

1027-S

Sponsor(s): House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Phillips, Heavey, Anderson, Basich, Vance, Wineberry, Wilson, R. Johnson, Wang, Sprenkle, Spanel, Miller, Ogden, Jones, Prentice, Leonard, Inslee, Fraser, R. King, D. Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Roland, Hine, Winsley, Rasmussen, Appelwick and Brekke)

Brief Description: Adopting oil and hazardous substance spill prevention and response provisions.

HB 1027-S.E - DIGEST

(DIGEST AS ENACTED)

Establishes the office of marine safety.

Specifies the duties and responsibilities of the office.

Directs the division of emergency management to establish and manage the state oil incident response training and education program to provide approved classes in hazardous substance response.

Requires all covered vessels entering the navigable waters of the state to be inspected to assure they comply with all applicable state and federal standards.

Requires each onshore and offshore facility and covered vessel to prepare and submit an oil spill prevention plan to the state.

Requires notification of accidents and near miss incidents.

Directs the department of ecology to establish regional marine safety committees for the Strait of Juan de Fuca/Puget Sound and Grays Harbor/Pacific Coast.

Provides for the creation of a governor's advisory committee to provide independent judgment of the actions regarding oil spills.

Revises requirements for operation of oil tankers in state waters.

Designates the crimes of reckless operation of a vessel, negligent operation of a vessel, and operation of a vessel while under the influence of liquor or drugs.

Revises financial responsibility requirements for violation of the act.

Levies an oil spill prevention tax to provide for oil spill prevention, response, and cleanup.

Creates the state oil spill administration account and makes appropriations to carry out the purposes of the act.

Creates a marine oversight board.

Revises provisions regulating pilotage activities.

Requires a study of hazardous substance transportation issues.

Designates the state maritime commission as the marine spill response commission.

Repeals various provisions.

VETO MESSAGE ON HB 1027-S

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