

HB 2658-S2.E - DIGEST

(DIGEST AS ENACTED)

Implements portions of the department of commerce plan that establishes a mission of growing and improving jobs and recognizes the need for an innovation-driven economy.

Directs additional efficiencies in state government and directs development of a statewide clean energy strategy.

Transfers powers, duties, and functions of the department of commerce pertaining to: (1) County public health assistance and the developmental disabilities endowment to the department of health;

(2) Administrative and support services for the state building code council to the department of general administration; and

(3) The drug prosecution assistance program to the criminal justice training commission.

Transfers administrative powers, duties, and functions of the department of commerce pertaining to the energy facility site evaluation council to the utilities and transportation commission.

Abolishes the municipal research council and transfers its powers, duties, and functions to the department of commerce.

VETO MESSAGE ON E2SHB 2658

April 1, 2010

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 404, Engrossed Second Substitute House Bill 2658 entitled:

"AN ACT Relating to refocusing the mission of the department of commerce, including transferring programs."

Section 404 of Engrossed Second Substitute House Bill 2658 outlines ways the state energy strategy must identify administrative actions, regulatory coordination, and legislative recommendations that need to be undertaken to ensure that the energy strategy is implemented and operationally supported by all state agencies and regulatory bodies responsible for implementation of energy policy in the state. I strongly agree with the intent of this section. However, a subsection in Section 404 provides that the Legislature shall, by concurrent resolution, approve or

recommend changes to the energy strategy and updates. Such provisions create ambiguities that may impede the Department of Commerce in the performance of its duties.

As this bill recognizes, the energy strategy is the primary guidance for implementation of the state's energy policy and should be an integrated document that includes proposed executive actions under existing law as well as any proposals for new legislation. Section 404 could be read to require legislative approval before the Department undertakes any actions that are included in the strategy. Executive actions authorized by existing law should not be subject to legislative approval, as such a requirement would infringe upon the right and ability of the executive branch to execute the laws. Therefore, I will direct the Department to undertake activities outlined in Section 404 while retaining the authority to implement existing laws without a requirement for additional legislative approval.

For these reasons I have vetoed Section 404 of Engrossed Second Substitute House Bill 2658.

With the exception of Section 404, Engrossed Second Substitute House Bill 2658 is approved.

Respectfully submitted,
Christine Gregoire
Governor