

VETO MESSAGE ON HB 1530-S

May 20, 2003

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 1530 entitled:

"AN ACT Relating to venue for declaratory judgments under the administrative procedure act;"

This bill would have expanded venue provisions for the filing of declaratory judgment petitions challenging the validity of state agency rules.

Throughout my administration, I have worked to bring greater predictability and certainty to the regulatory process because this is beneficial to both state agencies and to those who are regulated. This legislation would have worked counter to that objective.

Under this bill, any person would have been able to seek a declaratory judgment against an agency rule in any of five superior courts across the state. The bill did not require any tie of business location, property ownership, or residence in the county where one might bring a petition. Judges of the Thurston County Superior Court have developed special expertise in the complexities of the Administrative Procedures Act (APA), but under this bill, declaratory judgment petitions could intermittently arrive in the superior courts of Yakima, Clark, Whatcom or Spokane Counties, in addition to Thurston County. Because I can appreciate the cost and time entailed in traveling to Thurston County, I indicated support for a compromise that would have expanded venue to a second court on the east side of the state, but that approach was rejected by the Legislature in favor of this bill.

Additionally, decisions rendered by a superior court do not have precedential value for courts in other counties, so similar cases could be brought in multiple counties with different results. In order to arrive at a single statewide resolution, agencies would likely have to appeal conflicting decisions to set a statewide precedent. This would have added time and cost to the rule-making process, making it less orderly and less predictable.

For these reasons, I have vetoed Engrossed Substitute House Bill No. 1530 in its entirety.

Respectfully submitted,
Gary Locke
Governor