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**HOUSE BILL 1192**

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**State of Washington****55th Legislature****1997 Regular Session**

**By** Representatives Fisher, Murray, Wolfe and Romero; by request of Governor Lowry

Read first time 01/16/97. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to the functions and responsibilities of the office  
2 of marine safety; amending RCW 88.46.020, 88.46.030, 88.46.040,  
3 88.46.060, 88.46.070, 88.46.080, and 88.46.090; adding a new section to  
4 chapter 88.46 RCW; adding a new section to chapter 43.21I RCW; adding  
5 new sections to chapter 90.56 RCW; creating new sections; recodifying  
6 RCW 88.46.060, 88.46.062, and 88.46.065; decodifying RCW 88.46.063;  
7 repealing RCW 43.21I.020, 88.46.920, 88.46.921, 88.46.922, 88.46.923,  
8 88.46.924, 88.46.925, 88.46.926, and 88.46.927; repealing 1995 2nd  
9 sp.s. c 14 s 521 & 1991 c 200 s 1120 (uncodified); repealing 1995 2nd  
10 sp.s. c 14 s 522 & 1993 c 281 s 73 (uncodified); repealing 1995 2nd  
11 sp.s. c 14 s 524 (uncodified); providing an effective date; and  
12 declaring an emergency.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

14 **Sec. 1.** RCW 88.46.020 and 1991 c 200 s 415 are each amended to  
15 read as follows:

16 In carrying out the purposes of this chapter, (~~including the~~  
17 ~~adoption of rules for contingency plans,~~) the administrator shall to  
18 the greatest extent practicable implement this chapter in a manner  
19 consistent with federal law. In exercising authority under this

1 chapter and chapter 43.21I RCW, the administrator may adopt rules,  
2 conduct investigations, and establish enforcement procedures that  
3 complement federal law or regulation.

4       **Sec. 2.** RCW 88.46.030 and 1991 c 200 s 416 are each amended to  
5 read as follows:

6       (1) All tank vessels entering the navigable waters of the state  
7 shall be subject to inspection to assure that they comply with all  
8 applicable federal and state standards.

9       (2) ~~((The office shall review the tank vessel inspection programs  
10 conducted by the United States coast guard and other federal agencies  
11 to determine if the programs as actually operated by those agencies  
12 provide the best achievable protection to the waters of the state. If  
13 the office determines that the tank vessel inspection programs  
14 conducted by these agencies are not adequate to protect the state's  
15 waters, it shall adopt rules for a state tank vessel inspection  
16 program. The office shall adopt rules providing for a random review of  
17 individual tank vessel inspections conducted by federal agencies.))~~  
18 The office may accept a tank vessel inspection report issued by another  
19 state if that state's tank vessel inspection program is determined by  
20 the office to be at least as protective of the public health and the  
21 environment as the program adopted by the office.

22       (3) The state tank vessel inspection program shall ensure that all  
23 tank vessels entering state waters are inspected at least annually.  
24 ~~((To the maximum extent feasible, the state program shall consist of  
25 the monitoring of existing tank vessel inspection programs conducted by  
26 the federal government.))~~ The office shall consult with the coast  
27 guard regarding the tank vessel inspection program. Any tank vessel  
28 inspection conducted pursuant to this section shall be performed during  
29 the vessel's scheduled stay in port.

30       (4) Any violation of coast guard or other federal regulations  
31 uncovered during a state tank vessel inspection shall be immediately  
32 reported to the appropriate agency.

33       **Sec. 3.** RCW 88.46.040 and 1991 c 200 s 417 are each amended to  
34 read as follows:

35       (1) The owner or operator for each tank vessel shall prepare and  
36 submit to the office an oil spill prevention plan in conformance with  
37 the requirements of this chapter. The plans shall be submitted to the

1 office in the time and manner directed by the office, but not later  
2 than January 1, 1993. ((The spill prevention plan may be consolidated  
3 with a spill contingency plan submitted pursuant to RCW 88.46.060.))  
4 The office may accept plans prepared to comply with other state or  
5 federal law as spill prevention plans to the extent those plans comply  
6 with the requirements of this chapter. The office, by rule, shall  
7 establish standards for spill prevention plans. The rules shall be  
8 adopted not later than July 1, 1992.

