

**ESSB 6168, Supplemental Operating Budget
Partial veto message**

**Section 101(2), House of Representatives, page 2; Section 102(3), Senate, page 3; and
Section 923, pages 562-564, Business Plan for Establishment of Publicly Owned
Depository/State Bank**

These sections fund the creation of a joint legislative task force to develop a business plan for establishing a publicly owned depository/state bank in Washington. This issue has already been studied at length during the past three years. For this reason, I have vetoed Section 101(2), Section 102(3) and Section 923.

Section 113(19), page 12, Administrator for the Courts, Clark County CASA Program

This section provides an additional appropriation solely for the Clark County YWCA Court Appointed Special Advocate (CASA) program. Adding a single appropriation for one CASA program jeopardizes the current equitable allocation approach established by the Washington Association of Juvenile Court Administrators. For this reason, I have vetoed Section 113(19).

Section 127(112), page 67, Department of Commerce, Commercial Property/Clean Energy

This proviso provides funding to implement Engrossed Second Substitute House Bill 2405, which enables the Department of Commerce to implement a new statewide Commercial Property Assessed Clean Energy and Resiliency (C-PACER) program. The funding is based on an outdated fiscal estimate and is not sufficient to establish this new program. Counties will still have the ability to establish separate voluntary county-wide C-PACER programs under this bill. For these reasons, I have vetoed Section 127(112).

**Section 129(15), page 79, Office of Financial Management, Fund Sources Used to
Determine Financial Feasibility of Collective Bargaining Agreements**

This section directs the Office of Financial Management to use the state general fund to support certain collective bargaining agreements. This would preempt policy decisions by the governor about his priorities for the use of available resources. It also presupposes the preferences of future legislatures. The governor should be able to prioritize all activities in his budget proposal, both the continuation of current activities as well as proposed new expenditures. For these reasons, I have vetoed Section 129(15).

**Section 129(17), page 79, Office of Financial Management, Data Requests Submitted to
Education Research and Data Center**

This proviso directs the Office of Financial Management to provide data requested by the Joint Legislative Audit and Review Committee and the Washington State Institute for Public Policy within six months of the date of the initial formal request. The Education Research and Data Center (ERDC) has no authority to enforce deadlines on research requestors, ensure timely responses from data suppliers, and establish timelines for legal counsel to perform their review. I am directing the Office of Financial Management to continue its process improvement efforts and collaboration with requestors. For this reason, I have vetoed Section 129(17).

**Section 202(1)(o), page 130, Department of Social and Health Services – Behavioral Health
Administration , Western State Hospital Volunteer Support Group and Visitation Pilot**

This proviso directs the Department of Social and Health Services, within available resources, to facilitate the development of a volunteer support group and to create a pilot program to

encourage patient family visitation at Western State Hospital. I fully support the concept of facilitating family involvement at all of our facilities and know how beneficial both visitation and volunteer work can be. However, this proviso provides no additional funding. Without new funding, the hospital would need to take direct care staff away from their patient care responsibilities to implement this requirement. For this reason, I have vetoed Section 202(1)(o).

Section 204(37), page 154, Department of Social and Health Services – Aging & Long Term Services Administration, 24/7 RN Staffing Exemption

This section is duplicative of Section 3 of Engrossed Second Substitute Senate Bill 6515. As registered nurse staffing levels have been an ongoing problem for our state’s nursing homes, the ongoing exemption offered by ESSB 6515 is a more practical solution than the temporary one offered in this proviso. For these reasons, I have vetoed Section 204(37).

Section 211(76), pages 192-194, Health Care Authority – Medical Assistance, Primary Care Collaborative

This proviso directs the Health Care Authority to establish a primary care collaborative, but did not provide the necessary funding to support the new collaborative. For this reason, I have vetoed Section 211(76).

Section 211(81), pages 196-197, Health Care Authority – Medical Assistance, Prior Authorization for Antiviral Drugs

The Health Care Authority, in coordination with the Department of Health, is directed to develop a strategy to deliver HIV antiviral drugs to enrollees without requiring a prior authorization for these prescriptions. This policy would jeopardize the state’s ability to participate in the federal drug rebate program and would substantially increase costs to the state. For this reason, I have vetoed Section 211(81).

