

In addition, and alternatively, to the authority granted by RCW 13.20.010, the judges of the superior court of any class AA county are hereby authorized, by a majority vote, subject to approval by ordinance of the legislative authority of the county to transfer to the county executive the responsibility for, and administration of all or part of juvenile court services, including detention, intake and probation. The superior court and county executive of such county are further authorized to establish a five-member juvenile court advisory board to advise the county in its administration of such services, facilities and programs. If the advisory board is established, two members of the advisory board shall be appointed by the superior court, two members shall be appointed by the county executive, and one member shall be selected by the vote of the other four members. The county is authorized to contract or otherwise make arrangements with other public or private agencies to provide all or a part of such services, facilities and programs. Subsequent to any transfer to the county of responsibility and administration of such services, facilities and programs pursuant to the foregoing authority, the judges of such superior court, by majority vote subject to the approval by ordinance of the legislative authority of the county, may retransfer the same to the superior court.

Passed the House May 21, 1975.

Passed the Senate May 15, 1975.

Approved by the Governor May 29, 1975.

Filed in Office of Secretary of State May 29, 1975.

CHAPTER 125

[Substitute House Bill No. 527]

OIL TANKER TRANSPORTATION ON PUGET SOUND AND ADJACENT WATERS

AN ACT Relating to water pollution from petroleum spills; and adding new sections to chapter 88.16 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 88.16 RCW a new section to read as follows:

Because of the danger of spills, the legislature finds that the transportation of crude oil and refined petroleum products by tankers on Puget Sound and adjacent waters creates a great potential hazard to important natural resources of the state and to jobs and incomes dependent on these resources.

The legislature also recognizes Puget Sound and adjacent waters are a relatively confined salt water environment with irregular shorelines and therefore there is a greater than usual likelihood of long-term damage from any large oil spill.

The legislature further recognizes that certain areas of Puget Sound and adjacent waters have limited space for maneuvering a large oil tanker and that these waters contain many natural navigational obstacles as well as a high density of commercial and pleasure boat traffic.

For these reasons, it is important that large oil tankers be piloted by highly skilled persons who are familiar with local waters and that such tankers have sufficient capability for rapid maneuvering responses.

It is therefore the intent and purpose of sections 2 and 3 of this 1975 act to decrease the likelihood of oil spills on Puget Sound and its shorelines by requiring all oil tankers above a certain size to employ Washington state licensed pilots and, if lacking certain safety and maneuvering capability requirements, to be escorted by a tug or tugs while navigating on certain areas of Puget Sound and adjacent waters.

NEW SECTION. Sec. 2. There is added to chapter 88.16 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 88.16.070, any oil tanker, whether enrolled or registered, of fifty thousand deadweight tons or greater, shall be required to take a Washington state licensed pilot while navigating Puget Sound and adjacent waters and shall be liable for and pay pilotage rates pursuant to RCW 88.16.030 as now or hereafter amended.

NEW SECTION. Sec. 3. There is added to chapter 88.16 RCW a new section to read as follows:

(1) Any oil tanker, whether enrolled or registered, of greater than one hundred and twenty-five thousand deadweight tons shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light.

(2) An oil tanker, whether enrolled or registered, of forty to one hundred and twenty-five thousand deadweight tons may proceed beyond the points enumerated in subsection (1) if such tanker possesses all of the following standard safety features:

(a) Shaft horsepower in the ratio of one horsepower to each two and one-half deadweight tons; and

(b) Twin screws; and

(c) Double bottoms, underneath all oil and liquid cargo compartments; and

(d) Two radars in working order and operating, one of which must be collision avoidance radar; and

(e) Such other navigational position location systems as may be prescribed from time to time by the board of pilotage commissioners:

PROVIDED, That, if such forty to one hundred and twenty-five thousand deadweight ton tanker is in ballast or is under escort of a tug or tugs with an aggregate shaft horsepower equivalent to five percent of the deadweight tons of that tanker, subsection (2) of this section shall not apply: PROVIDED FURTHER, That additional tug shaft horsepower equivalencies may be required under certain conditions as established by rule and regulation of the Washington utilities and transportation commission pursuant to chapter 34.04 RCW: PROVIDED FURTHER, That a tanker of less than forty thousand deadweight tons is not subject to the provisions of this act.

*NEW SECTION. Sec. 4. There is added to chapter 88.16 RCW a new section to read as follows:

The Washington utilities and transportation commission is authorized to make rules and regulations necessary to implement the provisions of this act.

