S-0638.1

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**SENATE BILL 5575**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Liias, Valdez, Nguyen, Lovelett, Lovick, Hunt, Conway, Frame, Hasegawa, Kuderer, Nobles, Randall, Saldaña, Salomon, Shewmake, and C. Wilson

AN ACT Relating to public transportation benefit area governing bodies; amending RCW 36.57A.050; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature believes that governing bodies of public transportation benefit areas should reflect the communities that they serve. The legislature finds that these governing bodies have included a nonvoting labor representative since 2010, and that these representatives have made valuable contributions to the governing bodies and have effectively functioned as full governing body members. Therefore, in order to recognize the value of the labor representative's input and to ensure that transportation benefit areas work for and represent the communities they serve, it is the intent of the legislature to make the labor representative on transportation benefit area governing bodies a voting member.

**Sec.**  RCW 36.57A.050 and 2020 c 83 s 2 are each amended to read as follows:

Within ((~~sixty~~)) 60 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~~)). The governing body shall consist of elected officials and a member from a labor organization. The elected officials shall be 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. 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~~)) 400,000 and the county does not also contain a city with a population of ((~~seventy-five thousand~~)) 75,000 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.

Within such ((~~sixty-day~~)) 60-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.

In no case shall the elected official portion of the governing body of a single county public transportation benefit area be greater than nine voting members and in the case of a multicounty area, ((~~fifteen~~)) 15 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~~)) The remaining member of the public transportation benefit area authority((~~. The nonvoting member is~~)) shall be 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 by majority vote. The ((~~nonvoting~~)) member 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 negotiations with labor organizations. ((~~The chair or cochairs may exclude the nonvoting member from attending any other executive session.~~)) The requirement that a ((~~nonvoting member~~)) representative from a labor organization 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.

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~~)) $44 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~~)) $44 up to ((~~ninety dollars~~)) $90 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~~)) 75 days, except the chair who may be paid compensation for not more than ((~~one hundred~~)) 100 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.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning January 1, 2024, 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.

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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