9 (2) The spill prevention plan for a tank vessel or a fleet of tank  
10 vessels operated by the same operator shall:

11 (a) Establish compliance with the federal oil pollution act of 1990  
12 and state and federal financial responsibility requirements, if  
13 applicable;

14 (b) State all discharges of oil of more than twenty-five barrels  
15 from the vessel within the prior five years and what measures have been  
16 taken to prevent a reoccurrence;

17 (c) Describe all accidents, collisions, groundings, and near miss  
18 incidents in which the vessel has been involved in the prior five  
19 years, analyze the causes, and state the measures that have been taken  
20 to prevent a reoccurrence;

21 (d) Describe the vessel operations with respect to staffing  
22 standards;

23 (e) Describe the vessel inspection program carried out by the owner  
24 or operator of the vessel;

25 (f) Describe the training given to vessel crews with respect to  
26 spill prevention;

27 (g) Establish compliance with federal drug and alcohol programs;

28 (h) Describe all spill prevention technology that has been  
29 incorporated into the vessel;

30 (i) Describe the procedures used by the vessel owner or operator to  
31 ensure English language proficiency of at least one bridge officer  
32 while on duty in waters of the state;

33 (j) Describe relevant prevention measures incorporated in any  
34 applicable regional marine spill safety plan that have not been adopted  
35 and the reasons for that decision; and

36 (k) Include any other information reasonably necessary to carry out  
37 the purposes of this chapter required by rules adopted by the office.

38 (3) The office shall only approve a prevention plan if it provides  
39 the best achievable protection from damages caused by the discharge of

1 oil into the waters of the state and if it determines that the plan  
2 meets the requirements of this section and rules adopted by the office.

3 (4) Upon approval of a prevention plan, the office shall provide to  
4 the person submitting the plan a statement indicating that the plan has  
5 been approved, the vessels covered by the plan, and other information  
6 the office determines should be included.

7 (5) The approval of a prevention plan shall be valid for five  
8 years. An owner or operator of a tank vessel shall notify the office  
9 in writing immediately of any significant change of which it is aware  
10 affecting its prevention plan, including changes in any factor set  
11 forth in this section or in rules adopted by the office. The office  
12 may require the owner or operator to update a prevention plan as a  
13 result of these changes.

14 (6) The office by rule shall require prevention plans to be  
15 reviewed, updated, if necessary, and resubmitted to the office at least  
16 once every five years.

17 (7) Approval of a prevention plan by the office does not constitute  
18 an express assurance regarding the adequacy of the plan nor constitute  
19 a defense to liability imposed under this chapter or other state law.

20 (8) This section does not authorize the office to modify the terms  
21 of a collective bargaining agreement.

22 **Sec. 4.** RCW 88.46.060 and 1995 c 148 s 3 are each amended to read  
23 as follows:

24 (1) Each covered vessel shall have a contingency plan for the  
25 containment and cleanup of oil spills from the covered vessel into the  
26 waters of the state and for the protection of fisheries and wildlife,  
27 natural resources, and public and private property from such spills.  
28 The ((office)) department shall by rule adopt and periodically revise  
29 standards for the preparation of contingency plans. The ((office))  
30 department shall require contingency plans, at a minimum, to meet the  
31 following standards:

32 (a) Include full details of the method of response to spills of  
33 various sizes from any vessel which is covered by the plan;

34 (b) Be designed to be capable in terms of personnel, materials, and  
35 equipment, of promptly and properly, to the maximum extent practicable,  
36 as defined by the ((office)) department, removing oil and minimizing  
37 any damage to the environment resulting from a worst case spill;

1 (c) Provide a clear, precise, and detailed description of how the  
2 plan relates to and is integrated into relevant contingency plans which  
3 have been prepared by cooperatives, ports, regional entities, the  
4 state, and the federal government;

