

SSB 6074 - S AMD 375

By Senators Hargrove, Fraser, Finkbeiner, Horn, Haugen

ADOPTED 04/15/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 47.64.090 and 2003 c . . . (ESHB 1853) s 205 are each
4 amended to read as follows:

5 USE OF STATE FERRY FACILITIES. (1) Except as provided in section
6 203 (~~of this act~~), chapter . . . (ESHB 1853), Laws of 2003 and
7 subsection (2) of this section, or as provided in section 303 (~~of this~~
8 ~~act~~), chapter . . . (ESHB 1853), Laws of 2003 and subsection (3) of
9 this section, if any party assumes the operation and maintenance of any
10 ferry or ferry system by rent, lease, or charter from the department of
11 transportation, such party shall assume and be bound by all the
12 provisions herein and any agreement or contract for such operation of
13 any ferry or ferry system entered into by the department shall provide
14 that the wages to be paid, hours of employment, working conditions, and
15 seniority rights of employees will be established by the marine
16 employees' commission in accordance with the terms and provisions of
17 this chapter and it shall further provide that all labor disputes shall
18 be adjudicated in accordance with chapter 47.64 RCW.

19 (2) If a public transportation benefit area meeting the
20 requirements of section 201 (~~of this act~~), chapter . . . (ESHB 1853),
21 Laws of 2003 has voter approval to operate passenger-only ferry
22 service, it may enter into an agreement with Washington State Ferries
23 to rent, lease, or purchase passenger-only vessels, related equipment,
24 or terminal space for purposes of loading and unloading the passenger-
25 only ferry. Charges for the vessels, equipment, and space must be fair
26 market value taking into account the public benefit derived from the
27 ferry service. A benefit area or subcontractor of that benefit area
28 that qualifies under this subsection is not subject to the restrictions
29 of subsection (1) of this section, but is subject to:

1 (a) The terms of those collective bargaining agreements that it or
2 its subcontractors negotiate with the exclusive bargaining
3 representatives of its or its subcontractors' employees under chapter
4 41.56 RCW or the National Labor Relations Act, as applicable;

5 (b) Unless otherwise prohibited by federal or state law, a
6 requirement that the benefit area and any contract with its
7 subcontractors, give preferential hiring to former employees of the
8 department of transportation who separated from employment with the
9 department because of termination of the ferry service by the state of
10 Washington; and

11 (c) Unless otherwise prohibited by federal or state law, a
12 requirement that the benefit area and any contract with its
13 subcontractors, on any questions concerning representation of employees
14 for collective bargaining purposes, may be determined by conducting a
15 cross-check comparing an employee organization's membership records or
16 bargaining authorization cards against the employment records of the
17 employer.

18 (3) If a ferry district is formed under section 301 (~~of this~~
19 ~~act~~), chapter . . . (ESHB 1853), Laws of 2003 to operate passenger-
20 only ferry service, it may enter into an agreement with Washington
21 State Ferries to rent, lease, or purchase vessels, related equipment,
22 or terminal space for purposes of loading and unloading the ferry.
23 Charges for the vessels, equipment, and space must be fair market value
24 taking into account the public benefit derived from the ferry service.
25 A ferry district or subcontractor of that district that qualifies under
26 this subsection is not subject to the restrictions of subsection (1) of
27 this section, but is subject to:

28 ~~((Subject to))~~ The terms of those collective bargaining
29 agreements that it or its subcontractors negotiate with the exclusive
30 bargaining representatives of its or its subcontractors' employees
31 under chapter 41.56 RCW or the National Labor Relations Act, as
32 applicable;

33 ~~((Subject to))~~ Unless otherwise prohibited by federal or state
34 law, a requirement(~~(, to be included by)~~) that the ferry district
35 (~~in~~) and any contract with (~~the district's~~) its subcontractors,
36 (~~to~~) give preferential hiring to former employees of the department

1 of transportation who separated from employment with the department
2 because of termination of the ferry service by the state of Washington;
3 and

4 (c) (~~Subject to~~) Unless otherwise prohibited by federal or state
5 law, a requirement(~~, to be included by~~) that the ferry district
6 (~~in~~) and any contract with (~~the district's~~) its subcontractors,
7 (~~that~~) on any questions concerning representation of employees for
8 collective bargaining purposes, may be determined by conducting a
9 cross-check comparing an employee organization's membership records or
10 bargaining authorization cards against the employment records of the
11 employer.

12 NEW SECTION. Sec. 2. A new section is added to chapter 41.56 RCW
13 to read as follows:

14 In addition to the entities listed in RCW 41.56.020, this chapter
15 does apply to:

16 (1) Public employees of public transportation benefit areas
17 providing passenger-only ferry service as provided in RCW 47.64.090;
18 and

19 (2) Public employees of ferry districts providing passenger-only
20 ferry service as provided in RCW 47.64.090.

