
SENATE BILL 5835

State of Washington

62nd Legislature

2011 Regular Session

By Senators Hatfield and Shin

Read first time 02/21/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to consolidating the department of archaeology and
2 historic preservation into the office of lieutenant governor; amending
3 RCW 43.17.010, 43.17.020, and 43.334.020; adding a new section to
4 chapter 43.15 RCW; adding new sections to chapter 43.334 RCW; creating
5 a new section; repealing RCW 43.334.030, 43.334.040, 43.334.050, and
6 43.334.900; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.15 RCW
9 to read as follows:

10 (1) On July 1, 2012, all powers, duties, and functions of the
11 department of archaeology and historic preservation are transferred to
12 the office of lieutenant governor.

13 (2) On July 1, 2012, all department of archaeology and historic
14 preservation employees are transferred to and become employees of the
15 office of lieutenant governor.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.334 RCW
17 to read as follows:

1 (1) The office of archaeology and historic preservation is created
2 within the office of lieutenant governor.

3 (2) The office of archaeology and historic preservation within the
4 office of lieutenant governor assumes all powers, duties, and functions
5 of the department of archaeology and historic preservation.

6 (3) All department of archaeology and historic preservation
7 personnel are employed, supervised, and controlled by the office of
8 lieutenant governor.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.334 RCW
10 to read as follows:

11 (1) The department of archaeology and historic preservation is
12 hereby abolished and its powers, duties, and functions are hereby
13 transferred to the office of lieutenant governor. All references to
14 the director or the department of archaeology and historic preservation
15 in the Revised Code of Washington shall be construed to mean the
16 director or the office of lieutenant governor.

17 (2)(a) All reports, documents, surveys, books, records, files,
18 papers, or written material in the possession of the department of
19 archaeology and historic preservation shall be delivered to the custody
20 of the office of lieutenant governor. All cabinets, furniture, office
21 equipment, motor vehicles, and other tangible property employed by the
22 department of archaeology and historic preservation shall be made
23 available to the office of lieutenant governor. All funds, credits, or
24 other assets held by the department of archaeology and historic
25 preservation shall be assigned to the office of lieutenant governor.

26 (b) Any appropriations made to the department of archaeology and
27 historic preservation shall, on the effective date of this section, be
28 transferred and credited to the office of lieutenant governor.

29 (c) If any question arises as to the transfer of any personnel,
30 funds, books, documents, records, papers, files, equipment, or other
31 tangible property used or held in the exercise of the powers and the
32 performance of the duties and functions transferred, the director of
33 financial management shall make a determination as to the proper
34 allocation and certify the same to the state agencies concerned.

35 (3) All employees of the department of archaeology and historic
36 preservation are transferred to the jurisdiction of the office of
37 lieutenant governor. All employees classified under chapter 41.06 RCW,

1 the state civil service law, are assigned to the office of lieutenant
2 governor to perform their usual duties upon the same terms as formerly,
3 without any loss of rights, subject to any action that may be
4 appropriate thereafter in accordance with the laws and rules governing
5 state civil service.

6 (4) All rules and all pending business before the department of
7 archaeology and historic preservation shall be continued and acted upon
8 by the office of lieutenant governor. All existing contracts and
9 obligations shall remain in full force and shall be performed by the
10 office of lieutenant governor.

11 (5) The transfer of the powers, duties, functions, and personnel of
12 the department of archaeology and historic preservation shall not
13 affect the validity of any act performed before the effective date of
14 this section.

15 (6) If apportionments of budgeted funds are required because of the
16 transfers directed by this section, the director of financial
17 management shall certify the apportionments to the agencies affected,
18 the state auditor, and the state treasurer. Each of these shall make
19 the appropriate transfer and adjustments in funds and appropriation
20 accounts and equipment records in accordance with the certification.

21 (7) Nothing contained in this section may be construed to alter any
22 existing collective bargaining unit or the provisions of any existing
23 collective bargaining agreement until the agreement has expired or
24 until the bargaining unit has been modified by action of the personnel
25 resources board as provided by law.