Section 212(7), page 200, Health Care Authority, Medicare-eligible Retiree Stakeholder Group

This section directs the Health Care Authority to convene a stakeholder group to provide feedback to the Office of the State Actuary. While the interest in this topic is welcome, work has been underway for some time. The Health Care Authority has already completed a report on this topic and provision of the first new option for Medicare-eligible retiree medical coverage begins on January 1, 2021. Further, the new workgroup overlaps the work of the Public Employees’ Benefits Board, which includes retiree representatives and can solicit stakeholder feedback and provide information to the Legislature. I will ask the Board to include this topic on its agenda, invite the Office of State Actuary to the discussion on this issue, and report to the Legislature and me on stakeholder preferences and any additional recommendations. For these reasons, I have vetoed Section 212(7).

Section 215(24)(c) and Section 215(24)(d), pages 213-214, Health Care Authority – Community Behavioral Health, Long-term Psychiatric Inpatient Report

This proviso directs the Health Care Authority report to the Legislature on the impact of rate increases provided to long-term psychiatric inpatient providers on their capacity to serve clients and client utilization of this service. The agency indicates that there will be insufficient data to write a report by December 1, 2020. For this reason, I have vetoed Section 215(24)(c) and Section 215(24)(d).

Section 221(59), pages 265-266, Department of Health, Telemedicine Work Group

This section directs the Department of Health, within existing resources, to convene a work group to collect information and establish guidelines and recommendations for how the Office of the Insurance Commissioner can include telemedicine services in network adequacy requirements. The staff and stakeholders necessary to convene this work group are the same individuals working to address the COVID-19 outbreak. This work group requirement would divert critical resources from the pandemic response. For these reasons I have vetoed Section 221(59) and am directing the Department of Health to perform as much of the activity as feasible within available resources, given that this is important work in the current environment.

Section 221(61), page 266, Department of Health, Vapor Product Labeling

This section provides funding to implement Engrossed Second Substitute Senate Bill 6254. However, this bill did not pass the Legislature. For this reason, I have vetoed Section 221(61).

Section 222(2)(i), pages 273-274, Department of Corrections, Body Scanner Pilot Expansion

The proposed expansion of the body scanner program in the budget provides no funding for the necessary staff to support dry cell watches and other functions related to the scanners. The department is currently operating a single body scanner under the direction of the Legislature with insufficient funding and is repurposing staff from other crucial duties for this function. Implementing this expansion of two additional body scanners with no funding for staffing would require the department to repurpose additional staff. For these reasons, I have vetoed Section 222(2)(i).

Section 307, page 334, lines 22-23, Department of Fish and Wildlife, State Wildlife Account Expenditure Authority

The expenditure authority for the State Wildlife Account is reduced by \$19,429,000, which is too significant to maintain current programs at the Department of Fish and Wildlife. The department projects earning enough revenue to support a higher expenditure authority. I am directing the Office of Financial Management to limit allotments in the State Wildlife Account to the level of projected revenue. To retain the higher expenditure authority, I have vetoed Section 307, page 334, lines 22-23.

Section 307(22), pages 339-340, Department of Fish and Wildlife, Columbia River Salmon Policy

This proviso directs the Department of Fish and Wildlife to implement a voluntary buyback program to purchase commercial gill net fishery licenses for Columbia River, Grays Harbor, and Willapa Bay. It is premature to move ahead with a buyback program. To be successful, any gill net fishery buyback needs to be developed in concert with license holders and the state of Oregon. I encourage the department to continue work with Oregon and commercial gill net license holders on developing a workable buyback program. For these reasons, I have vetoed Section 307(22).

Section 307(27), pages 340-341, Department of Fish and Wildlife, Independent Science Review Council

This section directs the Department of Fish and Wildlife to convene an independent science review council to advise co-managers on critical anadromous fish management decisions. The state and tribal co-managers already utilize a robust scientific process to manage salmon. This proviso adds unnecessary review and administrative burden on the co-managers. For this reason, I have vetoed Section 307(27).

