

1 **HB 1868 - H AMD 162 ADOPTED AS AMD BY 168 3-15-91**
2 By Representatives Ludwig, Bray, R. Meyers, Inslee,
3 Grant, Anderson and R. Fisher

4 Strike everything after the enacting clause and insert the
5 following:

6 "NEW SECTION: Sec. 1. It is the intent of this act to provide
7 the governor, as chief executive of the state, with the authority
8 to appoint the secretary of the department of transportation, while
9 otherwise maintaining the functions, powers and duties of the
10 commission as set forth in RCW 47.01.071 and the authority and
11 duties of the secretary as set forth in RCW 47.01.101.

12 Sec. 2. RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each
13 amended to read as follows:

14 There shall be a chief executive officer of each department to
15 be known as: (1) The secretary of social and health services, (2)
16 the director of ecology, (3) the director of labor and industries,
17 (4) the director of agriculture, (5) the director of fisheries, (6)
18 the director of wildlife, (7) the secretary of transportation, (8)
19 the director of licensing, (9) the director of general
20 administration, (10) the director of trade and economic
21 development, (11) the director of veterans affairs, (12) the
22 director of revenue, (13) the director of retirement systems, (14)
23 the secretary of corrections, (15) the director of community
24 development, and (16) the secretary of health.

25 Such officers(~~(, except the secretary of transportation,)~~)
26 shall be appointed by the governor, with the consent of the senate,
27 and hold office at the pleasure of the governor. The director of
28 wildlife, however, shall be appointed according to the provisions
29 of RCW 77.04.080. If a vacancy occurs while the senate is not in
30 session, the governor shall make a temporary appointment until the
31 next meeting of the senate. A temporary director of wildlife shall
32 not serve more than one year. (~~(The secretary of transportation~~
33 ~~shall be appointed by the transportation commission as prescribed~~
34 ~~by RCW 47.01.041.))~~)

35 Sec. 3. RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each
36 amended to read as follows:

37 The executive head of the department of transportation shall
38 be the secretary of transportation, who shall be appointed by the

1 (~~transportation commission~~) governor with the consent of the
2 senate, and shall be paid a salary to be fixed by the governor in
3 accordance with the provisions of RCW 43.03.040. The secretary
4 shall hold office at the pleasure of the governor.

5 The secretary shall be an ex officio member of the commission
6 without a vote. The secretary shall be the chief executive officer
7 of the commission (~~and be responsible to it, and shall be guided~~
8 ~~by policies established by it. The secretary shall serve until~~
9 ~~removed by the commission, but only for incapacity, incompetence,~~
10 ~~neglect of duty, malfeasance in office, or failure to carry out the~~
11 ~~commission's policies. Before a motion for dismissal shall be acted~~
12 ~~on by the commission, the secretary shall be granted a hearing on~~
13 ~~formal written charges before the full commission. An action by~~
14 ~~the commission to remove the secretary shall be final~~)).

15 Sec. 4. RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1
16 are each reenacted and amended to read as follows:

17 The secretary shall have the authority and it shall be his or
18 her duty, subject to policy guidance from the commission and the
19 governor:

20 (1) To serve as chief executive officer of the department with
21 full administrative authority to direct all its activities;

22 (2) To organize the department as he or she may deem necessary
23 to carry out the work and responsibilities of the department
24 effectively;

25 (3) To designate and establish such transportation district or
26 branch offices as may be necessary or convenient, and to appoint
27 assistants and delegate any powers, duties, and functions to them
28 or any officer or employee of the department as deemed necessary to
29 administer the department efficiently;

30 (4) To direct and coordinate the programs of the various
31 divisions of the department to assure that they achieve the
32 greatest possible mutual benefit, produce a balanced overall
33 effort, and eliminate unnecessary duplication of activity;

34 (5) To adopt all department rules that are subject to the
35 adoption procedures contained in the state administrative procedure
36 act, except rules subject to adoption by the commission pursuant to
37 statute;

38 (6) To maintain and safeguard the official records of the
39 department, including the commission's recorded resolutions and
40 orders;

41 (7) To provide full staff support to the commission to assist
42 it in carrying out its functions, powers, and duties and to execute
43 the policy established by the commission pursuant to its
44 legislative authority;

45 (8) To execute and implement the biennial operating budget for
46 the operation of the department in accordance with chapter 43.88
47 RCW and with legislative appropriation and, in such manner as
48 prescribed therein, to make and report to the commission and the
49 chairs of the transportation committees of the senate and house of
50 representatives, including one copy to the staff of each of the

1 committees, deviations from the planned biennial category A and H
2 highway construction programs necessary to adjust to unexpected
3 delays or other unanticipated circumstances(~~(-)~~); and
4 (9) To exercise all other powers and perform all other duties
5 as are now or hereafter provided by law.

6 NEW SECTION. Sec. 5. This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of
8 the state government and its existing public institutions, and
9 shall take effect immediately."

1 **HB 1868** - H AMD
2 By Rep.

3 On page 1, line 2, of the title, after "47.01.041" strike the
4 remainder of the title and insert "; reenacting and amending RCW
5 47.01.101, creating new sections, and declaring an emergency."

EFFECT: The amendment provides for direct appointment of the
secretary of transportation by the governor, while maintaining
the current powers of both the transportation commission and
the secretary.