

his regular examination of each agency under chapter 43.09 RCW shall review such regulations, accounts, and reports and make appropriate findings, comments, and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order approved and ratified by a majority of the membership of the commission, may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.240(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any ((such)) suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing to bring an action in Thurston county superior court to contest the propriety of any order entered hereunder within one year from the date of the entry of such order.

NEW SECTION. Sec. 8. If any provision of this 1977 amendatory 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.

Passed the Senate June 13, 1977.

Passed the House June 13, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

CHAPTER 337

[Engrossed Senate Bill No. 2042]

PILOTAGE

AN ACT Relating to pilotage; amending section 1, chapter 18, Laws of 1935 as last amended by section 73, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.010; amending section 2, chapter 18, Laws of 1935 as last amended by section 74, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.020; amending section 3, chapter 18, Laws of 1935 as last amended by section 2, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.050; amending section 4, chapter 18, Laws of 1935 as last amended by section 3, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.070; amending section 8, chapter 18, Laws of 1935 as amended by section 5, chapter 15, Laws of 1967 and RCW 88.16.090; amending section 10, chapter 18, Laws of 1935 as last amended by section 41, chapter 199, Laws of 1969 ex. sess. and RCW 88.16.150; amending section 13, chapter 18, Laws of 1935 as amended by section 4, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.100; amending section 6, chapter 18, Laws of 1935 as amended by section 6, chapter 18, Laws of 1935 as amended by section 4, chapter 15, Laws of 1967 and RCW 88.16.120; amending section 11, chapter 18, Laws of 1935 as amended by section 8, chapter 15, Laws of 1967 and RCW 88.16.130; adding new sections to chapter 88.16 RCW; repealing section 9, chapter 18, Laws of 1935, section 6, chapter 15, Laws of 1967, section 1, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.030; prescribing penalties; and declaring an emergency.

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

The legislature finds and declares that it is the policy of the state of Washington to prevent the loss of human lives, loss of property and vessels, and to protect the marine environment of the state of Washington through the sound application of compulsory pilotage provisions in certain of the state waters.

The legislature further finds and declares that it is a policy of the state of Washington to have pilots experienced in the handling of vessels aboard vessels in certain of the state waters with prescribed qualifications and licenses issued by the state.

It is the intent of the legislature to ensure against the loss of lives, loss or damage to property and vessels, and to protect the marine environment through the establishment of a board of pilotage commissioners representing the interests of the people of the state of Washington.

It is the further intent of the legislature not to place in jeopardy Washington's position as an able competitor for waterborne commerce from other ports and nations of the world, but rather to continue to develop and encourage such commerce.

Sec. 2. Section 1, chapter 18, Laws of 1935 as last amended by Section 73, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.010 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the secretary of the department of transportation of the state of Washington, or the secretary's designee who shall be an employee of the department of transportation, who shall be ((chairman of the board, and of four)) chairperson, and six members appointed by the governor and confirmed by the senate. Each of said appointed commissioners shall be appointed for a term of four years from the date of ((his)) said member's commission. No person shall be eligible for appointment to said board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of said appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of ((their)) appointment. Two of said appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of ((their)) appointment. One of said shipping ((individuals)) commissioners shall be a representative of American and one of foreign shipping. The remaining commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Pilotage commissioners holding commissions on the effective date of this 1977 amendatory act, shall continue to hold their office subject to reappointment by the governor and confirmation by the senate. The appointed commissioners shall continue to hold office for the period for which they are appointed and until their successors are appointed and qualified, ((and)) except that the governor when first appointing commissioners after the effective date of this 1977 amendatory act, shall appoint the pilot representatives to terms of two and three years respectively, the shipping representatives to terms of two and three years respectively, and the remaining commissioners to terms of three and four years respectively. Any vacancy

in an appointed position on the board shall be filled by the governor for a term of four years, subject to confirmation by the senate.

(3) Five members of the board shall constitute a quorum. All commissioners and the chairperson shall have a vote.

