

CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 6074**

Chapter 91, Laws of 2003

58th Legislature  
2003 Regular Session

VESSELS

EFFECTIVE DATE: 4/23/03 - Except sections 3 and 4, which become effective 7/27/03.

Passed by the Senate April 15, 2003  
YEAS 49 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 17, 2003  
YEAS 98 NAYS 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6074** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

\_\_\_\_\_  
**Secretary**

Approved April 23, 2003.

FILED

April 23, 2003 - 4:48 p.m.

GARY LOCKE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 6074

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Passed Legislature - 2003 Regular Session

State of Washington                      58th Legislature                      2003 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Swecker and Prentice)

READ FIRST TIME 04/11/03.

1            AN ACT Relating to vessels; amending RCW 47.64.090 and 88.40.020;  
2 adding a new section to chapter 41.56 RCW; providing a contingent  
3 effective date; and declaring an emergency.

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

5            **Sec. 1.** RCW 47.64.090 and 2003 c . . . (ESHB 1853) s 205 are each  
6 amended to read as follows:

7            USE OF STATE FERRY FACILITIES. (1) Except as provided in section  
8 203 (~~of this act~~), chapter . . . (ESHB 1853), Laws of 2003 and  
9 subsection (2) of this section, or as provided in section 303 (~~of this~~  
10 ~~act~~), chapter . . . (ESHB 1853), Laws of 2003 and subsection (3) of  
11 this section, if any party assumes the operation and maintenance of any  
12 ferry or ferry system by rent, lease, or charter from the department of  
13 transportation, such party shall assume and be bound by all the  
14 provisions herein and any agreement or contract for such operation of  
15 any ferry or ferry system entered into by the department shall provide  
16 that the wages to be paid, hours of employment, working conditions, and  
17 seniority rights of employees will be established by the marine  
18 employees' commission in accordance with the terms and provisions of

1 this chapter and it shall further provide that all labor disputes shall  
2 be adjudicated in accordance with chapter 47.64 RCW.

3 (2) If a public transportation benefit area meeting the  
4 requirements of section 201 (~~(of this act)~~), chapter . . . (ESHB 1853),  
5 Laws of 2003 has voter approval to operate passenger-only ferry  
6 service, it may enter into an agreement with Washington State Ferries  
7 to rent, lease, or purchase passenger-only vessels, related equipment,  
8 or terminal space for purposes of loading and unloading the passenger-  
9 only ferry. Charges for the vessels, equipment, and space must be fair  
10 market value taking into account the public benefit derived from the  
11 ferry service. A benefit area or subcontractor of that benefit area  
12 that qualifies under this subsection is not subject to the restrictions  
13 of subsection (1) of this section, but is subject to:

14 (a) The terms of those collective bargaining agreements that it or  
15 its subcontractors negotiate with the exclusive bargaining  
16 representatives of its or its subcontractors' employees under chapter  
17 41.56 RCW or the National Labor Relations Act, as applicable;

18 (b) Unless otherwise prohibited by federal or state law, a  
19 requirement that the benefit area and any contract with its  
20 subcontractors, give preferential hiring to former employees of the  
21 department of transportation who separated from employment with the  
22 department because of termination of the ferry service by the state of  
23 Washington; and

24 (c) Unless otherwise prohibited by federal or state law, a  
25 requirement that the benefit area and any contract with its  
26 subcontractors, on any questions concerning representation of employees  
27 for collective bargaining purposes, may be determined by conducting a  
28 cross-check comparing an employee organization's membership records or  
29 bargaining authorization cards against the employment records of the  
30 employer.

31 (3) If a ferry district is formed under section 301 (~~(of this~~  
32 ~~act)~~), chapter . . . (ESHB 1853), Laws of 2003 to operate passenger-  
33 only ferry service, it may enter into an agreement with Washington  
34 State Ferries to rent, lease, or purchase vessels, related equipment,  
35 or terminal space for purposes of loading and unloading the ferry.  
36 Charges for the vessels, equipment, and space must be fair market value  
37 taking into account the public benefit derived from the ferry service.

1 A ferry district or subcontractor of that district that qualifies under  
2 this subsection is not subject to the restrictions of subsection (1) of  
3 this section, but is subject to:

4 (a) (~~Subject to~~) The terms of those collective bargaining  
5 agreements that it or its subcontractors negotiate with the exclusive  
6 bargaining representatives of its or its subcontractors' employees  
7 under chapter 41.56 RCW or the National Labor Relations Act, as  
8 applicable;

9 (b) (~~Subject to~~) Unless otherwise prohibited by federal or state  
10 law, a requirement(~~, to be included by~~) that the ferry district  
11 (~~in~~) and any contract with (~~the district's~~) its subcontractors,  
12 (~~to~~) give preferential hiring to former employees of the department  
13 of transportation who separated from employment with the department  
14 because of termination of the ferry service by the state of Washington;  
15 and

16 (c) (~~Subject to~~) Unless otherwise prohibited by federal or state  
17 law, a requirement(~~, to be included by~~) that the ferry district  
18 (~~in~~) and any contract with (~~the district's~~) its subcontractors,  
19 (~~that~~) on any questions concerning representation of employees for  
20 collective bargaining purposes, may be determined by conducting a  
21 cross-check comparing an employee organization's membership records or  
22 bargaining authorization cards against the employment records of the  
23 employer.