21 Sec. 3. RCW 88.40.020 and 2000 c 69 s 31 are each amended to read
22 as follows:

23 (1) Any (~~inland~~) barge that transports hazardous substances in
24 bulk as cargo, using any port or place in the state of Washington or
25 the navigable waters of the state shall establish evidence of financial
26 responsibility in the amount of the greater of (~~one~~) five million
27 dollars, or (~~one~~) three hundred (~~fifty~~) dollars per gross ton of
28 such vessel.

29 (2)(a) Except as provided in (b) or (c) of this subsection, a tank
30 vessel that carries oil as cargo in bulk shall demonstrate financial
31 responsibility to pay at least five hundred million dollars. The
32 amount of financial responsibility required under this subsection is
33 one billion dollars after January 1, 2004.

34 (b) The director by rule may establish a lesser standard of
35 financial responsibility for (~~barges~~) tank vessels of three hundred

1 gross tons or less. The standard shall set the level of financial
2 responsibility based on the quantity of cargo the ~~((barge))~~ tank vessel
3 is capable of carrying. The director shall not set the standard for
4 ~~((barges))~~ tank vessels of three hundred gross tons or less below that
5 required under federal law.

6 (c) The owner or operator of a tank vessel who is a member of an
7 international protection and indemnity mutual organization and is
8 covered for oil pollution risks up to the amounts required under this
9 section is not required to demonstrate financial responsibility under
10 this chapter. The director may require the owner or operator of a tank
11 vessel to prove membership in such an organization.

12 (3)(a) A cargo vessel or passenger vessel that carries oil as fuel
13 shall demonstrate financial responsibility to pay ~~((the greater of at~~
14 ~~least six hundred dollars per gross ton or five hundred thousand))~~ at
15 least three hundred million dollars. However, a passenger vessel that
16 transports passengers and vehicles between Washington state and a
17 foreign country shall demonstrate financial responsibility to pay the
18 greater of at least six hundred dollars per gross ton or five hundred
19 thousand dollars.

20 (b) The owner or operator of a cargo vessel or passenger vessel who
21 is a member of an international protection and indemnity mutual
22 organization and is covered for oil pollution risks up to the amounts
23 required under this section is not required to demonstrate financial
24 responsibility under this chapter. The director may require the owner
25 or operator of a cargo vessel or passenger vessel to prove membership
26 in such an organization.

27 (4) A fishing vessel while on the navigable waters of the state
28 must demonstrate financial responsibility in the following amounts:

29 (a) For a fishing vessel carrying predominantly nonpersistent product,
30 one hundred thirty-three dollars and forty cents per incident, for each
31 barrel of total oil storage capacity, persistent and nonpersistent
32 product, on the vessel or one million three hundred thirty-four
33 thousand dollars, whichever is greater; or (b) for a fishing vessel
34 carrying predominantly persistent product, four hundred dollars and
35 twenty cents per incident, for each barrel of total oil storage
36 capacity, persistent product and nonpersistent product, on the vessel

1 or six million six hundred seventy thousand dollars, whichever is
2 greater.

3 (5) The documentation of financial responsibility shall demonstrate
4 the ability of the document holder to meet state and federal financial
5 liability requirements for the actual costs for removal of oil spills,
6 for natural resource damages, and for necessary expenses.

7 ~~((5) The department may by rule set a lesser amount of financial~~
8 ~~responsibility for a tank vessel that meets standards for construction,~~
9 ~~propulsion, equipment, and personnel established by the department.~~
10 ~~The department shall require as a minimum level of financial~~
11 ~~responsibility under this subsection the same level of financial~~
12 ~~responsibility required under federal law.))~~

13 (6) This section shall not apply to a covered vessel owned or
14 operated by the federal government or by a state or local government.

15 NEW SECTION. Sec. 4. Sections 1 and 2 of this act are necessary
16 for the immediate preservation of the public peace, health, or safety,
17 or support of the state government and its existing public
18 institutions, and take effect immediately, but only if Engrossed
19 Substitute House Bill No. 1853 has become law. If Engrossed Substitute
20 House Bill No. 1853 has not become law by June 30, 2003, sections 1 and
21 2 of this act are null and void."

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22 On page 1, line 1 of the title, after "Relating to" strike the
23 remainder of the title and insert "vessels; amending RCW 47.64.090 and
24 88.40.020; adding a new section to chapter 41.56 RCW; providing a
25 contingent effective date; and declaring an emergency."

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