5 (d) Provide procedures for early detection of spills and timely  
6 notification of such spills to appropriate federal, state, and local  
7 authorities under applicable state and federal law;

8 (e) State the number, training preparedness, and fitness of all  
9 dedicated, prepositioned personnel assigned to direct and implement the  
10 plan;

11 (f) Incorporate periodic training and drill programs to evaluate  
12 whether personnel and equipment provided under the plan are in a state  
13 of operational readiness at all times;

14 (g) Describe important features of the surrounding environment,  
15 including fish and wildlife habitat, environmentally and  
16 archaeologically sensitive areas, and public facilities. The  
17 departments of ecology, fish and wildlife, and natural resources, and  
18 the office of archaeology and historic preservation, upon request,  
19 shall provide information that they have available to assist in  
20 preparing this description. If the ((office)) department has adopted  
21 rules for contingency plans prior to July 1, 1992, the description of  
22 archaeologically sensitive areas shall only be required when the  
23 ((office)) department revises the rules for contingency plans after  
24 July 1, 1992. The description of archaeologically sensitive areas  
25 shall not be required to be included in a contingency plan until it is  
26 reviewed and updated pursuant to subsection (9) of this section;

27 (h) State the means of protecting and mitigating effects on the  
28 environment, including fish, marine mammals, and other wildlife, and  
29 ensure that implementation of the plan does not pose unacceptable risks  
30 to the public or the environment;

31 (i) Establish guidelines for the use of equipment by the crew of a  
32 vessel to minimize vessel damage, stop or reduce any spilling from the  
33 vessel, and, only when appropriate and only when vessel safety is  
34 assured, contain and clean up the spilled oil;

35 (j) Provide arrangements for the prepositioning of spill  
36 containment and cleanup equipment and trained personnel at strategic  
37 locations from which they can be deployed to the spill site to promptly  
38 and properly remove the spilled oil;

1 (k) Provide arrangements for enlisting the use of qualified and  
2 trained cleanup personnel to implement the plan;

3 (l) Provide for disposal of recovered spilled oil in accordance  
4 with local, state, and federal laws;

5 (m) Until a spill prevention plan has been submitted pursuant to  
6 RCW 88.46.040, state the measures that have been taken to reduce the  
7 likelihood that a spill will occur, including but not limited to,  
8 design and operation of a vessel, training of personnel, number of  
9 personnel, and backup systems designed to prevent a spill;

10 (n) State the amount and type of equipment available to respond to  
11 a spill, where the equipment is located, and the extent to which other  
12 contingency plans rely on the same equipment; and

13 (o) If the department (~~(of ecology)~~) has adopted rules permitting  
14 the use of dispersants, the circumstances, if any, and the manner for  
15 the application of the dispersants in conformance with the department's  
16 rules.

17 (2)(a) The owner or operator of a tank vessel of three thousand  
18 gross tons or more shall submit a contingency plan to the (~~(office)~~)  
19 department within six months after the (~~(office)~~) department adopts  
20 rules establishing standards for contingency plans under subsection (1)  
21 of this section.

22 (b) Contingency plans for all other covered vessels shall be  
23 submitted to the (~~(office)~~) department within eighteen months after the  
24 (~~(office)~~) department has adopted rules under subsection (1) of this  
25 section. The (~~(office)~~) department may adopt a schedule for submission  
26 of plans within the eighteen-month period.

27 (3)(a) The owner or operator of a tank vessel or of the facilities  
28 at which the vessel will be unloading its cargo, or a Washington state  
29 nonprofit corporation established for the purpose of oil spill response  
30 and contingency plan coverage and of which the owner or operator is a  
31 member, shall submit the contingency plan for the tank vessel. Subject  
32 to conditions imposed by the (~~(office)~~) department, the owner or  
33 operator of a facility may submit a single contingency plan for tank  
34 vessels of a particular class that will be unloading cargo at the  
35 facility.

