

In addition to the entities listed in RCW 41.56.020, this chapter shall apply to the University of Washington with respect to the printing craft employees in the department of printing at the University of Washington.

Passed the House February 18, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

CHAPTER 485

[Substitute House Bill No. 630]

PILOTAGE—BOARD MODIFICATIONS—GRAYS HARBOR DISTRICT TO INCLUDE WILLAPA HARBOR—ATTORNEY GENERAL PROSECUTION AUTHORITY—COMPANIES MAY BAR INDIVIDUAL PILOTS FROM THEIR VESSELS

AN ACT Relating to pilotage; amending RCW 88.16.010, 88.16.040, 88.16.050, 88.16.120, and 88.16.150; and adding a new section to chapter 88.16 RCW.

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

*Sec. 1. Section 1, chapter 18, Laws of 1935 as last amended by section 1, chapter 207, Laws of 1979 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 assistant secretary of marine transportation of the department of transportation of the state of Washington, or the assistant secretary's designee who shall be an employee of the (~~department of transportation~~) marine division, who shall be 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 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 appointment and while serving on the board. One pilot shall be from the Puget Sound pilotage district and one shall be from the Grays Harbor pilotage district. 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 appointment and while serving on the board. One of said shipping 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)) and shall not have been a state licensed pilot or an employee of a company which owns or operates deep sea cargo or passenger carrying vessels for ten years preceding the appointment and shall not have any direct financial interest related to pilotage or with a company which owns or operates deep sea cargo or passenger carrying vessels.*~~

~~(2) ((Pilotage commissioners holding commissions on September 21, 1977, 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, except that the governor when first appointing commissioners after September 21, 1977, 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 the remainder of the unfilled term, subject to confirmation by the senate.~~

(3) Four members of the board shall constitute a quorum. At least one pilot, one shipping representative, and one public member must be present at every meeting. All commissioners and the chairperson shall have a vote.

Sec. 1 was partially vetoed, see message at end of chapter.

Sec. 2. Section 14, chapter 18, Laws of 1935 as amended by section 9, chapter 15, Laws of 1967 and RCW 88.16.040 are each amended to read as follows:

Any member of the board shall have power to administer oaths in any matter before the board for consideration or inquiry and to issue subpoenas requiring witnesses to appear before the board. Such subpoenas shall be signed by a member of the board and issued in the name of the state of Washington and be served and returned, and mileage and witness fees shall be paid in like manner and effect as in a civil action. A witness wilfully disobeying such subpoena served upon ~~((him))~~ the witness shall be proceeded against upon complaint of the board to the attorney general or the prosecuting attorney of the county where ~~((his))~~ the attendance of the witness was demanded as for a contempt of the authority of the superior court of said county.

Sec. 3. Section 3, chapter 18, Laws of 1935 as last amended by section 2, chapter 207, Laws of 1979 ex. sess. and RCW 88.16.050 are each amended to read as follows:

This chapter shall apply to the pilotage districts of this state as defined in this section.

(1) "Puget Sound pilotage district", whenever used in this chapter, shall be construed to mean and include all the waters of the state of Washington inside the international boundary line between the state of

Washington, 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 pilotage district" shall include all inland waters, channels, waterways, and navigable tributaries within Grays Harbor and Willapa Harbor. The boundary line between Grays Harbor and Willapa Harbor and the high seas shall be ~~((a line drawn from Grays Harbor bar range rear light to Grays Harbor entrance lighted whistle buoy two, then to Grays Harbor light))~~ defined by the board.

Sec. 4. Section 6, chapter 18, Laws of 1935 as last amended by section 13, chapter 337, Laws of 1977 ex. sess. 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 pursuant to RCW 88.16.150 as now or hereafter amended, said prosecution to be conducted by the attorney general or the prosecuting attorney of any county wherein the offense or any part thereof was committed.

Sec. 5. Section 10, chapter 18, Laws of 1935 as last amended by section 8, chapter 337, Laws of 1977 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

attorney general or 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. 6. A new section is added to chapter 88.16 RCW to read as follows:

Any steamship company or agent may submit a request in writing to the board that a particular pilot not be assigned to pilot that company's vessels. The request shall be based on specific safety concerns of the steamship company or agent.

The board shall notify interested persons and hold a hearing on that request, and either approve or disapprove the request. If the request is approved, the board shall notify the affected pilot and give the pilot a specific list of vessels for which that pilot shall not provide pilotage services.

Passed the House April 21, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

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

"I am returning herewith, without my approval as to part of section 1, Substitute House Bill No. 630 entitled:

"AN ACT Relating to pilotage."

A portion of section 1 of this bill amends the requirements for public members appointed to the board of pilotage commissioners. The amendment prohibits such members from being licensed pilots or employees of a vessel operator for ten years preceding appointment and from having a direct financial interest in pilot-related business.

While I support the Legislature's intention to provide a balance among representatives to boards and commissions, I cannot support altering requirements that would affect the terms of existing members. Unfortunately, the Attorney General's office believes this amendment would necessitate the removal of a current board member. Should the Legislature pass similar legislation clearly affecting only future appointments and terms, I would give it more favorable consideration.

With the exception of part of section 1, Substitute House Bill No. 630 is approved."