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Governor



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March 31, 2022

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 117(11); 117(15); 121(4); 122, page 41, lines 4-5; 122(1); 122(2); 133, page 164, lines 21-36; 134(2); 128(138); 945; 128(235); 150(8); 150(19); 211(105); 222(56); 603(83); 215(129); 222(81); 222(86); 308(42); 308(72); 402(6); 501(1)(a)(xiii); 501(4)(aa); 509(15); 504(12)(b); 604(39); 103(10); 103(11); 103(14); 128(177); 128(230); 136(21); 141(10); 141(11); 218(31); 308(64); 402(18); and 402(19), Engrossed Substitute Senate Bill No. 5693 entitled:

“AN ACT Relating to fiscal matters.”

Section 117(11), page 29, Office of the Governor, Clean Energy Workforce Transition Work Group

This section directs the Office of the Governor to convene a Clean Energy Workforce Transition work group including, but not limited to, the Department of Commerce, Department of Ecology, Employment Security Department, and representatives from business and labor. The work group is tasked with assessing the workforce development impacts of climate change and the state's strategies to transition to a clean economy. The work group must also develop recommendations on emerging issues related to workforce development and submit a report by December 1, 2022. Because funding was not provided for these agencies to do this work, I have vetoed Section 117(11). However, I am directing the impacted agencies to continue their work on workforce development to determine how to best support individuals in our state's energy sector.

Section 117(15), page 30, Office of Equity, Educational Opportunity Gap Report

Section 121(4), page 40, Governor's Office of Indian Affairs, Educational Opportunity Gap Report

Section 122, page 41, lines 4-5, Section 122(1), page 41, and Section 122(2), page 41, Commission on Asian Pacific American Affairs, Educational Opportunity Gap Report

Section 133, page 164, lines 21-36, Commission on Hispanic Affairs, Educational Opportunity Gap Report

Section 134(2), pages 165-166, Commission on African American Affairs, Educational Opportunity Gap Report

These sections direct the Office of Equity to collaborate with the Governor's Office of Indian Affairs, Commission on Asian Pacific American Affairs, Commission on Hispanic Affairs, and Commission on African American Affairs to engage contractors to conduct a detailed analysis of the educational opportunity gaps for students of color. The provisos in the final budget do not reflect the intent of the legislative members of the Educational Opportunity Gap Oversight and Accountability Committee, and they requested that I veto these sections to allow for updated provisos to be enacted next session. Therefore, I have vetoed Section 117(15); Section 121(4); Section 122, page 41, lines 4-5; Section 122(1); Section 122(2); Section 133, page 164, lines 21-36; and Section 134(2).

Section 128(138), page 111, and Section 945, pages 809-810, Department of Commerce, Broadband Deployment Task Force

Section 945 creates the Broadband Deployment Task Force to be chaired by the Legislature and staffed by the Department of Commerce. Because it is not appropriate for the executive branch to staff a legislative task force, I have vetoed Section 945. Because Section 945 is vetoed, the funding for the department to staff the task force is no longer needed. Therefore, I have also vetoed Section 128 (138).

Section 128(235), pages 147-148, Department of Commerce, Electric Grid Resilience

We have multiple state agencies working to ensure that our electric grid continues to reliably provide power to Washingtonians. The requirements in this section are redundant to planning efforts already under way at the Utilities and Transportation Commission, Department of Commerce, and Northwest Power and Conservation Council. While we welcome additional resources for scenario planning and modeling, the Northwest Power and Conservation Council should perform that work because it aligns with its existing forecasting and modeling work. For these reasons, I have vetoed Section 128(235).

Section 150(8), page 207, Consolidated Technology Services, Reporting Requirements for Health and Human Services Coalition

The Office of the Chief Information Officer evaluates budget requests related to information technology projects from all state agencies and provides funding recommendations each fall as required by statute. This section would require the Health and Human Services Coalition agencies to submit budget details to the OCIO each July. This is in addition to the information these agencies already submit to the OCIO. This reporting is redundant and would create extra work for the agencies involved with no value added. For this reason, I have vetoed Section 150(8).

Section 150(19), page 213, Consolidated Technology Services, Automated Decision Systems

This section requires the Office of the Chief Information Officer (OCIO) to develop universal requirements for agencies interested in developing or procuring an automated decision system by June 30, 2022. Additionally, all agencies would be required by January 1, 2023 to submit an inventory of any automated decision system in use. These decision systems use data and algorithms to make decisions with varying degrees of human oversight or intervention. The timeline to develop a meaningful framework is not feasible with pressing technology threats that must be addressed by the OCIO. For this reason, I have vetoed Section 150(19). I am directing Consolidated Technology Services to develop guidance for agencies' procurement and use of automated decision systems and to conduct a preliminary inventory of these systems currently in use by November 30, 2023.

Section 211(105), page 318, Health Care Authority, Behavioral Health Support Specialists

Section 222(56), page 426, Department of Health, Behavioral Health Support Specialists

Section 603(83), page 710, University of Washington, Behavioral Health Support Specialists

These sections provide funding solely for the University of Washington to collaborate with the Department of Health and the Health Care Authority to develop a licensure and regulatory program for behavioral health support specialists, consistent with the provisions in Engrossed Second Substitute Senate Bill 5884. The Department of Health cannot develop a licensure and regulatory program because the authority for this section was not enacted by the Legislature. This work is premature until the substantive law is passed. For this reason, I have vetoed Section 211(105), Section 222(56), and Section 603(83).

Section 215(129), pages 381-383, Health Care Authority, Involuntary Treatment Act Task Force

This section creates a task force focused on individuals refusing services for involuntary behavioral health treatment who are then referred to the state hospitals for forensic competency evaluation and restoration. The task force would identify alternate treatments for people with one or more violent offenses who are having trouble locating a community placement and for obtaining medical clearance. This proviso requires the task force to complete a preliminary report by October 15, 2022 and submit a final report by December 1, 2022, which is not enough time to complete the work. For this reason, I have vetoed Section 215(129).

Section 222(81), pages 431-432, Department of Health, Criminal Justice Integrated Data System Task Force

This section provides funding for the Department of Health to convene a criminal justice integrated data system task force. The task force includes members or their designee from the executive and judicial branches and from various criminal justice associations. By December 1, 2022, the task force is required to submit a report to the Legislature with recommendations, an implementation plan and a feasibility study for the creation of a criminal justice integrated data system. Additionally, funds are provided for the department to contract with the Washington Association of Coroners and Medical Examiners to conduct a study of the shortage of board-certified forensic pathologists and recommend steps to foster a more robust forensic pathology community. The funding provided for this task force is insufficient to complete this work by the December 1, 2022 timeline. Additionally, it is more appropriate for the Office of Financial Management to convene this data work group. For these reasons, I have vetoed Section 222(81).

Section 222(86), pages 433-434, Department of Health, Behavioral Health Work Group

This section provides funding for the Department of Health to convene a work group to study the root cause of behavioral health issues in Washington communities. The work group is required to provide a progress report to the governor and Legislature by December 15, 2022, and a final report with recommendations by June 30, 2023. The funding provided was insufficient to complete the work within the required timeframe. For this reason, I have vetoed Section 222(86).

Section 308(42), page 547, Department of Fish and Wildlife, Salmon Data Analysis and Modeling

This section provides funding to improve salmon population data analysis and modeling to better manage salmon fisheries and collaborate with tribal co-managers on fisheries allocations as part of the North of Falcon process. This proviso also requires the Department of Fish and Wildlife to make all state-generated documents and notes that were part of the North of Falcon process available for public review once the process is completed. I support this funding and enhancing our ability to manage fisheries. However, it is important for the state and tribal co-managers to have successful sovereign-to-sovereign negotiations. The requirements in this proviso will make this more difficult. For this reason, I have vetoed Section 308(42).

Section 308(72), page 553, Department of Fish and Wildlife, Report on Annual Fishery Harvest Impacts

This section requires the Department of Fish and Wildlife to complete a report on annual fish harvest impacts from 2010-2020. Compiling this information with the level of detail required by the proviso is a more cost intensive effort than is supported by the funding provided in the proviso. For this reason, I have vetoed Section 308(72). However, I am asking the department to make available to the public the pre-season and post-season assessments of Chinook and coho escapement and harvest from the Fishery Regulation Assessment Model (FRAM) for Puget Sound and the coast for the same years.

Section 402(6), page 583, Washington State Patrol, Firefighter Apprenticeship Training Program

This section increases the funding for the firefighter apprenticeship training program by \$300,000. There is not enough revenue in the account to support this increase in expenditure. For this reason, I have vetoed Section 402(6).

Section 501(1)(a)(xiii), pages 589-590, Office of the Superintendent of Public Instruction, Out of State Special Education Services

Section 501(4)(aa), pages 603-604, Office of the Superintendent of Public Instruction, Allergic Reactions Report

Section 509(15), pages 638-639, Office of the Superintendent of Public Instruction, Services for Preschool Students with Disabilities

These sections require the Office of the Superintendent of Public Instruction (OSPI) to collect and disseminate school district data on allergic reactions, out-of-state special education services, and services for preschool students with disabilities. This data is currently not being collected at the state level and would be an administrative burden for OSPI and school districts to produce this data, especially retroactively, without a clear intent for the use of the data once collected. More clarity is needed regarding the problems to be solved so that the right types of data and analysis can be collected and completed to inform decisionmakers. For these reasons, I have vetoed Section 501(1)(a)(xiii), Section 501(4)(aa), and Section 509(15). I have asked OSPI to work with legislators to clarify the problems, identify the data needed, and devise a path forward.

Section 504(12)(b), page 620, Office of the Superintendent of Public Instruction, Transitional Kindergarten

This section requires the Office of the Superintendent of Public Instruction to establish rules regarding

exceptions to uniform entry qualifications for kindergarten admission. This section caps the appropriations for transitional kindergarten at the fiscal year 2022 funding level while allowing school districts to use local levy revenue for any expansion of the program. Because this would limit school services for our young learners during and after the pandemic, I cannot support this proviso. Therefore, I have vetoed Section 504(12)(b). However, I request that the OSPI, upon the conclusion of a Washington State Institute for Public Policy study, work with agencies and stakeholders under the rulemaking authority in RCW 28A.225.160 to further define how school districts may grant exceptions to the uniform entry qualifications based on the ability, or the need, or both, of an individual student as laid out in statute.

Section 604(39), pages 718-719, Washington State University, Columbia River Commercial Gillnet Fishery Mortality Study

This section requires the Washington State Academy of Sciences to review the Department of Fish and Wildlife's fishery-related mortality estimates for wild salmonid stocks from conventional and alternative commercial fishing gear authorized for use within the lower Columbia River nontribal salmon fisheries. Commercial fishing mortality rates have been studied by WDFW, the tribes, and universities. Mortality estimates related to Endangered Species Act-listed salmonids are already reviewed and approved by NOAA Fisheries. Although better estimates of commercial mortality could potentially be helpful, any review of fishing mortality rates should also include a review of mortality from recreational fishing. For this reason, I have vetoed Section 604(39).

The following sections provided funding to agencies to implement bills which did not pass the Legislature. Because the funding has lapsed, I have vetoed Section 103(10), Section 103(11), Section 103(14), Section 128(177), Section 128(230), Section 136(21), Section 141(10), Section 141(11), Section 218(31), Section 308(64), Section 402(18), and Section 402(19).

Section 103(10), page 8, Joint Legislative Audit and Review Committee, HB 1924, Hog Fuel Tax Exemption

Section 103(11), page 8, Joint Legislative Audit and Review Committee, SHB 1792, Hydrogen

Section 103(14), page 9, Joint Legislative Audit and Review Committee, ESSB 5004, Medical Marijuana Tax Exemption

Section 128(177), page 127, Department of Commerce, E2SHB 1099, Comprehensive Planning

Section 128(230), page 146, Department of Commerce, ESSB 5803, Wildfires/Electric Utilities

Section 136(21), page 177, Department of Revenue, SB 5983, Cannabinoid Regulations

Section 141(10), page 186, Liquor and Cannabis Board, ESSB 5004, Medical Marijuana Tax Exemption

Section 141(11), page 186, Liquor and Cannabis Board, SB 5983, Cannabinoid Regulations

Section 218(31), page 391, Criminal Justice Training Commission, ESB 5919, Police Use of Force

Section 308(64), page 551, Department of Fish and Wildlife, SHB 1508, Sanitary Shellfish Control

Section 402(18), page 586, Washington State Patrol, SSB 5880, Fire Sprinkler Contractors

Section 402(19), page 586, Washington State Patrol, SB 5983, Cannabinoid Regulations

For these reasons I have vetoed Sections 117(11); 117(15); 121(4); 122, page 41, lines 4-5; 122(1); 122(2); 133, page 164, lines 21-36; 134(2); 128(138); 945; 128(235); 150(8); 150(19); 211(105); 222(56); 603(83); 215(129); 222(81); 222(86); 308(42); 308(72); 402(6); 501(1)(a)(xiii); 501(4)(aa); 509(15); 504(12)(b); 604(39); 103(10); 103(11); 103(14); 128(177); 128(230); 136(21); 141(10); 141(11); 218(31); 308(64); 402(18); and 402(19) of Engrossed Substitute Senate Bill No. 5693.

With the exception of Sections 117(11); 117(15); 121(4); 122, page 41, lines 4-5; 122(1); 122(2); 133, page 164, lines 21-36; 134(2); 128(138); 945; 128(235); 150(8); 150(19); 211(105); 222(56); 603(83); 215(129); 222(81); 222(86); 308(42); 308(72); 402(6); 501(1)(a)(xiii); 501(4)(aa); 509(15); 504(12)(b); 604(39); 103(10); 103(11); 103(14); 128(177); 128(230); 136(21); 141(10); 141(11); 218(31); 308(64); 402(18); and 402(19), Engrossed Substitute Senate Bill No. 5693 is approved.

Respectfully submitted,



Jay Inslee
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