

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE HOUSE BILL 1488

Chapter 346, Laws of 2007

60th Legislature
2007 Regular Session

OIL SPILL PREVENTION AND RESPONSE PROGRAMS

EFFECTIVE DATE: 07/22/07

Passed by the House April 16, 2007
Yeas 81 Nays 14

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2007
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved May 7, 2007, 9:59 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1488** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 8, 2007

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1488

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Finance (originally sponsored by Representatives B. Sullivan, Upthegrove, Appleton, Dunshee, Hunt, Dickerson, VanDeWege, Campbell, Kessler, Eickmeyer, McCoy, Chase, Green, Sells, Kenney, Ericks, Roberts, Lantz, Goodman, Wood, Kagi, Moeller and Rolfes)

READ FIRST TIME 03/13/07.

1 AN ACT Relating to protecting all of Washington's waters by
2 enhancing the state's oil spill program; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that the state's
5 oil spill prevention and response programs perform essential services
6 in protecting the environment and natural resource economy of
7 Washington. Due to increased demand for services, the legislature
8 finds that these programs have been expanded several times in the
9 twenty years since the funding mechanisms for these programs were
10 authorized, but the funding mechanisms for these programs have remained
11 unchanged. Without additional funding, these programs face a
12 structural funding deficit beginning in the 2007-2009 biennium. The
13 legislature further finds that the current source of funding for these
14 programs is derived from only one segment of activities that present
15 oil spill risks in the state, and that there is a need for a
16 comprehensive assessment of the sources of oil spill risks and
17 potential funding mechanisms by which all sectors that are a source of
18 oil spill risks may contribute to ensuring adequate funding for
19 programs that prevent as well as prepare for and respond to oil spills.

1 (2) The legislature finds that the Strait of Juan de Fuca is a
2 significant international avenue of waterborne commerce. Over five
3 thousand transits by vessels greater than three hundred gross tons
4 occur in the Strait each year. Reliable, safe vessel transits are
5 vitally important to Washington state, the United States, and Canada.
6 The legislature finds that comprehensive measures to prevent oil spills
7 must be implemented in the Strait. The legislature further finds that
8 stationing a response tug at the west entrance to the Strait is a
9 critical component of such comprehensive measures, evidenced by the
10 fact that the seasonal tug stationed at Neah Bay has conducted more
11 than thirty assists since 1999. Because of the national significance
12 of this waterway and the national interest in preventing oil spills
13 there, the federal government should undertake to ensure that a year-
14 round response tug is stationed at the west entrance to the Strait,
15 either by providing sufficient federal funding for this purpose or to
16 require through federal regulation that the commercial shipping
17 interests benefiting from this service provide for a stationed tug.
18 The legislature therefore directs the department of ecology to request
19 that federal agencies with jurisdiction seek to require or fund the
20 stationing of a response tug at such location, and seek reimbursement
21 for the funding provided by the state for this purpose commencing with
22 the fiscal year 2008 costs to the state.

23 NEW SECTION. **Sec. 2.** By September 1, 2008, the joint legislative
24 audit and review committee shall examine the funding mechanism for the
25 oil spill prevention and response programs. This study shall evaluate
26 the state's oil spill prevention, preparedness, and response programs
27 to compare the sources of oil spill risk with the funding mechanism.
28 The study shall include:

29 (1) A review of existing oil spill risk evaluations and qualitative
30 models, including:

31 (a) Evaluations or models for a risk evaluation framework,
32 considering such factors as volume of oil, time at sea, proximity to
33 water, organizational readiness, and damage done; and

34 (b) Evaluations or models for risk allocation, assessing how much
35 of the risk goes with the product and how much with where and how the
36 product is handled and who is handling it;

1 (2) A review of empirical data related to actual spill numbers,
2 spill volumes, spill locations, and other circumstances related to
3 individual spills;

4 (3) Comparisons of the risk allocation to the actual funding
5 contributed by sector; and

6 (4) Options to allocate the state's costs to the major risk
7 categories, by sector.

Passed by the House April 16, 2007.

Passed by the Senate April 12, 2007.

Approved by the Governor May 7, 2007.

Filed in Office of Secretary of State May 8, 2007.