

VETO MESSAGE ON HB 1027-S.E

May 15, 1991

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 306, 1005, and 1117, Engrossed Substitute House Bill No. 1027 entitled:

"AN ACT Relating to oil and hazardous substances."

Existing state law establishes penalties for any person who negligently discharges oil into Washington's waters. Section 306 of this bill qualifies this standard by stating that an employee shall be indemnified by the owner or operator of a facility or covered vessel for any penalty resulting from a negligent discharge of oil by the employee. I am vetoing this section for three reasons. First, this penalty provision has been state law for over 20 years. Current law should not be relaxed if no problems have been identified. Second, there is no valid policy reason to exempt from penalty an employee, including a pilot or ship captain, who negligently discharges oil. Third, this section creates a special class of individuals who get special protection under the law. Others who are not employees of facilities or vessels do not get the same special treatment and are liable for penalties for the negligent discharge of oil. The veto of section 306 restores current law.

Under existing state law, the master of a vessel certifies in writing that the vessel meets certain safety requirements. If the certification is made, the pilot countersigns the certificate. If the certification is not made, the pilot must refuse to take the ship in. Section 1005 changes this requirement. There appears to be no justification for this change. Without sufficient justification, current responsibilities of masters and pilots to ensure vessel safety should be maintained.

Section 1117 states that this bill is null and void unless specific funding is provided in the omnibus appropriations act. This section conflicts with Section 1119 which declares an emergency. There is much work to do to implement this important bill and to protect Washington's marine waters from the threat of oil spills. Agencies need to begin that work now.

With the exception of sections 306, 1005, and 1117, Engrossed Substitute House Bill No. 1027 is approved.

Respectfully submitted,  
Booth Gardner  
Governor