

VETO MESSAGE ON SB 5744

April 23, 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 Senate Bill No. 5744 entitled:

"AN ACT Relating to legislative review of agency rules;"

Engrossed Senate Bill No. 5744 provides the Joint Administrative Rules Review Committee (JARRC) 180 days to decide whether or not an agency must use significant legislative rule making procedures when it adopts a rule. The apparent intent of the bill is to address a workload problem by giving the JARRC extra time to decide if an agency is to use these more time consuming and costly rule making processes. Even though JARRC has never exercised this authority, members seem to believe the committee would, if it had more time.

I am not opposed to providing the committee with some additional time. However, 180 days seems excessive for a body to make a simple procedural determination, and would cause disruptions and delays in the rule making process. The current 45 day time limit was designed to have JARRC decide on the more stringent rule making requirements early enough in the process so that agencies could incorporate those tasks at the beginning of rule making. By giving JARRC 180 days to make this decision, an agency may have to delay final rule adoption for a full six months to avoid the possibility of starting the process all over again and readopting the rule under more stringent requirements. This would add a significant amount of time to a process that is already too lengthy.

Further, if an agency decides to adopt a rule before 180 days have elapsed, the legal effect of the rule, and actions taken under the rule, would be uncertain if the JARRC subsequently mandates that the rule should have been adopted under different procedures.

My office provided the Legislature with an alternative approach to deal with this issue and I will continue to be open to other options. However, I cannot accept legislation that unnecessarily complicates and prolongs the rule making process, creates uncertainty regarding the effect of rules, and may cloud the validity of rules adopted by agencies.

For these reasons, I have vetoed Engrossed Senate Bill No. 5744 in its entirety.

Respectfully submitted,  
Gary Locke  
Governor