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SENATE BILL 5855

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State of Washington

56th Legislature

1999 Regular Session

By Senator Heavey

Read first time 02/12/1999. Referred to Committee on Transportation.

1 AN ACT Relating to the removal of the transportation commission;  
2 amending RCW 43.17.020 and 47.01.041; reenacting and amending RCW  
3 47.01.101; adding a new section to chapter 47.01 RCW; repealing RCW  
4 47.01.051, 47.01.061, and 47.01.071; and providing an effective date.

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

6 **Sec. 1.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended  
7 to read as follows:

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

18 Such officers, except the (~~secretary of transportation and the~~)  
19 director of fish and wildlife, shall be appointed by the governor, with

1 the consent of the senate, and hold office at the pleasure of the  
2 governor. (~~The secretary of transportation shall be appointed by the~~  
3 ~~transportation commission as prescribed by RCW 47.01.041.~~) The  
4 director of fish and wildlife shall be appointed by the fish and  
5 wildlife commission as prescribed by RCW 77.04.055.

6 **Sec. 2.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each  
7 amended to read as follows:

8 The executive head of the department of transportation shall be the  
9 secretary of transportation, who shall be appointed by the  
10 (~~transportation commission, and~~) governor with the consent of the  
11 senate. The secretary shall be paid a salary to be fixed by the  
12 governor in accordance with the provisions of RCW 43.03.040. (~~The~~  
13 ~~secretary shall be an ex officio member of the commission without a~~  
14 ~~vote. The secretary shall be the chief executive officer of the~~  
15 ~~commission and be responsible to it, and shall be guided by policies~~  
16 ~~established by it.~~) The secretary shall serve until removed by the  
17 (~~commission~~) governor, but only for incapacity, incompetence, neglect  
18 of duty, malfeasance in office, or failure to carry out the  
19 (~~commission's~~) governor's policies. Before a motion for dismissal  
20 shall be acted on (~~by the commission~~), the secretary shall be granted  
21 a hearing on formal written charges before the (~~full commission~~)  
22 state supreme court. An action by the (~~commission~~) state supreme  
23 court to remove the secretary shall be final.

24 **Sec. 3.** RCW 47.01.101 and 1987 c 505 s 48 and 1987 c 179 s 1 are  
25 each reenacted and amended to read as follows:

26 The secretary shall have the authority and it shall be his or her  
27 duty, subject to policy guidance from the (~~commission~~) governor:

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

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

32 (3) To designate and establish such transportation district or  
33 branch offices as may be necessary or convenient, and to appoint  
34 assistants and delegate any powers, duties, and functions to them or  
35 any officer or employee of the department as deemed necessary to  
36 administer the department efficiently;

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

5 (5) To adopt all department rules that are subject to the adoption  
6 procedures contained in the state Administrative Procedure Act((  
7 ~~except rules subject to adoption by the commission pursuant to~~  
8 ~~statute~~));

9 (6) To maintain and safeguard the official records of the  
10 department((~~, including the commission's recorded resolutions and~~  
11 ~~orders~~));

12 (~~To provide full staff support to the commission to assist it~~  
13 ~~in carrying out its functions, powers, and duties and to execute the~~  
14 ~~policy established by the commission pursuant to its legislative~~  
15 ~~authority~~;

16 ~~(8))~~ To propose policies to be adopted by the legislature designed  
17 to assure the development and maintenance of a comprehensive and  
18 balanced state-wide transportation system that will meet the needs of  
19 the people of this state for safe and efficient transportation  
20 services. Wherever appropriate the policies will provide for the use  
21 of integrated, intermodal transportation systems to implement the  
22 social, economic, and environmental policies, goals, and objectives of  
23 the people of the state, and especially to conserve nonrenewable  
24 natural resources including land and energy. To this end the secretary  
25 shall:

26 (a) Develop transportation policies that are based on the policies,  
27 goals, and objectives expressed and inherent in existing state laws;

28 (b) Inventory the adopted policies, goals, and objectives of the  
29 local and area-wide governmental bodies of the state and define the  
30 role of the state, regional, and local governments in determining  
31 transportation policies, in transportation planning, and in  
32 implementing the state transportation plan;

33 (c) Provide for effective coordination of state transportation  
34 planning with national transportation policy, state and local land use  
35 policies, and local and regional transportation plans and programs;

36 (d) Establish a procedure for review and revision of state  
37 transportation policies and for submission of proposed changes to the  
38 legislature;

1 (e) Integrate the state-wide transportation plan with the needs of  
2 the elderly and handicapped, and coordinate federal and state programs  
3 directed at assisting local governments to answer such needs;

4 (f) Provide for public involvement in transportation designed to  
5 elicit the public's views both with respect to adequate transportation  
6 services and appropriate means of minimizing adverse social, economic,  
7 environmental, and energy impact of transportation programs;

8 (g) Provide for the administration of grants-in-aid and other  
9 financial assistance to counties and municipal corporations for  
10 transportation purposes;

11 (h) Provide for the management, sale, and lease of property or  
12 property rights owned by the department that are not required for  
13 transportation purposes;

14 (i) Ensure federal laws and regulations relating to the planning,  
15 construction, and operation of transportation facilities are taken into  
16 account;

17 (8) To approve and propose to the governor and to the legislature  
18 before the convening of each regular session during an odd-numbered  
19 year a recommended budget for the operation of the department and for  
20 carrying out the program of the department for the ensuing biennium.  
21 The proposed budget must separately state the appropriations to be made  
22 from the motor vehicle fund for highway purposes in accordance with  
23 constitutional limitations and appropriations and expenditures to be  
24 made from the general fund, or accounts thereof, and other available  
25 sources for other operations and programs of the department;

26 (9) To review and authorize all departmental requests for  
27 legislation;

28 (10) To approve the issuance and sale of all bonds authorized by  
29 the legislature for capital construction of state highways, toll  
30 facilities, Columbia Basin county roads (for which reimbursement to the  
31 motor vehicle fund has been provided), urban arterial projects, and  
32 aviation facilities;

33 (11) To execute and implement the biennial operating budget for the  
34 operation of the department in accordance with chapter 43.88 RCW and  
35 with legislative appropriation and, in such manner as prescribed  
36 therein, to make and report to the ((commission)) governor and the  
37 chairs of the transportation committees of the senate and house of  
38 representatives, including one copy to the staff of each of the  
39 committees, deviations from the planned biennial ((category A and H))

1 highway construction programs necessary to adjust to unexpected delays  
2 or other unanticipated circumstances(~~(-)~~);  
3 (~~(+9)~~) (12) To exercise all other powers and perform all other  
4 duties as are now or hereafter provided by law.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 47.01 RCW  
6 to read as follows:

7 All references in the Revised Code of Washington to the  
8 transportation commission that assign committee membership, or  
9 administrative or policy-making authority, are transferred to the  
10 secretary of transportation.

11 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each  
12 repealed:

13 (1) RCW 47.01.051 (Commission created--Appointment of members--  
14 Terms--Qualifications--Removal) and 1977 ex.s. c 151 s 5;

15 (2) RCW 47.01.061 (Commission--Procedures and internal operations)  
16 and 1987 c 364 s 2, 1984 c 287 s 94, 1983 1st ex.s. c 53 s 29, 1981 c  
17 59 s 1, & 1977 ex.s. c 151 s 6; and

18 (3) RCW 47.01.071 (Commission--Functions, powers, and duties) and  
19 1981 c 59 s 2, 1980 c 87 s 45, & 1977 ex.s. c 151 s 7.

20 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2000.

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