Sec. 3. Section 2, chapter 18, Laws of 1935 as last amended by section 74, chapter 151, Laws of 1977 1st ex. sess. and RCW 88.16.020 are each amended to read as follows:

The department of transportation of the state of Washington shall be the office of the board and all records shall be kept in said office. Each pilotage commissioner shall receive the sum of ~~((twenty-five))~~ forty dollars per day for each day actually engaged in the conduct of the business of the board, together with travel expenses, in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, to be paid out of the pilotage account on vouchers approved by the ~~((chairman))~~ chairperson of the board: PROVIDED, That the sums received under this section shall not be considered compensation earnable as defined pursuant to RCW 41.40.010(8).

The board is authorized to employ personnel, pursuant to chapter 41.06 RCW, as necessary to conduct the business of the board.

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

The board of pilotage commissioners shall:

(1) Adopt rules, pursuant to chapter 34.04 RCW as now existing or hereafter amended, necessary for the enforcement and administration of this chapter. Rules in effect on the effective date of this 1977 amendatory act with the exception of those rules pertaining to pilot qualifications shall remain in force and effect until amended, repealed, or replaced by the board, except that such rules as are inconsistent with the provisions of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of this 1977 amendatory act are hereby repealed;

(2) License pilot applicants meeting the qualifications and passing the examination as provided for in RCW 88.16.090 as now or hereafter amended and to establish additional training requirements as required to maintain a competent pilotage service;

(3) Maintain a register of pilots, records of pilot accidents and other history pertinent to pilotage, along with a roster of vessels, agents, owners, operators, and masters necessary for the maintenance of a roster of persons interested in and concerned with pilotage and maritime safety;

(4) To annually fix the pilotage tariffs for pilotage services performed aboard vessels as required by this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board;

(5) To file annually with the governor, the secretary of the senate, and the chief clerk of the house of representatives a report which includes, but is not limited to, the following: The number, names, addresses, ages, pilot license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot; the names, employment, and other information of the

members of the board; the total number of pilotage assignments by pilotage district, including information concerning the various types and sizes of vessels and the total annual tonnage; the annual earnings of individual pilots before and after deduction for expenses of pilot organizations, including extra compensation as a separate category; the annual expenses of private pilot associations, including personnel employed and capital expenditures; the status of pilotage tariffs, extra compensation, and travel; the retirement contributions paid to pilots and the disposition thereof; the number of accidents, groundings, mishaps, or other incidents which are reported to or investigated by the board, including the vessel name, location of incident, pilot's name, and disposition of the case together with information received before the board acted from all persons concerned, including the United States coast guard; the disposition and listing of all complaints filed by any person against any pilot or by any pilot against any other person or organization; the names, qualifications, time scheduled for examinations, and the district of persons desiring to apply for Washington state pilotage licenses; summaries of dispatch records, quarterly reports from pilots, and the bylaws and operating rules of pilotage organizations; the names, sizes in deadweight tons, surcharges, if any, port of call, name of the pilot, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 88.16.170 through 88.16.190 together with the names of any and all vessels for which the United States coast guard requires special handling pursuant to their authority under the Ports and Waterways Safety Act of 1972; the expenses of the board; and any and all other information which the board deems appropriate to include;

(6) Publish a manual which includes the pilotage act and other statutes of Washington state and the federal government which affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters. Such manual shall be distributed without cost to all pilots and governmental agencies upon request. All other copies shall be sold for a five dollar fee with proceeds to be credited to the pilotage account;

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

Sec. 5. Section 3, chapter 18, Laws of 1935 as last amended by section 2, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.050 are each amended to read as follows:

This chapter ((~~applies to Puget Sound and adjacent inland waters and to Grays Harbor and Willapa Bay as those terms are~~)) shall apply to the pilotage districts of this state as hereinafter defined:

(1) "Puget Sound ((~~and adjacent inland waters~~)) pilotage district", whenever used in this chapter, shall be construed to mean and include all the ((~~inland~~)) waters of the state of Washington inside the international boundary line between the state of Washington ((~~and British Columbia but excluding that portion of the Straits of Juan de Fuca west of Port Angeles~~)), the United States and the province of British Columbia, Canada and east of one hundred twenty-three degrees twenty-four minutes west longitude.

