



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Board of Pilotage Commissioners

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 17-11-125 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

WAC 363-116-301 New Revenue Collection

Hearing location(s):

2901 Third Avenue
1st Floor, Agate Conference Room
Seattle, WA 98121

Date: September 21, 2017 Time: 10:00 a.m.

Submit written comments to:

Name: Sheri J. Tonn, Chair
Address: 2901 Third Avenue, Suite 500, Seattle, WA 98121

e-mail BeverJ@wsdot.wa.gov
fax (206) 515-3906 by (date) September 18, 2017

Assistance for persons with disabilities: Contact

Shawna Erickson by September 18, 2017

TTY () _____ or (206) 515-3647

Date of intended adoption: September 21, 2017

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of this filing is to comply with legislative intent, through the passage of Engrossed Senate Bill 5096, by establishing a new WAC section, WAC 363-116-301 New Revenue Collection. ESB 5096 stipulates certain conditions in order for the Board to receive a transfer of funds from the State Multimodal Transportation Account solely for self-insurance liability premium expenditures. The new WAC outlines those conditions and directives.

Reasons supporting proposal:

Putting the mechanisms in place to collect the revenue needed to pay the self-insurance liability premium expenditures is necessary in order for the Board to show compliance with legislative intent thus prompting the State to transfer the funds from the Multimodal Transportation Account. Without the fund sources allocated by ESB 5069, the agency would be in financial crisis, putting the Board's mission to ensure against the loss of lives, loss of or damage to property and vessels, and to protect the marine environment by maintaining efficient and competent pilotage services in jeopardy.

Statutory authority for adoption: Chapter 88.16 RCW

Statute being implemented:

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, CITATION:

Katharine Sweeney vs. Board of Pilotage
Commissioners Cause Number
11-2-36792-4SEA in King County Superior
Court and Joint Motion to Dismiss the
Appeal in Cause No. 72664-1 in the
Washington County of Appeals

DATE
August 1, 2017

NAME (type or print)
Jaimie C. Bever

SIGNATURE

TITLE
Executive Director (Interim)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **August 01, 2017**

TIME: **10:37 AM**

WSR 17-16-140

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

The Board's self-insurance liability premium is comprised of monetary contributions from the BPC, Puget Sound Pilots and those vessels taking pilots in the Puget Sound Pilotage District. This new rule enforces the collection of revenue from all participants.

Name of proponent: (person or organization)

Board of Pilotage Commissioners

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Jaimie C. Bever	Seattle, WA	(206) 515-3887
Implementation....Jaimie C. Bever	Seattle, WA	(206) 515-3887
Enforcement.....Board of Pilotage Commissioners	Seattle, WA	(206) 515-3904

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

This was a legislative mandate. The application of the proposed language is clear in the description of the proposal and its anticipated effects and as well as the attached proposed new WAC language.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain:

RCW 34.05.328 does not apply to the adoption of these rules. The Washington State Board of Pilotage Commissioners is not a listed agency in RCW 34.05.328(5)(a)(i).

NEW SECTION

WAC 363-116-301 New revenue collection. With respect to the passage of Engrossed Senate Bill No. 5096 Section 108, the board of pilotage commissioners is appropriated one million one hundred thousand dollars from the multimodal transportation account solely for self-insurance liability premium expenditures. This appropriation is contingent upon three stipulated conditions:

(1) The Puget Sound pilots shall pay to the board, from its tariffs, one hundred fifty thousand dollars annually on July 1, 2017, and July 1, 2018. These amounts shall be deposited by the board into the pilotage account and used solely for the expenditure of self-insurance premiums;

(2) The board shall maintain the Puget Sound pilotage district pilotage tariff at the rate which became effective on January 1, 2017; and

(3) A self-insurance premium surcharge of sixteen dollars shall be added to each Puget Sound pilotage assignment on all vessels requiring pilotage in the Puget Sound pilotage district. The Puget Sound pilots shall remit the total amount of such surcharges generated to the board by the tenth of each month. The surcharge shall be in effect from July 1, 2017, through June 30, 2019. These amounts shall be in addition to those fees to be paid to the board pursuant to subsection (1) of this section and shall be deposited by the board into the pilotage account solely for the expenditure of self-insurance premiums.

These three directives are in effect beginning May 18, 2017, through June 30, 2019.