

Office of the Vermont Secretary of State
Vermont State Archives

**Veto Message: Governor Salmon
1975 (S.12)**

An act to amend 3 V.S.A. 802(b), 803(b), and 804(b) and add 3 V.S.A 817, 818 and 819 relating to the Administrative Procedure Act.

STATE OF VERMONT
Executive Department.
Montpelier, Vt., April 30, 1975

To the President of the Senate

Sir:

Under the provisions of Chapter II, Section 11, of the Vermont Constitution, I am returning herewith Senate Bill 12, 'An act to amend 3 V.S.A. §§ 802(b), 803(b), and 804(b) and to add 3 V.S.A. §§ 817, 818 and 819 relating to the Administrative Procedure Act.'

I have little quarrel with the Legislature's desire to create review mechanisms for a growing body of administrative regulations adopted by Vermont's Boards, Departments and Agencies. The intentions behind Senate Bill 12 are desirable.

Many people, including this Governor, hope to see government streamlined and needless regulations and duplications of functions eliminated. This is why, for example, this year I appointed a Blue Ribbon committee to simplify and unify permit procedures in the state.

However, the bill as it comes to me would contribute to and compound the confusion and uncertainty already existing. It creates, in fact, a third legislative body with considerable inherent powers.

Under our existing processes, if a rule of an Executive agency is

unreasonable, arbitrary, or beyond the authority delegated to the agency, or contrary to the intent of the General Assembly, it may be struck down by our courts or invalidated by a subsequent statute of the General Assembly. This procedure takes into account the separate and distinct functions of each of the three branches government and protects against encroachment, one upon the other.

A totally new system is created by the bill which would allow a majority of a nine-member committee to declare void a rule favored by the Executive branch of the government--a rule upon which the views of the General Assembly itself may not be known.

As S. 12 passed through its final stages near the end of the Legislative session, some members of the General Assembly were under the impression that the veto power of the nine-member committee had been eliminated, but this was definitely not the case.

Moreover, S. 12 could be interpreted to mean that this new body also has the right to defer the effectiveness of any rule until an upcoming legislative session.

In summary, S. 12 interferes with the rule-making authority of the Executive; allows a legislative committee to perform a task that should be properly undertaken only by the Legislature itself; and allows this same committee to invade the province of the Judiciary to determine which rules promulgated by the Executive branch are in conformance with statutory law.

For these reasons, I am vetoing S. 12.

Sincerely,
/s/ Thomas P. Salmon
Thomas P. Salmon"

Governor's Veto Sustained
S.12, 1976

The Governor's veto was sustained in the Senate:

Yeas 0 Nays 26

Sources: : *Journal of the Senate*, January 7, 1976 (pages 12-13)