(2) "Grays Harbor and Willapa Bay pilotage district" shall include all inland waters, channels, waterways, and navigable tributaries within each area. The boundary line between inland waters and the high seas shall be designated as the outermost sea buoy as established and placed for Grays Harbor and Willapa Bay.

Sec. 6. Section 4, chapter 18, Laws of 1935 as last amended by section 3, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.070 are each amended to read as follows:

All vessels under enrollment and all United States and Canadian vessels engaged exclusively in the coasting trade on the west coast of the continental United States (including Alaska) and/or British Columbia shall be exempt from the provisions of this chapter unless a pilot licensed under this chapter be actually employed, in which case the pilotage rates provided for in this chapter shall apply. Every vessel not so exempt, shall while navigating the Puget Sound and ((adjacent inland waters,)) Grays Harbor and Willapa Bay pilotage districts, employ a pilot licensed under the provisions of this chapter and shall be liable for and pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter: PROVIDED, That ~~((the Washington pilotage commission, immediately after May 21, 1971, shall conduct a study of the need to require employment of pilots licensed under the provisions of this chapter on all vessels entering into Puget Sound and adjacent inland waters, together with an assessment of the legality and feasibility of such requirement. The commission shall report the results of such study together with recommended legislative action to the next session of the legislature))~~ any vessel inbound to or outbound from Canadian ports is exempt from the provisions of this section, if said vessel actually employs a pilot licensed by the Pacific pilotage authority (the pilot licensing authority for the Western district of Canada), and if it is communicating with the vessel traffic system and has appropriate navigational charts, and if said vessel uses only those waters east of the international boundary line which are west of a line which begins at the southwestern edge of Point Roberts then to Alden Point (Patos Island), then to Skipjack Island light, then to Turn Point (Stuart Island), then to Kelleet Bluff (Henry Island), then to Lime Kiln (San Juan Island) then to the intersection of one hundred twenty-three degrees seven minutes west longitude and forty-eight degrees twenty-five minutes north latitude then to the international boundary. The board shall correspond with the Pacific pilotage authority from time to time to ensure the provisions of this section are enforced. If any exempted vessel does not comply with these provisions it shall be deemed to be in violation of this section and subject to the penalties provided in RCW 88.16.150 as now or hereafter amended and liable to pilotage fees as determined by the board. The board shall investigate any accident on the waters covered by this chapter involving a Canadian pilot and shall include the results in its annual report.

Sec. 7. Section 8, chapter 18, Laws of 1935 as amended by section 5, chapter 15, Laws of 1967 and RCW 88.16.090 are each amended to read as follows:

(1) No person shall pilot any vessel subject to the provisions of this chapter on waters covered by this chapter unless ~~((he))~~ such a person be appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) No person shall be eligible to be appointed a pilot unless ((he)) such a person is a citizen of the United States, over the age of twenty-five years and ((has been)) a resident of the state of Washington ((for at least three years immediately prior to)) at the time of ((his)) appointment, ((has a practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he desires to be licensed, is of good moral character, temperate in his habits, possesses the skill and ability necessary to discharge the duties of pilot,)) nor unless ((he)) the pilot applicant holds a ((first class)) United States government masters license and a first class United States endorsement without restrictions on that license to pilot ((on Puget Sound and adjacent inland waters, or Grays Harbor and Willapa Bay,)) in whichever ((of these waters)) pilotage districts for which ((he)) the pilot applicant desires to be licensed.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee of ((one)) two hundred fifty dollars to be placed in the state treasury to the credit of the pilotage account.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications.

