

VETO MESSAGE ON HB 2502-S

March 29, 2002

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 1, Substitute House Bill No. 2502 entitled:

"AN ACT Relating to the forest products commission;"

Substitute House Bill No. 2502 revises procedures regarding the election of commissioners to the Forest Products Commission. I support these changes.

However, subsection 1(2) of this bill stated that any advertising, marketing and public education related to the sale of forest products by the commission "is government speech that provides a benefit for the citizens of the state" and is thereby entitled to First Amendment protection.

In response to a 2001 U.S. Supreme Court decision, *Department of Agriculture vs. United Foods*, questions have been raised regarding the authority of commodity commissions to assess producers for costs associated with advertising, marketing and public education. Subsection 1(2) was an attempt to clarify that the Commission has such authority, and that it does not violate the right to free speech.

The implications of the court decision on the authority of commodity commissions, and the best means by which to address them, are not clear. Rather than doing this in a piecemeal manner, my preference is that this issue be resolved comprehensively, dealing with all state commodity commissions where appropriate.

For these reasons, I have vetoed section 1 of Substitute House Bill No. 2502.

With the exception of section 1, Substitute House Bill No. 2502 is approved.

Respectfully submitted,
Gary Locke
Governor