FILED
AUG 30 2019
Superior Court
Linda Myhre Enlow
Thurston County Clerk

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

WASHINGTON STATE LEGISLATURE, Plaintiff, v. THE HONORABLE JAY INSLEE, in his official capacity as Governor of the State of Washington, Defendant.	NO. 19-2-04397-34 COMPLAINT FOR DECLARATORY JUDGMENT

I. INTRODUCTION

1. The Constitution of the State of Washington permits the Governor to veto "one or more sections or appropriation items" in a bill the Legislature passes, but "may not object to less than an entire section, except that if the section contains one or more appropriation items he may object to any such appropriation item or items." Const. art. III, § 12.

2. The Washington State Legislature brings this action to challenge the validity of Governor Jay Inslee's vetoes in one section of the transportation budget for the 2019–21 fiscal biennium. The Governor vetoed a single sentence from each of seven provisos in that section. The Governor exceeded his constitutional authority by vetoing less than an entire section or

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appropriation item. This Court should grant declaratory judgment invalidating the Governor's vetoes and declaring the vetoed sentence to be part of the validly enacted budget act.

3. The sole issue presented by this case is the validity of the Governor's veto of less than a full section or appropriation item. This is an issue of substantial public interest affecting the constitutional roles and prerogatives both of the people's elected representatives in the Legislature and of the Governor as the State's chief executive officer. The public policy merits of the Legislature's enactment or of the Governor's partial veto are not at issue.

II. PARTIES

4. Plaintiff Washington State Legislature is the elected legislative body charged under the Washington Constitution with crafting the State's statutory laws. Wash. Const. art. 2, § 1. The Legislature consists of a Senate and House of Representatives, *id.*, and both bodies act jointly in bringing this Complaint for Declaratory Judgment.

5. The Honorable Jay Inslee is the Governor of the State of Washington. The powers and duties of the Governor include the approval, veto, or partial veto of bills passed by the Legislature, within the limits of article III, section 12 of the Washington Constitution.

III. JURISDICTION AND VENUE

6. This Court has jurisdiction over this matter pursuant to RCW 2.08.010, RCW 7.24.010, and RCW 7.24.050.

7. Venue is proper in Thurston County pursuant to RCW 4.12.020 because the events giving rise to this action arose in Thurston County.

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IV. FACTS

8. The Legislature adopted a transportation budget for the 2019–21 fiscal biennium at its 2019 regular session. Laws of 2019, ch. 416. The Governor signed that act subject to a set of partial vetoes described in a veto message.

9. The transportation budget was proposed in the House of Representatives and assigned bill number 1160. The House of Representatives initially passed the bill on March 29, 2019. The Senate passed the bill, but not in identical form, on April 4, 2019. Following the deliberations of a conference committee, both legislative bodies gave final passage to the transportation budget on April 28, 2019, as Engrossed Substitute House Bill 1160 (ESHB 1160).

10. ESHB 1160 included Section 220, providing appropriations for the Washington State Department of Transportation (WSDOT). Section 220 appropriates moneys from several state funds or accounts to fund various public transportation grant programs administered by WSDOT.

11. ESHB 1160 Section 220 further includes 15 numbered paragraphs setting forth provisos regarding moneys appropriated in Section 220. Among those provisos, paragraphs (1)(a), 1(b), (2), (3)(a), (5)(a), (7), and (9) all condition funding for various grants for local transportation programs. As adopted by the Legislature, all of those provisos included a sentence reading, "[f]uel type may not be a factor in the grant selection process" (the fuel type sentence).

12. The fuel type sentence was included in the transportation budget beginning with the proposal introduced by the chair of the House Transportation Committee. It remained part of the bill from then on.

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13. On April 4, 2019, the Director of the Office of Financial Management communicated a number of concerns and recommendations to the chairs of the relevant legislative committees concerning the pending transportation budget, but made no mention of the fuel type sentence.

14. The Governor vetoed the single sentence, "Fuel type may not be a factor in the grant selection process," every time it occurred in ESHB 1160, Section 220. The Governor did not veto any other text within Section 220.

15. The Governor's vetoes of a single sentence each time it occurred in ESHB 1160, Section 220 exceeded the Governor's authority under article III, section 12 of the Washington Constitution, and therefore have no force or effect.

16. After the Governor signed ESHB 1160 with his partial vetoes, he transmitted it to the Office of the Secretary of State, where it was chaptered as Laws of 2019, chapter 416.

V. CAUSE OF ACTION: DECLARATORY JUDGMENT

17. The Legislature realleges and incorporates by reference all of the preceding paragraphs, as if fully set forth below.

18. For reasons including but not limited to those stated in this Complaint, an actual dispute exists between the Legislature and the Governor. The Parties have genuine and opposing interests that are direct and substantial, and a judicial determination would be final and conclusive.

19. The Legislature is entitled to declaratory judgment that the Governor's partial vetoes in ESHB 1160, section 220, are constitutionally invalid and have no force or effect. The Legislature is further entitled to declaratory judgment declaring Laws of 2019, chapter 416,

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section 220 is valid and effective in the entire form in which the Legislature enacted it, including the fuel type sentence the Governor unlawfully vetoed from section 220.

VI. REQUEST FOR RELIEF

WHEREFORE, the Legislature respectfully requests the following relief:

1. That this Court enter a declaratory judgment that the Governor's vetoes of a single sentence each time it occurred in section 220 of ESHB 1160 exceeded the Governor's constitutional authority under article III, section 12 of the Washington Constitution, and are for that reason invalid and of no legal force or effect;

2. That this Court declare that section 220 of ESHB 1160 is currently in full force and effect in the form in which it passed the Legislature and without the Governor's vetoes;

3. Such other and further relief as may follow from the entry of declaratory judgment;

4. Reasonable attorneys' fees, expenses and costs, to the fullest extent allowed by law and equity; and

5. Any further relief as this Court may deem necessary and proper.

DATED this 30th day of August, 2019.

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