36 (b) The contingency plan for a cargo vessel or passenger vessel may  
37 be submitted by the owner or operator of the cargo vessel or passenger  
38 vessel, by the agent for the vessel resident in this state, or by a  
39 Washington state nonprofit corporation established for the purpose of

1 oil spill response and contingency plan coverage and of which the owner  
2 or operator is a member. Subject to conditions imposed by the  
3 ((office)) department, the owner, operator, or agent may submit a  
4 single contingency plan for cargo vessels or passenger vessels of a  
5 particular class.

6 (c) A person who has contracted with a covered vessel to provide  
7 containment and cleanup services and who meets the standards  
8 established pursuant to RCW 90.56.240, may submit the plan for any  
9 covered vessel for which the person is contractually obligated to  
10 provide services. Subject to conditions imposed by the ((office))  
11 department, the person may submit a single plan for more than one  
12 covered vessel.

13 (4) A contingency plan prepared for an agency of the federal  
14 government or another state that satisfies the requirements of this  
15 section and rules adopted by the ((office)) department may be accepted  
16 by the ((office)) department as a contingency plan under this section.  
17 The ((office)) shall assure that to the greatest extent possible,  
18 requirements for contingency plans under this section are consistent  
19 with the requirements for contingency plans under federal law.

20 (5) In reviewing the contingency plans required by this section,  
21 the ((office)) department shall consider at least the following  
22 factors:

23 (a) The adequacy of containment and cleanup equipment, personnel,  
24 communications equipment, notification procedures and call down lists,  
25 response time, and logistical arrangements for coordination and  
26 implementation of response efforts to remove oil spills promptly and  
27 properly and to protect the environment;

28 (b) The nature and amount of vessel traffic within the area covered  
29 by the plan;

30 (c) The volume and type of oil being transported within the area  
31 covered by the plan;

32 (d) The existence of navigational hazards within the area covered  
33 by the plan;

34 (e) The history and circumstances surrounding prior spills of oil  
35 within the area covered by the plan;

36 (f) The sensitivity of fisheries and wildlife and other natural  
37 resources within the area covered by the plan;

38 (g) Relevant information on previous spills contained in on-scene  
39 coordinator reports prepared by the director; and

1 (h) The extent to which reasonable, cost-effective measures to  
2 prevent a likelihood that a spill will occur have been incorporated  
3 into the plan.

4 (6) The ((office)) department shall approve a contingency plan only  
5 if it determines that the plan meets the requirements of this section  
6 and that, if implemented, the plan is capable, in terms of personnel,  
7 materials, and equipment, of removing oil promptly and properly and  
8 minimizing any damage to the environment.

9 (7) The approval of the contingency plan shall be valid for five  
10 years. Upon approval of a contingency plan, the ((office)) department  
11 shall provide to the person submitting the plan a statement indicating  
12 that the plan has been approved, the vessels covered by the plan, and  
13 other information the ((office)) department determines should be  
14 included.

15 (8) An owner or operator of a covered vessel shall notify the  
16 ((office)) department in writing immediately of any significant change  
17 of which it is aware affecting its contingency plan, including changes  
18 in any factor set forth in this section or in rules adopted by the  
19 ((office)) department. The ((office)) department may require the owner  
20 or operator to update a contingency plan as a result of these changes.

21 (9) The ((office)) department by rule shall require contingency  
22 plans to be reviewed, updated, if necessary, and resubmitted to the  
23 ((office)) department at least once every five years.

24 (10) Approval of a contingency plan by the ((office)) department  
25 does not constitute an express assurance regarding the adequacy of the  
26 plan nor constitute a defense to liability imposed under this chapter  
27 or other state law.

