
HOUSE JOINT MEMORIAL 4001

State of Washington

55th Legislature

1997 Regular Session

By Representatives Buck, Cairnes, Sheldon, L. Thomas, Carlson, Talcott, Doumit, Johnson, Mitchell, Hankins, Lisk, McMorris, Clements, Kessler, Schoesler, Grant, Dunn, Alexander, Mastin, Hatfield, D. Sommers, DeBolt, Mulliken, Honeyford, Thompson and Mielke

Read first time 01/17/97. Referred to Committee on Natural Resources.

1 TO THE HONORABLE JENNIFER BELCHER, COMMISSIONER OF PUBLIC LANDS:

2 We, your Memorialists, the Senate and House of Representatives of
3 the State of Washington, in legislative session assembled, respectfully
4 represent and petition as follows:

5 WHEREAS, The Legislature is the ultimate trustee of our state's
6 federal grant lands and the county forest board transfer lands; and

7 WHEREAS, Article III, section 23 of the state Constitution states
8 that "the commissioner of public lands shall perform such duties ... as
9 the legislature may direct"; and

10 WHEREAS, This language, calling for the Legislature expressly to
11 direct the Commissioner of Public Lands, is different and distinct from
12 the language in the Constitution regarding other state elected
13 officials, which calls on these state officials to perform duties
14 "prescribed by law"; and

15 WHEREAS, The Commissioner of Public Lands has indicated that she
16 plans to sign an implementation agreement with the United States Fish
17 and Wildlife Service and the National Marine Fisheries Service binding
18 some one million six hundred thousand acres of state trust lands to the
19 constraints of a habitat conservation plan for the next seventy to one
20 hundred years; and

1 WHEREAS, The Commissioner of Public Lands intends to enter into
2 this agreement in spite of the serious reservations expressed by the
3 Legislature and by many trust beneficiaries that entering into this
4 particular habitat conservation plan is not in the best interest of the
5 beneficiaries and does not comply with the fiduciary duties of the
6 state, the Commissioner, and the Board of Natural Resources; and

7 WHEREAS, The Legislature would be remiss in meeting its own
8 obligations as the ultimate trustee of these state forest lands if it
9 did not exercise its constitutional authority to correct this action;
10 and

11 WHEREAS, The particular language of our state Constitution with
12 regard to the Commissioner of Public Lands allows the Legislature to
13 direct the Commissioner through legislation and through joint memorial;

14 NOW, THEREFORE, Your Memorialists expressly direct the Commissioner
15 of Public Lands not to sign the implementation agreement for this
16 habitat conservation plan.

17 BE IT RESOLVED, That, if the Commissioner has already signed the
18 implementation agreement when this joint memorial is passed, the
19 Legislature directs the Commissioner of Public Lands to immediately
20 exercise the provision in the habitat conservation plan implementation
21 agreement terminating the habitat conservation plan and the
22 implementation agreement, and further directs the Commissioner to
23 immediately notify the Legislature upon completion of this directive;
24 and

25 BE IT FURTHER RESOLVED, That the Legislature prohibits the
26 Commissioner of Public Lands from entering into an implementation
27 agreement for this or any other habitat conservation plan or any other
28 related agreement under the provisions of the Federal Endangered
29 Species Act unless and until the Legislature by bill or by joint
30 memorial approves the terms of any such proposed agreement; and

31 BE IT FURTHER RESOLVED, That copies of this memorial be immediately
32 transmitted to the Honorable Jennifer Belcher, Commissioner of Public
33 Lands.

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