

SHB 2983 - H AMD 1012

By Representative Clibborn

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 88.16
4 RCW to read as follows:

5 (1) The utilities and transportation commission shall under
6 sections 7 through 12 of this act periodically, but not more
7 frequently than annually, establish the pilotage tariffs for pilotage
8 services provided under this chapter: PROVIDED, That the utilities
9 and transportation commission may establish extra compensation for
10 extra services to vessels in distress, for awaiting vessels, for all
11 vessels in direct transit to or from a Canadian port where Puget
12 Sound pilotage is required for a portion of the voyage, or for being
13 carried to sea on vessels against the will of the pilot, and for such
14 other services as may be determined by the commission: PROVIDED
15 FURTHER, That as an element of the Puget Sound pilotage district
16 tariff, the utilities and transportation commission may consider
17 pilot retirement expenses incurred in the prior year in either
18 pilotage district. However, under no circumstances shall the state be
19 obligated to fund or pay for any portion of retirement payments for
20 pilots or retired pilots.

21 (2) By December 1, 2018, the utilities and transportation
22 commission shall submit to the transportation committees of the
23 legislature any additional statutory changes necessary to implement
24 this act.

25 (3) By July 1, 2020, the utilities and transportation commission
26 shall provide a report to the governor and the transportation
27 committees of the legislature regarding matters pertaining to
28 establishing tariffs under this section that includes a comparison of
29 the process and outcomes in relation to the recommendations made in
30 the January 2018 joint transportation committee Washington state
31 pilotage final report and recommendations.

1 **Sec. 2.** RCW 53.08.390 and 2010 c 8 s 16003 are each amended to
2 read as follows:

3 A countywide port district located in part or in whole within the
4 Grays Harbor pilotage district, as defined by RCW 88.16.050(2), may
5 commence pilotage service with the following powers and subject to
6 the conditions contained in this section.

7 (1) Persons employed to perform the pilotage service of a port
8 district must be licensed under chapter 88.16 RCW to provide
9 pilotage.

10 (2) Before establishing pilotage service, a port district shall
11 give at least sixty days' written notice to the chair of the board of
12 pilotage commissioners to provide pilotage.

13 (3) A port district providing pilotage service under this section
14 requiring additional pilots may petition the board of pilotage
15 commissioners to qualify and license as a pilot a person who has
16 passed the examination and is on the waiting list for the training
17 program for the district. If there are no persons on the waiting
18 list, the board shall solicit applicants and offer the examination.

19 (4) In addition to the power to employ or contract with pilots, a
20 port district providing pilotage services under this section has such
21 other powers as are reasonably necessary to accomplish the purpose of
22 this section including, but not limited to, providing through
23 ownership or contract pilots launches, dispatcher services, or
24 ancillary tug services required for operations or safety.

25 (5)(a) A port district providing pilotage services under this
26 section (~~((may recommend to the board of pilotage commissioners))~~)
27 shall periodically establish pilotage tariffs for pilotage services
28 provided under this chapter. The rules of service, rates, and tariffs
29 ~~((governing its pilotage services for consideration and adoption~~
30 ~~pursuant to RCW 88.16.035. The rules, rates, and tariffs~~
31 ~~recommended))~~ to be adopted by the port district must have been
32 approved in open meetings of the port district (~~((ten))~~) thirty or more
33 days after published notice in a newspaper of general circulation and
34 (~~((after mailing a copy of the notice to the chair of the board of~~
35 ~~pilotage commissioners))~~) following a public hearing. The port
36 district shall release its pilotage budget, including the five year
37 capital spending plan, prior year pilotage financial statement, and
38 the proposed pilotage tariff, no later than thirty days prior to a
39 public hearing. The port district shall receive public comments for
40 thirty days before the port district commission may adopt and approve

1 the pilotage tariff. The port district must file the pilotage tariff
2 with the utilities and transportation commission and the board of
3 pilotage commissioners no later than thirty days following the
4 approval of the pilotage tariff by the port district commission.
5 Rules of service adopted by the port district may not conflict with
6 chapter 88.16 RCW or any rules adopted by the board of pilotage
7 commissioners under that chapter's authority.