28 **Sec. 5.** RCW 88.46.070 and 1992 c 73 s 21 are each amended to read  
29 as follows:

30 (1) The provisions of prevention plans (~~(and contingency plans)~~)  
31 approved by the office pursuant to this chapter shall be legally  
32 binding on those persons submitting them to the office and on their  
33 successors, assigns, agents, and employees. The superior court shall  
34 have jurisdiction to restrain a violation of, compel specific  
35 performance of, or otherwise to enforce such plans upon application by  
36 the office. The office may issue an order pursuant to chapter 34.05  
37 RCW requiring compliance with (~~(a contingency plan or)~~) a prevention



1 plan and may impose administrative penalties for failure to comply with  
2 a plan.

3 (2) If the administrator believes a person has violated or is  
4 violating or creates a substantial potential to violate the provisions  
5 of this chapter, the administrator shall notify the person of the  
6 administrator's determination by registered mail. The determination  
7 shall not constitute an order or directive under RCW 43.21B.310.  
8 Within thirty days from the receipt of notice of the determination, the  
9 person shall file with the administrator a full report stating what  
10 steps have been and are being taken to comply with the determination of  
11 the administrator. The administrator shall issue an order or  
12 directive, as the administrator deems appropriate under the  
13 circumstances, and shall notify the person by registered mail.

14 (3) If the administrator believes immediate action is necessary to  
15 accomplish the purposes of this chapter, the administrator may issue an  
16 order or directive, as appropriate under the circumstances, without  
17 first issuing a notice or determination pursuant to subsection (2) of  
18 this section. An order or directive issued pursuant to this subsection  
19 shall be served by registered mail or personally upon any person to  
20 whom it is directed.

21 **Sec. 6.** RCW 88.46.080 and 1992 c 73 s 22 are each amended to read  
22 as follows:

23 (1) Except as provided in subsection (2) of this section, it shall  
24 be unlawful for the owner or operator to knowingly and intentionally  
25 operate in this state or on the waters of this state a covered vessel  
26 without ((an approved contingency plan or)) an approved prevention plan  
27 as required by this chapter, or financial responsibility in compliance  
28 with chapter 88.40 RCW and the federal oil pollution act of 1990. The  
29 first conviction under this section shall be a gross misdemeanor under  
30 chapter 9A.20 RCW. A second or subsequent conviction shall be a class  
31 C felony under chapter 9A.20 RCW.

32 (2) It shall not be unlawful for the owner or operator to operate  
33 a covered vessel if:

34 (a) The covered vessel is not required to have a ((contingency  
35 plan,)) spill prevention plan((,)) or financial responsibility;

36 (b) All required plans have been submitted to the office as  
37 required by this chapter and rules adopted by the office and the office  
38 is reviewing the plan and has not denied approval; or

1 (c) The covered vessel has entered state waters after the United  
2 States coast guard has determined that the vessel is in distress.

3 (3) A person may rely on a copy of the statement issued by the  
4 office pursuant to (~~RCW 88.46.060 as evidence that a vessel has an~~  
5 ~~approved contingency plan and the statement issued pursuant to~~) RCW  
6 88.46.040 that a vessel has an approved prevention plan.

7 (4) Any person found guilty of willfully violating any of the  
8 provisions of this chapter, or any final written orders or directive of  
9 the administrator or a court in pursuance thereof shall be deemed  
10 guilty of a gross misdemeanor, as provided in chapter 9A.20 RCW, and  
11 upon conviction thereof shall be punished by a fine of up to ten  
12 thousand dollars and costs of prosecution, or by imprisonment in the  
13 county jail for not more than one year, or by both such fine and  
14 imprisonment in the discretion of the court. Each day upon which a  
15 willful violation of the provisions of this chapter occurs may be  
16 deemed a separate and additional violation.

17 **Sec. 7.** RCW 88.46.090 and 1992 c 73 s 23 are each amended to read  
18 as follows:

19 (1) Except as provided in subsection (4) of this section, it shall  
20 be unlawful for a covered vessel to enter the waters of the state  
21 without (~~(an approved contingency plan required by RCW 88.46.060,~~) a  
22 spill prevention plan required by RCW 88.46.040(~~(7)~~) or financial  
23 responsibility in compliance with chapter 88.40 RCW and the federal oil  
24 pollution act of 1990. The office may deny entry onto the waters of  
25 the state to any covered vessel that does not have a required  
26 contingency or spill prevention plan or financial responsibility.

