

VETO MESSAGE ON HB 1635-S

May 18, 1993

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 3, Substitute House Bill No. 1635 entitled:

"AN ACT Relating to jumbo ferry construction."

This bill requires that the new jumbo ferry vessels be constructed within the state of Washington. I support the concept of in-state preference for the construction of these ferries. Section 3 of Substitute House Bill No. 1635 outlines a procedure if the contractor's bids come in significantly higher than the engineer's original cost estimates. The Legislative Transportation Committee (LTC) is granted authority to review and, if necessary, revise the engineer's estimate for appropriateness and accuracy. This LTC oversight of an executive branch function is in direct conflict with the principle of separation of powers between the Executive and Legislative branches.

Conformance to bid standards is the responsibility of the Secretary of Transportation and the Transportation Commission, not the LTC. If additional independent oversight of the agency's bidding procedures is needed, then current law does not prevent the Department of Transportation from taking advantage of contracting expertise in the Office of Financial Management.

This partial veto eliminates the formal LTC third party review process, but the in-state preference is protected. The Department of Transportation retains its ability to control contract costs through accepted procedures in current law, while the time honored principle of separation of powers is maintained.

With the exception of section 3, Substitute House Bill No. 1635 is approved.

Respectfully submitted,
Mike Lowry
Governor