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**SUBSTITUTE HOUSE BILL 1943**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Government Administration (originally sponsored by Representatives Reams, Scott, D. Schmidt, Kessler and Schoesler)

Read first time 03/05/97.

1 AN ACT Relating to special district commissioner per diem  
2 compensation; and amending RCW 35.61.150, 52.14.010, 53.12.260,  
3 57.12.010, and 36.57A.050.

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

5 **Sec. 1.** RCW 35.61.150 and 1965 c 7 s 35.61.150 are each amended to  
6 read as follows:

7 Metropolitan park commissioners shall perform their duties  
8 (~~without compensation~~) and may provide, by resolution passed by the  
9 commissioners, for the payment of compensation to each of its  
10 commissioners at a rate of sixty-six dollars for each day or portion of  
11 a day devoted to the business of the district. However, the  
12 compensation for each commissioner must not exceed six thousand three  
13 hundred thirty-six dollars per year.

14 Any commissioner may waive all or any portion of his or her  
15 compensation payable under this section as to any month or months  
16 during his or her term of office, by a written waiver filed with the  
17 clerk of the board. The waiver, to be effective, must be filed any  
18 time after the commissioner's election and prior to the date on which

1 the compensation would otherwise be paid. The waiver shall specify the  
2 month or period of months for which it is made.

3 **Sec. 2.** RCW 52.14.010 and 1994 c 223 s 48 are each amended to read  
4 as follows:

5 The affairs of the district shall be managed by a board of fire  
6 commissioners composed of three registered voters residing in the  
7 district except as provided in RCW 52.14.015 and 52.14.020. Each  
8 member shall each receive fifty dollars per day or portion thereof, not  
9 to exceed four thousand eight hundred dollars per year, for attendance  
10 at board meetings and for performance of other services in behalf of  
11 the district. Except the commissioners, by resolution, may increase  
12 the payment of per diem compensation to each of its commissioners from  
13 fifty dollars up to sixty-six dollars per day or portion of a day, not  
14 to exceed six thousand three hundred thirty-six dollars per year, for  
15 attendance at board meetings and for performance of other services in  
16 behalf of the district.

17 In addition, they shall receive necessary expenses incurred in  
18 attending meetings of the board or when otherwise engaged in district  
19 business, and shall be entitled to receive the same insurance available  
20 to all fire fighters of the district: PROVIDED, That the premiums for  
21 such insurance, except liability insurance, shall be paid by the  
22 individual commissioners who elect to receive it.

23 Any commissioner may waive all or any portion of his or her  
24 compensation payable under this section as to any month or months  
25 during his or her term of office, by a written waiver filed with the  
26 secretary as provided in this section. The waiver, to be effective,  
27 must be filed any time after the commissioner's election and prior to  
28 the date on which the compensation would otherwise be paid. The waiver  
29 shall specify the month or period of months for which it is made.

30 The board shall fix the compensation to be paid the secretary and  
31 all other agents and employees of the district. The board may, by  
32 resolution adopted by unanimous vote, authorize any of its members to  
33 serve as volunteer fire fighters without compensation. A commissioner  
34 actually serving as a volunteer fire fighter may enjoy the rights and  
35 benefits of a volunteer fire fighter.

36 **Sec. 3.** RCW 53.12.260 and 1992 c 146 s 12 are each amended to read  
37 as follows:

1 (1) Each commissioner of a port district shall receive (~~fifty~~)  
2 sixty-six dollars per day or portion thereof spent (a) in actual  
3 attendance at official meetings of the port district commission, or (b)  
4 in performance of other service in behalf of the district. The total  
5 per diem compensation of a port commissioner shall not exceed (~~four~~  
6 ~~thousand eight hundred~~) six thousand three hundred thirty-six dollars  
7 in a year, or (~~six~~) seven thousand nine hundred twenty dollars in any  
8 year for a port district with gross operating income of twenty-five  
9 million or more in the preceding calendar year.

10 (2) Port commissioners shall receive additional compensation as  
11 follows: (a) Each commissioner of a port district with gross operating  
12 revenues of twenty-five million dollars or more in the preceding  
13 calendar year shall receive a salary of five hundred dollars per month;  
14 and (b) each commissioner of a port district with gross operating  
15 revenues of from one million dollars to less than twenty-five million  
16 dollars in the preceding calendar year shall receive a salary of two  
17 hundred dollars per month.

18 (3) In lieu of the compensation specified in this section, a port  
19 commission may set compensation to be paid to commissioners.