8 (b) The port district must include a pension charge in its tariff
9 until such time as the pilot retirement agreement expenses for Grays
10 Harbor pilotage district pilots employed prior to October 1, 2001,
11 are no longer owed. The port district shall determine the pension
12 charge owed as pilot retirement agreement expenses. The pension
13 charge must be sufficient to cover costs associated with the pilot
14 retirement agreement expenses for Grays Harbor pilots employed prior
15 to October 1, 2001. The revenue collected from the pension charge
16 must be deposited into an account maintained by the port district
17 solely for the pilot retirement agreement expenses of the Grays
18 Harbor pilots employed prior to October 1, 2001. Under no
19 circumstances shall the port district be obligated to fund or pay for
20 any portion of the retirement agreement expenses for Grays Harbor
21 pilots employed prior to October 1, 2001.

22 (6) A pilot providing pilotage services under this section must
23 comply with all requirements of the pilotage act, chapter 88.16 RCW,
24 and all rules adopted thereunder.

25 **Sec. 3.** RCW 88.16.035 and 2009 c 496 s 1 are each amended to
26 read as follows:

27 (1) The board of pilotage commissioners shall:

28 (a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the
29 enforcement and administration of this chapter;

30 (b)(i) Issue training licenses and pilot licenses to pilot
31 applicants meeting the qualifications provided for in RCW 88.16.090
32 and such additional qualifications as may be determined by the board;

33 (ii) Establish a comprehensive training program to assist in the
34 training and evaluation of pilot applicants before final licensing;
35 and

36 (iii) Establish additional training requirements, including a
37 program of continuing education developed after consultation with
38 pilot organizations, including those located within the state of
39 Washington, as required to maintain a competent pilotage service;

1 (c) Maintain a register of pilots, records of pilot accidents,
2 and other history pertinent to pilotage;

3 (d) Determine from time to time the number of pilots necessary to
4 be licensed in each district of the state to optimize the operation
5 of a safe, fully regulated, efficient, and competent pilotage service
6 in each district;

7 (e) (~~Annually fix the pilotage tariffs for pilotage services
8 provided under this chapter: PROVIDED, That the board may fix extra
9 compensation for extra services to vessels in distress, for awaiting
10 vessels, for all vessels in direct transit to or from a Canadian port
11 where Puget Sound pilotage is required for a portion of the voyage,
12 or for being carried to sea on vessels against the will of the pilot,
13 and for such other services as may be determined by the board:
14 PROVIDED FURTHER, That as an element of the Puget Sound pilotage
15 district tariff, the board may consider pilot retirement plan
16 expenses incurred in the prior year in either pilotage district.
17 However, under no circumstances shall the state be obligated to fund
18 or pay for any portion of retirement payments for pilots or retired
19 pilots)) Provide assistance to the utilities and transportation
20 commission, as requested by the utilities and transportation
21 commission, in its performance of pilotage tariff setting functions
22 under sections 7 through 12 of this act;~~

23 (f) File annually with the governor and the chairs of the
24 transportation committees of the senate and house of representatives
25 a report which includes, but is not limited to, the following: The
26 number, names, ages, pilot license number, training license number,
27 and years of service as a Washington licensed pilot of any person
28 licensed by the board as a Washington state pilot or trainee; the
29 names, employment, and other information of the members of the board;
30 the total number of pilotage assignments by pilotage district,
31 including information concerning the various types and sizes of
32 vessels and the total annual tonnage; the annual earnings or stipends
33 of individual pilots and trainees before and after deduction for
34 expenses of pilot organizations, including extra compensation as a
35 separate category; the annual expenses of private pilot associations,
36 including personnel employed and capital expenditures; the status of
37 pilotage tariffs, extra compensation, and travel; the retirement
38 contributions paid to pilots and the disposition thereof; the number
39 of groundings, marine occurrences, or other incidents which are
40 reported to or investigated by the board, and which are determined to

