

In counties or portions of counties using absentee ballots designed to be tabulated on a vote tallying system, on or before the fifteenth day before a primary or an election, the county auditor shall prepare sample ballots which he shall display in a conspicuous place in his office for public inspection. Sample ballots shall be substantially in the same form as the official ballot pages but the names of the candidates in the primary for each office shall be arranged ~~((thereon))~~ on the sample ballot in the order provided by sections 1 and 2 of this act, and the names of candidates in the general election for each office shall be arranged in the order in which their ~~((declarations of candidacy were filed))~~ names appear on the official ballot, as provided in RCW 29.30.380, except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

Sec. 5. Section 46, chapter 361, Laws of 1977 ex. sess. and RCW 29-.30.450 are each amended to read as follows:

In counties or portions of counties using voting machines, on or before the fifteenth day before a primary or an election, the county auditor shall prepare a voting machine diagram which he shall display in a conspicuous place in his office for public inspection. Voting machine diagrams shall be substantially in the same form as the official ballot labels, but the names of the candidates in the primary for each office shall be arranged ~~((thereon))~~ on the diagram in the order provided by sections 1 and 2 of this act, and the names of candidates in the general election for each office shall be arranged in the order in which their ~~((declarations of candidacy were filed))~~ names appear on the official ballot labels as provided in RCW 29.30.480(2), except that the position of precinct committeeman shall be shown on the general election voting machine diagram only by a listing of the position itself, and the names of candidates therefor need not be shown. Voting machine diagrams shall also include instructions for write-in voting.

NEW SECTION. Sec. 6. Sections 1 and 2 of this act shall be added to chapter 29.18 RCW.

Passed the Senate March 4, 1986.

Passed the House February 26, 1986.

Approved by the Governor March 22, 1986.

Filed in Office of Secretary of State March 22, 1986.

CHAPTER 121

[Substitute House Bill No. 1669]

BOARD OF PILOTAGE COMMISSIONERS—FINES—INVESTIGATIONS

AN ACT Relating to pilots; amending RCW 88.16.100; and prescribing penalties.

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

Sec. 1. Section 13, chapter 18, Laws of 1935 as last amended by section 36, chapter 67, Laws of 1981 and RCW 88.16.100 are each amended to read as follows:

(1) 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 issue a fine in an amount not to exceed five thousand dollars and 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.

(2) In all instances where a pilot licensed under this chapter performs pilot services on a vessel exempt under RCW 88.16.070, the board may investigate whether the services were performed in a professional manner consistent with sound maritime practices. If the board finds that the pilotage services were performed in a negligent manner so as to endanger life, limb, or property, the board shall impose a fine of not more than five thousand dollars upon the offending pilot.

(3) When the board determines that reasonable cause exists to impose a fine or suspend, revoke, or withhold any pilot's license it shall forthwith prepare and personally serve upon such pilot a notice advising him of the board's intended action, the specific grounds therefor, 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 an administrative law judge on the issue of the fine or suspension, revocation, or withholding of his pilot's license. The board's proposed fine or 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 request the appointment of an administrative law judge under chapter 34.12 RCW who 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 Title 34 RCW. All final decisions of the administrative law judge 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 administrative law judge 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. Moneys collected from fines under this section shall be deposited in the pilotage account.

NEW SECTION. Sec. 2. 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.

Passed the House February 11, 1986.

Passed the Senate March 6, 1986.

Approved by the Governor March 22, 1986.

Filed in Office of Secretary of State March 22, 1986.

CHAPTER 122

[Substitute House Bill No. 1762]

VESSEL PILOTS—ANNUAL LICENSE FEE—REPORTING REQUIREMENTS AND REVIEW PROCEDURES—REFUSAL OF ASSIGNMENT

AN ACT Relating to vessel pilots; amending RCW 88.16.090 and 88.16.103; and making an appropriation.

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

Sec. 1. Section 8, chapter 18, Laws of 1935 as last amended by section 1, chapter 303, Laws of 1981 and RCW 88.16.090 are each amended to read as follows:

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

(2) No person is eligible to be appointed a pilot unless such a person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years and a resident of the state of Washington at the time of appointment, nor unless the pilot applicant holds as a minimum, a United States government license as a master of freight and towing vessels not more than one thousand gross tons (inspected vessel), such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, nor unless the pilot applicant meets such other qualifications as may be required by the board.

(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 established by the board of pilotage commissioners pursuant to