

VETO MESSAGE ON HB 1864

April 17, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Engrossed House Bill No. 1864 entitled:

"AN ACT Relating to information requirements in family law court files;"

Engrossed House Bill No. 1864 provides valuable privacy protections for people involved in family court actions. It will help limit cases of identity theft and misuse of private information, particularly as court filings are made accessible on the Internet.

However, section 6 of EHB 1864 would place unrealistic and inappropriate limits on the authority of the DSHS Division of Child Support to make rules implementing the new privacy protection standards for administrative orders granted pursuant to section 3 of the bill. These restrictions are inconsistent with the requirements and standards of Chapter 34.05 RCW, the Administrative Procedure Act (APA). APA standards apply uniformly to all other rules adopted by the DSHS, and every other agency and division in state government. The requirements in section 6 of this bill would have subjected rules and actions adopted under this act to different, inconsistent standards.

It is important that rules and actions of state agencies be implemented and enforced uniformly. It is also important that the APA not be amended in a piecemeal way. To do so would create administrative confusion, make rules harder for the public to understand, and invite litigation.

Additionally, section 6 of EHB 1864 would have changed the burden of proof in court proceedings for certain agency actions. This would have reversed a long-standing legal principle governing the validity of agency actions, and could have created significant legal impediments for implementation of the program covered by the bill.

Section 6 also would have limited the agency's authority to implement the law to circumstances and behaviors known at the time of the bill's enactment. That would also subject the agency to an uncertain and ambiguous standard and invite litigation.

For these reasons, I have vetoed section 6 of Engrossed House Bill No. 1864. With the exception of section 6, Engrossed House Bill No. 1864 is approved.

Respectfully submitted,
Gary Locke
Governor