24 NEW SECTION. Sec. 2. A new section is added to chapter 41.56 RCW  
25 to read as follows:

26 In addition to the entities listed in RCW 41.56.020, this chapter  
27 does apply to:

28 (1) Public employees of public transportation benefit areas  
29 providing passenger-only ferry service as provided in RCW 47.64.090;  
30 and

31 (2) Public employees of ferry districts providing passenger-only  
32 ferry service as provided in RCW 47.64.090.

33 Sec. 3. RCW 88.40.020 and 2000 c 69 s 31 are each amended to read  
34 as follows:

35 (1) Any (~~inland~~) barge that transports hazardous substances in  
36 bulk as cargo, using any port or place in the state of Washington or

1 the navigable waters of the state shall establish evidence of financial  
2 responsibility in the amount of the greater of (~~one~~) five million  
3 dollars, or (~~one~~) three hundred (~~fifty~~) dollars per gross ton of  
4 such vessel.

5 (2)(a) Except as provided in (b) or (c) of this subsection, a tank  
6 vessel that carries oil as cargo in bulk shall demonstrate financial  
7 responsibility to pay at least five hundred million dollars. The  
8 amount of financial responsibility required under this subsection is  
9 one billion dollars after January 1, 2004.

10 (b) The director by rule may establish a lesser standard of  
11 financial responsibility for (~~barges~~) tank vessels of three hundred  
12 gross tons or less. The standard shall set the level of financial  
13 responsibility based on the quantity of cargo the (~~barge~~) tank vessel  
14 is capable of carrying. The director shall not set the standard for  
15 (~~barges~~) tank vessels of three hundred gross tons or less below that  
16 required under federal law.

17 (c) The owner or operator of a tank vessel who is a member of an  
18 international protection and indemnity mutual organization and is  
19 covered for oil pollution risks up to the amounts required under this  
20 section is not required to demonstrate financial responsibility under  
21 this chapter. The director may require the owner or operator of a tank  
22 vessel to prove membership in such an organization.

23 (3)(a) A cargo vessel or passenger vessel that carries oil as fuel  
24 shall demonstrate financial responsibility to pay (~~the greater of at~~  
25 ~~least six hundred dollars per gross ton or five hundred thousand~~) at  
26 least three hundred million dollars. However, a passenger vessel that  
27 transports passengers and vehicles between Washington state and a  
28 foreign country shall demonstrate financial responsibility to pay the  
29 greater of at least six hundred dollars per gross ton or five hundred  
30 thousand dollars.

31 (b) The owner or operator of a cargo vessel or passenger vessel who  
32 is a member of an international protection and indemnity mutual  
33 organization and is covered for oil pollution risks up to the amounts  
34 required under this section is not required to demonstrate financial  
35 responsibility under this chapter. The director may require the owner  
36 or operator of a cargo vessel or passenger vessel to prove membership  
37 in such an organization.

1       (4) A fishing vessel while on the navigable waters of the state  
2 must demonstrate financial responsibility in the following amounts:  
3 (a) For a fishing vessel carrying predominantly nonpersistent product,  
4 one hundred thirty-three dollars and forty cents per incident, for each  
5 barrel of total oil storage capacity, persistent and nonpersistent  
6 product, on the vessel or one million three hundred thirty-four  
7 thousand dollars, whichever is greater; or (b) for a fishing vessel  
8 carrying predominantly persistent product, four hundred dollars and  
9 twenty cents per incident, for each barrel of total oil storage  
10 capacity, persistent product and nonpersistent product, on the vessel  
11 or six million six hundred seventy thousand dollars, whichever is  
12 greater.

13       (5) The documentation of financial responsibility shall demonstrate  
14 the ability of the document holder to meet state and federal financial  
15 liability requirements for the actual costs for removal of oil spills,  
16 for natural resource damages, and for necessary expenses.

17       (~~(5) The department may by rule set a lesser amount of financial~~  
18 ~~responsibility for a tank vessel that meets standards for construction,~~  
19 ~~propulsion, equipment, and personnel established by the department.~~  
20 ~~The department shall require as a minimum level of financial~~  
21 ~~responsibility under this subsection the same level of financial~~  
22 ~~responsibility required under federal law.))~~

23       (6) This section shall not apply to a covered vessel owned or  
24 operated by the federal government or by a state or local government.

25       NEW SECTION. Sec. 4. Sections 1 and 2 of this act are necessary  
26 for the immediate preservation of the public peace, health, or safety,  
27 or support of the state government and its existing public  
28 institutions, and take effect immediately, but only if Engrossed  
29 Substitute House Bill No. 1853 has become law. If Engrossed Substitute  
30 House Bill No. 1853 has not become law by June 30, 2003, sections 1 and  
31 2 of this act are null and void.

Passed by the Senate April 15, 2003.

Passed by the House April 17, 2003.

Approved by the Governor April 23, 2003.

Filed in Office of Secretary of State April 23, 2003.