Section 308(32), page 354, Department of Natural Resources, Urban and Community Forestry

Substitute House Bill 2768, relating to urban and community forestry, did not pass the Legislature, resulting in a lapse of funding. For this reason, I have vetoed Section 308(32).

Section 501(4)(aa), page 393, Office of the Superintendent of Public Instruction, Learning Assistance Program Changes

The budget included funding for implementation of Second Substitute House Bill 1182 which would have increased allowable uses of Learning Assistance Program funds by school districts. This bill did not pass the Legislature. For this reason, I have vetoed Section 501(4)(aa).

Section 601(9), page 455, Higher Education Institutions, Data Reporting Deadline

This section requires institutions of higher education to provide budget, expenditure, and revenue data for the previous fiscal year on an annual basis to the Education Research and Data Center (ERDC) by October 1. Section 129(21) directs the ERDC to update and expand its higher education finance report website. I am directing the higher education institutions to cooperate with the ERDC to provide the budget, expenditure and revenue data in a timely fashion and to provide the state-funded full-time equivalent student enrollment data as soon as it is feasible. The required fiscal year data is not audited or prepared by October 1; however, it could be available annually in March or April. For these reasons, I have vetoed Section 601(9).

Section 602(32), pages 461-462, State Board for Community and Technical Colleges, Running Start Data

This section directs but does not provide funding for the State Board for Community and Technical Colleges (SBCTC) to collect Running Start data for fiscal year 2018, fiscal year 2019, and fiscal year 2020 for the 34 community and technical colleges for a task force created in Section 609(11). The data is requested at a level of granularity that does not currently exist in college financial systems. This would require time-consuming and manual processes to create these data elements. The SBCTC is willing to provide data on dual credit student demographics and outcomes, but does not have the resources to manually create financial data. For these reasons, I have vetoed Section 602(32).

**Section 603(53), page 474, University of Washington, Adoption of Common Application
Section 604(31), pages 482-483, Washington State University, Adoption of Common Application**

Section 605(11), page 485, Eastern Washington University, Adoption of Common Application

Section 606(9), page 487, Central Washington University, Adoption of Common Application

Section 608(12), page 493, Western Washington University, Adoption of Common Application

These sections provide funding solely for implementation of Substitute Senate Bill 6142. I have vetoed Substitute Senate Bill 6142; therefore, this funding is not necessary. For this reason, I have vetoed Section 603(53), Section 604(31), Section 605(11), Section 606(9), and Section 608(12).

Section 722, page 528, Special Appropriations, Forest and Forest Products Carbon Account

Engrossed Second Substitute House Bill 2528 did not create the Forest and Forest Products Carbon Account, so funds cannot be transferred into this account. For this reason, I have vetoed Section 722.

Section 801, page 529, line 34, For the State Treasurer, Manufacturing and Warehouse Jobs Centers Account

This section provides funding to implement Engrossed House Bill 1948. I have vetoed Engrossed House Bill 1948; therefore, this appropriation is not necessary. For this reason, I have vetoed Section 801.

Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. My staff and I have conferred with Democratic and Republican leaders in both the House of Representatives and Senate, and we all agree that we must prepare now for the effects of the lost revenue that will result from this pandemic.

The supplemental budget includes task forces, work groups, reports, pilot programs, new programs, and program expansions that would be smart investments for the state under normal circumstances. However, under the extraordinary situation we now face, we cannot afford all of them at this time. For this reason, I have vetoed the following sections:

Section 116(9), page 20, Office of the Governor, Washington State Office of Equity

Section 127(28), pages 43-44, Department of Commerce, Report on Behavioral Health Treatment Facility Capacity

Section 127(79), pages 57-58, Department of Commerce, Adult Culinary Program Grant

Section 127(81), page 58, Department of Commerce, Growth Management Act Work Group

Section 127(87), pages 60-62, Department of Commerce, El Nuevo Camino Gang Violence Pilot Project

Section 127(97), page 65, Department of Commerce, Pacific Science Center Grant

Section 127(99), page 65, Department of Commerce, Regional Museum Funding

Section 127(101), pages 65-66, Department of Commerce, Study of Incorporated Areas

