

CHAPTER 228.

[Substitute House Bill No. 88.]

PUBLIC LANDS—LEASES FOR CULTIVATION OF SHELLFISH.

AN ACT relating to public lands; amending section 142, chapter 255, Laws of 1927 as last amended by section 1, chapter 79, Laws of 1963 and RCW 79.01.568; amending section 143, chapter 255, Laws of 1927 and RCW 79.01.572; amending section 144, chapter 255, Laws of 1927 as amended by section 40, chapter 271, Laws of 1951 and RCW 79.01.576; amending section 146, chapter 255, Laws of 1927 and RCW 79.01.584; amending section 148, chapter 255, Laws of 1927 and RCW 79.01.588; and amending section 149, chapter 255, Laws of 1927 and RCW 79.01.592.

Be it enacted by the Legislature of the State of Washington:

RCW 79.01.568 amended.

Section 1. Section 142, chapter 255, Laws of 1927 as last amended by section 1, chapter 79, Laws of 1963 and RCW 79.01.568 are each amended to read as follows:

Public lands. Leases for cultivation of shellfish. Beds of navigable tidal waters.

The beds of all navigable tidal waters in this state lying below extreme low tide not in front of any incorporated city or town, nor within two miles on either side thereof, shall be subject to lease for the purpose of planting and cultivating thereon oyster beds, or for the purpose of cultivating clams or other edible shellfish for periods not to exceed ten years.

Where the lands are used for the cultivation of oysters, the parcels leased shall not exceed forty acres.

Where the lands are used for the cultivation of clams or other edible shellfish, the commissioner may, in his discretion, grant leases for larger parcels.

Nothing in this 1967 amendatory act shall prevent any person from leasing more than one parcel, as offered by the commissioner.

Sec. 2. Section 143, chapter 255, Laws of 1927 and RCW 79.01.572 are each amended to read as follows:

Any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States, or corporation organized under the laws of any state or territory of the United States, and authorized to do business in this state, desiring to lease lands for the purpose of planting and cultivating thereon artificial oyster beds, shall file with the commissioner of public lands, on a proper form an application in writing signed by the applicant and accompanied by a map of the land desired to be leased, describing the lands by metes and bounds tied to at least two United States government corners, and by such reference to local geography as shall suffice to convey a knowledge of the location of the lands with reasonable accuracy to persons acquainted with the vicinity, and accompanied by a deposit of ten dollars which deposit shall be returned to the applicant in case a lease is not granted.

NOTE: The above section was amended by the Legislature but such action was nullified by the Governor's veto of this section. See page 1110 for Governor's explanation.

Sec. 3. Section 144, chapter 255, Laws of 1927 as amended by section 40, chapter 271, Laws of 1951 and RCW 79.01.576 are each amended to read as follows:

The commissioner, upon the receipt of an application for a lease for the purpose of planting and cultivating oyster beds or for the purpose of cultivating clams or other edible shellfish, shall notify the director of fisheries of the filing of the application, describing the lands applied for. The director of fisheries shall cause an inspection of the lands applied for to be made and shall make a full report to the commissioner of his findings as to whether it is necessary, in order to protect existing natural

RCW 79.01.572 amended.

Application, contents.

RCW 79.01.576 amended.

Fish and shellfish—Lease of state tidelands—Inspection and report by director of fisheries—Rental and term.

Fish and shell-
fish—Lease of
state tidelands
—Inspection
and report by
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fisheries—
Rental and
term.

