

VETO MESSAGE ON SB 5105-S

May 19, 1997

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

I am returning herewith, without my approval, Engrossed Substitute Senate Bill No. 5105 entitled:

"AN ACT Relating to administrative rule making;"

This bill would amend the Administrative Procedure Act (APA) as it relates to significant legislative rules that are the same as, or differ from, federal requirements. It would require that such rules expire automatically, unless specific statutory authority is obtained by July 1, 1999 allowing them to overlap or duplicate federal or state laws, or differ from federal law on the same subject matter.

If the Legislature should fail to act, for whatever reason, this bill could result in abdication of state policy to federal rule makers in crucial areas of public health, safety, environmental protection, and general public welfare. Often, federal requirements are stated as minimum standards or are designed to allow states to customize programs, through rules, to meet unique geographic or other needs. Also, any mechanism that could invalidate a rule by legislative inaction raises constitutional separation of powers questions.

My Executive Order No. 97-02 directs agencies to review their rules, and to amend or repeal those rules if they do not coordinate with rules of other governmental jurisdictions. I believe this effort can best be addressed by executive leadership.

For these reasons, I have vetoed Engrossed Substitute Senate Bill No. 5105 in its entirety.

Respectfully submitted,
Gary Locke
Governor