1 be accidents, as defined by the board, including the vessel name,
2 location of incident, pilot's or trainee's name, and disposition of
3 the case together with information received before the board acted
4 from all persons concerned, including the United States coast guard;
5 the names, qualifications, time scheduled for examinations, and the
6 district of persons desiring to apply for Washington state pilotage
7 licenses; summaries of dispatch records, quarterly reports from
8 pilots, and the bylaws and operating rules of pilotage organizations;
9 the names, sizes in deadweight tons, surcharges, if any, port of
10 call, name of the pilot or trainee, and names and horsepower of tug
11 boats for any and all oil tankers subject to the provisions of RCW
12 88.16.190 together with the names of any and all vessels for which
13 the United States coast guard requires special handling pursuant to
14 their authority under the Ports and Waterways Safety Act of 1972; the
15 expenses of the board; and any and all other information which the
16 board deems appropriate to include;

17 (g) Make available information that includes the pilotage act and
18 other statutes of Washington state and the federal government that
19 affect pilotage, including the rules of the board, together with such
20 additional information as may be informative for pilots, agents,
21 owners, operators, and masters;

22 (h) Appoint advisory committees and employ marine experts as
23 necessary to carry out its duties under this chapter;

24 (i) Provide for the maintenance of efficient and competent
25 pilotage service on all waters covered by this chapter; and do such
26 other things as are reasonable, necessary, and expedient to insure
27 proper and safe pilotage upon the waters covered by this chapter and
28 facilitate the efficient administration of this chapter.

29 (2) The board may pay stipends to pilot trainees under subsection
30 (1)(b) of this section.

31 **Sec. 4.** RCW 88.16.070 and 2017 c 88 s 1 are each amended to read
32 as follows:

33 Every vessel not exempt under this section that operates in the
34 waters of the Puget Sound pilotage district or Grays Harbor pilotage
35 district is subject to compulsory pilotage under this chapter.

36 (1) A United States vessel on a voyage in which it is operating
37 exclusively on its coastwise endorsement, its fishery endorsement
38 (including catching and processing its own catch outside United
39 States waters and economic zone for delivery in the United States),

1 and/or its recreational (or pleasure) endorsement, and all United
2 States and Canadian vessels engaged exclusively in the coasting trade
3 on the west coast of the continental United States (including Alaska)
4 and/or British Columbia shall be exempt from the provisions of this
5 chapter unless a pilot licensed under this chapter be actually
6 employed, in which case the pilotage rates provided for in this
7 chapter or established under sections 7 through 12 of this act shall
8 apply.

9 (2) The board may, upon the written petition of any interested
10 party, and upon notice and opportunity for hearing, grant an
11 exemption from the provisions of this chapter to any vessel that the
12 board finds is (a) a small passenger vessel that is not more than one
13 thousand three hundred gross tons (international), does not exceed
14 two hundred feet in overall length, is manned by United States-
15 licensed deck and engine officers appropriate to the size of the
16 vessel with merchant mariner credentials issued by the United States
17 coast guard or Canadian deck and engine officers with Canadian-issued
18 certificates of competency appropriate to the size of the vessel, and
19 is operated exclusively in the waters of the Puget Sound pilotage
20 district and lower British Columbia, or (b) a yacht that is not more
21 than one thousand three hundred gross tons (international) and does
22 not exceed two hundred feet in overall length. Such an exemption
23 shall not be detrimental to the public interest in regard to safe
24 operation preventing loss of human lives, loss of property, and
25 protecting the marine environment of the state of Washington. Such
26 petition shall set out the general description of the vessel, the
27 contemplated use of same, the proposed area of operation, and the
28 name and address of the vessel's owner. The board shall annually, or
29 at any other time when in the public interest, review any exemptions
30 granted to this specified class of small vessels to insure that each
31 exempted vessel remains in compliance with the original exemption.
32 The board shall have the authority to revoke such exemption where
33 there is not continued compliance with the requirements for
34 exemption. The board shall maintain a file which shall include all
35 petitions for exemption, a roster of vessels granted exemption, and
36 the board's written decisions which shall set forth the findings for
37 grants of exemption. Each applicant for exemption or annual renewal
38 shall pay a fee, payable to the pilotage account. Fees for initial
39 applications and for renewals shall be established by rule, and shall