26 NEW SECTION. **Sec. 4.** (1) The office of lieutenant governor must:

27 (a) Establish a transition plan for the orderly implementation of
28 this act, including: Addressing personnel issues relating to the
29 transfer and facilitating the transfer of powers, duties, and
30 functions, property and equipment, records, contracts, and funding from
31 the department of archaeology and historic preservation to the office
32 of lieutenant governor. The office of lieutenant governor must consult
33 with the department of archaeology and historic preservation, the
34 department of personnel, and the office of financial management in
35 developing the transition plan; and

36 (b) Present recommendations to the legislature, in the form of

1 draft legislation, regarding any further statutory changes necessary to
2 implement this act.

3 (2) The transition plan and recommendations required by subsection
4 (1) of this section must be presented to the appropriate committees of
5 the legislature by November 1, 2011.

6 **Sec. 5.** RCW 43.17.010 and 2009 c 565 s 25 are each amended to read
7 as follows:

8 There shall be departments of the state government which shall be
9 known as (1) the department of social and health services, (2) the
10 department of ecology, (3) the department of labor and industries, (4)
11 the department of agriculture, (5) the department of fish and wildlife,
12 (6) the department of transportation, (7) the department of licensing,
13 (8) the department of general administration, (9) the department of
14 commerce, (10) the department of veterans affairs, (11) the department
15 of revenue, (12) the department of retirement systems, (13) the
16 department of corrections, (14) the department of health, (15) the
17 department of financial institutions, (16) (~~the department of~~
18 ~~archaeology and historic preservation, (17)~~) the department of early
19 learning, and (~~(18)~~) (17) the Puget Sound partnership, which shall be
20 charged with the execution, enforcement, and administration of such
21 laws, and invested with such powers and required to perform such
22 duties, as the legislature may provide.

23 **Sec. 6.** RCW 43.17.020 and 2009 c 565 s 26 are each amended to read
24 as follows:

25 There shall be a chief executive officer of each department to be
26 known as: (1) The secretary of social and health services, (2) the
27 director of ecology, (3) the director of labor and industries, (4) the
28 director of agriculture, (5) the director of fish and wildlife, (6) the
29 secretary of transportation, (7) the director of licensing, (8) the
30 director of general administration, (9) the director of commerce, (10)
31 the director of veterans affairs, (11) the director of revenue, (12)
32 the director of retirement systems, (13) the secretary of corrections,
33 (14) the secretary of health, (15) the director of financial
34 institutions, (16) (~~the director of the department of archaeology and~~
35 ~~historic preservation, (17)~~) the director of early learning, and
36 (~~(18)~~) (17) the executive director of the Puget Sound partnership.

1 Such officers, except the director of fish and wildlife, shall be
2 appointed by the governor, with the consent of the senate, and hold
3 office at the pleasure of the governor. The director of fish and
4 wildlife shall be appointed by the fish and wildlife commission as
5 prescribed by RCW 77.04.055.

6 **Sec. 7.** RCW 43.334.020 and 2005 c 333 s 2 are each amended to read
7 as follows:

8 The executive head (~~(and appointing authority)~~) of the
9 (~~(department)~~) office of archaeology and historic preservation within
10 the office of lieutenant governor is the director. The director shall
11 serve as the state historic preservation officer, and shall have a
12 background in program administration, an active involvement in historic
13 preservation, and a knowledge of the national, state, and local
14 preservation programs as they affect the state of Washington. The
15 director shall be appointed by the governor (~~(, with the consent of the~~
16 ~~senate, and serves at the pleasure of the governor. The director shall~~
17 ~~be paid a salary to be fixed by the governor in accordance with RCW~~
18 ~~43.03.040. If a vacancy occurs in the position while the senate is not~~
19 ~~in session, the governor shall make a temporary appointment until the~~
20 ~~next meeting of the senate)~~) from among a list of candidates provided
21 by the lieutenant governor, and serves at the pleasure of the
22 lieutenant governor.

23 NEW SECTION. **Sec. 8.** Sections 1 through 3 of this act take effect
24 July 1, 2012.

25 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each
26 repealed:

- 27 (1) RCW 43.334.030 (Director powers and duties) and 2005 c 333 s 3;
28 (2) RCW 43.334.040 (Departmental divisions) and 2005 c 333 s 4;
29 (3) RCW 43.334.050 (Deputy director--Department personnel
30 director--Assistant directors) and 2005 c 333 s 5; and
31 (4) RCW 43.334.900 (Transfer of powers, duties, and functions) and
32 2005 c 333 s 12.

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