

2552-S

Sponsor(s): House Committee on Capital Facilities & Financing
(originally sponsored by Representatives H. Sommers, Schmidt,
Rasmussen, Neher, Dellwo and Jacobsen)

Brief Description: Adopting the supplemental capital budget.

HB 2552-S.E - DIGEST

(DIGEST AS ENACTED)

Adopts the supplemental capital budget.

VETO MESSAGE ON HB 2552-S

April 2, 1992

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6,
12(5), 12(9), 12(11), 13(4), 15, 24(8)(e), and 31(3)(z) of
Engrossed Substitute House Bill No. 2552 entitled:

"AN ACT Relating to the capital budget."

My reasons for vetoing these sections are as follows:

Section 6, Department of Community Development and
Section 12(11), Transfer to Department of Community Development

These sections direct the Department of Ecology to transfer \$350,000 from the Water Quality Account to the Department of Community Development to implement a wetland notification program. This is an improper use of funds from the Water Quality Account. RCW 70.146.030(2) states that "the Department may use or permit the use of any monies in the account to make grants to public bodies ... for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement...." The property owner notification program does not meet these criteria. Also, the transfer of funds from Ecology to the department of Community Development, which in turn is directed to make grants to local governments, clearly indicates that the Department of Community Development and not Ecology will be administering these funds. This is contrary to RCW 70.146.030, which states that the "Water Quality Account may be used only in a manner consistent with this chapter. Monies deposited in the account shall be administered by the Department of Ecology...."

While the legislature could have amended chapter 70.146 RCW to allow these actions, the legislature's failure to do so renders this budget item legally suspect.

Given the legal questions surrounding this issue, I have vetoed these items.

I do, however, agree that local efforts to implement the Growth Management Act will not be successful unless critical area

activities, such as wetland designation and protection, are accomplished with extensive notification and involvement of all affected parties and the public-at-large. I have, therefore, directed the Department of Community Development to provide technical assistance relating to such notification and involvement and, if necessary, to develop procedural criteria under the Growth Management Act to ensure that this occurs.

Section 12(5), Water Quality Account

This section reduces the appropriation to the Department of Ecology's Water Quality Account by \$12,921,000. Washington State is facing increasing threats to one of our most vital resources, our state's waters. If we are to continue to make progress toward protecting Washington's surface and ground waters, it is essential that a consistent and reliable funding level be available, particularly for local governments. Solutions to tough pollution problems require planning, prevention, and intervention strategies, which may take years to implement. In order to dedicate sizable portions of their own resources to these long-term strategies, local governments need to know that state funding will continue at levels that will enable them to achieve mandated state and federal water pollution requirements. Therefore, I have vetoed this section in order to restore the funding level to the Water Quality Account.

The amended proviso language in this section implies that the needs assessment should consider only the existing source of revenues for the Water Quality Account. When the Water Quality Account was established, the legislature specifically included the General Fund subsidy because revenues from the tax on tobacco products were projected to be inadequate. The General Fund subsidy is necessary in order to provide a stable funding source to address water quality needs. Therefore, I have vetoed the new language in this proviso.

Section 12(9), Flood Control Assistance Account

This section appropriates \$4 million to the Flood Control Assistance program from the State Building Construction Account. This program was transferred from the operating budget to the capital budget. While I support this program, which provides grant dollars to local communities for flood mitigation plans and projects, most are operating activities and should be funded from the operating budget. The proviso in this section precludes spending any of these funds on operating activities. The Department of Ecology would not be able to effectively administer this program and would either have to redirect funds from other General Fund programs or be forced to eliminate the program. Given the severity of the budget reductions to the Department of Ecology, this program would need to be eliminated. Therefore, I have vetoed this section, along with the corresponding sections related to fund transfers in the operating budget. I have directed the Department to continue this program with funds that are made available by corresponding vetoes in the operating budget.

Section 13(4), State Parks and Recreation Commission/Bogachiel State Park

While I recognize that the facilities at Bogachiel State Park have suffered significant damage from storms, an additional appropriation to the State Parks and Recreation Commission is not required to effect needed repairs. The Commission received a \$350,000 appropriation in section 19(41) of the 1991-93 capital budget for emergency and unforeseen needs. I have asked the agency to rely on this appropriation to make the necessary repairs at Bogachiel State Park.

Section 15, State Parks and Recreation Commission

The language in this section is neither practical nor necessary at the present time. The legislature restored funding to operate all state parks during the remainder of the 1991-93 Biennium. Interpretive centers may close, but practical considerations would prevent the sale of these facilities to local governments. Interpretive centers are physically situated within existing state park boundaries. The ability to sell a portion of an operating state park is not addressed in the section. Furthermore, I have been assured by the State Parks and Recreation Commission that they will cooperate with any local government which desires to operate a closed interpretive facility. Should future budgetary constraints force the closure of state park facilities, the option of transferring operation and ownership to local governments can be revisited.

Section 24(8)(e), page 86, sentence beginning on line 32 through line 37, beginning with the word "The" and ending "No. 2631." Public School Building Construction

The sentence beginning on page 86, line 32 through line 37, is unnecessary. The language allows the State Board of Education to allocate funds for financial assistance to school districts for capital planning related to the implementation of a modified school calendar or schedule as authorized in Engrossed Substitute House Bill No. 2631. The State Board currently (by WAC 180-25-030) allocates funds to school districts for capital planning. These planning grants may be for studies and surveys and include such other matters as the Superintendent of Public Instruction deems pertinent to a decision by the State Board of Education in the allocation of funds for school facilities. Therefore, the authority referenced in Engrossed Substitute House Bill No. 2631 already exists.

Section 31(3)(z), Lease or Lease Purchase of a Computing and Telecommunications Center for the Community and Technical College System

This subsection authorizes the Computing and Telecommunications Center to find a facility to lease, lease/purchase, or lease/develop. It is not clear whether the \$5 million authorized is sufficient to accomplish the agency's space needs. No documentation has been provided explaining the scope, size, or cost of the proposed facility. The effect of this project on the operating budgets of the community colleges supporting the Computing and Telecommunications Center is not explained. The

existing lease for the current Computing and Telecommunications Center expires in the fall of 1996, providing ample time for the Computing and Telecommunications Center to request and fully document the need for a permanent facility in the normal capital budget process.

For the reasons stated above, I have vetoed sections 6, 12(5), 12(9), 12(11), 13(4), 15, 24(8)(e), and 31(3)(z) of Engrossed Substitute House Bill No. 2552.

With the exception of sections 6, 12(5), 12(9), 12(11), 13(4), 15, 24(8)(e), and 31(3)(z), Engrossed Substitute House Bill No. 2552 is approved.

Respectfully submitted,
Booth Gardner
Governor