1 not exceed one thousand five hundred dollars. The board shall report
2 annually to the legislature on such exemptions.

3 (3) Every vessel not exempt under subsection (1) or (2) of this
4 section shall, while navigating the Puget Sound and Grays Harbor
5 pilotage districts, employ a pilot licensed under the provisions of
6 this chapter and shall be liable for and pay pilotage rates in
7 accordance with the pilotage rates herein established or which may
8 hereafter be established under the provisions of this chapter or
9 under sections 7 through 12 of this act: PROVIDED, That any vessel
10 inbound to or outbound from Canadian ports is exempt from the
11 provisions of this section, if said vessel actually employs a pilot
12 licensed by the Pacific pilotage authority (the pilot licensing
13 authority for the western district of Canada), and if it is
14 communicating with the vessel traffic system and has appropriate
15 navigational charts, and if said vessel uses only those waters east
16 of the international boundary line which are west of a line which
17 begins at the southwestern edge of Point Roberts then to Alden Point
18 (Patos Island), then to Skipjack Island light, then to Turn Point
19 (Stuart Island), then to Kellet Bluff (Henry Island), then to Lime
20 Kiln (San Juan Island) then to the intersection of one hundred
21 twenty-three degrees seven minutes west longitude and forty-eight
22 degrees twenty-five minutes north latitude then to the international
23 boundary. The board shall correspond with the Pacific pilotage
24 authority from time to time to ensure the provisions of this section
25 are enforced. If any exempted vessel does not comply with these
26 provisions it shall be deemed to be in violation of this section and
27 subject to the penalties provided in RCW 88.16.150 as now or
28 hereafter amended and liable to pilotage fees as determined by the
29 board. The board shall investigate any accident on the waters covered
30 by this chapter involving a Canadian pilot and shall include the
31 results in its annual report.

32 **Sec. 5.** RCW 88.16.120 and 1987 c 485 s 4 are each amended to
33 read as follows:

34 No pilot shall charge, collect or receive and no person, firm,
35 corporation or association shall pay for pilotage or other services
36 performed hereunder any greater, less or different amount, directly
37 or indirectly, than the rates or charges herein established or
38 (~~which may be hereafter fixed~~) subsequently established by the
39 utilities and transportation commission under sections 7 through 12

1 of this act and by the board (~~(pursuant to)~~) under this chapter. Any
2 pilot, person, firm, corporation or association violating the
3 provisions of this section shall be guilty of a misdemeanor and shall
4 be punished pursuant to RCW 88.16.150 as now or hereafter amended,
5 said prosecution to be conducted by the attorney general or the
6 prosecuting attorney of any county wherein the offense or any part
7 thereof was committed.

8 **Sec. 6.** RCW 88.16.130 and 2013 c 23 s 533 are each amended to
9 read as follows:

10 Any person not holding a license as pilot under the provisions of
11 this chapter who pilots any vessel subject to the provisions of this
12 chapter on waters covered by this chapter shall pay to the board the
13 pilotage rates (~~(payable under the provisions of this chapter)~~)
14 established by the utilities and transportation commission under
15 sections 7 through 12 of this act. Any master or owner of a vessel
16 required to employ a pilot licensed under the provisions of this
17 chapter who refuses to do so when such a pilot is available shall be
18 punished pursuant to RCW 88.16.150 as now or hereafter amended and
19 shall be imprisoned in the county jail of the county wherein he or
20 she is so convicted until said fine and the costs of his or her
21 prosecution are paid.

