
HOUSE BILL 1939

State of Washington 54th Legislature 1995 Regular Session

By Representatives Fuhrman, Beeksma, Chappell, Smith, Campbell, Kremen, Cairnes, Buck, Thompson and Hargrove

Read first time 02/15/95. Referred to Committee on Natural Resources.

1 AN ACT Relating to shellfish resources; creating new sections; and
2 declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** Because of the significance of the state's
5 shellfish resources to the economy and culture of the state and because
6 of the threat to the rights and expectations of the owners of private
7 property caused by litigation over tribal assertions of rights to
8 shellfish harvests, the attorney general is directed to: (1) Appeal
9 the district court's decision in *United States of America v. State of*
10 *Washington*, Western District of Washington, No. 9213, to the United
11 States Ninth Circuit Court of Appeals; and

12 (2) Request from the district court and the court of appeals, if
13 necessary, a stay of the district court's decision until the appeal can
14 be decided.

15 NEW SECTION. **Sec. 2.** During the pendency of the appeal referred
16 to in section 1 of this act, the Washington state department of fish
17 and wildlife, department of natural resources, and state parks and
18 recreation commission are required to:

1 (1) Manage the state's shellfish resources without regard to the
2 claims made by the tribes that brought the litigation referred to in
3 section 1 of this act and without regard to the district court's
4 decision;

5 (2) Enter into no agreements or agreed plans on shellfish
6 harvesting or fishing plans with the tribes that have sued the state in
7 the case referred to in section 1 of this act; and

8 (3) Refuse to negotiate with the tribes that have sued the state in
9 the case referred to in section 1 of this act, until an appeal has
10 ended.

11 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect immediately.

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