

VETO MESSAGE ON HB 1231-S

June 30, 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 35, page 16, lines 13 through 22, 36(1), page 17, lines 12 through 15 beginning with the word "Upon" and ending with "implementation," 45, 54, 55, 56, 57(2), 58, 59, and section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee" Engrossed Substitute House Bill No. 1231 entitled:

"AN ACT Relating to transportation appropriations."

My reasons for vetoing these sections are as follows:

Section 35, page 16, lines 13 through 22, Department of Personnel Study

Section 35, page 16 lines 13 through 22 directs a joint study conducted by the Office of Financial Management, the Department of Personnel, and the Department of Transportation. This study would determine if personnel training, education, recruitment, and retention services rendered to the Department of Transportation by the Department of Personnel are sufficient. A comprehensive evaluation of the Department of Personnel has already been initiated with the findings incorporated in the Work Force 2000 report. This legislation duplicates that ongoing evaluation of personnel services by the Office of Financial Management and the Department of Personnel. For several years, my executive request legislation proposing solutions to improving the personnel system has been ignored by the Legislature.

No funding for this study has been provided in either the transportation or operating budgets. I continue my commitment to an overall statewide solution and will direct the Office of Financial Management and Department of Personnel to attempt, to the extent possible within existing resources, to resolve the problems which have been identified.

Section 36(1), page 17, lines 12 through 15, the sentence beginning with the word "Upon" and ending with "implementation." Amtrak Service Improvements

When the transportation revenue bill was developed, there was an agreement that the transit residual was to be left in reserve until a review of priorities and efficiencies were completed. Specifically, the review included the following studies: (1) Programming a Prioritization Study; (2) Cost Responsibility Study; (3) Public Transportation Study. Further, it was envisioned that the results of the Growth Strategy Commission recommendations would be integrated into a multi-modal approach to transportation. The appropriations of the Transportation Fund contained in this section violate this agreement.

Section 36(1) gives the Legislative Transportation Committee the authority to require the Department of Transportation to submit to the committee a program to improve Amtrak service in Washington and to withhold expenditure of funds for program implementation until approval by the Legislative Transportation Committee.

In addition to violating the agreement regarding use of the Transportation Fund, I am vetoing this item because it is an inappropriate application of executive power by the Legislative Transportation Committee. It is inappropriate for the Legislature to delegate to a single committee the authority to adopt or reject a new program and allow it to exercise a legislative veto of these expenditures. Further, this would occur without opportunity for executive review or veto. Clearly, the Legislature and specific committees may require consultation in which clarification of legislative intent can be achieved, but it may not provide the discretion that combines both legislative and executive powers. To do so violates the concept of separation of powers.

Section 45, page 26, Revolving Funds

Section 45 requires that the Legislative Transportation Committee give prior approval for expenditures above what is "assumed" to be included in the transportation budget for services provided through revolving funds to the Washington State Patrol and the Department of Licensing. These services include those provided by the Department of Personnel, tort claim administrative costs and other legal costs, and audit services. This provision oversteps the boundary of legislative authority and would effectively create a legislative veto.

Section 54, pages 31 through 35, Information Technology Projects

Section 54 establishes significant additional requirements for agency information technology projects and increases agency workload without reducing existing reporting and planning requirements. The requirements for planning and reporting that would be established by the proviso overrule the existing process. These additional requirements do not improve the likelihood of project success. The proviso also has the result of establishing different standards for information projects in agencies receiving transportation funding from the standards applied to other agencies, which would increase the difficulty of establishing statewide information sharing. The proviso impinges upon the statutory responsibilities of the Office of Financial Management to conduct the budget process by interposing the Legislative Transportation Committee between an agency budget request and the Office of Financial Management. The establishment of a process by which a legislative committee encroaches upon the budgetary responsibilities of the executive branch is unacceptable.

Section 55, page 35 Growth Management Coordination

Section 55 requires the Department of Transportation to "...identify and coordinate all growth management functions." It further states that "Such functions shall cease to exist on June 30, 1995." This language is vague and the intent unclear.

Section 56, pages 35 and 36, Attorney General Tort Claims

Section 56 subsection (6) contains language that requires the Attorney General to submit in a yearly report to the Legislative Transportation Committee a summary of all settlement offers made by the parties where a verdict is rendered against the state. This provision makes the settlement offers public information. This provides a road map to the state's negotiating strategy which puts the state at a disadvantage against claimant's attorneys. While those who have legitimate tort claims against the state are entitled to reasonable compensation, the state also has an obligation to settle claims without unnecessary and unjustified costs to the taxpayers of the state.

The Attorney General's office has requested a veto of this section based on the concern noted above. The Attorney General's office has also stated its willingness to provide the Committee with a yearly report covering the elements in subsections (1) through (5) and, if additional resources are provided, cost data as specified in subsection (7).

Section 57(2), page 37, State Patrol Headquarters Design

This subsection is unnecessary because funding for this project is included in Engrossed Substitute House Bill No. 1427.

Section 58, page 39, Transportation Salary Increases

This section duplicates the language contained in Section 712(4) of Engrossed Substitute House Bill No. 1330. Unlike the provision in the operating budget, this section contains no funding.

Section 59, page 39 and 40, State Patrol Equipment Account

Section 59 would establish a State Patrol Equipment Account to finance and acquire equipment used for State Patrol highway-related purposes. In this account, users would be charged for depreciation and use of the equipment. The bill would also require the patrol to report to the Legislative Transportation Committee and the Office of Financial Management the kinds of equipment and the replacement schedules to be included in the account and financing alternatives.

Because the critical definitions are not established, this mechanism could result in increased user-fees in advance of a full understanding of the implications to users. These issues need to be worked out before changing state statutes.

Section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee." High Occupancy Vehicle Requirement

Section 67 requires two persons as the minimum number of occupants per vehicle for HOV lane use on limited access freeways unless operating conditions in the lane fall below level of service "C" during peak hours over 12 continuous months. The current definition of carpools allowed to use HOV lanes is determined by evaluation of operating conditions. The definition and evaluation are appropriately performed by the Department of Transportation. The public is better served by allowing the Department of Transportation to retain flexibility in this area.

With the exception of sections 35, page 16, lines 13 through 22, 36(1), page 17, lines 12 through 15 beginning with the word "Upon" and ending with "implementation," 45, 54, 55, 56, 57(2), 58, 59, and section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee" Engrossed Substitute House Bill No. 1231 is approved.

Respectfully submitted,
Booth Gardner
Governor