22 NEW SECTION. **Sec. 7.** The definitions in this section apply
23 throughout this chapter unless the context clearly requires
24 otherwise.

25 (1) "Board" means the board of pilotage commissioners.

26 (2) "Commission" means the utilities and transportation
27 commission.

28 (3) "Person with a substantial interest" means: (a) A pilot or
29 group of pilots licensed under chapter 88.16 RCW; (b) a vessel
30 operator or other person utilizing the services of a licensed pilot
31 and paying pilotage fees and charges for such services or an
32 organization representing such vessel operators or persons; and (c)
33 any other person or business that can show that the requested tariff
34 changes would be likely to have a substantial economic impact on its
35 operations.

1 NEW SECTION. **Sec. 8.** (1) The commission shall establish in
2 tariffs the rates for pilotage services provided under chapter 88.16
3 RCW.

4 (2) The commission shall maintain a list of persons who have
5 indicated to the commission a desire to be notified of any potential
6 change in pilotage tariffs and in any proposed rules regarding the
7 setting of pilotage tariffs.

8 (3) The commission shall ensure that the tariffs provide rates
9 that are fair, just, reasonable, and sufficient, considering the
10 infrastructure and equipment assets, the nature of business
11 operations, safety equipment and training, and investments necessary
12 to maintain efficient, safe, and competent pilotage service and
13 operations.

14 (4) In setting tariffs, the commission may fix extra compensation
15 for extra services to vessels in distress, for awaiting vessels, for
16 all vessels in direct transit to or from a Canadian port where Puget
17 Sound pilotage is required for a portion of the voyage, or for being
18 carried to sea on vessels against the will of the pilot, and for such
19 other services as may be determined by the board. In setting tariffs,
20 the commission must include a tariff surcharge to fund the stipend
21 the board of pilotage commissioners is authorized to pay to pilot
22 trainees and to use in its pilot training program under RCW
23 88.16.035. The commission must also include in the tariff the
24 collection of revenue sufficient to fund the self-insurance liability
25 premium expenditures of the board of pilotage commissioners through
26 June 30, 2023, to the extent payment contribution from the tariff is
27 required of the board of pilotage commissioners by the legislature in
28 the omnibus transportation appropriations act. As an element of the
29 Puget Sound pilotage district tariff, the commission may consider
30 pilot retirement expenses incurred in the prior year in either
31 pilotage district. However, under no circumstances shall the state be
32 obligated to fund or pay for any portion of retirement payments for
33 pilots or retired pilots.

34 (5) In exercising duties under this section, the commission may:

35 (a) Request assistance from the board;

36 (b) Assign an administrative law judge to handle the proceeding
37 and prepare an initial order, which the commission may review
38 pursuant to RCW 34.05.464, or assign an administrative law judge as a
39 facilitator for settlement purposes; and

1 (c) Adopt rules or issue orders to implement the provisions of
2 this act.

3 NEW SECTION. **Sec. 9.** (1) Any person with a substantial interest
4 may file with the commission a revised tariff with an effective date
5 no earlier than thirty days from the date of filing and no earlier
6 than one year following the effective date the tariffs in effect at
7 the time of filing were established.

8 (2) The proposed tariff must be accompanied by:

9 (a) The names and contact information of the person or persons
10 requesting the tariff revision;

11 (b) A description of why the existing tariffs are not fair, just,
12 reasonable, and sufficient, along with financial information to
13 demonstrate a need for the tariff revision and information addressing
14 the criteria for approval of tariff revisions set forth in section
15 8(3) of this act;

16 (c) If the petitioner proposes a tariff with an annual or
17 periodic adjustment mechanism, information justifying such a
18 mechanism; and

19 (d) Any other information required by the commission by rule or
20 by order.

