

VE TO MESSAGE ON ESHB 2687

April 1, 2008

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

Ladies and Gentlemen:

I am returning, without my approval as to Sections 103(14); 113(2); 114(2); 123(6); 123(12); 125(41); 125(62); 125(76); 125(78); 125(84); 127(11); 127(12); 147(5); 202(26); 202(27); 202(33); 202(34); 202(36); 203(9); 204(1)(u); 204(3)(b); 204(4)(b); 206(21); 209(29); 211, page 135, lines 30-35; 212(10); 216, page 143, lines 20-27; 218(19); 218(20); 222(37); 222(46); 222(51); 222(53); 224(1)(h); 224(1)(i); 302(27); 302(32); 302(33); 302(37); 302(39); 303(18); 307(31); 307(32); 307(44); 308(27); 311(5); 501(2)(a)(vi); 501(2)(a)(x); 501(2)(c)(xv); 501(2)(c)(xvi); 501(2)(c)(xviii); 507(4); 507(5); 507(6); 511(46); 511(48); 601(2); 605(14); 605(23); 605(24); 606(23); 606(24); 606(26); 606(27); 607(19); 607(22); 607(23); 608(7); 609(8); 610(13); 610(18); 611(9); 611(10); 612(8); 612(9); 613(9); and 906, Engrossed Substitute House Bill 2687 entitled:

"AN ACT Relating to fiscal matters."

I am vetoing the following sections because I disagree with the overall policy or direction, or for technical reasons that include alignment with vetoed bills, or bills that did not pass, drafting errors, and conflicts with existing statutes.

**Section 114(2), page 16, Office of the Governor, Implementation of SB 6313 (disability history)**

Funds were added to implement Senate Bill 6313, but the bill does not add duties to the Office of the Governor.

**Section 123(12), pages 26-27, Attorney General, SSB 6385 (real property)**

This proviso funds implementation of Substitute Senate Bill 6385 pertaining to real property, and stipulates that the appropriation shall lapse if the bill is not enacted. The Legislature did not pass the bill.

**Section 125(84), page 48, Department of Community, Trade and Economic Development, Implementation of ESSB 5959 (Transitional Housing)**

The proviso provides funds to administer the Transitional Housing Operating and Rent program if certain sections of Engrossed Substitute Senate Bill 5959 are enacted. The referenced sections were not included in the final version of the bill.

**Section 127(11), page 52, Office of Financial Management, Implementation of E2SHB 2631 (Office of Regulatory Assistance)**

This proviso funds the implementation of Engrossed Second Substitute House Bill 2631. The Legislature did not pass the bill.

**Section 127(12), page 52, Office of Financial Management, Tracking I-960 Costs**

The proviso requires the Office of Financial Management (OFM) to track all expenditures and FTE utilization in state government related to the responsibilities of Initiative 960, and to report to the fiscal committees of the Legislature by November 1, 2008. Although OFM is tracking its own expenditures, the majority of work in other agencies has already taken place so an additional expense of recreating records would be incurred throughout government.

**Section 206(21), page 116, Department of Social and Health Services Aging and Adult Services, Long Term Care Worker Certification and Training**

This proviso funds Engrossed Substitute House Bill 2693 relating to long-term care worker certification and training, and stipulates that the appropriation will lapse if the bill is not enacted. The Legislature did not pass the bill.

**Section 211, page 135, lines 30-35, Department of Social and Health Service Special Commitment Center Program, Commitment Center Calls**

This proviso funds implementation of Substitute House Bill 2756, pertaining to commitment center calls, and stipulates that the appropriation will lapse if the bill is not enacted. The Legislature did not pass the bill.

**Section 216, page 143, lines 20-27, Board of Industrial Insurance Appeals, E2SHB 3139 (industrial insurance benefits on appeal)**

The proviso funds the Board of Industrial Insurance Appeals to implement Engrossed Second Substitute House Bill 3139. However, the proviso requires the funds be used solely for the payment of benefits. The Board of Industrial Insurance Appeals adjudicates appeals but does not pay benefits, so it will be unable to use these funds to implement the bill.