Section 129(19), page 80, Office of Financial Management, Independent Audit of Health Care Authority Administrative Costs and Expenditures

Section 204(28), page 152, Department of Social and Health Services – Aging and Long-Term Care Services Administration, Administrative Rate for Home Care Agencies

Section 204(34), page 154, Department of Social and Health Services – Aging and Long-Term Care Services Administration, Dementia Education

Section 204(38), pages 154-155, Department of Social and Health Services – Aging and Long-Term Care Services Administration, Specialized Dementia

Section 205(14), page 161, Department of Social and Health Services – Economic Services Administration, Postpartum Period Coverage

Section 211(60), page 188, Health Care Authority, Nonemergency Medical Transportation Broker Rate Increase

Section 211(68), page 191, Health Care Authority, Training on Evidence-Based Mental Health Interventions

Section 211(74), page 192, Health Care Authority, Patient Safety Coalition Grant

Section 211(78), pages 194-195, Health Care Authority, Behavioral Health Services Rate Increase

Section 211(79), pages 195-196, Health Care Authority, Primary Care Physician Rate Increase

Section 211(84), pages 197-198, Health Care Authority, Prescription Drug Affordability

Section 211(86), page 198, Health Care Authority, Postpartum Period Coverage

Section 214(9), pages 203-204, Health Care Authority, Postpartum Period Coverage

Section 215(56), page 223, Health Care Authority, Training Grants for Providers

Section 215(69), pages 226-227, Health Care Authority, Pilot Project to Increase Access for ITA Transportation

Section 218(17), pages 234-235, Criminal Justice Training Commission, Law Enforcement Officer Mental Health and Wellness

Section 221(55), pages 264-265, Department of Health, Implementation of SHB 2419 (Death With Dignity Barriers)

Section 221(56), page 265, Department of Health, Distribution of Fruit and Vegetable Benefit

Section 221(58), page 265, Department of Health, Collaboration on Report on School Supplies of Epinephrine Autoinjectors

Section 221(63), pages 266-267, Department of Health, Work Group on Sexually Transmitted Infections

Section 221(68), page 267, Department of Health, Group B Water Systems

Section 225(2)(u), page 288, Department of Children, Youth and Families, Creation of YVLifeSet Program

Section 225(2)(ff), page 291, Department of Children, Youth and Families, Implementation of SHB 2525 (Family Connections Program)

Section 225(2)(gg), page 291, Department of Children, Youth and Families, Rate Increase for Child-Placing Agencies

Section 225(2)(jj), page 291, Department of Children, Youth and Families, Extracurricular Activities for Foster Youth

Section 225(2)(ll), page 292, Department of Children, Youth and Families, Rate Study and Report on Contracted Parent-Child Visitation Services

Section 225(4)(a)(ii), page 299, Department of Children, Youth and Families, ECEAP Rate Increase

Section 225(4)(d)(viii), page 301, Department of Children, Youth and Families, Reduce Co-pays for Recipients and Report to Legislature

Section 225(4)(cc), pages 309-310, Department of Children, Youth and Families, Early Learning Dual Language Grant Program for ECEAP and WCCC

Section 302(24), page 321, Department of Ecology, Increase for Local Solid Waste Financial Assistance Program

Section 302(30), page 322, Department of Ecology, San Juan County Study on Water Resources

Section 302(31), page 322, Department of Ecology, Clark County Grant for Clean-up Plan of Vancouver Lake

Section 302(32), pages 322-323, Department of Ecology, Clean Up Phosphorus and Algae Levels in Spanaway Lake

Section 302(33), page 323, Department of Ecology, Follow-up Analysis of Guemes Island Aquifer Study

Section 302(42), page 325, Department of Ecology, Implementation of ESHB 2722 (Minimum Recycled Content Requirements)

Section 304(7), page 329, Recreation and Conservation Office, Develop Stewardship Program Measures for Washington Wildlife and Recreation Program

Section 304(10), pages 329-330, Recreation and Conservation Office, Develop Strategy and Report on Future Outdoor Recreation Investments

Section 306(5), page 333, State Conservation Commission, Additional Technical Assistance for Landowners