21 (3) After receipt of a proper petition, the commission shall give
22 notice of the petition to interested persons that have stated a
23 desire to be notified pursuant to section 8(2) of this act. Any
24 person with a substantial interest in the proposed tariff revision
25 may submit comments in support or opposition of the petition within
26 twenty days of the notice.

27 (4) The filed tariff shall take effect on its stated effective
28 date unless, within thirty days of filing of the tariff, the
29 commission suspends it. The commission may suspend the tariff for a
30 period not exceeding ten months from the time the change would
31 otherwise go into effect. During that time, the commission may set
32 the matter for a hearing pursuant to chapter 34.05 RCW or set the
33 matter for consideration at a subsequent open public meeting.

34 (5) The burden of proof to show that the tariff rates are not
35 fair, just, reasonable, and sufficient is upon the person with a
36 substantial interest that files the revised tariff.

37 NEW SECTION. **Sec. 10.** The commission shall encourage
38 alternative forms of dispute resolution to resolve disputes between

1 an association or group of pilots and any other person regarding
2 matters covered by this chapter.

3 NEW SECTION. **Sec. 11.** The tariffs established by the board
4 prior to the effective date of this section shall remain in effect
5 and be deemed pilotage tariffs set by the commission until such time
6 as they are changed by the commission pursuant to this chapter.

7 NEW SECTION. **Sec. 12.** The commission may include as part of the
8 tariff for pilotage services provided under chapter 88.16 RCW
9 reasonable costs for the setting of tariff rates under this chapter.
10 The costs of the commission included as part of the tariff must be
11 appropriated from the marine pilotage tariff setting account in
12 section 13 of this act.

13 NEW SECTION. **Sec. 13.** The marine pilotage tariff setting
14 account is created in the state treasury. All receipts designated,
15 credited, or transferred to the marine pilotage tariff setting
16 account must be deposited in the account. Moneys in the account may
17 be spent only after appropriation. Expenditures from the account may
18 be used for the purposes of the commission for pilotage tariff
19 setting, as prescribed under this chapter.

20 **Sec. 14.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd
21 sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to
22 read as follows:

23 (1) All earnings of investments of surplus balances in the state
24 treasury shall be deposited to the treasury income account, which
25 account is hereby established in the state treasury.

26 (2) The treasury income account shall be utilized to pay or
27 receive funds associated with federal programs as required by the
28 federal cash management improvement act of 1990. The treasury income
29 account is subject in all respects to chapter 43.88 RCW, but no
30 appropriation is required for refunds or allocations of interest
31 earnings required by the cash management improvement act. Refunds of
32 interest to the federal treasury required under the cash management
33 improvement act fall under RCW 43.88.180 and shall not require
34 appropriation. The office of financial management shall determine the
35 amounts due to or from the federal government pursuant to the cash
36 management improvement act. The office of financial management may

1 direct transfers of funds between accounts as deemed necessary to
2 implement the provisions of the cash management improvement act, and
3 this subsection. Refunds or allocations shall occur prior to the
4 distributions of earnings set forth in subsection (4) of this
5 section.

6 (3) Except for the provisions of RCW 43.84.160, the treasury
7 income account may be utilized for the payment of purchased banking
8 services on behalf of treasury funds including, but not limited to,
9 depository, safekeeping, and disbursement functions for the state
10 treasury and affected state agencies. The treasury income account is
11 subject in all respects to chapter 43.88 RCW, but no appropriation is
12 required for payments to financial institutions. Payments shall occur
13 prior to distribution of earnings set forth in subsection (4) of this
14 section.