**Section 218(19), page 151, Department of Labor and Industries, ESSB 5831 (HVAC and refrigeration)**

The proviso funds the Department of Labor and Industries to implement Engrossed Substitute Senate Bill 5831. However, the final version of the bill requires no additional money.

**Section 218(20), page 151, Department of Labor and Industries, E2SHB 3139 (industrial insurance benefits on appeal)**

The proviso funds the Department of Labor and Industries to implement Engrossed Second Substitute House Bill 3139. However, the funds are from the appropriated accident and

medical aid accounts and the proviso requires the funds be used solely for the payment of benefits. The appropriated accident and medical aid accounts are the administrative accounts the Department uses for its industrial insurance operations and not for the payment of benefits. Benefits are paid from the non-appropriated portion of the accident and medical aid funds, so the department will be unable to use the funds provided to implement the bill.

**Section 222(53), pages 165-166, Department of Health, Long Term Care Worker Certification and Training**

This proviso funds Engrossed Substitute House Bill 2693, relating to long-term care worker certification and training, and stipulates that the appropriation will lapse if the bill is not enacted. The Legislature did not pass the bill.

**Section 224(1)(h), pages 168-169, Department of Corrections Administration and Support Services, Advisory Committee**

This proviso requires the Department of Corrections to establish the offenders in families advisory committee. The Department currently has voluntary family committees at each institution, making this requirement unnecessary.

**Section 224(1)(i), pages 169-170, Department of Corrections Administration and Support Services, McNeil Island Corrections Center Closure Evaluation**

This proviso requires the Department of Corrections to study the costs and benefits of closing McNeil Island Corrections Complex, but no funding is provided.

**Section 302(32), page 189, Department of Ecology, E2SHB 3186, Beach Management Districts**

I have vetoed the portion of Engrossed Second Substitute House Bill 3186 that places new requirements on state agencies for technical assistance, coordination, monitoring and assessment. Therefore, the funds will not be needed.

**Section 302(33), page 189, Department of Ecology, 2SHB 3227, Hood Canal Water Quality**

This proviso funds implementation of Second Substitute House Bill 3227, pertaining to Hood Canal Water Quality. The Legislature did not pass this bill.

**Section 302(37), page 190, Department of Ecology, E2SSB 6502, Release of Mercury**

This proviso funds implementation of Engrossed Second Substitute Senate Bill 6502 pertaining to Release of Mercury, and stipulates that the appropriation will lapse if the bill is not enacted. The Legislature did not pass the bill.

**Section 302(39), page 190, Department of Ecology, ESSB 6308, Climate Change Research, Preparation, and Adaptation**

This proviso funds implementation of Engrossed Substitute Senate Bill 6308, pertaining to Climate Change Research,

Preparation, and Adaptation, and stipulates that the appropriation will lapse if the bill is not enacted. The Legislature did not pass the bill.

**Section 307(31), pages 204-205, Department of Fish and Wildlife, E2SHB 3186, Beach Management Districts**

I have vetoed the portion of Engrossed Second Substitute House Bill 3186 that places new requirements on state agencies for technical assistance, coordination, monitoring and assessment. Therefore, the funding is not needed.

**Section 307(32), page 205, Department of Fish and Wildlife, Damage to Livestock by Wildlife**

This proviso requires the Department of Fish and Wildlife to compensate commercial livestock owners for damage caused by wildlife. While I appreciate the financial needs of livestock owners, the Department has no statutory authority to provide this type of compensation.

**Section 307(44), pages 206-207, Department of Fish and Wildlife, SSB 6307, Puget Sound Marine Managed Areas**

This proviso funds implementation of Substitute Senate Bill 6307 pertaining to Puget Sound Marine Managed Areas. It stipulates that the appropriation will lapse if the bill is not enacted. The Legislature did not pass the bill.

**Section 308(27), page 213, Department of Natural Resources, E2SHB 3186, Beach Management Districts**

I have vetoed the portion of Engrossed Second Substitute House Bill 3186 that places new requirements on state agencies for technical assistance, coordination, monitoring and assessment so the funding is not needed.

**Section 311(5), page 218, Puget Sound Partnership, SSB 6307, Puget Sound Marine Managed Areas**

This proviso funds implementation of Substitute Senate Bill 6307 pertaining to Puget Sound Marine Managed Areas. It stipulates that the appropriation will lapse if the bill is not enacted. The Legislature did not pass the bill.

**Section 501(2)(a)(x), pages 235-236, Superintendent of Public Instruction, E2SHB 2712 (Criminal Street Gangs)**

Engrossed Second Substitute House Bill 2712 pertaining to criminal street gangs does not include provisions requiring the Office of the Superintendent of Public Instruction (OSPI) to create a brochure based on the recommendations of the task force on gangs. Therefore, OSPI does not need \$180,000 for development, translation, and printing of brochures.

**Section 501(2)(c)(xvi), pages 239-240, Superintendent of Public Instruction, PSAT**

This appropriation provides reimbursement to school districts for costs associated with offering the Preliminary Scholastic Aptitude Test (PSAT) to tenth grade students. While this test

may provide students some information about their readiness for the SAT and college preparedness, it is a new approach that has not been tested in Washington. There are other efforts already under way, such as the mathematics college readiness assessment, which has shown promising results in Washington schools to influence students' course-taking decisions and preparedness for college-level work.

**Section 501(2)(c)(xviii), page 240, Superintendent of Public Instruction, Dual Credit Workgroup**

This proviso adds funding for the Office of Superintendent of Public Instruction (OSPI) to convene a multi-agency workgroup regarding statewide coordination of dual credit programs, such as Running Start and Advanced Placement. Because this is a fundamental responsibility of all agencies involved in dual credit programming, they do not require additional funding to conduct this planning and analysis. I am asking that OSPI, the State Board for Community and Technical Colleges, representatives from public four-year institutions of higher education, the Workforce Training and Education Coordinating Board, the Council of Presidents, and the Higher Education Coordinating Board work together, with input from local programs, to develop a statewide coordinated plan for dual credit programs.

**Section 507(4), page 264, Superintendent of Public Instruction--Educational Service Districts, Reading Improvement Specialist, pursuant to E2SSB 6673 (Student Learning Opportunities)**

This proviso adds \$876,000 for reading improvement specialists at the Educational Service Districts. Reading was an early focus for school improvement efforts. A number of programs and services continue to focus on improving reading achievement, such as Reading First federal grants; Reading Corps; and district-focused activities with federal Title I, state Learning Assistance Program, and other sources. The Office of the Superintendent of Public Instruction also has used federal Title II funds to provide targeted professional development in reading instruction for secondary schools.

**Section 507(5), page 264, Superintendent of Public Instruction--Educational Service Districts, Outreach to Community-Based Organizations, pursuant to E2SSB 6673 (Student Learning Opportunities)**

This proviso appropriates funds to Educational Service Districts to develop and provide a program of outreach to community-based programs and organizations that are serving non-English speaking segments of the population, as well as those programs that target groups of students that are struggling academically. This idea should be considered within the context of the studies, funded in other parts of this

budget and due this December, that will analyze and make recommendations on how to close the achievement gap.

**Section 511(46), page 285, Superintendent of Public Instruction--Education Reform, Career Opportunities pursuant to E2SSB 6673 (student learning opportunities)**

This proviso appropriates funding for a grant program to school districts to provide summer school funding for middle and high school students to explore career opportunities in math, science, and technology. Similar programs are already offered by school districts, skills centers and private organizations. One exciting opportunity initiated in 2006 is the Washington Aerospace Scholars, a statewide partnership through the Washington Aerospace Scholars Foundation with The Museum of Flight, schools, and business partners. The program gives high school students the opportunity to participate in hands-on engineering activities, tour facilities at Boeing, the University of Washington, Microsoft and Battelle, receive mentoring from astronauts, pilots, engineers and scientists, and conduct a project on Mars exploration.

