

skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to chapter 28A.13 RCW, in distributing state funds for learning assistance. The distribution formula in this section is for allocation purposes only.

NEW SECTION. Sec. 8. In order to insure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every three years. The results of the evaluations required by section 4 of this act shall be transmitted to the superintendent of public instruction annually. Individual student records shall be maintained at the school district.

NEW SECTION. Sec. 9. The superintendent of public instruction shall promulgate rules pursuant to chapter 34.04 RCW which he or she deems necessary to implement sections 1 through 8 of this act.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 149, Laws of 1979 and RCW 28A.41.400;
- (2) Section 2, chapter 149, Laws of 1979 and RCW 28A.41.402;
- (3) Section 3, chapter 149, Laws of 1979 and RCW 28A.41.404;
- (4) Section 4, chapter 149, Laws of 1979 and RCW 28A.41.406;
- (5) Section 5, chapter 149, Laws of 1979 and RCW 28A.41.408;
- (6) Section 6, chapter 149, Laws of 1979 and RCW 28A.41.410; and
- (7) Section 8, chapter 149, Laws of 1979 and RCW 28A.41.414.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act are each added to Title 28A RCW.

Passed the Senate April 24, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 19, 1987.

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

CHAPTER 479

[Second Substitute Senate Bill No. 5986]

OIL SPILLS

AN ACT Relating to oil spills; amending RCW 88.28.050; adding a new section to chapter 38.52 RCW; adding a new section to chapter 90.48 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The College of Ocean and Fishery Sciences at the University of Washington shall conduct a study of the state's method of assessing damages occurring as a result of spills of oil. This study shall include, but not be limited to, an evaluation of Alaska's method of assessing oil spill damages, a survey of other state's damage assessment methods, and development of a recommended damage assessment methodology. Any recommended methodology shall include an analysis of the costs of implementing the recommended changes.

The study shall be conducted in conjunction with a technical advisory committee, hereby created. This committee shall consist of one representative from each of the following agencies, appointed by the executive head of the respective agency: The department of ecology, the department of game, the department of fisheries, the department of natural resources, and the National Oceanographic and Atmospheric Administration.

The results of the study shall be reported to the appropriate standing committees of the legislature by July 1, 1988.

NEW SECTION. Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

After June 30, 1988, any person or facility conducting ship refueling and bunkering operations, or the lightering of petroleum products, shall have containment and recovery equipment readily available for deployment in the event of the discharge of oil into the waters of the state. All persons conducting refueling, bunkering, or lightering operations shall be trained in the use and deployment of oil spill containment and recovery equipment. After examining existing equipment locations, the methods and conditions of deployment, and accessibility of any federal or other publicly or privately owned and operated containment and recovery equipment or systems, and reviewing federal, state, or local laws, rules, or regulations and ordinances governing refueling, bunkering, or lightering of petroleum products, the department of ecology may adopt rules as necessary to carry out the provisions of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 38.52 RCW to read as follows:

(1) The department of community development, in consultation with appropriate federal agencies, the departments of natural resources, game, fisheries, and ecology, representatives of local government, and any other person the director may deem appropriate, shall develop a model contingency plan, consistent with other plans required for hazardous materials by federal and state law, to serve as a draft plan for local governments which may be incorporated into the state and local emergency management plans.

(2) The model contingency plan shall:

(a) Include specific recommendations for pollution control facilities which are deemed to be most appropriate for the control, collection, storage,

treatment, disposal, and recycling of oil and other spilled material and furthering the prevention and mitigation of such pollution;

(b) Include recommendations for the training of local personnel consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(c) Suggest cooperative training exercises between the public and private sector consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(d) Identify federal and state laws requiring contingency or management plans applicable or related to prevention of pollution, emergency response capabilities, and hazardous waste management, together with a list of funding sources that local governments may use in development of their specific plans;

(e) Promote formal agreements between the department of community development and local entities for effective spill response; and

(f) Develop policies and procedures for the augmentation of emergency services and agency spill response personnel through the use of volunteers: **PROVIDED**, That no contingency plan may require the use of volunteers by a responding responsible party without that party's consent.

Sec. 4. Section 104, page 94, Laws of 1854 as last amended by section 1, page 190, Laws of 1888 and RCW 88.28.050 are each amended to read as follows:

Every person who shall in any manner obstruct the navigable portion or channel of any bay, harbor, or river or stream, within or bordering upon this state, navigable and generally used for the navigation of vessels, boats, or other watercrafts, or for the floating down of logs, cord wood, fencing posts or rails, shall, on conviction thereof, be fined in any sum not exceeding three hundred dollars: **PROVIDED**, That the placing of any mill dam or boom across a stream used for floating saw logs, cord wood, fencing posts or rails shall not be construed to be an obstruction to the navigation of such stream, if the same shall be so constructed as to allow the passage of boats, saw logs, cord wood, fencing posts or rails without unreasonable delay: **PROVIDED FURTHER**, That the obstruction of navigable waters for the purpose of deploying equipment to contain or clean up a spill of oil or other hazardous material shall not be considered an obstruction.

Passed the Senate April 20, 1987.

Passed the House April 13, 1987.

Approved by the Governor May 19, 1987.

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