

HB 2893-S - DIGEST

(DIGEST AS ENACTED)

Permits school districts with voter-approved maintenance and operation levies to seek an additional approval from the voters if subsequently enacted legislation would permit a higher levy.

Provides that: (1) The sections contained in the act constitute a single integrated plan and if each provision of the act is not enacted into law, the entire act is null and void; and

(2) If the superintendent of public instruction does not certify to the legislature by June 30, 2010, that full funding has been appropriated in the 2010 omnibus operating appropriations act for the local effort assistance rates specified in sections 5 and 6 of the act, the entire act is null and void.

VETO MESSAGE ON SHB 2893

March 29, 2010

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 Section 12, Substitute House Bill 2893 entitled:

"AN ACT Relating to school levies."

Section 12 provides in part: "If each provision of this act as passed by the senate and house of representatives is not enacted into law, the entire act is null and void." The only action that could prevent any provision of the bill from being enacted into law is the veto power of the Governor. The Washington Constitution provides the Governor with the power to object to one or more sections of a bill while approving other sections of the bill. Section 12 purports to provide that the veto of *any* section of this bill is a veto of the *entire* bill. This attempt to constrain the Governor's veto power is inconsistent with our state constitution.

As noted by the Washington Supreme Court in *Washington State Legislature v. Lowry*, 131 Wn.2d 309, 320 (1997), "[o]ur constitution condones neither artful legislative drafting nor crafty gubernatorial vetoes." Neither the Legislature in its bill drafting nor the Governor in exercising the veto should deprive the other of the fair opportunity to exercise its constitutional prerogatives. A veto of Section 12 will cause

"the act ... to be considered now just as it would have been if the vetoed provisions had never been written into the bill at any stage of the proceedings." *State ex rel. Stiner v. Yelle*, 174 Wash. 402, 408 (1933).

For these reasons, I have vetoed Section 12 of Substitute House Bill 2893.

With the exception of Section 12, Substitute House Bill 2893 is approved.

Respectfully submitted,
Christine Gregoire
Governor