**Section 601(2), pages 296-297, Higher Education, Salary Increases at Institutions of Higher Education**

There is a drafting error in this section, which could result in a policy change the Legislature did not consider.

**Child Care for Students**

**Section 605(14), page 309, State Board for Community and Technical Colleges, and**

**Section 613(9), page 343, Higher Education Coordinating Board**

Substitute House Bill 2582 takes the first step toward the goal of expanding child care by laying out a new matching grant procedure and allowing student governments at each college to raise funds through private donations. However, expanding the combined two- and four-year programs from \$100,000 per year to .1 million per year should be evaluated in the biennial budget process when it can be reviewed in context with existing child care programs.

**Section 605(23), page 311, State Board for Community and Technical Colleges, Adult Literacy Education**

This proviso directs the State Board for Community and Technical Colleges to convene a one-day summit on adult literacy and to conduct a media campaign to inform citizens about the availability of adult literacy programs and services. The Board should consider making adult literacy a feature of its media campaigns and convening a summit to inform the public on the status of its adult literacy programs within existing appropriations.

**Mental Health Staffing**

**Section 606(23), page 319, University of Washington**

**Section 607(19), page 324, Washington State University**

**Section 608(7), page 327, Eastern Washington University**  
**Section 609(8), page 330, Central Washington University**  
**Section 610(13), page 333, The Evergreen State College**  
**Section 611(10), page 338, Western Washington University**

Last year, I asked each higher education institution what campus safety issues were most important to them. We learned from national experts' recommendations following the Virginia Tech shooting. We learned more following the tragedy at Northern Illinois. My budget proposal funded critical equipment and technology to warn students at all campuses.

Instead, these provisos fund one mental health counselor for each institution, regardless of size. The community and technical colleges, home to the majority of our higher education enrollment, is excluded entirely. If an institution determines that a mental health counselor is the best investment for the institution, it can direct its own resources to this program. As part of their work pursuant to Second Substitute House Bill 2507 and Substitute Senate Bill 6328, I ask each four-year institution and the State Board for Community and Technical Colleges to develop prioritized lists of possible investments and any legislation required to make student safety a priority in the 2009 Session.

**Section 606(24), page 319, University of Washington, Biota Impacts from Low Dissolved Oxygen in Hood Canal**

Since 2003, Congressman Norm Dicks has sounded the alarm about the health of Hood Canal, securing federal funding to study the low dissolved oxygen content in Hood Canal. This allowed the University of Washington (UW) to create the Hood Canal Dissolved Oxygen program, which investigates the causes of the problem and, along with the Puget Sound Partnership, attempts to find a solution. Given the extensive work under way by the Partnership and the UW, we need to ensure that all funding for this problem works together, and that we do not duplicate efforts.

**Section 610(18), page 334, The Evergreen State College, Examine Data Gathered Through Sex Offender Address Verification Activities**

The Washington Association of Sheriffs and Police Chiefs (WASPC) is overseeing a program to verify the address and residency of all registered sex offenders and kidnapping offenders. As part of this program, WASPC will collect performance data from all participating jurisdictions to evaluate the efficiency and effectiveness of the address and residency verification program. In addition, the Institute for Public Policy at The Evergreen State College was tasked with assessing the prevalence of sex offenders who register as homeless as a means to avoid disclosing their residence. This analysis can be completed by WASPC in its administration of the program and assessment of its effectiveness.

**Section 612(8), page 340, Higher Education Coordinating Board, E2SHB 2783 (Education Transfer Articulation)**

Engrossed Second Substitute House Bill 2783 creates work groups and outlines tasks to improve student credit transferability among community and technical colleges and four-year institutions of higher education. While this focuses on the right problems, efforts already exist at the Higher Education Coordinating Board (HECB) and State Board for Community and Technical Colleges (SBCTC) in this area. I am asking the agencies to continue their work to develop ways to inform students, in clear language, about the transfer process and to address barriers to student transfers, especially for those transferring from technical programs or career schools. I also ask the HECB, SBCTC, and Washington Student Lobby to present proposals on transfer issues to the P-20 Council. Finally, I also want the HECB and SBCTC to refine and combine their plans for a web-based advising system.

