

VETO MESSAGE ON SB 5972-S

May 28, 1993

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, page 2, lines 1 through 4; 2(2); 2(3); 25(2), page 13, lines 24 through 27; 34, page 17, line 35 through page 18, line 21; and 53, page 25 and 26 of Second Engrossed Substitute Senate Bill No. 5972 entitled:

"AN ACT Relating to transportation appropriations;"

My reasons for vetoing these sections are as follows:

Section 1, page 2 lines 1 through 4, Expenditure Prohibition

This provision prohibits funds appropriated in the transportation budget from being used for legislation that was not heard by either of the transportation committees. I am concerned that this administrative restriction creates a bad precedent, and that several essential bills would meet this criteria. For example, because Substitute Senate Bill No. 5968, the omnibus budget bill, and Engrossed Substitute Senate Bill No. 5888, the retirement system bill, were not heard before either of the transportation committees, it is possible that none of the funding provided in the transportation budget bill could be used for State Patrol retirement and other transportation agency health benefits. This would cause an unacceptable disruption in retirement and health system funding for transportation agencies.

In addition, this language would keep the Department of Licensing from implementing the provisions of Substitute House Bill No. 1741, which toughen the penalties against people who ignore traffic tickets. This veto will permit the Department of Licensing to operate the program with existing funds until a supplemental can be considered next session.

Section 2(2), Abolishment of the Traffic Safety Commission

Section 2(2) would abolish the Traffic Safety Commission as of July 1, 1994 and place the Commission's responsibilities into an existing transportation agency. The Traffic Safety Commission provides a valuable multidisciplinary approach to addressing the state's traffic safety issues. Placing the agency into an existing transportation agency would risk losing the independence and broad vision that make the Commission an effective force in reducing traffic fatalities and injuries. Traffic safety is a multidimensional problem, and the current structure of the Commission helps bring together the Department of Transportation's engineering knowledge, the State Patrol's enforcement experience, the Department of Licensing's testing and record keeping activities, the Superintendent of Public Instruction's curriculum guidance, and the Department of Health's data on injuries and fatalities. Having an independent commission unencumbered by a single agency perspective contributes to the effectiveness of the Commission's activities.

Section 2(3), Proviso for \$175,000 Highway Safety Fund-Federal To Be Spent For The Law and Justice Program And Move The Activity From The Department of Licensing To The Traffic Safety Commission.

Section 2(3) moves the Department of Licensing's law and

justice program to the Traffic Safety Commission which, in turn, would be slated for elimination under the transportation budget. The program coordinates driver information, such as DWI suspensions and changes in traffic laws, between law enforcement agencies and the courts.

I am vetoing Section 2(3) for several reasons. First, the program belongs in the Department of Licensing and not in the Traffic Safety Commission or, if not for the veto of Section 2(2), within yet another transportation agency in the second half of the 1993-95 Biennium. Second, the amount of funds provided is a full biennial amount, yet the bill calls for its expenditure in one year. This would be a waste of money that could otherwise be used to address critical traffic safety needs of the state. Third, because the activity began as a federally funded pilot project, the proviso is a clear supplantation of federal funds. Finally, the directive is counter to the federally prescribed priority-setting process for the identification of traffic safety problems.

Section 25(2), page 13 beginning on line 24 through line 27, WSDOT - Highway Management and Facilities

This subsection calls for Legislative Transportation Committee approval of a study on the current environmental efforts used at the Department of Transportation and implementation of the study recommendations, including any suggested organizational changes, to maximize the effectiveness of the agency's environmental activities. I support the study, but implementation of the study recommendations is the responsibility of the Transportation Commission and the Secretary of Transportation. Giving administrative responsibility to the Legislative Transportation Committee to control implementation of the study findings would blur the lines of executive responsibility and legislative oversight. This veto maintains the study but gives the implementation authority back to the Department. I recommend that the Transportation Commission present the final report and implementation recommendations for review to the Office of Financial Management and to the Legislative Transportation Committee no later than December 15, 1993.

Section 34, page 17 starting on line 35 through line 21 on page 18, Charges From Other Agencies

Section 34 includes an overall appropriation for revolving fund changes and nine provisos that specify line item appropriations for the individual revolving fund charges to the Department of Transportation. The total appropriation amount is sufficient to meet all the estimated obligations; however, the line items provide too much money for some revolving fund agencies and too little for others. The individual line item provisos are overly cumbersome and limit the Department of Transportation's flexibility to meet all anticipated obligations in 1993-95 Biennium.

Section 53, page 25 and 26, Efficiency Commission Study of Revolving Fund Charges

This section calls for a Washington State Efficiency and Accountability in Government Commission study of revolving fund charges to transportation agencies. No funding has been provided in either the transportation or the operating budgets. I am

committed to an overall statewide understanding of the revolving fund services and billing procedures. A study of revolving fund services and billing methodology to only transportation agencies is too limiting. To the extent possible within existing resources, I will direct the Office of Financial Management to review the operation of revolving funds across state government.

With the exceptions of sections 1, page 2, lines 1 through 4; 2(2); 2(3); 25(2), page 13, lines 24 through 27; 34, page 17, line 35 through page 18, line 21; and 53, page 25 and 26, Second Engrossed Substitute Senate Bill No. 5972 is approved.

Respectfully submitted,
Mike Lowry
Governor