27 (2) Except as provided in subsection (4) of this section, it shall  
28 be unlawful for a covered vessel to transfer oil to or from an onshore  
29 or offshore facility that does not have an approved contingency plan  
30 required under RCW 90.56.210, a spill prevention plan required by RCW  
31 90.56.200, or financial responsibility in compliance with chapter 88.40  
32 RCW and the federal oil pollution act of 1990.

33 (3) The administrator may assess a civil penalty of up to one  
34 hundred thousand dollars against the owner or operator of a vessel who  
35 is in violation of subsection (1) or (2) of this section. Each day  
36 that the owner or operator of a covered vessel is in violation of this  
37 section shall be considered a separate violation.

1 (4) It shall not be unlawful for a covered vessel to operate on the  
2 waters of the state if:

3 (a) A (~~contingency plan, a~~) prevention plan(~~(7)~~) or financial  
4 responsibility is not required for the covered vessel;

5 (b) A (~~contingency plan and~~) prevention plan has been submitted  
6 to the office as required by this chapter and rules adopted by the  
7 office and the office is reviewing the plan and has not denied  
8 approval; or

9 (c) The covered vessel has entered state waters after the United  
10 States coast guard has determined that the vessel is in distress.

11 (5) Any person may rely on a copy of the statement issued by the  
12 office (~~to RCW 88.46.060 as evidence that the vessel has an approved~~  
13 ~~contingency plan and the statement issued~~) pursuant to RCW 88.46.040  
14 as evidence that the vessel has an approved spill prevention plan.

15 (6) Except for violations of subsection (1) or (2) of this section,  
16 any person who violates the provisions of this chapter or rules or  
17 orders adopted or issued pursuant thereto, shall incur, in addition to  
18 any other penalty as provided by law, a penalty in an amount of up to  
19 ten thousand dollars a day for each violation. Each violation is a  
20 separate offense, and in case of a continuing violation, every day's  
21 continuance is a separate violation. Every act of commission or  
22 omission which procures, aids, or abets in the violation shall be  
23 considered a violation under the provisions of this subsection and  
24 subject to penalty. The penalty amount shall be set in consideration  
25 of the previous history of the violator and the severity of the  
26 violation's impact on public health and the environment in addition to  
27 other relevant factors. The penalty shall be imposed pursuant to the  
28 procedures set forth in RCW 43.21B.300.

29 NEW SECTION. **Sec. 8.** A new section is added to chapter 88.46 RCW  
30 to read as follows:

31 By December 1, 1998, the administrator shall report to the  
32 legislature on the status of the United States coast guard marine  
33 safety and environmental protection programs affecting state waters and  
34 the coordination of programs between the coast guard and the office of  
35 marine safety.

36 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.21I RCW  
37 to read as follows:

1 The executive head and appointing authority of the office shall be  
2 the director of marine safety. The director of marine safety shall be  
3 appointed by, and serve at the pleasure of, the governor. The director  
4 shall be paid a salary to be fixed by the governor in accordance with  
5 RCW 43.03.040.

6 NEW SECTION. **Sec. 10.** RCW 88.46.060, 88.46.062, and 88.46.065 are  
7 each recodified as sections in chapter 90.56 RCW.

8 NEW SECTION. **Sec. 11.** RCW 88.46.063 is decodified.

9 NEW SECTION. **Sec. 12.** (1) All powers, duties, and functions of  
10 the office of marine safety pertaining to contingency planning under  
11 RCW 88.46.060 are transferred to the department of ecology.

12 (2) All employees of the office of marine safety engaged in  
13 performing the powers, functions, and duties transferred are  
14 transferred to the jurisdiction of the department of ecology. All  
15 employees classified under chapter 41.06 RCW, the state civil service  
16 law, are assigned to the department of ecology to perform their usual  
17 duties upon the same terms as formerly, without any loss of rights,  
18 subject to any action that may be appropriate thereafter in accordance  
19 with the laws and rules governing state civil service.

