

VETO MESSAGE ON SB 6609

April 4, 2002

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 subsection 2(c), Senate Bill No. 6609 entitled:

"AN ACT Relating to studies conducted by the department of ecology;"

Senate Bill No. 6609 provides for public participation and comment on studies conducted by the Department of Ecology (DOE) in the implementation of chapter 90.48 RCW. It also provides for review of disputes by the DOE director, and requires disclosure of the underpinnings of studies and the data used in them, prior to finalization of the studies.

Subsection 2(c) of this bill would have set an undesirable precedent by barring appeal of administrative law judges' decisions, and potentially requiring DOE to pay for the costs of studies conducted by an aggrieved party. It is a basic principle of our system of law that parties who disagree with administrative law judges have a right to appeal the judges' determinations in court. Requiring an agency to pay a challenger's costs could have significant unforeseeable budget consequences.

For these reasons, I have vetoed subsection 2(c) of Senate Bill No. 6609.

With the exception of subsection 2(c), Senate Bill No. 6609 is approved.

Respectfully submitted,
Gary Locke
Governor