

SENATE BILL REPORT

SB 5428

AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 6, 1991

Brief Description: Adopting the Pacific Ocean Resources Compact.

SPONSORS: Senators Metcalf, Owen, Oke, Barr and Snyder.

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 5428 be substituted therefor, and the substitute bill do pass.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Snyder, and Sutherland.

Staff: Gary Wilburn (786-7453)

Hearing Dates: February 7, 1991; February 11, 1991

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5428 be substituted therefor, and the second substitute bill do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Hayner, Johnson, L. Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams, and Wojahn.

Staff: Michael Groesch (786-7715)

Hearing Dates: March 5, 1991; March 6, 1991

BACKGROUND:

Following the Nestucca oil spill off the coast of Washington in December, 1988, Washington State and the province of British Columbia established the British Columbia/Washington Task Force on Oil Spills. Soon thereafter the Exxon Valdez spill occurred, and the task force membership was expanded to include Alaska, Oregon and California. The task force was charged with investigating ways and means of preventing oil spills, to review existing response procedures, to assess mechanisms for handling compensation claims, and to develop a coordinated contingency plan for prevention of and response to future spills.

The final report of the task force was issued in October, 1990, and contained several recommendations made jointly by the participating states and British Columbia. One major finding was that the task force should continue to promote coordination of west coast oil spill prevention and response

efforts. It recommended that the task force work with the Western Legislative Conference to develop an interstate compact to make binding agreements concerning spill prevention and cleanup measures on the west coast.

The report noted that compacts are a mechanism to support and promote objectives with federal weight on regional levels. They can gain consistency among west coast state spill programs and requirements. They also allow extension of state jurisdiction over geographic areas and over subjects which otherwise are exclusively exercised by the federal government, such as coastal waters to the limits of the 200-mile exclusive economic zone. All interstate compacts require the consent of the United States Congress.

In 1990 the Congress enacted comprehensive oil spill prevention and response legislation, which further extends federal activities on subjects such as oil tanker hull construction, financial responsibility requirements, vessel traffic service systems, vessel manning and work shifts, navigation safety standards, and penalties. These additional federal initiatives provide additional impetus to states seeking legal mechanisms, such as an interstate compact, to ensure that their state spill prevention and response programs may continue to operate in conjunction with federal programs.

Coordinated by the Western Legislative Conference, legislation to enact a Pacific Ocean Resources Compact has been introduced in the legislatures of Washington, Oregon, California, Hawaii and Alaska.

SUMMARY:

The Pacific Ocean Resources Compact is ratified by the Legislature. The compact takes effect when one or more of the states of Alaska, Hawaii, California or Oregon ratify the compact and congressional consent is granted. Those portions relating to regional coordination of coastal management plans take effect when ratified by Washington and another of such states, pursuant to congressional consent granted in the Coastal Zone Management Act. British Columbia may become an associate, nonvoting member of the compact, and upon approval of Congress may become a full party to the compact.

Legislative findings and purposes are stated regarding the importance of protecting west coast states' marine waters and resources from the adverse affects of oil and hazardous substance spills, and the need for a formal interstate mechanism to address mutual concerns relating to transport of such substances.

The compact zone is the portion of the oceans bordering the parties within the 200-mile exclusive economic zone. The hazardous substances covered under the compact are defined by referencing lists or designations made pursuant to several federal statutes.

The compact is authorized to: (1) facilitate prevention of oil and hazardous spills by establishing uniform safety standards for routes, crews and vessel equipment; (2) ensure a coordinated network of spill response plans and programs; (3) establish regulations for compact approval of vessel contingency plans, which upon approval are to satisfy federal and state planning requirements; (4) establish an informational clearinghouse; (5) provide a forum for discussion; (5) provide opportunities for public participation; (6) identify regional data needs; (7) establish sanctions and a schedule of civil penalties; and (8) other duties. Additionally, the compact is granted administrative powers such as issuing subpoenas, conducting public hearings, entering contracts, conducting investigations, and appointing technical and advisory committees.

Each party to the compact is to appoint three persons as representatives of the compact, serving four-year terms. The compact shall invite certain federal agencies to participate as nonvoting members. A chair and vice-chair are to be appointed by the compact, and rotated through all the compact parties. It must meet at least once a year. Each party is entitled to one vote, and actions of the compact require a majority of the votes of the parties.

Except as specifically provided regarding the compact authority, nothing in the compact is to limit the powers of any party or to repeal or prevent enactment of any legislation or enforcement of any requirement imposing additional ocean resources conditions or restrictions. Each party is to contribute not less than 10 percent nor more than 50 percent of the budget of the compact, with contributions generally to be proportional to the party's gross state product.

EFFECT OF PROPOSED SUBSTITUTE:

The three Washington representatives to the compact are appointed by: (1) the Governor, (2) the President of the Senate, and (3) the Speaker of the House. The Governor's appointee serves as the chair of the Washington representatives. Travel and subsistence reimbursement is provided for. The compact representatives may employ professional and clerical assistance to carry out their functions.

EFFECT OF PROPOSED SECOND SUBSTITUTE:

Enactment of the bill is conditioned upon provision of funding in the budget.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

Will assist coastal states in achieving consistency in regulation of the marine transportation of oil and hazardous substances.

TESTIMONY AGAINST: None

TESTIFIED: Bob Nichols, Office of the Governor; Chris Gregoire, Director, Department of Ecology