

SHB 2736 - H AMD 1021

By Representative Murray

ADOPTED 02/16/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes the need to
4 streamline governance of the transportation system in order to increase
5 efficiency and accountability to the people it serves. The legislature
6 intends to create a single point of accountability for the performance
7 of the state department of transportation by making management of the
8 department directly accountable to the governor.

9 The legislature also desires to further streamline governance
10 structures. A bipartisan, bicameral review and analysis of the current
11 duties and responsibilities of the transportation commission must be
12 conducted to determine where these functions are best carried out.

13 NEW SECTION. **Sec. 2.** A bicameral, bipartisan review panel shall
14 conduct a review and analysis of the statutory duties, roles,
15 functions, and responsibilities of the transportation commission. The
16 review panel must make recommendations for the disposition of these
17 duties, roles, functions, and responsibilities, assuming the
18 transportation commission is dissolved. In making its recommendations,
19 the review panel must, at a minimum, consider the proper separation of
20 powers between the executive and legislative branches of government.

21 The review panel is comprised of eight legislators, with equal
22 representation from each house and each major political caucus. The
23 chairpersons and ranking minority members of the house and senate
24 transportation committees shall make appointments from their respective
25 caucuses. The review panel must complete its analysis and forward its
26 recommendations to the house of representatives and the senate by
27 December 3, 2004.

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

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

19 **Sec. 4.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each amended
20 to read as follows:

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

31 Such officers, except the ~~((secretary of transportation and the))~~
32 director of fish and wildlife, shall be appointed by the governor, with
33 the consent of the senate, and hold office at the pleasure of the
34 governor. ~~((The secretary of transportation shall be appointed by the~~
35 ~~transportation commission as prescribed by RCW 47.01.041.))~~ The

1 director of fish and wildlife shall be appointed by the fish and
2 wildlife commission as prescribed by RCW 77.04.055.

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

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

7 (2) RCW 47.01.071 (Commission--Functions, powers, and duties) and
8 1981 c 59 s 2, 1980 c 87 s 45, & 1977 ex.s. c 151 s 7.

9 NEW SECTION. **Sec. 6.** Section 5 of this act takes effect October
10 1, 2005."

11 Correct the title.

EFFECT: The Secretary of Transportation is appointed by the
Governor. A bipartisan review panel is directed to make
recommendations on the disposition of the duties, functions, and
responsibilities of the Transportation Commission. The recommendations
must be submitted to the House and Senate by December 3, 2004. The
Transportation Commission would be dissolved in October 2005.

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