oyster beds, and to secure adequate seeding thereof, to retain the lands described in the application for lease or any part thereof, and in the event the director deems it advisable to retain the lands or any part thereof for the protection of existing natural oyster beds or to guarantee the continuance of an adequate seed stock for existing natural oyster beds, the same shall not be subject to lease. However, if the director determines that the land applied for or any part thereof may be leased, he shall so notify the commissioner of public lands and the director shall cause an examination of the lands to be made to determine the presence, if any, of natural oysters, clams or other edible shellfish on said lands, and to fix the rental value of the land for use for oyster, clam, or other edible shellfish, cultivation. In his report to the commissioner, the director shall recommend a minimum rental price for said land and an estimation of the value of the oysters, clams, or other edible shellfish, if any, then present on the lands applied for. The lands approved by the director for lease may then be leased to the applicant for a period of not less than five years nor more than ten years at a rental not less than the minimum rental recommended by the director of fisheries. In addition, before entering upon possession of the land, the applicant shall pay the value of the oysters, clams, or other edible shellfish, if any, then present on the land as determined by the director, plus the expense incurred by the director in investigating the quantity of oysters, clams, or other edible shellfish, present on the land applied for.

RCW 79.01.584
amended.

Sec. 4. Section 146, chapter 255, Laws of 1927 and RCW 79.01.584 are each amended to read as follows:

Renewal
lease.

The commissioner of public lands may, upon the filing of an application for a renewal lease, cause the lands to be inspected, and if he deem it for the best

interests of the state to re-lease said lands, he shall issue to the applicant a renewal lease for such further period not exceeding ten years and under such terms and conditions as may be determined by the commissioner. In case of an application for a renewal lease it shall not be necessary for the lands to be inspected and reported upon by the director of fisheries and game.

Sec. 5. Section 148, chapter 255, Laws of 1927 and RCW 79.01.588 are each amended to read as follows:

All leases of lands for the purpose of planting and cultivating oyster beds, clam beds, or other edible shellfish beds, shall expressly provide that if at any time after the granting of said lease, the lands described therein shall cease to be used for the purpose of oyster beds, clam beds, or other edible shellfish beds, they shall thereupon revert to and become the property of the state and that the same are leased only for the purpose of cultivating oysters, clams, or other edible shellfish thereon, and that the state reserves the right to enter upon and take possession of said lands if at any time the same are used for any other purpose than the cultivation of oysters, clams, or other edible shellfish.

Sec. 6. Section 149, chapter 255, Laws of 1927 and RCW 79.01.592 are each amended to read as follows:

If from any cause any lands leased for the purpose of planting and cultivating oyster beds, clam beds, or other edible shellfish beds, shall become unfit and valueless for any such purposes, the lessee or his assigns, upon certifying such fact under oath to the commissioner of public land, together with the fact that he has abandoned such land, shall be

entitled to make application for other lands for such purposes.

Passed the House February 11, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967, with the exception of Section 2 which was vetoed.

NOTE: Governor's explanation of partial veto is as follows:

"This bill makes a number of amendments to the laws relating to leases of publicly owned beds of navigable tidal waters for cultivation of oysters, clams and other edible shellfish.

"I have no objection to this legislation. However, section 2 of the bill amends RCW 79.01.572 in a manner inconsistent with the amendment of that section contained in Senate Bill No. 88 which also was passed by the legislature and approved by me. Fortunately, Senate Bill No. 88 makes all of the substantive changes in RCW 79.01.572 relating to cultivation of shellfish which are contemplated by section 2 of Substitute House Bill No. 88. In order to give effect to the legislative intent and to prevent the confusion which results from the adoption of conflicting amendments to the same statute, I have vetoed section 2. The remainder of Substitute House Bill No. 88 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 229.

[Engrossed House Bill No. 53.]

ACQUISITION AND IMPROVEMENT OF STATE OFFICE AND WAREHOUSE SPACE AND FACILITIES.

AN ACT relating to state government; providing for state office and warehouse space and facilities; and amending section 43.82.010, chapter 8, Laws of 1965 and RCW 43.82.010.

Be it enacted by the Legislature of the State of Washington:

RCW 43.82.010 amended.

Section 1. Section 43.82.010, chapter 8, Laws of 1965 and RCW 43.82.010 are each amended to read as follows:

State agency housing. Acquisition—Procedure.

The director of the department of general administration, as agent for the agency involved, shall purchase, lease or rent all real estate, improved or unimproved, needed for any offices, warehouses and similar purposes as may be required by elected state officials, institutions, departments, commissions and