
ENGROSSED HOUSE BILL 1868

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Anderson, Ferguson, Cantwell, G. Fisher, Pruitt, Wineberry, Phillips and Hine.

Read first time February 13, 1991. Referred to Committee on State Government.

1 AN ACT Relating to transportation; amending RCW 43.17.020 and
2 47.01.041; reenacting and amending RCW 47.01.101; creating a new
3 section; providing an effective date; and declaring an emergency.

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

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

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

13 There shall be a chief executive officer of each department to be
14 known as: (1) The secretary of social and health services, (2) the

1 director of ecology, (3) the director of labor and industries, (4) the
2 director of agriculture, (5) the director of fisheries, (6) the
3 director of wildlife, (7) the secretary of transportation, (8) the
4 director of licensing, (9) the director of general administration, (10)
5 the director of trade and economic development, (11) the director of
6 veterans affairs, (12) the director of revenue, (13) the director of
7 retirement systems, (14) the secretary of corrections, (15) the
8 director of community development, and (16) the secretary of health.

9 Such officers(~~(, except the secretary of transportation,)~~) shall be
10 appointed by the governor, with the consent of the senate, and hold
11 office at the pleasure of the governor. The director of wildlife,
12 however, shall be appointed according to the provisions of RCW
13 77.04.080. If a vacancy occurs while the senate is not in session, the
14 governor shall make a temporary appointment until the next meeting of
15 the senate. A temporary director of wildlife shall not serve more than
16 one year. (~~(The secretary of transportation shall be appointed by the
17 transportation commission as prescribed by RCW 47.01.041.)~~)

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

20 The executive head of the department of transportation shall be the
21 secretary of transportation, who shall be appointed by the
22 (~~(transportation commission)~~) governor with the consent of the senate,
23 and shall be paid a salary to be fixed by the governor in accordance
24 with the provisions of RCW 43.03.040. The secretary shall hold office
25 at the pleasure of the governor.

26 The secretary shall be an ex officio member of the commission
27 without a vote. The secretary shall be the chief executive officer of
28 the commission (~~(and be responsible to it, and shall be guided by~~
29 ~~policies established by it. The secretary shall serve until removed by~~

1 ~~the commission, but only for incapacity, incompetence, neglect of duty,~~
2 ~~malfeasance in office, or failure to carry out the commission's~~
3 ~~policies. Before a motion for dismissal shall be acted on by the~~
4 ~~commission, the secretary shall be granted a hearing on formal written~~
5 ~~charges before the full commission. An action by the commission to~~
6 ~~remove the secretary shall be final)).~~

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

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

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

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

15 (3) To designate and establish such transportation district or
16 branch offices as may be necessary or convenient, and to appoint
17 assistants and delegate any powers, duties, and functions to them or
18 any officer or employee of the department as deemed necessary to
19 administer the department efficiently;

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

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

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

1 (7) To provide full staff support to the commission to assist it in
2 carrying out its functions, powers, and duties and to execute the
3 policy established by the commission pursuant to its legislative
4 authority;

5 (8) To execute and implement the biennial operating budget for the
6 operation of the department in accordance with chapter 43.88 RCW and
7 with legislative appropriation and, in such manner as prescribed
8 therein, to make and report to the commission and the chairs of the
9 transportation committees of the senate and house of representatives,
10 including one copy to the staff of each of the committees, deviations
11 from the planned biennial category A and H highway construction
12 programs necessary to adjust to unexpected delays or other
13 unanticipated circumstances(~~(-)~~); and

14 (9) To exercise all other powers and perform all other duties as
15 are now or hereafter provided by law.

16 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and shall take
19 effect on July 1, 1991.