Section 306(10), page 333, State Conservation Commission, Funding to South Yakima Conservation District to Address Nitrate Concentrations

Section 307(25), page 340, Department of Fish and Wildlife, Research on Shell Disease Prevention in Native Western Pond Turtles

Section 307(26), page 340, Department of Fish and Wildlife, Additional Elk Fencing

Section 307(28), page 341, Department of Fish and Wildlife, Technical Assistance on Hydraulic Project Approval Permits

Section 307(36), page 343, Department of Fish and Wildlife, Increase Invasive Species Inspection Patrols on Recreational Boats

Section 308(25), pages 350-351, Department of Natural Resources, Changes in Application of Aerial Herbicides and Forestlands

Section 308(28), page 352, Department of Natural Resources, Implementation of 2SSB 6528 (Prevention of Derelict Vessels)

Section 309(23), pages 359-360, Department of Agriculture, Implementation of ESHB 2713 (Compost Procurement and Use)

Section 309(27), page 361, Department of Agriculture, Develop Cooperative Agreement to Implement State-Run Meat Inspection Program

Section 501(3)(h), page 380, Office of the Superintendent of Public Instruction, Technical Advisory Committee

Section 501(3)(k), page 381, Office of the Superintendent of Public Instruction, Early Learning Integration Plan

Section 501(4)(v), pages 391-392, Office of the Superintendent of Public Instruction, Balanced School Year Pilot

Section 501(4)(w), page 392, Office of the Superintendent of Public Instruction, Health Education Standards

Section 501(4)(x), pages 392-393, Office of the Superintendent of Public Instruction, Collaboration on Report on School Supplies of Epinephrine Autoinjectors

Section 501(4)(dd), pages 393-394, Office of the Superintendent of Public Instruction, Spanish Language Arts Standards

Section 501(4)(ee), page 394, Office of the Superintendent of Public Instruction, Individual Health Plans Model Policy

Section 501(4)(gg), page 394, Office of the Superintendent of Public Instruction, Ethnic Studies Materials

Section 501(4)(jj), page 395, Office of the Superintendent of Public Instruction, Model Civics Curriculum

Section 501(4)(kk), page 395, Office of the Superintendent of Public Instruction, Small School Grants

Section 502(3), page 397, Office of the Superintendent of Public Instruction, Enhanced Paraeducator Training

Section 503(2)(d), page 400, Office of the Superintendent of Public Instruction, Guidance Counselors

Section 506(10), pages 415-416, Office of the Superintendent of Public Instruction, Backfill of Transportation Funds

Section 520(2), pages 436-438, Office of the Superintendent of Public Instruction, Expansion of Robotics/CTE Student Leadership Program

Section 520(15), pages 445-446, Office of the Superintendent of Public Instruction, Expansion of Extracurriculars Grant Program

Section 520(24), page 448, Office of the Superintendent of Public Instruction, Expansion of Media Literacy Grant Program

Section 520(26), pages 448-449, Office of the Superintendent of Public Instruction, Develop Bilingual Environmental Education Program

Section 520(27), page 449, Office of the Superintendent of Public Instruction, Design and Planning for Maritime Education in South King County

Section 520(28), page 449, Office of the Superintendent of Public Instruction, Create System of Career-Learning Opportunities for Students

Section 520(34), page 450, Office of the Superintendent of Public Instruction, Contract for Data Analytics and Visualization

Section 602(27), page 460, State Board for Community and Technical Colleges, Expansion of Interpreter Training Program

Section 602(28), page 460, State Board for Community and Technical Colleges, Coordinate Building of Affordable Workforce Housing at Institutions

Section 602(29), pages 460-461, State Board for Community and Technical Colleges, Firefighter Basic Training Study

Section 602(31), page 461, State Board for Community and Technical Colleges, Faculty Staffing Mix Study

Section 603(42), page 472, University of Washington, Air Quality Study

Section 603(43), page 472, University of Washington, Continue Yakima Valley MESA Program

Section 603(44), pages 472-473, University of Washington, Study on Special Purpose District Elections

