



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: June 03, 2019

TIME: 11:05 AM

WSR 19-12-070

Agency: Board of Pilotage Commissioners

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) July 1, 2019

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☒ Yes ☐ No If Yes, explain: The BPC is complying with the legislative intent through the passage of Engrossed Substitute House Bill 1160, which stipulates certain conditions in order for the BPC to receive state appropriation from the pilotage account solely for self-insurance liability premium expenditures.

Purpose: To amend WAC 363-116-301 New Revenue Collection in order to define ESHB 1160 conditions and directives.

Citation of rules affected by this order:

New:
Repealed:
Amended: 363-116-301
Suspended:

Statutory authority for adoption: Chapter 88.16. RCW

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Without the mechanisms in place to collect the revenue needed to pay the self-insurance liability premium expenditures, the agency will be in financial crisis, putting the BPC'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.

Note: If any category is left blank, it will be calculated as zero.
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	1	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New _____ Amended _____ Repealed _____

The number of sections adopted on the agency's own initiative:

New _____ Amended 1 Repealed _____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New _____ Amended _____ Repealed _____

The number of sections adopted using:

Negotiated rule making: New _____ Amended _____ Repealed _____

Pilot rule making: New _____ Amended _____ Repealed _____

Other alternative rule making: New _____ Amended 1 Repealed _____

Date Adopted: May 16, 2019

Name: Jaimie C. Bever

Title: Executive Director

Signature:



AMENDATORY SECTION (Amending WSR 17-20-009, filed 9/22/17, effective 10/23/17)

WAC 363-116-301 New revenue collection. With respect to the passage of Engrossed ~~((Senate Bill No. 5096))~~ Substitute House Bill No. 1160, Section 108, the board of pilotage commissioners is appropriated ~~((one million one hundred thousand))~~ three million one hundred twenty-five thousand dollars from the ~~((multimodal transportation))~~ pilotage account state appropriation solely for self-insurance liability premium expenditures. This appropriation is contingent upon ~~((three))~~ two 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))~~ 2019, and July 1, ~~((2018))~~ 2020. These amounts shall be deposited by the board into the pilotage account and used solely for the expenditure of self-insurance premiums; and

(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))~~ 2019, through June 30, ~~((2019))~~ 2021. 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))~~ two directives are in effect beginning May ~~((18, 2017))~~ 16, 2019, through June 30, ~~((2019))~~ 2021.