15 (4) Monthly, the state treasurer shall distribute the earnings
16 credited to the treasury income account. The state treasurer shall
17 credit the general fund with all the earnings credited to the
18 treasury income account except:

19 (a) The following accounts and funds shall receive their
20 proportionate share of earnings based upon each account's and fund's
21 average daily balance for the period: The aeronautics account, the
22 aircraft search and rescue account, the Alaskan Way viaduct
23 replacement project account, the brownfield redevelopment trust fund
24 account, the budget stabilization account, the capital vessel
25 replacement account, the capitol building construction account, the
26 Cedar River channel construction and operation account, the Central
27 Washington University capital projects account, the charitable,
28 educational, penal and reformatory institutions account, the Chehalis
29 basin account, the cleanup settlement account, the Columbia river
30 basin water supply development account, the Columbia river basin
31 taxable bond water supply development account, the Columbia river
32 basin water supply revenue recovery account, the common school
33 construction fund, the community forest trust account, the connecting
34 Washington account, the county arterial preservation account, the
35 county criminal justice assistance account, the deferred compensation
36 administrative account, the deferred compensation principal account,
37 the department of licensing services account, the department of
38 retirement systems expense account, the developmental disabilities
39 community trust account, the diesel idle reduction account, the
40 drinking water assistance account, the drinking water assistance

1 administrative account, the early learning facilities development
2 account, the early learning facilities revolving account, the Eastern
3 Washington University capital projects account, the Interstate 405
4 express toll lanes operations account, the education construction
5 fund, the education legacy trust account, the election account, the
6 electric vehicle charging infrastructure account, the energy freedom
7 account, the energy recovery act account, the essential rail
8 assistance account, The Evergreen State College capital projects
9 account, the federal forest revolving account, the ferry bond
10 retirement fund, the freight mobility investment account, the freight
11 mobility multimodal account, the grade crossing protective fund, the
12 public health services account, the high capacity transportation
13 account, the state higher education construction account, the higher
14 education construction account, the highway bond retirement fund, the
15 highway infrastructure account, the highway safety fund, the high
16 occupancy toll lanes operations account, the hospital safety net
17 assessment fund, the industrial insurance premium refund account, the
18 judges' retirement account, the judicial retirement administrative
19 account, the judicial retirement principal account, the local
20 leasehold excise tax account, the local real estate excise tax
21 account, the local sales and use tax account, the marine pilotage
22 tariff setting account, the marine resources stewardship trust
23 account, the medical aid account, the mobile home park relocation
24 fund, the money-purchase retirement savings administrative account,
25 the money-purchase retirement savings principal account, the motor
26 vehicle fund, the motorcycle safety education account, the multimodal
27 transportation account, the multiuse roadway safety account, the
28 municipal criminal justice assistance account, the natural resources
29 deposit account, the oyster reserve land account, the pension funding
30 stabilization account, the perpetual surveillance and maintenance
31 account, the pollution liability insurance agency underground storage
32 tank revolving account, the public employees' retirement system plan
33 1 account, the public employees' retirement system combined plan 2
34 and plan 3 account, the public facilities construction loan revolving
35 account beginning July 1, 2004, the public health supplemental
36 account, the public works assistance account, the Puget Sound capital
37 construction account, the Puget Sound ferry operations account, the
38 Puget Sound taxpayer accountability account, the real estate
39 appraiser commission account, the recreational vehicle account, the
40 regional mobility grant program account, the resource management cost

