

VETO MESSAGE ON ESSB 6153

June 26, 2001

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 2; 123(3); 203(1)(s); 217(4); 302(15); 302(16); 302(17); 308(6); 402(5); 514(12)(a); 603(12); 710; 912 and 921 of Engrossed Substitute Senate Bill No. 6153 entitled:

"AN ACT Relating to fiscal matters;"

My reasons for vetoing these sections are as follows:

Section 2, Page 2, Restrictions on Governor's Supplemental Budget

In the event of a projected cash deficit in the state General Fund, the Governor would have been directed to make across-the-board allotment reductions, and to recommend expenditures from the Emergency Reserve Fund before proposing any General Fund tax increases. This provision would have re-stated existing allotment authority, as well as limiting the executive's prerogative concerning its supplemental budget recommendations.

Section 123(3), Page 16, Performance Audits (State Auditor)

This section would have directed the Office of State Auditor to conduct performance audits of three governmental entities as demonstration audits for state and local government agencies. The Joint Legislative Audit and Review Committee (JLARC) already has statutory responsibility for conducting performance audits. There is no compelling reason to duplicate JLARC functions within the Office of State Auditor.

Also, because of an apparent technical error, subsections (2) and (3) would have authorized expenditures from the state General Fund greater than the agency appropriation. With respect to subsection (2), it is my intent to pursue correction of this dollar amount in the 2002 supplemental budget.

Section 203(1)(s), Page 44, Contracted Beds at Local County Detention Facilities (Department of Social and Health Services - Juvenile Rehabilitation Program)

This subsection would have affected the funding for the 33 contracted local county detention facilities and also directed the Department of Social and Health Services (DSHS) not to consider beds in those facilities to achieve reductions in bed capacity. The June 2001 forecast of the Caseload Forecast Council indicates that the juvenile rehabilitation residential population will be declining by approximately 60 beds, and this trend is expected to continue. By eliminating these contracted beds from consideration for reductions, DSHS would have been hindered in its ability to effectively manage and utilize residential beds while providing the appropriate services to youths.

Section 217(4), Page 72, Safety and Health Grants (Department of Labor and Industries)

This section attempted to prevent the Department of Labor and Industries from operating the safety and health grant program, unless separate legislation is passed that specifically authorizes

expenditures for that program. However, the statutory authority for that program already exists and cannot be changed by an appropriations bill.

Section 302(15), Page 86, Culvert Removal on Rocky Ford Creek (Department of Ecology)

This subsection would have required the Department of Ecology (DOE) to provide \$50,000 to a local conservation district in Moses Lake for a culvert removal project on Rocky Ford Creek. I support on-the-ground efforts to address flooding and fish barrier problems, and funding for this type of project is available from several existing grant and loan programs through the Salmon Recovery Funding Board, DOE, and the Public Works Trust Board.

Section 302(16), Page 86, Washington Watershed, Science, and Technology Program (Department of Ecology)

This subsection would have required DOE to provide \$300,000 to the State Conservation Commission to establish the Washington Watershed, Science, and Technology Program. This program would have provided technical assistance to private landowners in conducting water quality monitoring, riparian vegetation management, and noxious weed control. Although I support the goal of this proviso, the creation of a new technical assistance program for these items is unnecessary since the Conservation Commission, DOE, and the Department of Fish and Wildlife already provide such assistance.

Section 302(17), Pages 86-87, Palouse Conservation District Pilot Project (Department of Ecology)

The subsection would have required DOE to provide \$75,000 to a conservation district in the Palouse region for a pilot project to evaluate the ability of existing voluntary and regulatory programs to improve water quality. Funding for this project is available, and has already been applied for, from the Centennial Clean Water Fund.

Section 308(6), Page 97, Trust Land Roads Nonappropriated Account (Department of Natural Resources)

This subsection would have restricted the appropriation of a nonappropriated account. Since there is not an appropriation from this account, the proviso is not binding and should not be included in the appropriations bill.

Section 402(5), Page 103, Mobilization of State Fire Service Resources Study (Washington State Patrol)

This proviso would have required the Washington State Patrol, in consultation with various local and state fire service entities, to conduct a study of the fire mobilization plan and procedures. The study was to include an analysis of the cost effectiveness and efficiency of the fire service mobilization plan. However, no funds were provided to the Patrol for this activity. I will direct the Patrol to examine, to the extent possible within existing resources, the fire mobilization plan and to make timely recommendations for improvements.

Section 514(12)(a), Page 137, National Board for Professional

Teaching Standards Bonus (Superintendent of Public Instruction - Education Reform)

Section 514(12) provides funding for bonuses for teachers who attain certification by the National Board for Professional Teaching Standards (NBPTS). The Legislature extended the length of the bonus from two to three years, but subsection (a) would have resulted in ten teachers losing their third year bonus payment because they achieved NBPTS certification before the 1999-00 school year. Sufficient funds are provided in the fiscal year 2002 budget to make the third bonus payment to these outstanding teachers - who were the first in this state to pursue and obtain NBPTS certification. Therefore, I have vetoed Section 514(12)(a) and request that the Superintendent of Public Instruction make an annual bonus payment of \$3,500 to every teacher who attained NBPTS certification before or during the 2001-02 school year.

This veto makes a technical correction to allow the full implementation of the three-year bonus limit adopted by the Legislature. Next session, I will again ask the Legislature to provide funding for bonus payments to teachers for each year in which their certification by the NBPTS is maintained.

Section 603(12), Page 152, Fee for Adult Basic Education Courses (State Board for Community and Technical Colleges)

The purpose of adult basic education is to provide adults the basic knowledge and skills that are normally acquired from kindergarten through 12th grade. Therefore, it has been the policy of the state to pay for this education. Before we ask students to pay for a portion of this education, there should be a public discussion about changing the current policy.

I am asking the State Board for Community and Technical Colleges to review their adult basic education programs and recommend changes to our policy that will improve this program, including any alterations in the way this program should be funded.

Section 710, Pages 169-170, Distribution of Excess Funds from the Forest Development Account (Department of Natural Resources)

Distribution of forest management funds to counties at this time is not in the best interest of the long-term health of the account or the long-term management of the resources on Forest Board lands. Prior transfers from this account have depleted the available balance. In addition, the Department of Natural Resources' June revenue forecast projects an \$8.8 million decrease in revenue for the Forest Development Account.

Section 912, Pages 202-203, Forest Development Account Distribution of Fund Balance (Department of Natural Resources)

This section would have provided statutory authorization during the 2001-03 Biennium to distribute Forest Development Account funds as directed in section 710. Since section 710 has been vetoed, section 912 is unnecessary.

Section 921, Pages 210-212, Parks and Recreation Fees (Washington State Parks and Recreation Commission)

This section would have temporarily limited the statutory authority

allowing the Washington State Parks and Recreation Commission to charge fees for basic parkland access. The revenue from such fees can be used to provide desperately needed maintenance to park facilities. Currently, the parks system has a \$40 million maintenance backlog in addition to a \$292 million ten-year capital facilities funding need. I have in the past supported, and continue to believe it is important, that we preserve the Commission's ability to implement fees as it deems appropriate.

For these reasons, I have vetoed sections 2; 123(3); 203(1)(s); 217(4); 302(15); 302(16); 302(17); 308(6); 402(5); 514(12)(a); 603(12); 710; 912 and 921 of Engrossed Substitute Senate Bill No. 6153.

With the exception of sections 2; 123(3); 203(1)(s); 217(4); 302(15); 302(16); 302(17); 308(6); 402(5); 514(12)(a); 603(12); 710; 912 and 921, Engrossed Substitute Senate Bill No. 6153 is approved.

Respectfully submitted,
Gary Locke
Governor