
SENATE BILL 5965

State of Washington

53rd Legislature

1993 Regular Session

By Senator Sutherland

Read first time 03/25/93. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to transferring the Washington state energy office
2 to the department of community development; amending RCW 43.21F.025,
3 43.21F.035, and 42.17.2401; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The Washington state energy office is hereby
6 abolished and its powers, duties, and functions are hereby transferred
7 to the department of community development. All references to the
8 director or the Washington state energy office in the Revised Code of
9 Washington shall be construed to mean the director or the department of
10 community development.

11 NEW SECTION. **Sec. 2.** All reports, documents, surveys, books,
12 records, files, papers, or written material in the possession of the
13 Washington state energy office shall be delivered to the custody of the
14 department of community development. All cabinets, furniture, office
15 equipment, motor vehicles, and other tangible property employed by the
16 Washington state energy office shall be made available to the
17 department of community development. All funds, credits, or other

1 assets held by the Washington state energy office shall be assigned to
2 the department of community development.

3 Any appropriations made to the Washington state energy office
4 shall, on the effective date of this section, be transferred and
5 credited to the department of community development.

6 Whenever any question arises as to the transfer of any personnel,
7 funds, books, documents, records, papers, files, equipment, or other
8 tangible property used or held in the exercise of the powers and the
9 performance of the duties and functions transferred, the director of
10 financial management shall make a determination as to the proper
11 allocation and certify the same to the state agencies concerned.

12 NEW SECTION. **Sec. 3.** All employees of the Washington state energy
13 office are transferred to the jurisdiction of the department of
14 community development. All employees classified under chapter 41.06
15 RCW, the state civil service law, are assigned to the department of
16 community development to perform their usual duties upon the same terms
17 as formerly, without any loss of rights, subject to any action that may
18 be appropriate thereafter in accordance with the laws and rules
19 governing state civil service.

20 NEW SECTION. **Sec. 4.** All rules and all pending business before
21 the Washington state energy office shall be continued and acted upon by
22 the department of community development. All existing contracts and
23 obligations shall remain in full force and shall be performed by the
24 department of community development.

25 NEW SECTION. **Sec. 5.** The transfer of the powers, duties,
26 functions, and personnel of the Washington state energy office shall
27 not affect the validity of any act performed prior to the effective
28 date of this section.

29 NEW SECTION. **Sec. 6.** If apportionments of budgeted funds are
30 required because of the transfers directed by sections 2 through 5 of
31 this act, the director of financial management shall certify the
32 apportionments to the agencies affected, the state auditor, and the
33 state treasurer. Each of these shall make the appropriate transfer and
34 adjustments in funds and appropriation accounts and equipment records
35 in accordance with the certification.

1 NEW SECTION. **Sec. 7.** Nothing contained in sections 1 through 6 of
2 this act may be construed to alter any existing collective bargaining
3 unit or the provisions of any existing collective bargaining agreement
4 until the agreement has expired or until the bargaining unit has been
5 modified by action of the personnel board as provided by law.

6 **Sec. 8.** RCW 43.21F.025 and 1987 c 330 s 501 are each amended to
7 read as follows:

8 (1) "Energy" means petroleum or other liquid fuels; natural or
9 synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear
10 material; electricity; solar radiation; geothermal resources;
11 hydropower; organic waste products; wind; tidal activity; any other
12 substance or process used to produce heat, light, or motion; or the
13 savings from nongeneration technologies, including conservation or
14 improved efficiency in the usage of any of the sources described in
15 this subsection;

16 (2) "Person" means an individual, partnership, joint venture,
17 private or public corporation, association, firm, public service
18 company, political subdivision, municipal corporation, government
19 agency, public utility district, joint operating agency, or any other
20 entity, public or private, however organized;

21 (3) "Director" means the director of the (~~state energy office~~)
22 department of community development;

23 (4) "Office" means the Washington state energy office; and

24 (5) "Distributor" means any person, private corporation,
25 partnership, individual proprietorship, utility, including investor-
26 owned utilities, municipal utility, public utility district, joint
27 operating agency, or cooperative, which engages in or is authorized to
28 engage in the activity of generating, transmitting, or distributing
29 energy in this state.