20 (3) All rules and all pending business before the office of marine  
21 safety pertaining to the powers, functions, and duties transferred  
22 shall be continued and acted upon by the department of ecology. All  
23 existing contracts and obligations shall remain in full force and shall  
24 be performed by the department of ecology.

25 (4) The transfer of the powers, duties, functions, and personnel of  
26 the office of marine safety shall not affect the validity of any act  
27 performed before the effective date of this section.

28 (5) If apportionments of budgeted funds are required because of the  
29 transfers directed by this section, the director of financial  
30 management shall certify the apportionments to the agencies affected,  
31 the state auditor, and the state treasurer. Each of these shall make  
32 the appropriate transfer and adjustments in funds and appropriation  
33 accounts and equipment records in accordance with the certification.

34 (6) Nothing contained in this section may be construed to alter any  
35 existing collective bargaining unit or the provisions of any existing  
36 collective bargaining agreement until the agreement has expired or

1 until the bargaining unit has been modified by action of the personnel  
2 board as provided by law.

3 NEW SECTION. **Sec. 13.** The 1995 legislature enacted the biennial  
4 transportation budget for the 1995-1997 biennium with provisions  
5 transferring the functions of the office of marine safety to the  
6 department of ecology effective January 1, 1996. Although the budget  
7 bill was effective July 1, 1995, a subsequent decision by the Thurston  
8 county superior court found the transfer provisions in violation of  
9 Article II, section 19 of the state Constitution and therefore invalid.  
10 *People for Puget Sound v. Department of Ecology*, No. 95-2-02622-0. The  
11 decision was not appealed.

12 The legislature finds that the effect of a superior court's  
13 decision on a budget bill that became law on July 1, 1995, has caused  
14 confusion. The legislature also finds that for clarity, the provisions  
15 declared unconstitutional should be repealed.

16 Therefore, the legislature declares the intent of section 14 of  
17 this act to be twofold: First, to repeal the unconstitutional  
18 provisions of chapter 14, Laws of 1995 2nd sp. sess. to remove  
19 confusion over the effect of the decision by the Thurston county  
20 superior court; and second, to repeal the sections of chapter 200, Laws  
21 of 1991 that transfer the functions of the office of marine safety to  
22 the department of ecology.

23 NEW SECTION. **Sec. 14.** The following acts or parts of acts are  
24 each repealed:

- 25 (1) 1995 2nd sp.s. c 14 s 521 & 1991 c 200 s 1120 (uncodified);
- 26 (2) 1995 2nd sp.s. c 14 s 522 & 1993 c 281 s 73 (uncodified);
- 27 (3) 1995 2nd sp.s. c 14 s 524 (uncodified);
- 28 (4) RCW 43.21I.020 and 1992 c 73 s 5 & 1991 c 200 s 403;
- 29 (5) RCW 88.46.920 and 1991 c 200 s 429;
- 30 (6) RCW 88.46.921 and 1991 c 200 s 430;
- 31 (7) RCW 88.46.922 and 1995 2nd sp.s. c 14 s 518 & 1991 c 200 s 431;
- 32 (8) RCW 88.46.923 and 1991 c 200 s 432;
- 33 (9) RCW 88.46.924 and 1991 c 200 s 433;
- 34 (10) RCW 88.46.925 and 1995 2nd sp.s. c 14 s 519 & 1991 c 200 s  
35 434;
- 36 (11) RCW 88.46.926 and 1991 c 200 s 435; and
- 37 (12) RCW 88.46.927 and 1993 c 281 s 67 & 1991 c 200 s 436.

1        NEW SECTION.    **Sec. 15.**    This act is necessary for the immediate  
2 preservation of the public peace, health, or safety, or support of the  
3 state government and its existing public institutions, and takes effect  
4 July 1, 1997.

5        NEW SECTION.    **Sec. 16.**    If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.

--- END ---