

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2986

Chapter 278, Laws of 2010

61st Legislature
2010 Regular Session

PUBLIC TRANSPORTATION GOVERNANCE--MEMBERSHIP

EFFECTIVE DATE: 06/10/10

Passed by the House March 6, 2010
Yeas 63 Nays 32

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 3, 2010
Yeas 28 Nays 19

BRAD OWEN

President of the Senate

Approved April 1, 2010, 2:46 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2986** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 2, 2010

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2986

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By House Local Government & Housing (originally sponsored by Representatives Simpson, Upthegrove, Campbell, Carlyle, Lias, Driscoll, Williams, Ormsby, Sullivan, Nelson, Sells, Appleton, Chase, Seaquist, Ericks, Goodman, Morrell, Green, Dickerson, Hudgins, Van De Wege, White, Maxwell, Miloscia, Conway, Moeller, Jacks, Hurst, Kenney, and Hasegawa)

READ FIRST TIME 02/01/10.

1 AN ACT Relating to requiring the appointment of nonvoting labor
2 members to public transportation governing bodies; and amending RCW
3 35.58.270, 36.57.030, and 36.57A.050.

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

5 **Sec. 1.** RCW 35.58.270 and 2009 c 549 s 2106 are each amended to
6 read as follows:

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

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

11 (3) The metropolitan transit commission shall consist of seven
12 members. Six of such members shall be appointed by the metropolitan
13 council and the seventh member shall be the chair of the metropolitan
14 council who shall be ex officio the chair of the metropolitan transit
15 commission. Three of the six appointed members of the commission shall
16 be residents of the central city and three shall be residents of the
17 metropolitan area outside of the central city. The three central city
18 members of the first metropolitan transit commission shall be selected
19 from the existing transit commission of the central city, if there be
20 a transit commission in such city. The terms of first appointees shall
21 be for one, two, three, four, five and six years, respectively.
22 Thereafter, commissioners shall serve for a term of four years.
23 Compensation of transit commissioners shall be determined by the
24 metropolitan council.

25 (4) There is one nonvoting member of the metropolitan transit
26 commission. The nonvoting member is recommended by the labor
27 organization representing the public transportation employees within
28 the local public transportation system. If the public transportation
29 employees are represented by more than one labor organization, all such
30 labor organizations shall select the nonvoting member by majority vote.
31 The nonvoting member is appointed for a term of four years. The
32 nonvoting member shall comply with all governing bylaws and policies of
33 the commission. The chair or cochairs of the commission shall exclude
34 the nonvoting member from attending any executive session held for the
35 purpose of discussing negotiations with labor organizations. The chair
36 or cochairs may exclude the nonvoting member from attending any other
37 executive session.

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

5 **Sec. 2.** RCW 36.57.030 and 1974 ex.s. c 167 s 3 are each amended to
6 read as follows:

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

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

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

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

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

23 (5) An individual recommended by the labor organization
24 representing the public transportation employees within the county
25 transportation authority. If the public transportation employees are
26 represented by more than one labor organization, all such labor
27 organizations shall select the nonvoting member by majority vote. The
28 nonvoting member shall comply with all governing bylaws and policies of
29 the authority. The chair or cochair of the county transportation
30 authority shall exclude the nonvoting member from attending any
31 executive session held for the purpose of discussing negotiations with
32 labor organizations. The chair or cochair may exclude the nonvoting
33 member from attending any other executive session.

34 The members of the authority shall be selected within sixty days
35 after the date of the resolution creating such authority.

36 Any member of the authority who is a mayor or an elected official

1 selected pursuant to subsection (4) (~~above~~) of this section and whose
2 office is not a full time position shall receive one hundred dollars
3 for each day attending official meetings of the authority.

4 **Sec. 3.** RCW 36.57A.050 and 2009 c 549 s 4097 are each amended to
5 read as follows:

6 Within sixty days of the establishment of the boundaries of the
7 public transportation benefit area the members of the county
8 legislative authority and the elected representative of each city
9 within the area shall provide for the selection of the governing body
10 of such area, the public transportation benefit area authority, which
11 shall consist of elected officials selected by and serving at the
12 pleasure of the governing bodies of component cities within the area
13 and the county legislative authority of each county within the area.
14 If at the time a public transportation benefit area authority assumes
15 the public transportation functions previously provided under the
16 Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen
17 positions on the governing board of the transit system, those positions
18 may be retained as positions on the governing board of the public
19 transportation benefit area authority.

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

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

36 There is one nonvoting member of the public transportation benefit
37 area authority. The nonvoting member is recommended by the labor

1 organization representing the public transportation employees within
2 the local public transportation system. If the public transportation
3 employees are represented by more than one labor organization, all such
4 labor organizations shall select the nonvoting member by majority vote.
5 The nonvoting member shall comply with all governing bylaws and
6 policies of the authority. The chair or cochairs of the authority
7 shall exclude the nonvoting member from attending any executive session
8 held for the purpose of discussing negotiations with labor
9 organizations. The chair or cochairs may exclude the nonvoting member
10 from attending any other executive session. The requirement that a
11 nonvoting member be appointed to the governing body of a public
12 transportation benefit area authority does not apply to an authority
13 that has no employees represented by a labor union.

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

31 The dollar thresholds established in this section must be adjusted
32 for inflation by the office of financial management every five years,
33 beginning July 1, 2008, based upon changes in the consumer price index
34 during that time period. "Consumer price index" means, for any
35 calendar year, that year's annual average consumer price index, for
36 Washington state, for wage earners and clerical workers, all items,
37 compiled by the bureau of labor and statistics, United States
38 department of labor. If the bureau of labor and statistics develops

1 more than one consumer price index for areas within the state, the
2 index covering the greatest number of people, covering areas
3 exclusively within the boundaries of the state, and including all items
4 shall be used for the adjustments for inflation in this section. The
5 office of financial management must calculate the new dollar threshold
6 and transmit it to the office of the code reviser for publication in
7 the Washington State Register at least one month before the new dollar
8 threshold is to take effect.

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

Passed by the House March 6, 2010.

Passed by the Senate March 3, 2010.

Approved by the Governor April 1, 2010.

Filed in Office of Secretary of State April 2, 2010.