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BIAW Lawsuit Alleges Governor and Legislature Violated State Constitution

Olympia, WA The Building Industry Association of Washington (BIAW) filed suit against Gov. Jay Inslee, the Department of Fish and Wildlife (DFW) and the State of Washington today. The suit centers around recently passed [HB 1579](#), intended to implement recommendations from the Southern Resident Killer Whale Task Force, and alleges that the governor and Legislature overstepped their constitutional authority.

BIAW's suit asks the court to declare that the governor acted unconstitutionally when he vetoed a subsection of HB 1579 because the Washington State Constitution specifically requires that he veto sections in their entirety, rather than subsections. Additionally, BIAW asserts the Legislature overstepped its authority by including a provision of the bill that was not a recommendation of the task force, in violation of the constitutional requirement that all bills address a single subject.

"The process of adopting this bill raised a number of constitutional concerns," stated BIAW General Counsel Jackson Maynard. "First, the bill violated the single-subject requirement. Compounding the problem, the governor vetoed a sub-section of the bill in violation of the State Constitution's clear requirement that a governor must veto an entire section of a bill, not sub-sections."

As a result of these illegal actions, Maynard explained, there is confusion about the authority of the DFW to implement the bill through enforcement and rule-making. The bill repealed the existing ability of the DFW to fine for violations and the governor vetoed the new authority. As a result, it is unclear whether and how the department can issue civil fines at all.

"Actions by the governor have raised a number of questions on constitutionality, enforcement and rule-making authority that need to be cleared up as soon as possible, to give predictability and certainty to the process for our members," concluded Maynard. "All we are asking in this lawsuit is for the court to require that the governor and Legislature abide by their oaths and act in accordance with the state's founding document."

A copy of BIAW's filing can be located here:

https://biaw.com/PDFs/news/190716_Compaint_for_Governor_Violated_State_Constitution.pdf

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The Building Industry Association of Washington is the voice of the housing industry as the state's largest trade association with nearly 8,200 member companies employing approximately 265,000 people. The association is dedicated to ensuring and enhancing the vitality of the building industry for the benefit of its members and the housing needs of the citizens. Learn more at www.biaw.com.