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**SUBSTITUTE HOUSE BILL 1144**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Linville, Leonard, H. Myers, Campbell, Jacobsen, Valle, R. Fisher, Ogden, J. Kohl and Locke; by request of Office of Marine Safety)

Read first time 02/26/93.

1 AN ACT Relating to marine safety field operations; amending RCW  
2 90.56.510; adding a new section to chapter 88.46 RCW; creating a new  
3 section; providing an effective date; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 88.46 RCW  
6 to read as follows:

7 (1) The office shall establish a field operations program to  
8 enforce the provisions of this chapter. The field operations program  
9 shall include, but is not limited to, the following elements:

10 (a) Education and public outreach;

11 (b) Review of lightering and bunkering operations to prevent oil  
12 spills;

13 (c) Evaluation and boarding of tank vessels for compliance with  
14 prevention plans prepared pursuant to this chapter;

15 (d) Evaluation and boarding of covered vessels that may pose a  
16 substantial risk to the public health, safety, and the environment;

17 (e) Evaluation and boarding of covered vessels for compliance with  
18 rules adopted by the office to implement recommendations of regional  
19 marine safety committees; and

1 (f) Collection of vessel information to assist in identifying  
2 vessels which pose a substantial risk to the public health, safety, and  
3 the environment.

4 (2) The office shall coordinate the field operations program with  
5 similar activities of the United States coast guard. To the extent  
6 feasible, the office shall coordinate its boarding schedules with those  
7 of the United States coast guard to reduce the impact of boardings on  
8 vessel operators, to more efficiently use state and federal resources,  
9 and to avoid duplication of United States coast guard inspection  
10 operations.

11 (3) In developing and implementing the field operations program,  
12 the office shall give priority to activities designed to identify those  
13 vessels which pose the greatest risk to the waters of the state. The  
14 office shall consult with the marine transportation industry,  
15 individuals concerned with the marine environment, other state and  
16 federal agencies, and the public in developing and implementing the  
17 program required by this section.

18 **Sec. 2.** RCW 90.56.510 and 1992 c 73 s 41 are each amended to read  
19 as follows:

20 (1) The oil spill administration account is created in the state  
21 treasury. All receipts from RCW 82.23B.020(2) shall be deposited in  
22 the account. Moneys from the account may be spent only after  
23 appropriation. The account is subject to allotment procedures under  
24 chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts  
25 deposited in the account from the tax imposed by RCW 82.23B.020(2) for  
26 the previous fiscal biennium exceed the amount appropriated from the  
27 account for the previous fiscal biennium, the state treasurer shall  
28 transfer the amount of receipts exceeding the appropriation to the oil  
29 spill response account. If, on the first day of any calendar month,  
30 the balance of the oil spill response account is greater than twenty-  
31 five million dollars and the balance of the oil spill administration  
32 account exceeds the unexpended appropriation for the current biennium,  
33 then the tax under RCW 82.23B.020(2) shall be suspended on the first  
34 day of the next calendar month until the beginning of the following  
35 biennium, provided that the tax shall not be suspended during the last  
36 six months of the biennium. If the tax imposed under RCW 82.23B.020(2)  
37 is suspended during two consecutive biennia, the department shall by  
38 November 1st after the end of the second biennium, recommend to the

1 appropriate standing committees an adjustment in the tax rate. For the  
2 period 1991-93 the state treasurer may transfer funds from the oil  
3 spill response account to the oil spill administration account in  
4 amounts necessary to support appropriations made from the oil spill  
5 administration account in the omnibus appropriations act.

6 (2) Expenditures from the oil spill administration account shall be  
7 used exclusively for the administrative costs related to the purposes  
8 of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting  
9 with the 1995-1997 biennium, the legislature shall give activities of  
10 state agencies related to prevention of oil spills priority in funding  
11 from the oil spill administration account. Costs of administration  
12 include the costs of:

13 ~~((1))~~ (a) Routine responses not covered under RCW 90.56.500;

14 ~~((2))~~ (b) Management and staff development activities;

15 ~~((3))~~ (c) Development of rules and policies and the state-wide  
16 plan provided for in RCW 90.56.060;

17 ~~((4))~~ (d) Facility and vessel plan review and approval, drills,  
18 inspections, investigations, enforcement, and litigation;

19 ~~((5))~~ (e) Interagency coordination and public outreach and  
20 education;

21 ~~((6))~~ (f) Collection and administration of the tax provided for  
22 in chapter 82.23B RCW; and

23 ~~((7))~~ (g) Appropriate travel, goods and services, contracts, and  
24 equipment.

25 NEW SECTION. Sec. 3. The legislature recognizes that by directing  
26 the establishment of a field operations program, there may not be  
27 sufficient funds in future biennia to continue funding all activities  
28 currently paid for out of the oil spill administration account. In  
29 order to assure that sufficient funds will be available for spill  
30 prevention and response activities in future biennia, the marine  
31 oversight board shall: Study the expenditures from the oil spill  
32 administration account and recommend to the governor and the  
33 appropriate standing committees priority activities for funding with an  
34 emphasis on prevention of oil spills; and study the need for additional  
35 sources of funding for the account. The marine oversight board shall  
36 report its findings not later than November 1, 1993.

1        NEW SECTION.    **Sec. 4.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 5.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect July 1, 1993.

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