AN ACT Relating to the board of pilotage commissioners; amending RCW 88.16.035, 88.16.061, and 88.16.090; reenacting and amending RCW 43.79A.040 and 43.84.092; creating a new section; providing an effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) The joint legislative audit and review committee must conduct a performance audit of the board of pilotage commissioners. The audit must examine whether the board is complying with the statutory requirements in chapter 88.16 RCW. The audit must include, but is not limited to:

(a) The board’s compliance with statutory reporting requirements;
(b) The composition of the fees charged for pilotage, how fees are developed, and the relationship between the fees, pilotage tariffs, and pilotage district expenditures;
(c) An analysis of how other states structure pilotage fees, training, and licensing;
(d) An analysis of the diversity in the pilot applicant pool and pilot training program;
(e) An analysis of the composition and size of the board.

(2) The joint legislative audit and review committee must provide the results of the audit to the transportation committees of the
Sec. 2. RCW 88.16.035 and 2009 c 496 s 1 are each amended to read as follows:

(1) The board of pilotage commissioners shall:
    (a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the enforcement and administration of this chapter;
    (b) (i) Issue training licenses and pilot licenses to pilot applicants meeting the qualifications provided for in RCW 88.16.090 and such additional qualifications as may be determined by the board;
         (ii) Establish a comprehensive training program to assist in the training and evaluation of pilot applicants before final licensing;
         (iii) Establish additional training requirements, including a program of continuing education developed after consultation with pilot organizations, including those located within the state of Washington, as required to maintain a competent pilotage service;
    (c) Maintain a register of pilots, records of pilot accidents, and other history pertinent to pilotage;
    (d) Determine from time to time the number of pilots necessary to be licensed in each district of the state to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service in each district;
    (e) (i) Subject to subsection (3) of this section, annually fix the pilotage tariffs for pilotage services provided under this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, 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: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the board may consider pilot retirement plan expenses incurred in the prior year in either pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots;
         (ii) Until July 1, 2023, annually deposit the first one million dollars collected through the Puget Sound pilotage district tariff authorized in (e)(i) of this subsection to the pilotage account
created in RCW 88.16.061 solely for the expenditure of self-insurance premiums;

(f) By September 1, 2017, and annually thereafter, file
(annually) with the governor and the chairs of the transportation committees of the senate and house of representatives a report which includes, but is not limited to, the following: The number, names, ages, pilot license number, training license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot or trainee; 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 or stipends of individual pilots and trainees 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 groundings, marine occurrences, or other incidents which are reported to or investigated by the board, and which are determined to be accidents, as defined by the board, including the vessel name, location of incident, pilot's or trainee'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 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 or trainee, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 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;

(g) Make available information that includes the pilotage act and other statutes of Washington state and the federal government that affect pilotage, including the rules of the board, together with such
additional information as may be informative for pilots, agents, owners, operators, and masters;

(h) Appoint advisory committees and employ marine experts as necessary to carry out its duties under this chapter;

(i) 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.

(2) The board may pay stipends to pilot trainees under subsection (1)(b) of this section.

(3) Until July 1, 2023, the board may not increase the pilotage tariffs in existence on January 1, 2017.

Sec. 3. RCW 88.16.061 and 2008 c 128 s 17 are each amended to read as follows:

(The account in the general fund designated in RCW 43.79.330(17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account").

The pilotage account is (hereby redesignated as a nonappropriated account, and is therefore) created in the (custody of the) state (treasurer) treasury. All receipts designated, credited, or transferred to the pilotage account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of the board of pilotage commissioners as prescribed under this chapter. (Only the board or the board's designee may authorize expenditures from the account.) The account is subject to allotment procedures under chapter 43.88 RCW (but an appropriation is not required for expenditures).

Sec. 4. RCW 88.16.090 and 2009 c 470 s 708 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot or a pilot trainee if the person:

(i) Is a citizen of the United States;
(ii) Is over the age of twenty-five years and under the age of seventy years;

(iii) (A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application; and

(C) The board may require that applicants and pilots have federal licenses and endorsements as it deems appropriate; and

(iv) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

(4) Pilot applicants shall be evaluated and may be ranked for entry into a board-specified training program in a manner specified by the board based on their performance on a written examination or examinations established by the board, performance on other evaluation exercises as may be required by the board, and other criteria or qualifications as may be set by the board.