20 (4) For any commissioner who has not elected to become a member of  
21 public employees retirement system before May 1, 1975, the compensation  
22 provided pursuant to this section shall not be considered salary for  
23 purposes of the provisions of any retirement system created pursuant to  
24 the general laws of this state nor shall attendance at such meetings or  
25 other service on behalf of the district constitute service as defined  
26 in RCW 41.40.010(9): PROVIDED, That in the case of a port district  
27 when commissioners are receiving compensation and contributing to the  
28 public employees retirement system, these benefits shall continue in  
29 full force and effect notwithstanding the provisions of RCW 53.12.260  
30 and 53.12.265.

31 **Sec. 4.** RCW 57.12.010 and 1996 c 230 s 401 are each amended to  
32 read as follows:

33 The governing body of a district shall be a board of commissioners  
34 consisting of three members, or five members as provided in RCW  
35 57.12.015, or more, as provided in the event of merger or  
36 consolidation. The board shall annually elect one of its members as  
37 president and another as secretary.

1 The board shall by resolution adopt rules governing the transaction  
2 of its business and shall adopt an official seal. All proceedings  
3 shall be by resolution recorded in a book kept for that purpose which  
4 shall be a public record.

5 A district shall provide by resolution for the payment of  
6 compensation to each of its commissioners at a rate of fifty dollars  
7 for each day or portion thereof devoted to the business of the  
8 district. However the compensation for each commissioner shall not  
9 exceed four thousand eight hundred dollars per year. Except the  
10 commissioners, by resolution, may increase the payment of per diem  
11 compensation to each of its commissioners from fifty dollars up to  
12 sixty-six dollars for each day or portion of a day devoted to the  
13 business of the district. However, the compensation for each  
14 commissioner may not exceed six thousand three hundred thirty-six  
15 dollars per year. In addition, the secretary may be paid a reasonable  
16 sum for clerical services.

17 Any commissioner may waive all or any portion of his or her  
18 compensation payable under this section as to any month or months  
19 during the commissioner's term of office, by a written waiver filed  
20 with the district at any time after the commissioner's election and  
21 prior to the date on which the compensation would otherwise be paid.  
22 The waiver shall specify the month or period of months for which it is  
23 made.

24 No commissioner shall be employed full time by the district. A  
25 commissioner shall be reimbursed for reasonable expenses actually  
26 incurred in connection with district business, including subsistence  
27 and lodging while away from the commissioner's place of residence and  
28 mileage for use of a privately-owned vehicle at the mileage rate  
29 authorized in RCW 43.03.060.

30 **Sec. 5.** RCW 36.57A.050 and 1983 c 65 s 3 are each amended to read  
31 as follows:

32 Within sixty days of the establishment of the boundaries of the  
33 public transportation benefit area the members of the county  
34 legislative authority and the elected representative of each city  
35 within the area shall provide for the selection of the governing body  
36 of such area, the public transportation benefit area authority, which  
37 shall consist of elected officials selected by and serving at the  
38 pleasure of the governing bodies of component cities within the area

1 and the county legislative authority of each county within the area.  
2 If at the time a public transportation benefit area authority assumes  
3 the public transportation functions previously provided under the  
4 Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen  
5 positions on the governing board of the transit system, those positions  
6 may be retained as positions on the governing board of the public  
7 transportation benefit area authority.

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

15 In no case shall the governing body of a single county public  
16 transportation benefit area be greater than nine members and in the  
17 case of a multicounty area, fifteen members. Those cities within the  
18 transportation benefit area and excluded from direct membership on the  
19 authority are hereby authorized to designate a member of the authority  
20 who shall be entitled to represent the interests of such city which is  
21 excluded from direct membership on the authority. The legislative body  
22 of such city shall notify the authority as to the determination of its  
23 authorized representative on the authority.

24 Each member of the authority is eligible to be reimbursed for  
25 travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to  
26 receive compensation, as set by the authority, in an amount not to  
27 exceed forty-four dollars for each day during which the member attends  
28 official meetings of the authority or performs prescribed duties  
29 approved by the chairman of the authority. Except that the authority  
30 may, by resolution, increase the payment of per diem compensation to  
31 each member from forty-four dollars up to sixty-six dollars per day or  
32 portion of a day for attendance at board meetings and for performance  
33 of other services on behalf of the authority. In no event may a member  
34 be compensated in any year for more than seventy-five days, except the  
35 chairman who may be paid compensation for not more than one hundred  
36 days: PROVIDED, That compensation shall not be paid to an elected  
37 official or employee of federal, state, or local government who is

- 1 receiving regular full-time compensation from such government for
- 2 attending meetings and performing prescribed duties of the authority.

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