

and twenty-five cents to the retirement system expense fund for the fractional portion of the semiannual period during which he enters or reenters membership. Such contribution shall be deducted from each member's basic salary for the appropriate pay period.

NEW SECTION. Sec. 4. If any provision of this act, or its application to any person or circumstance is held invalid the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 217

[Engrossed House Bill No. 40]

STATE TIDE AND SHORE LANDS

AN ACT Relating to certain public lands; and amending section 112, chapter 255, Laws of 1927 and RCW 79.01.448; and adding a new section to chapter 79.01 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 112, chapter 255, Laws of 1927 and RCW 79.01.448 are each amended to read as follows:

(The owner or owners of land abutting or fronting upon tide or shore lands of the first class platted and appraised by the commissioner of public lands, as in this chapter provided, shall have the right, for sixty days following the filing of the final appraisal of the tide or shore lands with the commissioner of public lands, to apply for the purchase of all or any part of the tide or shore lands in front of the lands so owned) Upon platting and appraisal of tide or shore lands of the first class, as in this chapter provided, if the department of natural resources shall deem it for the best public interests to offer said tide or shore lands of the first class for lease, the department shall cause a notice to be served upon the owner of record of land fronting upon the tide or shore lands to be offered for lease if he be a resident of this state, or if he be a nonresident of this state, shall mail to his last known post office address, as reflected in the county records, a copy of the notice notifying him that the state is offering such tide or shore lands for lease, giving a description and the department's appraised fair market value of such tide or shore lands for lease, and notifying such owner that he has a preference right to apply to lease said tide or shore lands at the appraised value for the lease thereof for a

period of sixty days from the date of service or mailing of said notice. If at the expiration of the sixty days from the service or mailing of the notice, as above provided, there being no conflicting applications filed, and the owner of land fronting upon the tide or shore lands offered for lease has failed to avail himself of his preference right to apply to lease or to pay to the department the appraised value for lease of the tide or shore lands described in said notice, then in that event, said tide or shore lands may be offered for lease and leased in the manner provided for the lease of state lands.

If at the expiration of sixty days two or more claimants asserting a preference right to lease shall have filed applications to lease any tract, conflicting with each other, the conflict between the claimants shall be equitably resolved by the department of natural resources as the best interests of the state require in accord with the procedures prescribed by chapter 34.04 RCW: PROVIDED, That ((if the abutting upland owner has attempted to convey by deed to a bona fide purchaser any portion of the tide or shore lands in front of such uplands, or littoral rights therein, such right of purchase herein given to the upland owner shall be construed to belong to such purchaser, or to any person, association or corporation claiming by, through or under such purchaser, to the extent of the tract or right so conveyed)) any contract purchaser of land or rights, which land qualifies the owner for a preference right under this section, shall have first priority for such preference right.

((If at the expiration of sixty days from and after the filing of the final appraisal with the commissioner of public lands, there being no conflicting applications filed, the applicant shall be deemed to have the right of purchase at the appraised value.

If at the expiration of sixty days two or more applicants claiming a preference right to purchase shall have filed applications to purchase any tract, conflicting with each other, the commissioner of public lands shall forthwith require each applicant, within a time stated, to submit under oath a full statement of facts whereby he claims a preference right of purchase.

In case any applicant shall fail to file such statement within the time stated, he shall, unless good excuse be shown therefor, be deemed to have waived his claim to a right of purchase of the tract described in his application.

After such statements have been filed, if it be deemed advisable or necessary by the commissioner of public lands in order to determine the rights of the parties applying for said tract, he may order a hearing for that purpose.

The commissioner shall determine who has the first right of

purchase to the whole, or any portion of the lot or tract, involved, and shall, unless appeal be taken from his determination to the superior court of the county in which the land is situated, proceed to sell such lands in accordance with his determination.

In case of appeal the court after a hearing de novo shall enter an order determining the rights of the parties to the appeal and the commissioner of public lands shall proceed to sell the lands in accordance with the court's determination.)

NEW SECTION. Sec. 2. There is added to chapter 79.01 RCW a new section to read as follows:

(1) This section shall only apply to:

- (a) First class tidelands as defined in RCW 79.01.020;
- (b) Second class tidelands as defined in RCW 79.01.024;
- (c) First class shorelands as defined in RCW 79.01.028; and
- (d) Second class shorelands as defined in RCW 79.01.032.

(2) Notwithstanding any other provision of law, from and after the effective date of this 1971 amendatory act, all tidelands and shorelands enumerated in subsection (1) owned by the state of Washington shall not be sold except to public entities as may be authorized by law, and shall not be given away.

(3) Tidelands and shorelands enumerated in subsection (1) may be leased for a period not to exceed fifty-five years: PROVIDED, That nothing herein shall be construed as modifying or canceling any outstanding lease during its present term.

(4) Nothing herein shall:

- (a) be construed to cancel an existing sale contract;
- (b) prohibit sale or exchange of beds and shorelands where the water course has changed and the area now has the characteristics of uplands;
- (c) prevent exchange involving state-owned tide and shorelands.

Passed the House May 9, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 218
[Engrossed House Bill No. 1046]
PUBLIC HOSPITAL DISTRICTS--
CITY OR TOWN INDEBTEDNESS FOR OPEN SPACE
AND PARK FACILITIES

AN ACT Relating to public hospital districts and the fiscal practices