**Section 612(9), page 340, Higher Education Coordinating Board, Prior Learning Work Group**

A barrier to the smooth transition from work to post-secondary education and training is how institutions evaluate and give credit for prior learning. The Higher Education Coordinating Board, State Board for Community and Technical Colleges, and Workforce Training and Education Coordinating Board have been working on this issue for years, and the State Board's prior learning assessment guidelines for colleges are an outgrowth of that work. I want these three agencies to continue working to ensure that prior learning is evaluated and utilized effectively at each campus, in each sector within existing resources.

**Section 906, page 376, Washington State Gambling Commission, Gambling Revolving Fund**

This section directs both the Gambling Commission and Office of Financial Management to address cash flow issues pursuant to RCW 43.88.050. However, the correct statutory reference is 43.88.260(2)(b).

Thoughtful choices and fiscal discipline are the keys to delivering what is most important to Washington's citizens. Saving money now will help Washington's students, families and seniors count on these investments being there for them in the future. A top priority for this budget must be maintaining a significant reserve. While the budget passed by the Legislature already left a notably high reserve of \$835 million, I have identified a number of items that, although valuable, are not essential to do right now. These are instances where there are additions to existing programs or new programs that are started that we may not be able to sustain. Vetoing these items now will help build an even



bigger reserve, and has an important impact on future budgets. That is why I am vetoing:

Section 103(14), pages 6-7, Joint Legislative and Audit Review Committee, Cost-Benefit Analysis of a State-Supported Recreational Facility.

Section 113(2), page 15, Office of Public Defense, Parents Representation Program Increase.

Section 123(6), page 26, Attorney General, Implementation of 2SHB 2479 (wireless number disclosure).

Section 125(41), page 40, Department of Community, Trade, and Economic Development, Additional Funds for Poulsbo Marine Science Center.

Section 125(62), page 44, Department of Community, Trade, and Economic Development, Airway Heights Wastewater Treatment Plant.

Section 125(76), page 47, Department of Community, Trade, and Economic Development, Study of Non-Foodstuff Products for Low Income Residents.

Section 125(78), page 47, Department of Community, Trade, and Economic Development, Regional Visitor/Media Pavilion at the 2010 Olympic Games.

Section 147(5), page 72, Military Department, Additional Funds for Washington Information Network 2-1-1.

Section 202(26), pages 83-84, Department of Social and Health Services - Children and Family Services Program, Clark County Pilot for Reactive Attachment Disorder.

Section 202(27), page 84, Department of Social and Health Services, Children and Family Services, Additional Home Support Specialists.

Section 202(33), page 85, Department of Social and Health Services, Children and Family Services, Implementation of SHB 2679 (students in foster care).

Section 202(34), page 85, Department of Social and Health Services, Children and Family Services, Additional Contracted Educational Advocacy Coordinators.

Section 202(36), page 85, Department of Social and Health Services, Children and Family Services, Multidimensional Treatment Foster Care Program.

Section 203(9), pages 89-90, Department of Social and Health Services Juvenile Rehabilitation Program, Family Incentive Pilot Program.

Section 204(1)(u), page 97, Department of Social and Health Services, Mental Health Program, Community Services/Regional Support Networks, Grants for Clubhouses.

Section 204(3)(b), page 100, Department of Social and Health Services, Mental Health Program, Special Projects, Study of Concentrations of People with Severe and Persistent Mental Illness in Counties Proximate to State Psychiatric Hospitals.

Section 204(4)(b), page 101, Department of Social and Health Services, Mental Health Program, Program Support, Implementation of Recommendations from the 2006 Joint Stakeholder Paperwork Reduction Project.

Section 209(29), page 134, Department of Social and Health Services, Medical Assistance Program, Additional Lead Blood Level Assessments.

Section 212(10), page 138, Department of Social and Health Services, Administration and Supporting Services, Family Policy Council New Network in Skagit County.

Section 222(37), page 163, Department of Health, Newborn Home Visits in Kitsap County.

