

VETO MESSAGE ON SB 6094-S

May 16, 2005

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 143(2)(b); 143(2)(c); 160; 163; 219, lines 25-31; 425, lines 7-10; 426 (1); 427(1); 438; 615(4); 643, lines 4-7; 714, lines 4-5; 909 (5)(o); 909(7); 923; 931; and 932 of Engrossed Senate Bill No. 6094 entitled:

"AN ACT Relating to the capital budget;"

My reasons for vetoing these sections are as follows:

Section 143(2)(b) and (c), page 26, Department of General Administration

Section 143(2)(b) and (c) state that the construction contract award for the Cherberg Building rehabilitation shall be made to the general contractor offering written and oral materials demonstrating the greatest value for attainment of the program objectives considering a number of evaluation criteria including cost, and that the project oversight is delegated to the Senate. These sections amend permanent statutes without reference by not clearly stating the intent to use alternative public works (RCW 39.10) and removing the custody and control of the building from the Department of General Administration as required by RCW 43.19.125. I am vetoing these sections, but I also direct the Department of General Administration to work with the Senate to ensure the project complies with RCW 39.10, that oversight complies with RCW 43.19.125, that the project remains observant of the historical and monumental nature of the building, and that the Senate is fully involved in decisions regarding the design, management and construction during the rehabilitation.

Section 160, page 34, Department of General Administration

This section directs that the state capitol committee consult with a legislative buildings committee in its work on the state capitol campus master plan. I am vetoing this section because it amends permanent statute without reference (RCW 43.34.010) by introducing additional participants and process steps that the state capitol committee must undertake before it can adopt the master plan.

Section 163, page 35, Department of General Administration

This section duplicates funding provided in the operating budget for Capitol Lake environmental preservation and

planning. Operating funds are better suited to these activities so I am vetoing this section.

Section 219, page 45, lines 25-31, Department of Social and Health Services

The funds provided in this section are needed to make critical health and life safety improvements such as fire sprinklers in residences at the Fircrest School campus for the developmentally disabled. I am vetoing the conditions and limitations placed on this appropriation that require the Department of Social and Health Services to resolve issues with the food bank tenant at the campus so that these funds are available to make needed safety repairs. However, I direct DSHS to work with the tenant to examine the tenant's concerns.

Section 425, page 115, lines 7-10, Department of Fish and Wildlife

This section provides funding for the improvement of assorted departmental facilities, infrastructure, lands and access sites statewide. The proviso within the section stipulates that none of the funding may be used to construct a new public boat launch access on Lake Tahuyeh in Kitsap County. I am vetoing this section because, as the legal landowner, the department is prevented from lawful development of state-owned resources, which will further limit the expansion of public recreational fishing opportunities. However, I appreciate that Lake Tahuyeh residents may have concerns about the impact of the new facility and ask the department to work with local landowners as they develop and maintain the public access to the lake.

Section 426(1), page 115, Department of Fish and Wildlife

This subsection duplicates language that is identical to the subsequent proviso (2) in the same section.

Section 427(1), page 116, Department of Fish and Wildlife

This subsection duplicates language that is identical to the subsequent proviso (2) in the same section.

Section 438, Page 120, Department of Natural Resources

This section requires the Department of Natural Resources to conduct a study of deep-water geoduck and sea cucumber populations in Hood Canal, utilizing \$650,000 of funding from the Resource Management Cost Account (RMCA). This account receives revenue from two major activities - leases and sale of valuable materials from state-owned aquatic lands and leases and timber sales from state trust lands. I am vetoing this section because the projected fund balance of the aquatics portion of RMCA is insufficient to cover the cost of this study.

Section 615(4), page 137, Higher Education Coordinating Board

Section 615(4) requires the advisory committee on higher education created in E2SB 5441 (Comprehensive Education Study)

to serve as a steering committee to direct the Board in the conduct of a higher education needs assessment and siting study for Snohomish, Skagit, and Island counties. Under current statute, the Board has authority to conduct these assessments. I am directing the Board to consult with the advisory committee created in E2SB 5441 so that the advisory committee may consider the Board's findings and recommendations as it considers the higher education needs of the entire state.

Section 643, page 147, lines 4-7, Washington State University

This proviso establishes a contingency for the allotment of a reappropriation. This violates provisions of RCW 43.88.110(7) that provides for the continuation of project expenditures into the succeeding biennium when an allotment was approved in the previous biennium. This proviso conditions the allotment and thus is in conflict with the statute.

Section 714, page 172, lines 4-5, Western Washington University

These lines indicate potential large future costs for this project. I am vetoing these two lines to allow for additional discussion about the project's scope.

Section 909(5)(o), page 226, Community and Technical College System

Section 909(5)(o) gives Cascadia Community College the authority to use alternative financing for partial funding of the State Route 522 Access project. I am vetoing this capital project because it is funded in the transportation budget.

Section 909(7), page 227, University of Washington

Section 909(7) gives the University of Washington authority to use alternative financing for partial funding of the State Route 522 Access project. I am vetoing this capital project because it is funded in the transportation budget.

Section 923, page 233, Department of General Administration

Section 923 requires the Department of General Administration to obtain legislative approval before selling the Tacoma Rhodes facility. I am vetoing this proviso because decisions regarding Tacoma Rhodes are within the authority and responsibilities of the Department of General Administration as an executive agency responsible for housing state government and acquiring and disposing of property. This existing authority includes managing and making appropriate decisions on the future of facilities, based on sound business principles.

The proviso also requires the Department of General Administration to submit a business plan to the Legislature concerning whether the facility is surplus to the state's needs and whether other state agency tenants might be housed in the building. General Administration already planned to

take these steps as part of its ongoing business analysis of the facility and will share the results of the analysis with the Legislature as those efforts unfold.

Section 931, page 240, Office of Financial Management

This section requires the Office of Financial Management to work with the Department of Social and Health Services and legislative fiscal committee staff to determine at what point closure or consolidation of juvenile rehabilitation facilities will be necessary. I am vetoing this proviso because no funding was provided to the Office of Financial Management to prepare and submit this study.

Section 932, pages 240-241, Department of Corrections

Section 932 requires the Department of Corrections to report to the Office of Financial Management and the fiscal committees of the Legislature on the feasibility and cost of closing the McNeil Island Corrections Center. I am vetoing this proviso because no funding was provided to the Department to prepare and submit this study.

With the exception of sections 143(2)(b); 143(2)(c); 160; 163; 219, lines 25-31; 425, lines 7-10; 426(1); 427(1); 438; 615 (4); 643, lines 4-7; 714, lines 4-5 (page 172); 909(5)(o); 909(7); 923; 931; and 932 as specified above, Engrossed Senate Bill No. 6094 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor