

1022-S

Sponsor(s): House Committee on Natural Resources (originally sponsored by Representatives Buck, Johnson, Mitchell, McMorris, Talcott, Hickel, Chandler, Mastin, Lambert, Sheldon, Schoesler, Hatfield, Kessler, Mulliken, Honeyford, Thompson, Koster, DeBolt, D. Sommers, Carrell, L. Thomas, Dunn, Mielke, Clements, O'Brien and Doumit)

Brief Title: Prohibiting the department of natural resources from entering into certain agreements with the federal government without prior legislative and gubernatorial approval.

HB 1022-S - DIGEST

(DIGEST AS PASSED LEGISLATURE)

Declares that the legislature shall exercise its appropriate authority as trustee over state trust lands by reviewing the existing habitat conservation plan for state forest lands. The legislature shall make its own determination as to whether the plan and the accompanying implementation agreement are in compliance with the state's fiduciary responsibilities and are, in fact, in the best interests of the trust beneficiaries. If the legislature finds that the habitat conservation plan and implementation agreement are in the best interests of the trust beneficiaries, the legislature shall so state either through legislation, joint memorial, or resolution. If the legislature has not made such a statement by March 15, 1998, the department of natural resources shall immediately exercise the provision in the habitat conservation plan implementation agreement terminating that agreement and plan. The department of natural resources shall notify the legislature immediately that it has taken this required action.

VETO MESSAGE ON HB 1022-S

May 19, 1997

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1022 entitled:

"AN ACT Relating to the department of natural resources;"

Substitute House Bill No. 1022 would require that long-range commitments made by the Department of Natural Resources (DNR) regarding the management of state trust lands, specifically, the habitat conservation plan (HCP), and the implementation agreement made with the federal government pursuant to the federal Endangered Species Act, be subject to legislative review. The legislature would determine "whether the plan and the accompanying implementation agreement are in compliance with the state's fiduciary responsibilities and are, in fact, in the best interests of the trust beneficiaries." The HCP would automatically be terminated unless the legislature took affirmative action to

approve it by March 15, 1998.

In 1957, the legislature created the Board of Natural Resources to provide broad direction to DNR over the management of state trust lands. There was solid wisdom in this approach taken by the legislature. The Board of Natural Resources reviewed the benefits and risks to the HCP and concluded, after three years of thorough examination and public review, that the HCP was in the long-term best interest of the trust beneficiaries. As such, the Board has well met its fundamental responsibilities as a trust manager, providing long-term stability and revenue for beneficiaries now and for generations to come. It is not appropriate for the legislature to now usurp DNR's authority.

For these reasons, I have vetoed Substitute House Bill No. 1022 in its entirety.

Respectfully submitted,
Gary Locke
Governor