

VETO MESSAGE ON SB 5569-S

April 24, 1997

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 sections 1 and 5, Substitute Senate Bill No. 5569 entitled:

"AN ACT Relating to overtime compensation for commissioned salespersons;"

Section 1 of SSB 5569 is an attempt to interpret the legislative intent of the state wage and hour law, passed in 1975, and to thereby influence pending litigation. This is not only unfair and unjust, but also it raises constitutional questions. The power to interpret legislative intent rests with the judiciary. It is my opinion that a legislative body should not attempt to usurp that duty or interpret the intent or thoughts of a legislative body which met over twenty years ago.

The possibility of abuse by unscrupulous employers also concerns me. Under the auspices of this bill, an employer might attempt to assign commissioned sales person to non-sales duties in order to avoid paying overtime. I will direct the Department of Labor and Industries to assess the implementation of this statute and report its impact to both the legislature and my office.

Section 5 is an emergency clause, and is unnecessary.

For these reasons, I have vetoed sections 1 and 5 of Substitute Senate Bill No. 5569.

With the exceptions of sections 1 and 5, Substitute Senate Bill No. 5569 is approved.

Respectfully submitted,
Gary Locke
Governor