

1 **SHB 1236 - H AMD 000242 WITHDRAWN 3-16-93**

2 By Representative Hansen

3 On page 1, after line 4, strike the remainder of the bill and
4 insert:

5 "NEW SECTION. **Sec. 1.** The state of Washington, having an
6 abundance of natural resources, has the responsibility to its
7 citizens to manage, maintain, and develop its water resources. In
8 order to facilitate the carrying out of this responsibility, all
9 water rights law should be managed by an independent agency, the
10 department of natural resources. Therefore, public policy is
11 established transferring the administration of all water rights
12 laws to the department of natural resources.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.30
14 RCW to read as follows:

15 All powers, duties, and functions of the department of ecology
16 pertaining to water rights under chapters 90.03, 90.08, 90.14,
17 90.16, 90.22, 90.24, 90.28, 90.36, 90.38, 90.40, 90.42, 90.44,
18 90.46, 90.54, and 90.66 RCW are transferred to the department of
19 natural resources. All references to the director or department of
20 ecology in the Revised Code of Washington shall be construed to
21 mean the commissioner or department of natural resources when
22 referring to the functions transferred in this section.

23 NEW SECTION. **Sec. 3.** All reports, documents, surveys, books,
24 records, files, papers, or written material in the possession of
25 the department of ecology pertaining to the powers, functions, and
26 duties transferred shall be delivered to the custody of the

1 department of natural resources. All cabinets, furniture, office
2 equipment, motor vehicles, and other tangible property employed by
3 the department of ecology in carrying out the powers, functions,
4 and duties transferred shall be made available to the department of
5 natural resources. All funds, credits, or other assets held in
6 connection with the powers, functions, and duties transferred shall
7 be assigned to the department of natural resources.

8 Any appropriations made to the department of ecology for
9 carrying out the powers, functions, and duties transferred shall,
10 on the effective date of this section, be transferred and credited
11 to the department of natural resources.

12 Whenever any question arises as to the transfer of any
13 personnel, funds, books, documents, records, papers, files,
14 equipment, or other tangible property used or held in the exercise
15 of the powers and the performance of the duties and functions
16 transferred, the director of financial management shall make a
17 determination as to the proper allocation and certify the same to
18 the state agencies concerned.

19 NEW SECTION. **Sec. 4.** All employees of the department of
20 ecology engaged in performing the powers, functions, and duties
21 transferred are transferred to the jurisdiction of the department
22 of natural resources. All employees classified under chapter 41.06
23 RCW, the state civil service law, are assigned to the department of
24 natural resources to perform their usual duties upon the same terms
25 as formerly, without any loss of rights, subject to any action that
26 may be appropriate thereafter in accordance with the laws and rules
27 governing state civil service.

28 NEW SECTION. **Sec. 5** All rules and all pending business
29 before the department of ecology pertaining to the powers,
30 functions, and duties transferred shall be continued and acted upon
31 by the department of natural resources. All existing contracts and

1 obligations shall remain in full force and shall be performed by
2 the department of natural resources.

3 NEW SECTION. **Sec. 6.** The transfer of the powers, duties,
4 functions, and personnel of the department of ecology shall not
5 affect the validity of any act performed prior to the effective
6 date of this section.

7 NEW SECTION. **Sec. 7.** If apportionments of budgeted funds are
8 required because of the transfers directed by sections 3 through 6
9 of this act, the director of financial management shall certify the
10 apportionments to the agencies affected, the state auditor, and the
11 state treasurer. Each of these shall make the appropriate transfer
12 and adjustments in funds and appropriation accounts and equipment
13 records in accordance with the certification.

14 NEW SECTION. **Sec. 8.** Nothing contained in sections 2 through
15 7 of this act may be construed to alter any existing collective
16 bargaining unit or the provisions of any existing collective
17 bargaining agreement until the agreement has expired or until the
18 bargaining unit has been modified by action of the personnel board
19 as provided by law.

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 90.03
21 RCW to read as follows:

22 The powers and duties of the department of ecology under this
23 chapter shall be performed by the department of natural resources.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter
25 90.08 RCW to read as follows:

26 The powers and duties of the department of ecology under this
27 chapter shall be performed by the department of natural resources.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter
2 90.14 RCW to read as follows:

3 The powers and duties of the department of ecology under this
4 chapter shall be performed by the department of natural resources.

5 NEW SECTION. **Sec. 12.** A new section is added to chapter
6 90.16 RCW to read as follows:

7 The powers and duties of the department of ecology under this
8 chapter shall be performed by the department of natural resources.

9 NEW SECTION. **Sec. 13.** A new section is added to chapter
10 90.22 RCW to read as follows:

11 The powers and duties of the department of ecology under this
12 chapter shall be performed by the department of natural resources.

13 NEW SECTION. **Sec. 14.** A new section is added to chapter
14 90.24 RCW to read as follows:

15 The powers and duties of the department of ecology under this
16 chapter shall be performed by the department of natural resources.

17 NEW SECTION. **Sec. 15.** A new section is added to chapter
18 90.28 RCW to read as follows:

19 The powers and duties of the department of ecology under this
20 chapter shall be performed by the department of natural resources.

21 NEW SECTION. **Sec. 16.** A new section is added to chapter
22 90.36 RCW to read as follows:

23 The powers and duties of the department of ecology under this
24 chapter shall be performed by the department of natural resources.

25 NEW SECTION. **Sec. 17.** A new section is added to chapter
26 90.38 RCW to read as follows:

1 The powers and duties of the department of ecology under this
2 chapter shall be performed by the department of natural resources.

3 NEW SECTION. **Sec. 18.** A new section is added to chapter
4 90.40 RCW to read as follows:

5 The powers and duties of the department of ecology under this
6 chapter shall be performed by the department of natural resources.

7 NEW SECTION. **Sec. 19.** A new section is added to chapter
8 90.42 RCW to read as follows:

9 The powers and duties of the department of ecology under this
10 chapter shall be performed by the department of natural resources.

11 NEW SECTION. **Sec. 20.** A new section is added to chapter
12 90.44 RCW to read as follows:

13 The powers and duties of the department of ecology under this
14 chapter shall be performed by the department of natural resources.

15 NEW SECTION. **Sec. 21.** A new section is added to chapter
16 90.46 RCW to read as follows:

17 The powers and duties of the department of ecology under this
18 chapter shall be performed by the department of natural resources.

19 NEW SECTION. **Sec. 22.** A new section is added to chapter
20 90.54 RCW to read as follows:

21 The powers and duties of the department of ecology under this
22 chapter shall be performed by the department of natural resources.

23 NEW SECTION. **Sec. 22.** A new section is added to chapter
24 90.66 RCW to read as follows:

25 The powers and duties of the department of ecology under this
26 chapter shall be performed by the department of natural resources.

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1 NEW SECTION. **Sec. 23.** The transfer of functions, powers,
2 and duties under this act shall become effective on January 1,
3 1994."

EFFECT: Transfers the administration of the state's water
rights programs from the Department of Ecology to the
Department of Natural Resources.