

VETO MESSAGE ON HB 1745

May 11, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 1745 entitled:

"AN ACT Relating to child support technical amendments regarding medical support;"

Engrossed House Bill No. 1745 was intended to make changes to state laws regarding National Medical Support Notice requirements. However, each of the bill's two sections contains unacceptable provisions.

Section 1 of the bill would have required the Division of Child Support within the Department of Social and Health Services (DSHS), where appropriate, to comply with a federal law requiring that a National Medical Support Notice be sent with payroll deduction notices or income withholding orders within two days of receiving new hire reporting information. DSHS can and must comply with the federal law without a state statute directing it to do so. Therefore, section 1 is unnecessary.

Section 2 would have placed unrealistic and inappropriate limits on the authority of the Division of Child Support to make new rules. It also would have changed the burden of proof in court proceedings for certain agency actions, reversing a long-standing legal principle governing the validity of agency actions. Additionally, section 2 would have limited the agency's authority to implement the law to circumstances and behaviors known at the time of the bill's enactment, subjecting the agency to an uncertain and ambiguous standard and inviting litigation.

These restrictions are different from the requirements and standards of the Administrative Procedure Act (APA), and would have subjected rules and actions adopted under this act to different, inconsistent standards. APA standards apply uniformly to all other rules adopted by the DSHS, and every other agency and division in state government. It is important that rules and actions of state agencies be implemented and enforced uniformly. It is also important that the APA not be amended in a piecemeal way. To do so would create administrative confusion, make rules harder for the public to understand, and invite litigation.

For these reasons I have vetoed Engrossed House Bill No. 1745 in its entirety.

Respectfully submitted,  
Gary Locke  
Governor