

VETO MESSAGE ON SB 5180-S.E

May 14, 1999

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 124(3); 205(3)(b); 210(14); 502(10); and 722, Engrossed Substitute Senate Bill No. 5180 entitled:

"AN ACT Relating to fiscal matters;"

Engrossed Substitute Senate Bill No. 5180 is the state operating budget for the upcoming biennium. I disagree with some sections and have vetoed them for the following reasons:

Section 124 (3), page 15, Review of Ecology Policy and Guidelines (Office of the Attorney General)

This provision would require the state Attorney General to conduct a review of the policies, practices, and guidelines employed by the Department of Ecology in researching, analyzing, and issuing a certification under the authority of the federal Water Pollution Control Act for the proposed regional landfill in Pierce County. The findings of this review would be reported to the Legislature by December 1, 1999.

The Attorney General has asked for a veto of this subsection, citing the agency's statutory role as one of legal advice and representation, not performance audits or policy reviews. I agree that this provision is inconsistent with the principal role and mission of the Attorney General's Office.

Section 205 (3)(b), pages 43-44, Civil Commitment Legal Costs (Department of Social and Health Services«Mental Health Program, Civil Commitment Center)

This subsection would require that the Department of Social and Health Services (DSHS) implement strategies for limiting the average cost of civil commitment trials and annual court reviews. If the cost containment strategies were not effective, the DSHS would be directed to pay only 85 percent of allowable billed charges for all legal services except those provided by the Attorney General. There are several problems with this proviso. First, this limitation would not provide adequately for defense of sexually violent predators, increasing the chance of adverse court findings. Second, since the proviso would not apply to the Attorney General, it is expected that workload would be transferred from the county prosecutors to the Attorney General at a rate that would exceed what could be absorbed. Third, the proviso would place a responsibility for controlling costs on DSHS, while placing the sanction with the county prosecutors and defenders.

Section 210 (14), page 54, Chiropractic Services (Department of Social and Health Services«Medical Assistance Program)

This subsection would require that the Medical Assistance program provide, within existing funds, chiropractic services for all people qualifying for medical assistance services under chapter 74.09 RCW. No additional appropriation authority was included for

these services. Without additional funds, the Medical Assistance program would have a \$3.8 million General Fund-State shortfall to implement this proviso. I cannot support agency requirements of this magnitude that are clearly unfunded.

Section 502 (10), page 100, Increase in full-time equivalent student in basic education appropriation (Superintendent of Public Instruction~~General Apportionment, Basic Education)~~

This subsection contains an error in the information on the percentage increase per full-time equivalent student used in the state basic education appropriation contained in this act. The correct percentage increase from the 1998-99 school year to the 1999-00 school year is 4.0 percent, not 7.0 percent as stated in the bill. This subsection is not essential for the correct apportionment of levy equalization funding to school districts, and is eliminated at the request of the Senate Ways and Means Committee chair to avoid confusion regarding the intent of the Legislature with regard to levy base calculations and equalization funding. I urge the Legislature to correct this technical error at its earliest opportunity.

Section 722, pages 155-156, Pension Advisory Committee (Department of Retirement Systems)

This section would create a Pension Advisory Committee in the Department of Retirement Systems (DRS) comprised of active and retiree members of the retirement system, representatives from local government, and the directors of DRS and the Office of Financial Management. The committee would be charged with making recommendations to the legislature's Joint Committee on Pension Policy (JCPP) on major pension priorities and goals for the next five to ten years, proposals to promote equity between state pension systems, and a prioritized list of proposed pension system changes. While I agree with the need to focus on these issues, this effort would duplicate the very similar work performed by the JCPP, and adequate funding was not provided to respond to the magnitude of the task.

Other Comments

Section 206(1)(b) provides \$16 million in new funds to enhance developmental disabilities services. This section references the stakeholder work group that was created in statute to develop recommendations on future directions and strategies for service delivery improvement. I am directing the Department of Social and Health Services to implement this subsection giving significant consideration to the priorities that were established by the stakeholder work group in meetings over the past year. After the Department has developed its plan for the use of these new funds, it should present the plan to the stakeholder work group and consider any new advice the group might provide before making fund allocations from this subsection.

Section 222(2)(a) authorizes the Department of Corrections to expend up to \$3.0 million to support county drug courts. I have concerns with this language because no additional funding was

provided. I also recognize the value of, and support the concept of drug courts. Therefore, I am directing the Department of Corrections and the Department of Social and Health Services to work together to develop a plan to provide temporary funding in fiscal year 2000 for existing drug courts whose federal funds are lapsing. This plan will give the county drug courts one year to develop other funding sources to continue these valuable programs.

With the exception of sections 124(3); 205(3)(b); 210(14); 502(10); and 722, Engrossed Substitute Senate Bill No. 5180 is approved.

Respectfully submitted,
Gary Locke
Governor