30 **Sec. 9.** RCW 43.21F.035 and 1990 c 12 s 1 are each amended to read
31 as follows:

32 The Washington state energy office is hereby created (~~as an agency~~
33 ~~of state government~~) as a part of the department of community
34 development, responsible to the (~~governor~~) director and the
35 legislature for carrying out the purposes of this chapter. The
36 director shall be appointed by the governor with the consent of the
37 senate and shall serve at the pleasure of the governor. The salary of

1 the director shall be determined pursuant to RCW 43.03.040. The
2 director shall employ such personnel as are necessary to implement this
3 chapter and chapter 80.50 RCW. The employment of personnel shall be in
4 accordance with chapter 41.06 RCW.

5 **Sec. 10.** RCW 42.17.2401 and 1991 c 200 s 404 are each amended to
6 read as follows:

7 For the purposes of RCW 42.17.240, the term "executive state
8 officer" includes:

9 (1) The chief administrative law judge, the director of
10 agriculture, the administrator of the office of marine safety, the
11 administrator of the Washington basic health plan, the director of the
12 department of services for the blind, the director of the state system
13 of community and technical colleges, the director of community
14 development, the secretary of corrections, the director of ecology, the
15 commissioner of employment security, the chairman of the energy
16 facility site evaluation council, (~~the director of the energy~~
17 ~~office,~~) the secretary of the state finance committee, the director of
18 financial management, the director of fisheries, the executive
19 secretary of the forest practices appeals board, the director of the
20 gambling commission, the director of general administration, the
21 secretary of health, the administrator of the Washington state health
22 care authority, the executive secretary of the health care facilities
23 authority, the executive secretary of the higher education facilities
24 authority, the director of the higher education personnel board, the
25 executive secretary of the horse racing commission, the executive
26 secretary of the human rights commission, the executive secretary of
27 the indeterminate sentence review board, the director of the department
28 of information services, the director of the interagency committee for
29 outdoor recreation, the executive director of the state investment
30 board, the director of labor and industries, the director of licensing,
31 the director of the lottery commission, the director of the office of
32 minority and women's business enterprises, the director of parks and
33 recreation, the director of personnel, the executive director of the
34 public disclosure commission, the director of retirement systems, the
35 director of revenue, the secretary of social and health services, the
36 chief of the Washington state patrol, the executive secretary of the
37 board of tax appeals, the director of trade and economic development,
38 the secretary of transportation, the secretary of the utilities and

1 transportation commission, the director of veterans affairs, the
2 director of wildlife, the president of each of the regional and state
3 universities and the president of The Evergreen State College, each
4 district and each campus president of each state community college;

5 (2) Each professional staff member of the office of the governor;

6 (3) Each professional staff member of the legislature; and

7 (4) Central Washington University board of trustees, board of
8 trustees of each community college, each member of the state board for
9 community ~~((college—education))~~ and technical colleges, state
10 convention and trade center board of directors, committee for deferred
11 compensation, Eastern Washington University board of trustees,
12 Washington economic development finance authority, The Evergreen State
13 College board of trustees, forest practices appeals board, forest
14 practices board, gambling commission, Washington health care facilities
15 authority, higher education coordinating board, higher education
16 facilities authority, higher education personnel board, horse racing
17 commission, state housing finance commission, human rights commission,
18 indeterminate sentence review board, board of industrial insurance
19 appeals, information services board, interagency committee for outdoor
20 recreation, state investment board, liquor control board, lottery
21 commission, marine oversight board, oil and gas conservation committee,
22 Pacific Northwest electric power and conservation planning council,
23 parks and recreation commission, personnel appeals board, personnel
24 board, board of pilotage [commissioners], pollution control hearings
25 board, public disclosure commission, public pension commission,
26 shorelines hearing board, state employees' benefits board, board of tax
27 appeals, transportation commission, University of Washington board of
28 regents, utilities and transportation commission, Washington state
29 maritime commission, Washington public power supply system executive
30 board, Washington State University board of regents, Western Washington
31 University board of trustees, and wildlife commission.

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