(5) On and after the effective date of this 1977 amendatory act, the board shall have developed five examinations and grading sheets for the testing and grading of pilot applicants. The five examinations shall be administered to pilot applicants on a random basis and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same per diem costs and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who wilfully gives advance knowledge of information contained on a pilot examination shall be guilty of a gross misdemeanor.

(6) All pilots and applicants shall be subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties.

(7) The board shall prescribe, pursuant to chapter 34.04 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

Sec. 8. Section 10, chapter 18, Laws of 1935 as last amended by section 41, chapter 199, Laws of 1969 ex. sess. and RCW 88.16.150 are each amended to read as follows:

(1) In all cases where no other penalty is prescribed in this chapter, any violation of this chapter or of any rule or regulation of the board shall be punished as a gross misdemeanor, and all violations may be prosecuted in any court of competent jurisdiction in any county where the offense or any part thereof was committed. In any case where the offense was committed upon a ship, boat or vessel, and there is doubt as to the proper county, the same may be prosecuted in any county through any part of which the ship, boat or vessel passed, during the trip upon which the offense was committed. All fines collected for any violation of this chapter or any rule or regulation of the board shall within thirty days be paid by the official collecting the same to the state treasurer and shall be credited to the pilotage account: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) Notwithstanding any other penalty imposed by this section, any person who shall violate the provisions of this chapter, shall be liable to a maximum civil penalty of five thousand dollars. The board may request the prosecuting attorney of the county in which any violation of this chapter occurs to bring an action for imposing the civil penalties provided for in this subsection.

Moneys collected from civil penalties shall be deposited in the pilotage account.

(3) Any master of a vessel who shall knowingly fail to inform the pilot dispatched to said vessel or any agent, owner, or operator, who shall knowingly fail to inform the pilot dispatcher, or any dispatcher who shall knowingly fail to inform the pilot actually dispatched to said vessel of any special directions mandated by the coast guard captain of the port under authority of the Ports and Waterways Safety Act of 1972, as amended, for the handling of such vessel shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 9. There is added to chapter 88.16 RCW a new section to read as follows:

(1) Pilots, after completion of an assignment or assignments which are seven hours or longer in duration, shall receive a mandatory rest period of seven hours.

(2) A pilot shall refuse a pilotage assignment if said pilot is physically or mentally fatigued or if said pilot has a reasonable belief that the assignment cannot be carried out in a competent and safe manner. Upon refusing an assignment as herein provided a pilot shall submit a written explanation to the board. If the board finds that the pilot's written explanation is without merit, or reasonable cause did not exist for the assignment refusal, such pilot may be subject to the provisions of RCW 88.16.100 as now existing or hereafter amended.

(3) The board shall quarterly review the dispatch records of pilot organizations or pilot's quarterly reports to ensure the provisions of this section are enforced. The board may prescribe rules for rest periods pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 10. There is added to chapter 88.16 RCW a new section to read as follows:

The board shall prescribe, pursuant to chapter 34.04 RCW, rules governing the size of vessels which a newly licensed pilot may be assigned to pilot on the waters of this state. Such rules shall be only for the first two year period in which pilots are actually employed.

NEW SECTION. Sec. 11. There is added to chapter 88.16 RCW a new section to read as follows:

(1) The master of any vessel which employs a Washington licensed pilot shall certify on a form prescribed by the board of pilotage commissioners that the vessel complies with:

(a) Such provisions of the United States coast guard regulations governing the safety and navigation of vessels in United States waters, as codified in Title 33 of the code of federal regulations, as the board may prescribe; and

(b) The provisions of current international agreements governing the safety, radio equipment, and pollution of vessels and other matters as ratified by the United States Senate and prescribed by the board.

(2) The master of any vessel which employs a Washington licensed pilot shall be prepared to produce, and any Washington licensed pilot employed by a vessel shall request to see, certificates of the vessel which certify and indicate that the vessel complies with subsection (1) of this section and the rules of the board promulgated pursuant to subsection (1) of this section.

