



JANE DEE HULL
GOVERNOR
STATE OF ARIZONA

May 19, 1999

The Honorable Betsey Bayless
Arizona Secretary of State
1700 West Washington
Phoenix, AZ 85007

RE: HB 2481 (DHS; omnibus)

Dear Secretary Bayless:

Today I vetoed House Bill 2481. The bill had several provisions designed to improve public health, which I support. However, language added at the end of the session establishing a commission to oversee tobacco education funds would seriously disrupt the Department of Health Services' ability to carry out its tobacco education programs.

For example, the bill requires that, "[b]eginning on January 1, 2000, monies shall not be expended from the health education account unless included in the five year plan as approved by the commission and the budget as reviewed by the... commission." However, since the Commission does not even become effective until January 1, 2000, it would be impossible for the Commission to review a plan and budget prior to that date. Therefore, DHS would be unable to continue to expend monies for any programs for which contracts continue beyond January 1, 2000. This would create administrative confusion for the agency and its contractors, and would delay good programs. A question has also been raised about the legal impact on the state procurement process of language that allows the Commission to review and make recommendations on requests for proposals once they have been issued by DHS, rather than while they are in the development phase.

Although I am certain it was not the intent of the authors of this language to create these problems, they exist. These are the kinds of issues that result from introducing new topics at the end of a legislative session.

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I am not opposed to the idea of creating an advisory committee to the Tobacco Education and Prevention Program, and my staff and I made that clear to the proponents of this language. However, I believe the Tobacco Revenue Use, Spending and Tracking Commission (TRUST) is a cumbersome entity, and the name itself could cause confusion among the public. The name is not obviously linked to the tobacco education fund, and suggests that it is responsible for all tobacco-related funds.

In the interest of moving forward with a number of the non-controversial provisions of this bill, I have asked my staff to work with DHS and the various stakeholders to identify non-legislative strategies that accomplish our goals. I will also support the re-introduction of any necessary legislative changes during the next legislative session.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jane Dee Hull".

JANE DEE HULL
Governor

cc: Representative Susan Gerard