Section 603(46), page 473, University of Washington, Cannabis Research Study

Section 603(49), page 474, University of Washington, Implementation of SHB 2419 (Death With Dignity Barriers)

Section 603(50), page 474, University of Washington, Purchase of Paramedic Simulation Equipment

Section 603(54), page 474, University of Washington, Expand Center for Human Rights

Section 603(55), page 474, University of Washington, Mental Health Counselor Position

Section 603(56), page 475, University of Washington, State Forensic Anthropologist

Section 603(57), page 475, University of Washington, Increased Access to Burke Museum Education Programs

Section 604(24), page 481, Washington State University, Implementation of ESHB 2248 (Community Solar Projects)

Section 604(25), page 481, Washington State University, Establish MESA Program at Everett Campus

Section 604(26), page 481, Washington State University, Washington Stormwater Center Project

Section 604(29), page 482, Washington State University, Implementation of ESHB 2645 (Photovoltaic Module Stewardship and Takeback Program)

Section 604(30), page 482, Washington State University, Expanding and Integrating Energy Systems in Bellingham

Section 604(32), page 483, Washington State University, Implementation of SSB 6306 (Soil Health Initiative)

Section 604(33), page 483, Washington State University, Solar Siting Pilot Project in Columbia Basin

Section 604(34), page 483, Washington State University, Mental Health Counselor Position

Section 604(35), page 483, Washington State University, Implementation of E2SSB 6518 (Environmental Exposure to Certain Pesticides)

Section 605(9), page 485, Eastern Washington University, Expand American Sign Language Program

Section 605(12), page 485, Eastern Washington University, Mental Health Counselor Position

Section 606(7), pages 486, Central Washington University, Develop Educational American Sign Language Interpreter Preparation Program

Section 606(8), page 487, Central Washington University, Technology Purchase to Supervise Student Teachers in Rural Areas

Section 606(10), page 487, Central Washington University, Mental Health Counselor Position

Section 607(5)(f), pages 489-490, The Evergreen State College, WSIPP Study on Transitional Kindergarten Programs

Section 607(5)(g), page 490, The Evergreen State College, WSIPP Review of Mandatory Arrests in Domestic Violence Cases

Section 607(5)(h), page 490, The Evergreen State College, WSIPP Study of Access to Voting and Voter Registration

Section 607(7), page 491, The Evergreen State College, Implementation of Engrossed Senate Bill 6313 (Increasing Opportunities for Young Voters)

Section 607(8), page 491, The Evergreen State College, Mental Health Counselor Position

Section 608(9), page 493, Western Washington University, Development and Expansion of American Sign Language Education

Section 608(13), page 493, Western Washington University, Mental Health Counselor Position

Section 609(4), page 494, Washington Student Achievement Council, Administration Costs for Washington College Grant

Section 609(5), page 494, Washington Student Achievement Council, Expansion of College Bound Scholarship to Ninth Graders

Section 609(7), pages 494-495, Washington Student Achievement Council, New Task Force on Student Access to Health Care at Institutions

Section 609(9), page 496, Washington Student Achievement Council, Marketing and Communications Strategy for Career Connected Learning

Section 609(10), pages 496-498, Washington Student Achievement Council, Study on Child Savings Accounts

Section 609(11), pages 498-499, Washington Student Achievement Council, Establish Task Force to Eliminate Barriers for Low-Income Students

Section 710, page 522, Special Appropriations, Fund Transfer to Outdoor Education and Recreation Account

Section 715, page 526, Special Appropriations, Transfer to Climate Resiliency Account

Section 804, page 535, lines 32-34, Transfers and Appropriations, Transfer to Workforce Education Investment Account

In addition, Section 219(30) on page 241 provides \$15 million for grants to promote workforce development in aerospace and aerospace-related supply chain industries. The proviso is unclear and does not identify which types of non-profit, non-governmental or training entities are eligible. This funding should support our efforts to grow state registered apprenticeship and incumbent worker advancement across mechanical and professional occupations in the aerospace field. Therefore, I am directing the Department of Labor and Industries to prioritize applications with demonstrated employer-worker partnership, active worker engagement, and sustainability to meet this intent.