(3) If the master of a vessel which employs a Washington licensed pilot cannot certify that the vessel complies with subsection (1) of this section and the rules of the board adopted pursuant to subsection (1) of this section, the master shall certify that:

(a) The vessel will comply with subsection (1) of this section before the time the vessel is scheduled to leave the waters of Washington state; and

(b) The coast guard captain of the port was notified of the noncomplying items when they were determined; and

(c) The coast guard captain of the port has authorized the vessel to proceed under such conditions as prescribed by the coast guard pursuant to its authority under federal statutes and regulations.

(4) After the board has prescribed the form required under subsection (1) of this section, no Washington licensed pilot shall offer pilotage services to any vessel on which the master has failed to make a certification required by this section. If the master fails to make a certification the pilot shall:

(a) Disembark from the vessel as soon as practicable; and

(b) Immediately inform the port captain of the conditions and circumstances by the best possible means; and

(c) Forward a written report to the board no later than twenty-four hours after disembarking from the vessel.

(5) Any Washington licensed pilot who offers pilotage services to a vessel on which the master has failed to make a certification required by this section or the

rules of the board adopted under this section shall be subject to RCW 88.16.150, as now or hereafter amended, and RCW 88.16.100, as now or hereafter amended.

(6) The board shall revise the requirements enumerated in this section as necessary to reflect changes in coast guard regulations, federal statutes, and international agreements. All actions of the board under this section shall comply with chapters 34.04 and 42.30 RCW. The board shall prescribe the time of and method for retention of forms which have been signed by the master of a vessel in accordance with the provisions of this section.

(7) This section shall not apply to the movement of dead ships. The board shall prescribe pursuant to chapter 34.04 RCW, after consultation with the coast guard and interested persons, for the movement of dead ships and the certification process thereon.

Sec. 12. Section 13, chapter 18, Laws of 1935 as amended by section 4, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.100 are each amended to read as follows:

The board shall have power on its own motion or, in its discretion, upon the written request of any interested party, to investigate the performance of pilotage services subject to this chapter and to suspend, withhold or revoke the license of any pilot for misconduct, incompetency, inattention to duty, intoxication or failure to perform his duties under this chapter, or violation of any of the rules or regulations provided by the board for the government of pilots. When the board determines that reasonable cause exists ~~((for the conduct of a hearing on the issue of the suspension, withholding or revocation of a pilot license))~~ to suspend, revoke, or withhold any pilot's license it shall forthwith prepare and personally serve ~~((a copy of a notice of hearing upon the pilot in question who shall be required to appear and answer the same within ten days from date of service and shall be entitled to a full hearing thereof before the board and to be represented by counsel and to subpoena witnesses. The decision of the board must be in writing and entered of record upon the minutes of the board))~~ upon such pilot a notice advising him of the board's intended action, the specific grounds therefore, and the right to request a hearing to challenge the board's action. The pilot shall have thirty days from the date on which notice is served to request a full hearing before a hearing officer on the issue of suspension, revocation, or withholding of his pilot's license. The board's proposed suspension, revocation, or withholding of a license shall become final upon the expiration of thirty days from the date notice is served, unless a hearing has been requested prior to that time. When a hearing is requested the board shall appoint a hearing officer who shall be an active member of the Washington state bar association and, in the opinion of the board, has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by the provisions of chapter 34.04 RCW. All final decisions of the ~~((board))~~ hearing officer shall be subject to review by the superior court of the state of Washington for Thurston county or by the superior court of the county in which the pilot maintains his residence or principal place of business, to which court any case with all the papers and proceedings therein shall be immediately certified by the ~~((chairman of the board))~~ hearing officer if requested to do so by any party to the proceedings at any time within thirty days after the date of any such final decision. No appeal may be taken after the expiration of thirty days

after the date of final decision. Any case so certified to the superior court shall be tried de novo and after certification of the record to said superior court the proceedings shall be had as in a civil action.