1 account, the rural arterial trust account, the rural mobility grant
2 program account, the rural Washington loan fund, the sexual assault
3 prevention and response account, the site closure account, the
4 skilled nursing facility safety net trust fund, the small city
5 pavement and sidewalk account, the special category C account, the
6 special wildlife account, the state employees' insurance account, the
7 state employees' insurance reserve account, the state investment
8 board expense account, the state investment board commingled trust
9 fund accounts, the state patrol highway account, the state route
10 number 520 civil penalties account, the state route number 520
11 corridor account, the state wildlife account, the supplemental
12 pension account, the Tacoma Narrows toll bridge account, the
13 teachers' retirement system plan 1 account, the teachers' retirement
14 system combined plan 2 and plan 3 account, the tobacco prevention and
15 control account, the tobacco settlement account, the toll facility
16 bond retirement account, the transportation 2003 account (nickel
17 account), the transportation equipment fund, the transportation
18 future funding program account, the transportation improvement
19 account, the transportation improvement board bond retirement
20 account, the transportation infrastructure account, the
21 transportation partnership account, the traumatic brain injury
22 account, the tuition recovery trust fund, the University of
23 Washington bond retirement fund, the University of Washington
24 building account, the volunteer firefighters' and reserve officers'
25 relief and pension principal fund, the volunteer firefighters' and
26 reserve officers' administrative fund, the Washington judicial
27 retirement system account, the Washington law enforcement officers'
28 and firefighters' system plan 1 retirement account, the Washington
29 law enforcement officers' and firefighters' system plan 2 retirement
30 account, the Washington public safety employees' plan 2 retirement
31 account, the Washington school employees' retirement system combined
32 plan 2 and 3 account, the Washington state health insurance pool
33 account, the Washington state patrol retirement account, the
34 Washington State University building account, the Washington State
35 University bond retirement fund, the water pollution control
36 revolving administration account, the water pollution control
37 revolving fund, the Western Washington University capital projects
38 account, the Yakima integrated plan implementation account, the
39 Yakima integrated plan implementation revenue recovery account, and
40 the Yakima integrated plan implementation taxable bond account.

1 Earnings derived from investing balances of the agricultural
2 permanent fund, the normal school permanent fund, the permanent
3 common school fund, the scientific permanent fund, the state
4 university permanent fund, and the state reclamation revolving
5 account shall be allocated to their respective beneficiary accounts.

6 (b) Any state agency that has independent authority over accounts
7 or funds not statutorily required to be held in the state treasury
8 that deposits funds into a fund or account in the state treasury
9 pursuant to an agreement with the office of the state treasurer shall
10 receive its proportionate share of earnings based upon each account's
11 or fund's average daily balance for the period.

12 (5) In conformance with Article II, section 37 of the state
13 Constitution, no treasury accounts or funds shall be allocated
14 earnings without the specific affirmative directive of this section.

15 NEW SECTION. **Sec. 15.** Sections 7 through 13 of this act
16 constitute a new chapter in Title 81 RCW.

17 NEW SECTION. **Sec. 16.** To ensure that this act is implemented in
18 a timely manner, the utilities and transportation commission may
19 adopt rules under section 8 of this act prior to July 1, 2019, and
20 may accept tariff filings from a person with a substantial interest
21 beginning thirty days after the effective date of these adopted
22 rules. The utilities and transportation commission must suspend a
23 tariff filing made before July 1, 2019, within thirty days of receipt
24 of the filing. Any tariff filings made under this section may not
25 take effect until after June 30, 2019.

26 NEW SECTION. **Sec. 17.** Except for section 16 of this act, this
27 act takes effect July 1, 2019."

28 Correct the title.

EFFECT: Makes the following changes to the regulation of marine
pilotage tariffs:

(1) Authorizes the Utilities and Transportation Commission (UTC)
to accept tariff filings from persons with a substantial interest
beginning 30 days after the effective date of UTC-adopted rules for
tariff setting, but requires that the UTC suspend any tariff filing
made before July 1, 2019, to prevent the filing from taking effect
prior to July 1, 2019;

(2) Aligns when a person with a substantial interest may file a
revised tariff petition with the UTC with the requirement that the

UTC may not change tariff rates more frequently than on an annual basis;

(3) Specifies that rules of services established by a port district may not conflict with laws or administrative rules governing marine pilotage; and

(4) Clarifies that legislative direction could be provided to the Board of Pilotage Commissioners regarding tariff payment contribution to the self-insurance liability premium in the Omnibus Transportation Appropriations Act.

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