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**HOUSE BILL 2929**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representative Appleton

AN ACT Relating to requiring the appointment of labor members to public transportation governing bodies; and amending RCW 35.58.270, 36.57.030, and 36.57A.050.

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

**Sec.**  RCW 35.58.270 and 2010 c 278 s 1 are each amended to read as follows:

(1) If a metropolitan municipal corporation shall be authorized to perform the function of metropolitan transportation with a commission form of management, a metropolitan transit commission shall be formed prior to the effective date of the assumption of such function. Except as provided in this section, the metropolitan transit commission shall exercise all powers of the metropolitan municipal corporation with respect to metropolitan transportation facilities, including but not limited to the power to construct, acquire, maintain, operate, extend, alter, repair, control and manage a local public transportation system within and without the metropolitan area, to establish new passenger transportation services and to alter, curtail, or abolish any services as the commission may deem desirable and to fix tolls and fares.

(2) The comprehensive plan for public transportation service and any amendments thereof shall be adopted by the metropolitan council and the metropolitan transit commission shall provide transportation facilities and service consistent with such plan. The metropolitan transit commission shall authorize expenditures for transportation purposes within the budget adopted by the metropolitan council. Tolls and fares may be fixed or altered by the commission only after approval thereof by the metropolitan council. Bonds of the metropolitan municipal corporation for public transportation purposes shall be issued by the metropolitan council as provided in this chapter.

(3) The metropolitan transit commission shall consist of ((~~seven~~)) eight members((~~.~~)):

(a) Six of such members shall be appointed by the metropolitan council and the seventh member shall be the chair of the metropolitan council who shall be ex officio the chair of the metropolitan transit commission. Three of the six appointed members of the commission shall be residents of the central city and three shall be residents of the metropolitan area outside of the central city. The three central city members of the first metropolitan transit commission shall be selected from the existing transit commission of the central city, if there be a transit commission in such city. The terms of first appointees shall be for one, two, three, four, five and six years, respectively. Thereafter, commissioners shall serve for a term of four years. Compensation of transit commissioners shall be determined by the metropolitan council.

((~~(4) There is one nonvoting~~)) (b) The eighth member of the metropolitan transit commission((~~. The nonvoting member~~)) is a labor representative recommended by the labor organization representing the public transportation employees within the local public transportation system. If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the ((~~nonvoting member~~)) labor representative by majority vote. The ((~~nonvoting member~~)) labor representative is appointed for a term of four years. The nonvoting member shall comply with all governing bylaws and policies of the commission. The ((~~chair or cochairs of the commission shall exclude the nonvoting member from attending any executive session held for the purpose of discussing~~)) labor representative shall not vote on any matter involving negotiations with labor organizations or discipline for represented employees. ((~~The chair or cochairs may exclude the nonvoting member from attending any other executive session.~~

~~(5)~~)) (4) The requirement to create a metropolitan transit commission shall not apply to a county that has assumed the rights, powers, functions, and obligations of the metropolitan municipal corporation under chapter 36.56 RCW.

**Sec.**  RCW 36.57.030 and 2010 c 278 s 2 are each amended to read as follows:

Every county which undertakes the transportation function pursuant to RCW 36.57.020 shall create by resolution of the county legislative body a county transportation authority which shall be composed as follows:

(1) The elected officials of the county legislative body, not to exceed three such elected officials;

(2) The mayor of the most populous city within the county;

(3) The mayor of a city with a population less than five thousand, to be selected by the mayors of all such cities within the county;

(4) The mayor of a city with a population greater than five thousand, excluding the most populous city, to be selected by the mayors of all such cities within the county: PROVIDED, HOWEVER, That if there is no city with a population greater than five thousand, excluding the most populous city, then the sixth member who shall be an elected official, shall be selected by the other two mayors selected pursuant to subsections (2) and (3) of this section; and

(5) An individual recommended by the labor organization representing the public transportation employees within the county transportation authority. If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the ((~~nonvoting member~~)) labor representative by majority vote. The ((~~nonvoting member~~)) labor representative shall comply with all governing bylaws and policies of the authority. The ((~~chair or cochairs of the county transportation authority shall exclude the nonvoting member from attending any executive session held for the purpose of discussing~~)) labor representative shall not vote on any matter involving negotiations with labor organizations or discipline for represented employees. ((~~The chair or cochairs may exclude the nonvoting member from attending any other executive session.~~))

(6) The members of the authority shall be selected within sixty days after the date of the resolution creating such authority.

(7) Any member of the authority who is a mayor or an elected official selected pursuant to subsection (4) of this section and whose office is not a full time position shall receive one hundred dollars for each day attending official meetings of the authority.

**Sec.**  RCW 36.57A.050 and 2018 c 154 s 1 are each amended to read as follows:

(1)(a) Within sixty days of the establishment of the boundaries of the public transportation benefit area the members of the county legislative authority and the elected representative of each city within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county legislative authority of each county within the area, as well as a labor representative. The elected official members of the governing body of the public transportation benefit area, if the population of the county in which the public transportation benefit area is located is more than four hundred thousand and the county does not also contain a city with a population of seventy-five thousand or more operating a transit system pursuant to chapter 35.95 RCW, must be selected to assure proportional representation, based on population, of each of the component cities located within the public transportation benefit area and the unincorporated areas of the county located within the public transportation benefit area, to the extent possible within the restrictions placed on the size of the governing body of a public transportation benefit area. If necessary to assure such proportional representation, multiple cities may be represented by a single elected official from one of the cities. A majority of the governing board may not be selected to represent a single component city. If at the time a public transportation benefit area authority assumes the public transportation functions previously provided under the interlocal cooperation act (chapter 39.34 RCW) there are citizen positions on the governing board of the transit system, those positions may be retained as positions on the governing board of the public transportation benefit area authority.

(b) Within such sixty-day period, any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

(c) In no case shall the governing body of a single county public transportation benefit area be greater than ((~~nine~~)) ten voting members and in the case of a multicounty area, ((~~fifteen~~)) sixteen voting members. Those cities within the public transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

((~~There is one nonvoting member of the public transportation benefit area authority.~~)) (d) The ((~~nonvoting member~~)) labor representative of the public transportation benefit area authority is recommended by the labor organization representing the public transportation employees within the local public transportation system. If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the ((~~nonvoting member~~)) labor representative by majority vote. The ((~~nonvoting member~~)) labor representative shall comply with all governing bylaws and policies of the authority. The ((~~chair or cochairs of the authority shall exclude the nonvoting member from attending any executive session held for the purpose of discussing~~)) labor representative shall not vote on any matter involving negotiations with labor organizations or discipline for represented employees. ((~~The chair or cochairs may exclude the nonvoting member from attending any other executive session.~~)) The requirement that a ((~~nonvoting member~~)) labor representative be appointed to the governing body of a public transportation benefit area authority does not apply to an authority that has no employees represented by a labor union.

(2)(a) Each member of the authority is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation, as set by the authority, in an amount not to exceed forty-four dollars for each day during which the member attends official meetings of the authority or performs prescribed duties approved by the chair of the authority. Except that the authority may, by resolution, increase the payment of per diem compensation to each member from forty-four dollars up to ninety dollars per day or portion of a day for actual attendance at board meetings or for performance of other official services or duties on behalf of the authority. In no event may a member be compensated in any year for more than seventy-five days, except the chair who may be paid compensation for not more than one hundred days: PROVIDED, That compensation shall not be paid to an elected official or employee of federal, state, or local government who is receiving regular full-time compensation from such government for attending meetings and performing prescribed duties of the authority.

(b) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(c) A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

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