

VETO MESSAGE ON SB 5953-S

April 1, 1992

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to subsection 1 of section 202, Substitute Senate Bill No. 5953 entitled:

"AN ACT Relating to education."

Substitute Senate Bill No. 5953 sets our public education system on a new course by moving to a system that emphasizes excellence in student performance. It creates the Commission on Student Learning to establish the capacity to immediately begin implementation of the recommendations of the Governor's Council on Education Reform and Funding. Simultaneously, it creates a mechanism to waive a number of existing state rules that impede local restructuring activities. I strongly support these and other provisions in the bill and congratulate the legislature for its far-sightedness in setting the stage for these important changes.

Section 202 establishes the Commission on Student Learning and defines its activities and timelines. Subsection 1 of section 202 creates a procedure which may eliminate not only the commission, but major revisions to the Basic Education Act as well. The continued viability of these sections of law rests on the passage or failure to pass a joint resolution in the future. This process is a legislative veto that violates basic constitutional checks and balances. Through this mechanism, one House of the Legislature is given the power to nullify constitutionally enacted legislation. Furthermore, the legislature is given the power to amend the law by resolution without presenting it to the executive.

I have vetoed this subsection solely because it is an infringement on the constitutional doctrine of separation of powers. The Legislature is an equal partner in the creation of education policy, including student learning goals. This veto protects the integrity of the legislative process and assures adequate bicameral review, including public scrutiny and executive approval, before future enactments or amendments can occur. Notwithstanding this veto, it is important that the Legislature affirm the student learning goals put forward by the Governor's Council on Education Reform and Funding during the 1993 Legislature. I encourage you to do so.

For the reasons stated above, I have vetoed subsection 1 of section 202 of Substitute Senate Bill No. 5953.

With the exception of subsection 1 of section 202, Substitute Senate Bill No. 5953 is approved.

Respectfully submitted,
Booth Gardner
Governor