*Sec. 4. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 5. The House and Senate Transportation and Utilities Committees are authorized and directed to study the feasibility, benefits, and disadvantages of requiring similar pilot and tug assistance for vessels carrying other potentially hazardous materials and to submit their findings and recommendations prior to the 45th session of the Washington legislature in January, 1977. Such study shall also include a report on the feasibility, benefits and disadvantages of requiring vessels under tug escort to observe a speed limit, and such study shall include a discussion of the impact of a speed limit on the maneuverability of the vessel, the effectiveness of the tug escort and other legal and technical considerations material and relevant to the required study. Such study shall also include an evaluation and recommendations as to whether there should be a transfer of all duties and responsibilities of the board of pilotage commissioners to the Washington utilities and transportation commission or other state agency, and alternate methods for establishing fair and equitable rates for tug escort and pilot transfer.

NEW SECTION. Sec. 6. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

***NEW SECTION.** Sec. 7. *The provisions of this 1975 act shall expire on June 30, 1978.*

*Sec. 7. was vetoed, see message at end of chapter.

Passed the House May 21, 1975.

Passed the Senate May 9, 1975.

Approved by the Governor May 29, 1975, with the exception of sections 4 and 7 which are vetoed.

Filed in Office of Secretary of State May 29, 1975.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to two sections Substitute House Bill No. 527 entitled:

"AN ACT Relating to water pollution from petroleum spills."

This bill provides, among other things, safety standards for oil tankers and other precautionary measures for prevention of major oil spills in Puget Sound and adjacent waters.

Section 4 of the bill authorizes the Utilities and Transportation Commission to implement the provisions of the act by rules and regulations. I am puzzled over this delegation of major responsibility to the commission, which has had no previous experience or expertise in the area. Nor is there funding provided which might allow the commission to do a creditable job in this new field of responsibility. Elsewhere in the bill a study is authorized on the desirability of transferring the duties and responsibilities of the Board of Pilotage Commissioners to the Utilities and Transportation Commission or any other appropriate state agency. Until there are findings determined in such study which confirm the need to assign the responsibility of implementing and enforcing the provisions of this act to the commission, I am not willing to allow a situation to exist where separate agencies in state government have substantially overlapping duties in this area of increasing importance without clear direction from the Legislature.

Section 7 provides an expiration date for the act of June 30, 1978. Few would disagree that this state must soon decide and act on long range solutions to the problems created by the transportation of oil in massive quantities in Puget Sound waters. By passing this bill, the Legislature has decided that at least in the near future, oil tankers exceeding 125,000 deadweight tons should not be permitted to enter these waters. The study provided in section 5 may well offer some additional alternatives. The expiration date, however, rather than encouraging all parties to develop sound long range solutions, would instead discourage such efforts. This state could, conceivably, find itself in the second half of 1978 faced with unprecedented super-tanker traffic in Puget Sound waters with all the attendant hazards but without any capability to prevent or reduce the risks of oil spills likely to produce catastrophic and permanent damage to the unique environment of the area. The expiration date would also leave the oil industry and others affected in an untenable state of uncertainty over permissible and impermissible activities in the transportation of oil into this area. Neither public nor private interests would be benefited by such uncertainty.

For the foregoing reasons, I have determined to veto sections 4 and 7 of the bill. With the exception of those sections, the remainder of the bill is approved."

CHAPTER 126

[Engrossed Substitute Senate Bill No. 2133]

ACTIONS ARISING FROM ACTS OR OMISSIONS OF STATE PERSONNEL

AN ACT Relating to actions against the state, its officers, employees and agents; amending section 1, chapter 79, Laws of 1921 as amended by section 1, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.060; amending section 2, chapter 79, Laws of 1921 as amended by section 2, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.070; amending section 7, chapter 159, Laws of 1963 as amended by section 1, chapter 140, Laws of 1969 and RCW 4.92.130; amending section 8, chapter 159, Laws of 1963 and RCW 4.92.140; amending section 9, chapter 159, Laws of 1963 and RCW 4.92.150; amending section 10, chapter 159, Laws of 1963 as amended by section 2, chapter 140, Laws of 1969 and RCW 4.92.160; amending section 11, chapter 159, Laws of 1963 as amended by section 3, chapter 140, Laws of 1969 and RCW 4.92.170; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 79, Laws of 1921 as amended by section 1, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.060 are each amended to read as follows:

Whenever an action or proceeding for damages shall be instituted against any state officer, including state elected officials, or employee (~~for the performance of any official act~~), arising from his acts or omissions while performing, or in good faith purporting to perform, his official duties, such officer or employee may request the attorney general to authorize the defense of said action or proceeding at the expense of the state.

Sec. 2. Section 2, chapter 79, Laws of 1921 as amended by section 2, chapter ..., (EHB 106), Laws of 1975 and RCW 4.92.070 are each amended to read as follows:

If the attorney general shall find that said officer or employee's (~~acted in good faith and without negligence~~;) acts or omissions were, or purported to be in good faith, within the scope of his official duties, said request shall be granted, in which event the necessary expenses of the defense of said action or proceeding shall be paid from the appropriations made for the support of the department to which