

6609

Sponsor(s): Senators Snyder, Deccio, T. Sheldon, Morton, Rasmussen, Honeyford, Hale and Hargrove

Brief Description: Allowing cost recovery in cases involving disputed department of ecology studies. (REVISED FOR PASSED LEGISLATURE: Modifying the manner in which the department of ecology conducts studies.)

SB 6609 - DIGEST

(DIGEST AS ENACTED)

Provides that any studies conducted by the department to establish the total maximum daily load of a water body under chapter 90.48 RCW must involve meaningful participation and opportunities to comment by the local watershed planning group established in chapter 90.82 RCW, the local governments whose jurisdictions are within the affected watershed, and any affected or concerned citizen who notifies the department of his or her interest in participating.

Provides that technical or procedural disputes or disagreements that arise during the participation and comment process may be presented to the director for review. The director shall conduct a review of the disputed items and issue written findings and conclusions to all interested participants.

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