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**SUBSTITUTE HOUSE BILL 1860**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** House Transportation (originally sponsored by Representatives Fey, Jinkins, and Sawyer)

READ FIRST TIME 02/23/17.

1 AN ACT Relating to population-based representation on the  
2 governing body of public transportation benefit areas; amending RCW  
3 36.57A.050 and 36.57A.055; and providing an effective date.

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

5 **Sec. 1.** RCW 36.57A.050 and 2010 c 278 s 3 are each amended to  
6 read as follows:

7 Within sixty days of the establishment of the boundaries of the  
8 public transportation benefit area the members of the county  
9 legislative authority and the elected representative of each city  
10 within the area shall provide for the selection of the governing body  
11 of such area, the public transportation benefit area authority, which  
12 shall consist of elected officials selected by and serving at the  
13 pleasure of the governing bodies of component cities within the area  
14 and the county legislative authority of each county within the area.  
15 The members of the governing body of the public transportation  
16 benefit area, if the population of the county in which the public  
17 transportation benefit area is located is more than four hundred  
18 thousand and the county does not also contain a city with a  
19 population of seventy-five thousand or more operating a transit  
20 system pursuant to chapter 35.95 RCW, must be selected to assure  
21 proportional representation, based on population, of each of the

1 component cities located within the public transportation benefit  
2 area and the unincorporated areas of the county located within the  
3 public transportation benefit area, to the extent possible within the  
4 restrictions placed on the size of the governing body of a public  
5 transportation benefit area. If necessary to assure such proportional  
6 representation, multiple cities may be represented by a single  
7 elected official from one of the cities. A majority of the governing  
8 board may not be selected to represent a single component city. If at  
9 the time a public transportation benefit area authority assumes the  
10 public transportation functions previously provided under the  
11 interlocal cooperation act (chapter 39.34 RCW) there are citizen  
12 positions on the governing board of the transit system, those  
13 positions may be retained as positions on the governing board of the  
14 public transportation benefit area authority.

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

22 In no case shall the governing body of a single county public  
23 transportation benefit area be greater than nine voting members and  
24 in the case of a multicounty area, fifteen voting members. Those  
25 cities within the public transportation benefit area and excluded  
26 from direct membership on the authority are hereby authorized to  
27 designate a member of the authority who shall be entitled to  
28 represent the interests of such city which is excluded from direct  
29 membership on the authority. The legislative body of such city shall  
30 notify the authority as to the determination of its authorized  
31 representative on the authority.

32 There is one nonvoting member of the public transportation  
33 benefit area authority. The nonvoting member is recommended by the  
34 labor organization representing the public transportation employees  
35 within the local public transportation system. If the public  
36 transportation employees are represented by more than one labor  
37 organization, all such labor organizations shall select the nonvoting  
38 member by majority vote. The nonvoting member shall comply with all  
39 governing bylaws and policies of the authority. The chair or cochairs  
40 of the authority shall exclude the nonvoting member from attending

1 any executive session held for the purpose of discussing negotiations  
2 with labor organizations. The chair or cochairs may exclude the  
3 nonvoting member from attending any other executive session. The  
4 requirement that a nonvoting member be appointed to the governing  
5 body of a public transportation benefit area authority does not apply  
6 to an authority that has no employees represented by a labor union.

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

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

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

9 **Sec. 2.** RCW 36.57A.055 and 1991 c 318 s 16 are each amended to  
10 read as follows:

11 After a public transportation benefit area has been in existence  
12 for four years, members of the county legislative authority and the  
13 elected representative of each city within the boundaries of the  
14 public transportation benefit area shall review the composition of  
15 the governing body of the benefit area and change the composition of  
16 the governing body if the change is deemed appropriate. When  
17 determining if a change to the composition of the governing body is  
18 appropriate, the proportional representation requirements of RCW  
19 36.57A.050 must be taken into consideration if the population of the  
20 county in which the public transportation benefit area is located is  
21 more than four hundred thousand and the county does not also contain  
22 a city with a population of seventy-five thousand or more operating a  
23 transit system pursuant to chapter 35.95 RCW, and the composition of  
24 the governing body must be changed if necessary to meet this  
25 requirement. The review shall be at a meeting of the designated  
26 representatives of the component county and cities, and the majority  
27 of those present shall constitute a quorum at such meeting. Twenty  
28 days notice of the meeting shall be given by the chief administrative  
29 officer of the public transportation benefit area authority. After  
30 the initial review, a review shall be held every four years.

31 If an area having a population greater than fifteen percent, or  
32 areas with a combined population of greater than twenty-five percent  
33 of the population of the existing public transportation benefit area  
34 as constituted at the last review meeting, annex to the public  
35 transportation benefit area, or if an area is added under RCW  
36 36.57A.140(2), the representatives of the component county and cities  
37 shall meet within ninety days to review and change the composition of  
38 the governing body, if the change is deemed appropriate. This meeting  
39 is in addition to the regular four-year review meeting and shall be

1 conducted pursuant to the same notice requirement and quorum  
2 provisions of the regular review.

3 NEW SECTION. **Sec. 3.** This act takes effect August 1, 2017.

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