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after
taking the written entry examination. The training license authorizes
the trainee to do such actions as are specified in the training
program.

After the completion of the training program the board shall
evaluate the trainee's performance and knowledge. The board, as it
deems appropriate, may then issue a pilot license, delay the issuance
of the pilot license, deny the issuance of the pilot license, or
require further training and evaluation.

(5) The board may (a) appoint a special independent committee or
(b) contract with private or governmental entities knowledgeable and
experienced in the development, administration, and grading of
licensing examinations or simulator evaluations for marine pilots, or
(c) do both. Active, licensed pilots designated by the board may
participate in the development, administration, and grading of
examinations and other evaluation exercises. If the board does
appoint a special examination or evaluation development committee, it
is authorized to pay the members of the committee the same
compensation and travel expenses as received by members of the board.
Any person who willfully gives advance knowledge of information
contained on a pilot examination or other evaluation exercise is
guilty of a gross misdemeanor.

(6) This subsection applies to the review of a pilot applicant's
written examinations and evaluation exercises to qualify to be placed
on a waiting list to become a pilot trainee. Failure to comply with
the process set forth in this subsection renders the results of the
pilot applicant's written examinations and evaluation exercises
final. A pilot applicant may seek board review, administrative
review, and judicial review of the results of the written
examinations and evaluation exercises in the following manner:

(a) A pilot applicant who seeks a review of the results of his or
her written examinations or evaluation exercises must request from
the board-appointed or board-designated examination committee an
administrative review of the results of his or her written
examinations or evaluation exercises as set forth by board rule.

(b) The determination of the examination committee's review of a
pilot applicant's examination results becomes final after thirty days
from the date of service of written notification of the committee's
determination unless a full adjudicative hearing before an
administrative law judge has been requested by the pilot applicant
before the thirty-day period has expired, as set forth by board rule.
(c) When a full adjudicative hearing has been requested by the pilot applicant, 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 chapter 34.05 RCW. The administrative law judge shall issue an initial order.

(d) The initial order of the administrative law judge is final unless within thirty days of the date of service of the initial order the board or pilot applicant requests review of the initial order under chapter 34.05 RCW.

(e) The board may appoint a person to review the initial order and to prepare and enter a final order as governed by chapter 34.05 RCW and as set forth by board rule. The person appointed by the board under this subsection (6)(e) is called the board reviewing officer.

(7) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot shall pay to the state treasurer an annual license fee in an amount set by the board by rule. (Pursuant to RCW 43.135.055, the fees established under this subsection may be increased through the fiscal year ending June 30, 2011.) The fees must be deposited in the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(8) All pilots and pilot trainees are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the pilot's or pilot trainee'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 and pilot trainees licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or pilot trainee is fully able to carry out the duties of a pilot or pilot trainee under this chapter. The board may in its discretion check with the appropriate authority for any convictions of or information regarding offenses by a licensed pilot or pilot trainee involving...
drugs or the personal consumption of alcohol in the prior twelve
months.

(9) The board may require vessel simulator training for a pilot
trainee and shall require vessel simulator training for a licensed
pilot subject to RCW 88.16.105. The board shall also require vessel
simulator training in the first year of active duty for a new pilot
and at least once every five years for all active pilots.

(10) The board shall prescribe, pursuant to chapter 34.05 RCW,
such reporting requirements and review procedures as may be necessary
to assure the accuracy and validity of license and service claims.
Willful misrepresentation of such required information by a pilot
applicant shall result in disqualification of the pilot applicant.

Sec. 5.  RCW 43.79A.040 and 2016 c 203 s 2, 2016 c 173 s 10, 2016
c 69 s 21, and 2016 c 39 s 7 are each reenacted and amended to read
as follows:

(1) Money in the treasurer's trust fund may be deposited,
invested, and reinvested by the state treasurer in accordance with
RCW 43.84.080 in the same manner and to the same extent as if the
money were in the state treasury, and may be commingled with moneys
in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust
fund must be set aside in an account in the treasury trust fund to be
known as the investment income account.

