

VETO MESSAGE ON 1025-S

July 16, 1991

To the Honorable, the House  
of Representatives of the  
State of Washington

Ladies and Gentlemen:

"I am returning herewith, without my approval as to section 19, Reengrossed Substitute House Bill No. 1025 entitled:

"AN ACT Relating to growth strategies."

I welcome this measure, and am pleased to sign it into law.

Passage of this legislation fulfills an important promise made to the state's citizens. It is a success story that should strengthen the public's faith in the democratic political process.

I commend the Legislature - and particularly the legislative leadership - for keeping its commitment to Washington citizens, and for working hard to ensure that this bill will effectively protect our quality of life.

Reengrossed Substitute House Bill No. 1025 builds on the landmark growth management legislation passed last year, and on the recommendations of the Growth Strategies Commission. Even more important, it builds trust: trust between citizens and their elected representatives, trust between businesses and local governments, and trust among the bipartisan group of legislators who crafted it. That trust is, in the end, the key element necessary for effective and sustained growth management.

While I welcome this legislation, I have determined that section 19 of this bill is so ambiguous that it gives rise to numerous legal interpretations of its meaning and invites litigation.

I am not alone in this belief. Among the many letters my office has received on this bill, the overwhelming opinion is that because key terms are left undefined, and because the language is vague, this section is likely to result in significant court action. Such litigation could result in a reduction of existing local authority to protect open space -- thus producing a consequence that is the direct opposite of the section's intent. I intend to insist that we take actions that ensure that the existing authority of local governments to protect open space are not compromised in any way.

I support the intent of the negotiators to address the relationship between open space designation and protection of private property rights, and I believe that we can come to consensus on how to clarify this issue.

Clearly, it is better to negotiate than to litigate. And this issue is far too important to leave to the uncertainties of the judicial system. If we want clear and effective protection for open space, we have more work to do, and I am committed to working

with legislators to make sure it gets done in the next legislative session.

With the exception of section 19, I am approving Reengrossed Substitute House Bill No. 1025."

Respectfully submitted,  
Booth Gardner  
Governor