages to be paid, hours of employment, working conditions, and  
18 seniority rights of employees will be established by the marine

1 employees' commission in accordance with the terms and provisions of  
2 this chapter and it shall further provide that all labor disputes shall  
3 be adjudicated in accordance with chapter 47.64 RCW.

4 (2) If a public transportation benefit area meeting the  
5 requirements of section 201 (~~(of this act)~~), chapter . . . (ESHB 1853),  
6 Laws of 2003 has voter approval to operate passenger-only ferry  
7 service, it may enter into an agreement with Washington State Ferries  
8 to rent, lease, or purchase passenger-only vessels, related equipment,  
9 or terminal space for purposes of loading and unloading the passenger-  
10 only ferry. Charges for the vessels, equipment, and space must be fair  
11 market value taking into account the public benefit derived from the  
12 ferry service. A benefit area or subcontractor of that benefit area  
13 that qualifies under this subsection is not subject to the restrictions  
14 of subsection (1) of this section, but is subject to:

15 (a) The terms of those collective bargaining agreements that it or  
16 its subcontractors negotiate with the exclusive bargaining  
17 representatives of its or its subcontractors' employees under chapter  
18 41.56 RCW or the National Labor Relations Act, as applicable;

19 (b) Unless otherwise prohibited by federal or state law, a  
20 requirement that the benefit area and any contract with its  
21 subcontractors, give preferential hiring to former employees of the  
22 department of transportation who separated from employment with the  
23 department because of termination of the ferry service by the state of  
24 Washington; and

25 (c) Unless otherwise prohibited by federal or state law, a  
26 requirement that the benefit area and any contract with its  
27 subcontractors, on any questions concerning representation of employees  
28 for collective bargaining purposes, may be determined by conducting a  
29 cross-check comparing an employee organization's membership records or  
30 bargaining authorization cards against the employment records of the  
31 employer.

32 (3) If a ferry district is formed under section 301 (~~(of this~~  
33 ~~act)~~), chapter . . . (ESHB 1853), Laws of 2003 to operate passenger-  
34 only ferry service, it may enter into an agreement with Washington  
35 State Ferries to rent, lease, or purchase vessels, related equipment,  
36 or terminal space for purposes of loading and unloading the ferry.  
37 Charges for the vessels, equipment, and space must be fair market value  
38 taking into account the public benefit derived from the ferry service.

1 A ferry district or subcontractor of that district that qualifies under  
2 this subsection is not subject to the restrictions of subsection (1) of  
3 this section, but is subject to:

4 (a) (~~Subject to~~) The terms of those collective bargaining  
5 agreements that it or its subcontractors negotiate with the exclusive  
6 bargaining representatives of its or its subcontractors' employees  
7 under chapter 41.56 RCW or the National Labor Relations Act, as  
8 applicable;

9 (b) (~~Subject to~~) Unless otherwise prohibited by federal or state  
10 law, a requirement(~~, to be included by~~) that the ferry district  
11 (~~in~~) and any contract with (~~the district's~~) its subcontractors,  
12 (~~to~~) give preferential hiring to former employees of the department  
13 of transportation who separated from employment with the department  
14 because of termination of the ferry service by the state of Washington;  
15 and

16 (c) (~~Subject to~~) Unless otherwise prohibited by federal or state  
17 law, a requirement(~~, to be included by~~) that the ferry district  
18 (~~in~~) and any contract with (~~the district's~~) its subcontractors,  
19 (~~that~~) on any questions concerning representation of employees for  
20 collective bargaining purposes, may be determined by conducting a  
21 cross-check comparing an employee organization's membership records or  
22 bargaining authorization cards against the employment records of the  
23 employer.

24 NEW SECTION. Sec. 2. A new section is added to chapter 41.56 RCW  
25 to read as follows:

26 In addition to the entities listed in RCW 41.56.020, this chapter  
27 does apply to:

28 (1) Public employees of public transportation benefit areas  
29 providing passenger-only ferry service as provided in RCW 47.64.090;  
30 and

31 (2) Public employees of ferry districts providing passenger-only  
32 ferry service as provided in RCW 47.64.090.

33 NEW SECTION. Sec. 3. This act is necessary for the immediate  
34 preservation of the public peace, health, or safety, or support of the  
35 state government and its existing public institutions, and takes effect

1 immediately, but only if Engrossed Substitute House Bill No. 1853 has  
2 become law. If Engrossed Substitute House Bill No. 1853 has not become  
3 law by June 30, 2003, this act is null and void.

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