Sec. 13. Section 6, chapter 18, Laws of 1935 as amended by section 4, chapter 15, Laws of 1967 and RCW 88.16.120 are each amended to read as follows:

No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed hereunder any greater, less or different amount, directly or indirectly, than the rates or charges herein established or which may be hereafter fixed by the board pursuant to this chapter. Any pilot, person, firm, corporation or association violating the provisions of this section shall be guilty of a misdemeanor and shall be punished ~~((by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the county jail of the county wherein he is convicted for a period of not less than thirty days nor more than six months, or both))~~ pursuant to RCW 88.16.150 as now or hereafter amended, said prosecution to be conducted by the prosecuting attorney of any county wherein the offense or any part thereof was committed.

Sec. 14. Section 11, chapter 18, Laws of 1935 as amended by section 8, chapter 15, Laws of 1967 and RCW 88.16.130 are each amended to read as follows:

Any person not holding a license as pilot under the provisions of this chapter who pilots any vessel subject to the provisions of this chapter on waters covered by this chapter shall pay to the board the pilotage rates payable under the provisions of this chapter. Any master or owner of a vessel required to employ a pilot licensed under the provisions of this chapter who refuses to do so when such a pilot is available shall be ~~((guilty of a misdemeanor, and upon conviction thereof such master or owner shall be punished by a fine of not less than one hundred fifty dollars nor more than five hundred dollars))~~ punished pursuant to RCW 88.16.150 as now or hereafter amended and shall be imprisoned in the county jail of the county wherein he is so convicted until said fine and the costs of his prosecution are paid.

NEW SECTION. Sec. 15. There is added to chapter 88.16 RCW a new section to read as follows:

Any pilot licensed pursuant to this chapter may appear or testify before the legislature or board of pilotage commissioners and no person shall place any sanction against said pilot for having testified or appeared.

NEW SECTION. Sec. 16. There is added to chapter 88.16 RCW a new section to read as follows:

Any vessel designed for the purpose of carrying as its cargo liquified natural or propane gas shall adhere to the provisions of RCW 88.16.190(2) as though it was an oil tanker.

NEW SECTION. Sec. 17. Section 9, chapter 18, Laws of 1935, section 6, chapter 15, Laws of 1967, section 1, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.030 are each hereby repealed.

NEW SECTION. Sec. 18. If any provision of this 1977 amendatory 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. 19. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.***

***Sec. 19. was vetoed, see message at end of chapter.**

Passed the Senate June 17, 1977.

Passed the House June 17, 1977.

Approved by the Governor June 30, 1977, with the exception of section 19 which was vetoed.

Filed in Office of Secretary of State June 30, 1977.

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

"I am returning herewith without my approval as to one section, Senate Bill No. 2042 entitled:

"AN ACT Relating to pilotage;"

Senate Bill No. 2042 is a most desired piece of legislation making significant improvements in the area of marine pilotage. A part of its provisions, however, relates to the formation of a pilotage commission and grants rule making authority. In view of the fact that the pilotage commission is to be consolidated with the new state department of transportation, whose secretary will be the chairman of the commission, both acts of the Legislature should become effective at the same time. The department of transportation becomes effective on September 21, 1977; thus, I am vetoing Section 19 of Senate Bill No. 2042, the emergency clause, so that these two important measures become law at the same time.

With the exception of section 19 which I have vetoed, the remainder of Senate Bill No. 2042 is approved."

CHAPTER 338

[Engrossed Substitute Senate Bill No. 3110]

CAPTIAL BUDGET

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; prescribing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. A capital budget is hereby adopted and subject to the provisions hereinafter set forth the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1979, out of the several funds hereinafter named.

NEW SECTION. Sec. 2. Any capital improvements or capital project involving construction or major expansion of a state office facility, to include district headquarters, detachment offices, and off-campus faculty offices shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while insuring proper service to the public.

NEW SECTION. Sec. 3. As used in this act the following phrases shall have the following meanings:

(1) "GF, Cap Bldg Constr Acct" means General Fund—Capitol Building Construction Account;