(3) The investment income account may be utilized for the payment
of purchased banking services on behalf of treasurer's trust funds
including, but not limited to, depository, safekeeping, and
disbursement functions for the state treasurer or affected state
agencies. The investment income account is subject in all respects to
chapter 43.88 RCW, but no appropriation is required for payments to
financial institutions. Payments must occur prior to distribution of
earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings
credited to the investment income account to the state general fund
except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their
proportionate share of earnings based upon each account's or fund's
average daily balance for the period: The 24/7 sobriety account, the
Washington promise scholarship account, the Washington advanced
college tuition payment program account, the Washington college
savings program account, the accessible communities account, the
Washington achieving a better life experience program account, the
community and technical college innovation account, the agricultural
local fund, the American Indian scholarship endowment fund, the
foster care scholarship endowment fund, the foster care endowed
scholarship trust fund, the contract harvesting revolving account,
the Washington state combined fund drive account, the commemorative
works account, the county enhanced 911 excise tax account, the toll
collection account, the developmental disabilities endowment trust
fund, the energy account, the fair fund, the family leave insurance
account, the food animal veterinarian conditional scholarship
account, the fruit and vegetable inspection account, the future
teachers conditional scholarship account, the game farm alternative
account, the GET ready for math and science scholarship account, the
Washington global health technologies and product development
account, the grain inspection revolving fund, the industrial
insurance rainy day fund, the juvenile accountability incentive
account, the law enforcement officers' and firefighters' plan 2
expense fund, the local tourism promotion account, the multiagency
permitting team account, ((the pilotage account,)) the produce
railcar pool account, the regional transportation investment district
account, the rural rehabilitation account, the Washington sexual
assault kit account, the stadium and exhibition center account, the
youth athletic facility account, the self-insurance revolving fund,
the children's trust fund, the Washington horse racing commission
Washington bred owners' bonus fund and breeder awards account, the
Washington horse racing commission class C purse fund account, the
individual development account program account, the Washington horse
racing commission operating account, the life sciences discovery
fund, the Washington state heritage center account, the reduced
cigarette ignition propensity account, the center for childhood
deafness and hearing loss account, the school for the blind account,
the Millersylvania park trust fund, the public employees' and
retirees' insurance reserve fund, and the radiation perpetual
maintenance fund.

(c) The following accounts and funds must receive eighty percent
of their proportionate share of earnings based upon each account's or
fund's average daily balance for the period: The advanced right-of-
way revolving fund, the advanced environmental mitigation revolving
account, the federal narcotics asset forfeitures account, the high
occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 6. RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and 2016 c 112 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is
required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin tax bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high
capacity transportation account, the state higher education
construction account, the higher education construction account, the
highway bond retirement fund, the highway infrastructure account, the
highway safety fund, the high occupancy toll lanes operations
account, the hospital safety net assessment fund, the industrial
insurance premium refund account, the judges' retirement account, the
judicial retirement administrative account, the judicial retirement
principal account, the local leasehold excise tax account, the local
real estate excise tax account, the local sales and use tax account,
the marine resources stewardship trust account, the medical aid
account, the mobile home park relocation fund, the money-purchase
retirement savings administrative account, the money-purchase
retirement savings principal account, the motor vehicle fund, the
motorcycle safety education account, the multimodal transportation
account, the multiuse roadway safety account, the municipal criminal
justice assistance account, the natural resources deposit account,
the oyster reserve land account, the pension funding stabilization
account, the perpetual surveillance and maintenance account, the
pilotage account, the pollution liability insurance agency
underground storage tank revolving account, the public employees'
retirement system plan 1 account, the public employees' retirement
system combined plan 2 and plan 3 account, the public facilities
construction loan revolving account beginning July 1, 2004, the
public health supplemental account, the public works assistance
account, the Puget Sound capital construction account, the Puget
Sound ferry operations account, the Puget Sound taxpayer
accountability account, the real estate appraiser commission account,
the recreational vehicle account, the regional mobility grant program
account, the resource management cost account, the rural arterial
trust account, the rural mobility grant program account, the rural
Washington loan fund, the site closure account, the skilled nursing
facility safety net trust fund, the small city pavement and sidewalk
account, the special category C account, the special wildlife
account, the state employees' insurance account, the state employees'
insurance reserve account, the state investment board expense
account, the state investment board commingled trust fund accounts,
the state patrol highway account, the state route number 520 civil
penalties account, the state route number 520 corridor account, the
state wildlife account, the supplemental pension account, the Tacoma
Narrows toll bridge account, the teachers' retirement system plan 1
account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.
(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

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