Section 222(46), page 165, Department of Health, Outbreak Disease Information Network.

Section 222(51), page 165, Department of Health, Additional Methicillin Resistant Staphylococcus Aureus Surveillance and Testing.

Section 302(27), page 187, Department of Ecology, Groundwater Data Gap Analysis.

Section 303(18), page 194, State Parks and Recreation, Grants to the Mount Tahoma Trails Association.

Section 501(2)(a)(vi), pages 234-235, Superintendent of Public Instruction--Statewide Programs, Additional funding for Nonviolence and Leadership Training Program.

Section 501(2)(c)(xv), page 239, Superintendent of Public Instruction--Statewide Programs, Grants and Allocations, New Spanish and Chinese Language Instruction Pilot Programs.

Section 507(6), page 264, Superintendent of Public Instruction--Educational Service Districts, SHB 2679 (educational outcomes for students in foster care).

Section 511(48), page 286, Superintendent of Public Instruction--Education Reform, New Peninsula School District Chinese Exchange Program.

Section 605(24), page 311, State Board for Community and Technical Colleges, Increased Online Library Resources.

Section 606(26), page 319, University of Washington, Undergraduate or Graduate Fellows in Overseas International Trade Offices.

Section 606(27), page 319, University of Washington, Additional Funding for State Climatologist.

Section 607(22), page 325, Washington State University, Additional funding for Renton Small Business Development Center.

Section 607(23), page 325, Washington State University, Urban Integrated Pest Management.

Section 611(9), page 338, Western Washington University, Expand Mentoring Program for Middle and High School Students.

For these reasons, I have vetoed Sections 103(14); 113(2); 114(2); 123(6); 123(12); 125(41); 125(62); 125(76); 125(78); 125(84); 127(11); 127(12); 147(5); 202(26); 202(27); 202(33); 202(34); 202(36); 203(9); 204(1)(u); 204(3)(b); 204(4)(b); 206(21); 209(29); 211, page 135, lines 30-35; 212(10); 216, page 143, lines 20-27; 218(19); 218(20); 222(37); 222(46); 222(51); 222(53); 224(1)(h); 224(1)(i); 302(27); 302(32); 302(33); 302(37); 302(39); 303(18); 307(31); 307(32); 307(44); 308(27); 311(5); 501(2)(a)(vi); 501(2)(a)(x); 501(2)(c)(xv); 501(2)(c)(xvi); 501(2)(c)(xviii); 507(4); 507(5); 507(6); 511(46); 511(48); 601(2); 605(14); 605(23); 605(24); 606(23); 606(24); 606(26); 606(27); 607(19); 607(22); 607(23); 608(7); 609(8); 610(13); 610(18); 611(9); 611(10); 612(8); 612(9); 613(9); and 906 of Engrossed Substitute House Bill 2687.

With the exception of Sections 103(14); 113(2); 114(2); 123(6); 123(12); 125(41); 125(62); 125(76); 125(78); 125(84); 127(11); 127(12); 147(5); 202(26); 202(27); 202(33); 202(34); 202(36); 203(9); 204(1)(u); 204(3)(b); 204(4)(b); 206(21); 209(29); 211, page 135, lines 30-35; 212(10); 216, page 143, lines 20-27; 218(19); 218(20); 222(37); 222(46); 222(51); 222(53); 224(1)(h); 224(1)(i); 302(27); 302(32); 302(33); 302(37); 302(39); 303(18); 307(31); 307(32); 307(44); 308(27); 311(5); 501(2)(a)(vi); 501(2)(a)(x); 501(2)(c)(xv); 501(2)(c)(xvi); 501(2)(c)(xviii); 507(4); 507(5); 507(6); 511(46); 511(48); 601(2); 605(14); 605(23); 605(24); 606(23); 606(24); 606(26); 606(27); 607(19); 607(22); 607(23); 608(7); 609(8); 610(13); 610(18); 611(9); 611(10); 612(8); 612(9); 613(9); and 906, Engrossed Substitute House Bill 2687 is approved.

Respectfully submitted,  
Christine Gregoire  
Governor