

VETO MESSAGE ON HB 2231-S

May 19, 2003

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 705, Engrossed Substitute House Bill No. 2231 entitled:

"AN ACT Relating to transportation and financing;"

Engrossed Substitute House Bill No. 2231 is the transportation revenue bill that will support the new transportation projects and programs appropriated in Engrossed Substitute House Bill No. 1163, the 2003-05 transportation budget.

In approving and signing this bill, with the exception of section 705 as noted below, I am acting on the understanding that the Washington Constitution exempts this bill from a referendum petition, and that the legislature in enacting the bill did not intend that it be subject to referendum. The legislature could not have considered the bill subject to referendum because it declared most sections of the act effective on July 1, 2003. Any other view would be inconsistent with the Washington Constitution, which provides that no bill subject to referendum shall take effect until ninety days after adjournment of the session during which it was enacted.

In addition, the bill contains a legislative finding that the state's transportation system is in critical need of repair, restoration, and enhancement, and that the revenues generated by this act are necessary for state transportation projects and services. Although an initiative can propose new legislation on almost any subject, under the Washington Constitution a referendum petition cannot suspend the operation of a law necessary for the immediate preservation of the public peace, health or safety, or the support of state government and its existing public institutions.

Part V of this bill provides that for a fee of twenty dollars, vehicle owners may retain their current license plate number upon replacement. Part V also sets fees for the Department of Licensing design of special license plates. The fees generated by Part V are to be deposited into the multimodal transportation account. Section 705 of this bill would have provided that these provisions are null and void if House Bill No. 2065, an act relating to license plate technology, becomes law by June 30, 2003. Given that I prefer the distribution of the fee revenues in Part V of this bill to that prescribed by House Bill No. 2065, I have vetoed section 705.

For this reason, I have vetoed section 705 of Engrossed Substitute House Bill No. 2231.

With the exception of section 705, Engrossed Substitute House Bill No. 2231 is approved.

Respectfully submitted,
Gary Locke
Governor