

VETO MESSAGE ON HB 1531

April 18, 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, House Bill No. 1531 entitled:

"AN ACT Relating to the governor's signature on significant legislative rules;"

House Bill No. 1531 provides that I sign all significant legislative rules adopted by my cabinet agencies.

I have long been a proponent of regulatory reform, as demonstrated by Executive Order 97-02, which directs agencies to repeal unnecessary rules, consolidate and clarify rules, and ensure a more open rule adoption process. A primary objective since I took office has been to make government regulations easier to understand and follow, and with the input and help of those who must live with the rules, we have made great strides.

Building on those efforts, earlier today, I was pleased to sign Substitute House Bill 1550, relating to the office of regulatory assistance, which will help applicants to navigate rulemaking and permitting. House Bill No. 1531, on the other hand, would undermine all of this progress. The bill's mandate that I sign rule adoption orders for 75 to 100 rules each year would delay new rules and do so at additional cost while adding no value. In short, it would add rolls of red tape, the very tape we're working hard to cut.

Under this bill, I would have to undertake an independent evaluation of the legal justification, costs and benefits, and public process that the agency relied on in determining a rule should be adopted.

This evaluation would not be a matter of merely reading a rule and deciding whether or not to sign it. In some cases, I would be required to absorb the content of records extending over several years. My legal staff and I would need to spend a substantial amount of time in fully understanding the complex elements that went into a proposed rule. This is not the way to manage a large enterprise.

As the manager of state government, I expect and require my capable agency directors to carry out the statutory responsibilities assigned to their agencies, including proper rule development and review. My agency directors know what I expect of them, and they know they must meet my expectations.

Sending the final rule to my desk carries a significant risk as well. Stakeholders may be tempted to withhold their full and open participation in the agency's public process with the expectation of influencing my decision whether or not to sign the adoption

order. Meanwhile, to avoid legal challenges that my decision was arbitrary and capricious, I will have to develop and apply a set of criteria and procedures on which I could base a determination not to sign a potential rule after the public process and agency analysis led to a recommendation that it be adopted. This proposed new layer of review may create, rather than reduce, political intrigue and distrust.

I am well aware that some rules proposed in recent years have been highly controversial. Rules to ensure worker safety, protect the environment, and other critical governmental duties are sometimes, regrettably, achieved without consensus. Nevertheless, I continue to work closely with agency directors to evaluate the content of such proposals and examine mechanisms to achieve the intended objectives with reduced costs or impacts. I believe that a requirement that I sign the adoption orders for all significant legislative rules will frustrate our work to make state government more responsive, more efficient, and more effective. Therefore, I am returning House Bill No. 1531 without my signature.

For these reasons I have vetoed House Bill No. 1531 in its entirety.

Respectfully submitted,
Gary Locke
Governor