

VETO MESSAGE ON SB 6001-S

May 18, 1999

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

I am returning herewith, without my approval as to sections 1 and 6, Substitute Senate Bill No. 6001 entitled:

"AN ACT Relating to the office of family and children's ombudsman;"

Substitute Senate Bill No. 6001 expands the scope of information available to the Family and Children's Ombudsman. Among other things, it permits guardians ad litem and service providers to give confidential information to the Ombudsman, and requires the Department of Social and Health Services (DSHS) to provide access to institutions and information. It also prohibits retaliatory action against employees of DSHS and others who properly provide information.

Section 1 of SSB 6001 includes a requirement that the Ombudsman provide information to a legislator regarding a constituent, if the constituent has given his or her consent to release the information and if the constituent would otherwise be able to obtain the information under law. This provision is apparently intended to require the Ombudsman to provide legislators with DSHS records in the Ombudsman's possession. The provision is unnecessary since, with the above conditions present, legislators are currently able to obtain records directly from DSHS.

Section 6 of SSB 6001 would give the Ombudsman the power to subpoena all records and documents in the possession or control of DSHS that the Ombudsman considers necessary in an investigation. Similarly, section 5 of the bill grants the Ombudsman access to all relevant information, records, or documents in the possession or control of DSHS that the Ombudsman considers necessary in an investigation. I am concerned about expanding the subpoena power in the absence of a compelling need. Since the Ombudsman will have statutory access to all necessary records, there is no compelling need. Additionally, there has never been an instance when DSHS, even without a statutory mandate, has refused to give the Ombudsman all requested records.

For these reasons, I have vetoed sections 1 and 6 of Substitute Senate Bill No. 6001.

With the exception of sections 1 and 6, Substitute Senate Bill No. 6001 is approved.

Respectfully submitted,
Gary Locke
Governor