

VETO MESSAGE ON HB 2487

May 2, 2000

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 sections 103(2); 109, lines 29 and 30; 109(1); 118(8); 119(11); 124(6); 222(4); 304, lines 33 and 34; 304(4); 304(5); 306, lines 7 and 8; 306(1); 306(14); and 1045, lines 21 through 36, Engrossed House Bill No. 2487 entitled:

"AN ACT Relating to fiscal matters;"

Section 103 (2), Page 7, Study of Bilingual Education (Joint Legislative Audit and Review Committee)

In place of this study, I request that the Office of the Superintendent of Public Instruction, within its available resources, conduct a study of K-12 programs that serve students with limited English proficiency and report findings to my office and the education and fiscal committees of the House of Representatives and the Senate no later than December 15, 2000. The study should review, at a minimum: (a) the impact of bilingual programs on improving student academic achievement; (b) updated information on the length of stay in bilingual programs and factors that influence length of stay; and (c) other research, reports and studies on transitional bilingual programs.

Sections 109, Page 12, lines 29-30; and 109(1), Page 13, Puget Sound Action Team (Office of the Governor)

These sections would have reduced the amount available for the Puget Sound Action Team's efforts under the Puget Sound Water Quality Work Plan by \$79,000. The reduction would have diminished the Action Team's ability to coordinate state, federal, and local efforts to protect and restore Puget Sound. It is unacceptable to scale back the Action Team's technical assistance to local governments when local government resources are declining. The protection of Puget Sound is critical given the listings of Puget Sound Chinook salmon as endangered under the Endangered Species Act.

Section 118(8), Page 35, Department of Personnel

Section 118(8) would have required the Department of Personnel to prepare a plan for providing space in one of its office buildings for the Citizens' Commission on Salaries for Elected Officials. While not a direct conflict of interest, co-location of these two agencies could easily present the appearance of a conflict of interest to our state's citizens. The voters created the independent Commission in 1986 to establish the salaries for all elected officials, including the governor. The Commission should not be dependent upon a member of my cabinet for physical space and administrative support. My staff is studying the feasibility of co-location for a number of small agencies, and the Commission is included in that effort.

Section 119(11), Pages 36-37, Retiree Return-to-Work Rules

(Department of Retirement Systems)

Section 119 (11) would have required the Department of Retirement Systems to implement changes to the rules governing post-retirement employment in order to track these activities on an hourly rather than monthly basis. However, the legislative budget does not include \$117,000 for the information system improvements necessary to accomplish this rule change. I have vetoed this unfunded requirement to prevent the Department from having to absorb the cost through service reductions in other areas. I am also directing the Department to re-submit this item in its 2001-03 budget request so that the change, which is supported by all system employers, can be realized at a later date.

Section 124(6), Pages 39-40, Liquor Agencies Advisory Committee (Liquor Control Board)

Section 124(6) would have created a Liquor Agencies Advisory Committee to evaluate the Liquor Control Board's liquor agencies' fees and commissions. The Liquor Control Board has already established regular meetings with liquor agencies to obtain their recommendations on the commissions and fee structure. In addition, the Governor's Retail Liquor Sales Task Force is reviewing the Board's retail operations, which includes the liquor agencies' fee and commission structure. I believe the creation of a new advisory committee is duplicative of existing efforts.

Section 222(4), Pages 107-108, Contracts with Community Organizations (Employment Security Department)

Section 222 (4) would have required the Employment Security Department to provide \$5 million through contracts with community-based organizations for family development or similar services. This proviso is unnecessary since contracts for these services already exceed \$5 million. Furthermore, the proviso conflicts with federal requirements by earmarking funding for services that are required to be provided through a competitive bidding process.

Sections 304, Page 119, lines 33 and 34; and 304(4) and 304(5), Page 120, Conservation Commission Activities

The legislative budget would have reduced Conservation Reserve Enhancement Program (CREP) administration funding by \$300,000, while adding \$267,000 for implementation and participation in the Agriculture, Fish, and Water (AFW) negotiation process. The net result would have been a \$33,000 reduction for the Conservation Commission to implement two important salmon recovery programs. By vetoing these changes, the existing General Fund appropriation level is restored to current funding. I am requesting the Conservation Commission to continue both efforts within existing resources.

Sections 306, Page 128, lines 7 and 8; and 306(1), Aquatic Lands Enhancement Account Reduction (Department of Natural Resources)

In order to maintain expenditures within available revenue, the Aquatic Lands Enhancement Account appropriation would have been reduced by \$300,000 in the operating budget. Operating appropriations are critical to the management of existing capital

projects, spartina eradication, and management of our state's aquatic resources. Rather than mandating where reductions will occur, it is preferable to allow the Department to monitor revenue and make reductions to both capital and operating spending plans as necessary to stay within available funds. This veto restores the original funding levels, as well as the amounts for Puget Sound Plan activities. The Department will manage expenditures so that they do not exceed available revenues.

Section 306(14), Page 131, Independent Staff for the Board of Natural Resources (Department of Natural Resources)

This section would have added three new positions to independently staff the Board of Natural Resources. Independent staffing would require the Board to assume new personnel management and administrative functions in addition to its existing statutory responsibilities. The Board did not make this request and these additional burdens are unnecessary and overly cumbersome.

Section 1045, Page 282, lines 21 through 36, Alternative Financing Contracts

This language would have created an interim legislative workgroup to develop a policy for the uses of alternative financing contracts. The Office of Financial Management would be directed to incorporate this policy in assessing alternative financing projects, and would be restricted from forwarding any project request to the legislature that has not fulfilled stated information requirements. While I support the need for increased rigor in the analysis and evaluation of project costs and financing arrangements, this language is an infringement on executive prerogatives and powers. In recognition of these concerns, I am directing the Office of Financial Management to work with the legislature to agree, to the extent possible, on a common set of criterion and data requirements that can then be made part of the regular budget process.

For these reasons, I have vetoed sections 103(2); 109, lines 29 and 30; 109(1); 118(8); 119(11); 124(6); 222(4); 304, lines 33 and 34; 304(4); 304(5); 306, lines 7 and 8; 306(1); 306(14); and 1045, lines 21 through 36 of Engrossed House Bill No. 2487.

With the exception of sections 103(2); 109, lines 29 and 30; 109(1); 118(8); 119(11); 124(6); 222(4); 304, lines 33 and 34; 304(4); 304(5); 306, lines 7 and 8; 306(1); 306(14); and 1045, lines 21 through 36, Engrossed House Bill No. 2487 is approved.

Respectfully submitted,
Gary Locke
Governor