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To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 105(6); 106(4), line item 13, page 10; 116; 155(1), (2), (3); 180; 195; 199; 211; and 230 of Engrossed Substitute Senate Bill No. 6384 entitled:

"AN ACT Relating to the capital budget."

My reasons for vetoing these sections are as follows:

Section 105(6), pages 5-6, Department of Community, Trade, and Economic Development, Housing Liability Revolving Fund

This proviso would require the Department of Community, Trade and Economic Development (CTED) to contract with the Washington State Housing Finance Commission to establish a liability revolving fund for condominium and multi-unit residential buildings. This provision was previously included in legislation that failed to pass this session. The language defines eligibility for a new, on-going service. It is inappropriate to establish this type of program in an appropriations bill.

Although I have vetoed Section 105(6), I am directing CTED to work with the Housing Finance Commission to accomplish these program goals to the maximum extent allowable under law.

Section 106(4), line item 13 on page 10, Department of Community, Trade, and Economic Development, Tritrail Feasibility Study

This project would provide general obligation bond funds to study a three-city walking and biking trail, starting in Tukwila and eventually linking to Mount Rainier National Park. It is not prudent to use long-term bond financing to pay for a feasibility study. I have, therefore, vetoed the appropriation related to this project.

Section 116, pages 19-20, Department of General Administration, Pritchard Building Pre-design

This Americans with Disabilities Act of 1990 (ADA) access project was funded in the 2005-07 capital budget. Proviso language was added in this bill to require the Department of General

Administration to include design and construction of the ADA pathway project to the Pritchard Building as part of the Pritchard Building pre-design. The pre-design is a separate project and combining these projects could add another year to the ADA path project, as well as increase the total cost. The Capitol Campus Design Advisory Committee has approved the ADA access plan and the ADA path project is ready to proceed to design. I have vetoed Section 116 to allow for timely completion of this project.

Section 155(1), (2), and (3), pages 45 -46, Interagency Committee for Outdoor Recreation, Hood Canal Grant Program

Sections 155 (1), (2) and (3) establish a process for the Interagency Committee for Outdoor Recreation (IAC) to administer a grant program addressing low-dissolved oxygen concentrations in Hood Canal. It is a reasonable approach to allow the Governor to remove projects from a list developed by the Puget Sound Action Team, and for the IAC not to commit funds until the Legislature has appropriated funds for a specific list of projects. However, this new process will prevent any projects from being started until the spring of 2007.

In order for these critical projects to move forward as quickly as possible, I have vetoed Sections 155 (1), (2) and (3). In addition, I am directing the IAC to proceed with a process to select projects based on the prioritized recommendations of the Puget Sound Action Team and the Hood Canal Coordinating Council. I also am instructing the IAC to review the list of projects with the Governor's Office and appropriate legislators before signing contracts.

Section 180, page 58, Department of Fish and Wildlife, Olympia Facilities

Section 180 directs the Department of Fish and Wildlife to vacate its downtown Olympia facilities by June 2007 and for the Department of General Administration to dispose of the properties. RCW 77.12.210 gives the director of the Department of Fish and Wildlife the authority to maintain and manage real or personal property owned, leased, or held by the department. The Fish and Wildlife Commission may authorize the director to dispose of real or personal property under the control of the department. This section directing the Department of General Administration to dispose of this property conflicts with this existing statute.

Although I have vetoed Section 180, I am directing the Department of General Administration to work with the Department of Fish and Wildlife to develop a plan addressing the consolidation of services, relocation of users, and long-term use of the properties, and to report to the Legislature and Office of Financial Management by December 1, 2006.

Section 195, pages 68-69, State Board of Education, IslandWood

This section adds funding for capital projects at IslandWood Education Center. Article IX, Section 3 of the Washington State Constitution states that the Common School Construction Account shall be used exclusively for financing the construction of facilities for the common schools. RCW 28A.150.020 defines common schools as schools maintained at public expense in each school district and carrying on a program from kindergarten through the twelfth grade or any part thereof including vocational educational courses otherwise permitted by law. IslandWood is a non-profit organization that serves students from fifty schools and 50,000 households in Puget Sound. I have vetoed Section 195 because funding a non-profit entity is not consistent with the intended use of the Common School Construction Account.

Section 199, pages 71-72, State Board of Education, Acoustic Technology
This section would provide funding for demonstration projects to test the use of sound amplification technology in the classroom. Grant recipients must contribute a 50 percent match for these funds and provide a measure of the effectiveness of this technology. There is no evidence that suggests that the use of this technology creates a substantial benefit to students. In addition, the program is likely to have substantial future costs. For these reasons, I have vetoed Section 199.

Section 211, pages 76-77, State Arts Commission, Capitol Sundial Repair
This section provides funding to support a $5,000 competitive grant for design and repair of the State Capitol Sundial. This small amount is not appropriately financed through long-term general obligation bonds. I have vetoed Section 211 and believe that other funding sources can be found for this project.

Section 230, pages 92-93, Vendor Services
Section 230 eliminates the rent currently paid by the Department of Services for the Blind (DSB) for food service providers and vending machines. It also requires that the Department of General Administration (GA) pay preventative maintenance on food service equipment used by these vendors; that private buildings with at least 100 state employees contract with the DSB for vending facilities and/or vending machines in the cities of Olympia, Lacey and Tumwater; and that GA conduct a study establishing a process for blind vendors to enter into franchise agreements with commercial food providers.

Although I am concerned about the issues addressed by this section, I believe it is inappropriate to simply transfer these vendor costs to state agencies that pay rent in state buildings. I have vetoed Section 230 in order to allow more time to assess the situation statewide, and explore alternatives.

With the exception of Sections 105(6); 106(4), line item 13, page 10; 116; 155(1), (2), (3); 180; 195; 199; 211; and 230 as specified above, Engrossed Substitute Senate Bill No. 6384 is approved.

Respectfully submitted,

Christine Gregoire

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