

HOUSE BILL REPORT

SB 5046

As Reported by House Committee On: Transportation

Title: An act relating to correcting a codification error concerning the governor's designee to the traffic safety commission.

Brief Description: Correcting a codification error concerning the governor's designee to the traffic safety commission.

Sponsors: Senators Padden and Pedersen; by request of Statute Law Committee.

Brief History:

Committee Activity:

Transportation: 3/12/15, 2/18/16, 2/29/16 [DP].

Brief Summary of Bill

- Corrects a codification error relating to the Washington Traffic Safety Commission (WTSC), clarifying certain provisions regarding designees of the Governor who may participate in or preside over meetings of the WTSC.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 25 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist, Gregerson, Hayes, Hickel, Kochmar, McBride, Moeller, Morris, Ortiz-Self, Pike, Riccelli, Rodne, Rossetti, Sells, Shea, Stambaugh, Tarleton and Young.

Staff: Jennifer Harris (786-7143).

Background:

The Washington Traffic Safety Commission (WTSC) was established in 1967, following passage of the Federal Highway Safety Act of 1966, to oversee efforts to improve safety on Washington's public highways. The WTSC is the federally recognized highway safety office

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of Washington. The WTSC is comprised of nine commissioners and the Governor, who serves as its chair. Member commissioners are the Superintendent of Public Instruction, the Director of Licensing, the Secretary of Transportation, the Chief of the State Patrol, the Secretary of Health, the Secretary of Social and Health Services, a representative of the Association of Washington Cities (appointed by the Governor), a member of the Association of Counties (appointed by the Governor), and a representative of the judiciary (appointed by the Governor).

The Governor is responsible for the administration of the state's traffic safety program and has ultimate responsibility for working with the federal government with respect to all programs and activities of the state and local governments pursuant to the Federal Highway Safety Act of 1966. The Governor is responsible for accepting and disbursing federal grants and other funds or donations from any source for the purpose of improving traffic safety programs and may contract and perform other activities as necessary to secure the full benefits made available by the Federal Highway Safety Act of 1966.

In 1982 RCW 43.59.030, which provides that the Governor shall be assisted in his or her duties and responsibilities by the WTSC and sets forth its composition, was amended to authorize the Governor to appoint a designee to act in his or her place. The Governor became authorized to designate an employee of the Governor's office, who, so long as this designation is made in writing and presented to the person presiding at a meeting of the WTSC, can then vote on behalf of the Governor at the meeting. In addition, the Governor became authorized to designate a WTSC member to preside over a WTSC meeting in the Governor's absence.

Following its enactment, as passed by the Legislature and signed by Governor John Spellman, Chapter 30, Laws of 1982, effective March 12, 1982, the law was incorrectly codified. Two phrases that provide additional specificity and clarification regarding who may be appointed by the Governor to act in his or her place at a meeting or meetings of the WTSC were inadvertently omitted from RCW 43.59.030. The first phrase specifies that the employee from the Governor's office designated by a Governor to vote on his or her behalf must be familiar with the WTSC. The second phrase clarifies that, should the Governor designate a WTSC member to preside over the WTSC during the Governor's absence, this member need not be the employee from the Governor's office that the Governor has designated to vote on his or her behalf.

Summary of Bill:

The two phrases inadvertently omitted from RCW 43.59.030, providing additional specificity and clarification regarding who may be appointed by the Governor to act on his or her behalf at a WTSC meeting or meetings, are restored as they appear in Chapter 30, Laws of 1982. The employee from the Governor's office designated by a Governor to act on his or her behalf must be familiar with the WTSC. Should the Governor designate a WTSC member to preside over the Commission during the Governor's absence, clarification is provided that this member need not be the employee from the Governor's office that the Governor has designated to vote on his or her behalf at a WTSC meeting or meetings.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill was introduced at the request of the Office of the Code Reviser (CRO), who legislators all depend on to make sure that bills are properly written. A law librarian discovered the mistake that was made in 1982 when John Spellman was Governor. All this bill does is correct this mistake by allowing the Code Reviser to revise the statute so that the codification is correct. The bill deals with the WTSC, but that is almost beside the point.

This bill simply corrects an error from 1982. Every summer, the CRO prepares the Code. This error occurred 34 years ago. This type of error is a rare occurrence and is being used as a training tool in the CRO. The Code should be fixed.

The WTSC has no objection to fixing the Code. The bill does not change WTSC practices because the WTSC's Director has never chaired the WTSC. The bill just formalizes what the WTSC already does.

(Opposed) None.

Persons Testifying: Senator Padden, prime sponsor; Kyle Theissen, Statute Law Committee; and Shelley Baldwin, Washington Traffic Safety Commission.

Persons Signed In To Testify But Not Testifying: None.