

VETO MESSAGE ON ESSB 5352

May 13, 2009

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

Ladies and Gentlemen:

I am returning, without my approval as to Sections 215(2), 215(4), 217(9), 602 and 715, Engrossed Substitute Senate Bill 5352 entitled:

"AN ACT Relating to transportation funding and appropriations."

Section 215(2), page 19, Department of Transportation

This proviso requires the Department of Transportation (Department) to offer former property owners the "right of first repurchase" if the property was acquired through condemnation or threat of condemnation, and the property is to be sold as surplus because it is no longer needed for a public purpose. This proviso may hinder the Department's ability to utilize property it currently owns in future acquisition negotiations. It also may have the unintended consequence of restricting the Department's ability to get the best price for surplus property by limiting competition.

Section 215(4), page 20, Department of Transportation

This proviso makes an appropriation of \$2,000,000 from the Water Pollution Account-State subject to passage of Substitute House Bill 1614. Since Substitute House Bill 1614 was not enacted, the appropriation lapses and this section is no longer required.

Section 217(9), page 22, Department of Transportation

This proviso makes an appropriation of \$12,500,000 from the Water Pollution Account-State subject to passage of Substitute House Bill 1614. Since Substitute House Bill 1614 was not enacted, the appropriation lapses and this section is no longer required.

Section 602, pages 71-72, Department of Transportation

This section would have transportation agencies hire a consultant approved by the Department of Information Services to develop a "consolidated strategy and plan" to achieve cost savings resulting from holistic virtualization, wide area network optimization, transition to alternative telecommunications systems, and migration to internal voice mail systems. A similar proviso in the omnibus operating budget (Section 143) requires the Department of Information Services to implement some or all of these strategies and to

report on the savings to the Office of Financial Management and the fiscal committees of the Legislature.

The transportation budget does not contain funding to hire contractors to develop the plan. Rather than hiring a contractor, the Department can work with the Department of Information Services to learn from its experience with these strategies.

Section 715, pages 87-88, Department of Transportation

This section would give the Legislature the ability to designate property under the jurisdiction of the Department as "unused state-owned real property," and direct the transfer and conveyance of such unused property, provided it is consistent with public interest. The Legislature could then direct the transfer and conveyance of such property to entities listed in statute as eligible recipients such as ports, utilities, other state agencies, cities, or counties. The value of such properties would be determined by the Legislature for "adequate consideration," and would not require fair market value.

While the Legislature may possess the authority to direct the Department in the transfer and conveyance of unused properties, such decisions must be guided by clear criteria. This section does not set forth sufficient safeguards to determine how unused properties would be determined, how properties would be conveyed and transferred, or how values would be assigned to such properties.

For these reasons, I have vetoed Sections 215(2), 215(4), 217(9), 602 and 715.

With the exception of Sections 215(2), 215(4), 217(9), 602 and 715, Engrossed Substitute Senate Bill 5352 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor