

CHAPTER 93.

[S. B. 147.]

LEASE OF HARBOR AREAS ON FRESH WATERS WITHIN
PORT DISTRICTS.

AN ACT providing for the leasing of harbor areas on fresh navigable waters situate within the territorial limits of port districts, and repealing all conflicting statutes, and declaring that this act shall take effect immediately.

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

SECTION 1. The port commission of each port district heretofore created or hereafter to be created under the laws of the State of Washington, shall have full power and authority in the manner hereinafter provided to lease the harbor areas belonging to the State of Washington, on fresh waters situate within such port district to such persons and upon such terms and conditions, as shall conform to the provisions of the constitution of the State of Washington and the provisions of this act. Every such lease shall provide that the rental thereunder shall be payable to the state treasurer.

Authority
to port
commission
to lease.

Rental pay-
able to state
treasurer.

SEC. 2. The owner or owners of any shore land bordering upon any such harbor area, shall have a preference right for the period of time hereinafter mentioned, to lease such harbor area, at an annual rental hereinafter specified. The owner or owners of any such shore lands shall have the exclusive right for a period of six months following the filing of the plat of any such harbor area hereafter to be filed covering harbor area within the limits of any port district, or in case of such plats heretofore filed, then within six months following the taking effect of this act, to file with said port commission a written application for the leasing of such harbor area and to thereafter obtain a lease of such harbor area for a period of thirty (30) years. If such exclusive preference right shall not be exercised by said shore owner within the time aforesaid, then any qualified person, firm or corporation may apply in writing to said port commission for the

Preference
right of
abutting
owner.

Application
for lease
by other
persons.

Notice to
abutting
owner.

Lease to
highest
bidder.

Improve-
ment of
leased area.

right to lease said harbor area; and upon the filing of such application, the said port commission shall forthwith notify the owner of the abutting shoreland of the pendency of said application and said owner shall be allowed sixty (60) days from the date of the service of said notice, within which to exercise a preference right to lease said harbor area for a period of thirty (30) years. If said owner be an actual resident of this state, notice shall be served upon him or it personally, but if he be not a resident of this state, said notice shall be sent to him by registered mail to his or its last known address; and if the address of said non-resident be not known to said port commission, no notice shall be required. In case the abutting shoreland owner shall not exercise the right to lease within said six (6) months period, then the port commission, whenever it shall deem it advisable, may offer for lease any part of such harbor area and shall give sixty (60) days notice by publication that a lease of such part of such harbor area will be sold, at a time and place to be specified in said notice, to the person, association or corporation offering at such public sale to pay the highest sum as a cash bonus for such lease; and in such case the port commission shall serve notice of such intended sale upon the abutting shoreland owner for sixty (60) days, as above set forth, during which time said shoreland owner shall have the right to exercise said preference rights to lease on the terms aforesaid. If the abutting owner shall not have exercised his or its preference right to lease prior to the time of sale, such lease shall be sold and made and delivered accordingly, the payment of the sum offered by the successful bidder being required at the time of such sale. Every lease obtained by virtue of the exercise of any such exclusive or preference right shall conform to the provisions of the state constitution and shall provide that the harbor area described therein or such a reasonable portion thereof as shall be designated by the port commission of such port district, having in view the requirements of the business proposed to be car-

ried on thereon, shall be improved upon plans approved by such commission, the construction of such improvement to be commenced within such time as may be fixed in each case by such port commission, such time to be in no case less than two years from the date of such leases and to be completed within such reasonable time thereafter as such port commission shall fix in each case, any of which time so fixed may be thereafter extended by such commission, the character of which improvements may, with approval of the port commission, be changed either before or after completion but in all cases where the abutting owner or owners claiming under him, had prior to February 22nd, 1913, built upon such area, such improvements shall, so far as otherwise conforming to the provisions of the state constitution be recognized and accepted as a sufficient compliance with the requirements of this act, so far as concerns the area covered thereby, and as to uncovered area such improvements shall be given the same consideration as any other case, and every lease obtained by virtue of any such exclusive or preference right shall further provide that the annual rental to be paid shall be a sum equal to two (2) per cent of the assessed valuation for the year preceding the date of such lease of an equal area of adjoining or abutting shore lands exclusive of improvements thereon, and where the adjoining or abutting strip of shore lands is of less width than the harbor area, a value proportional to such width: *Provided further, however,* That the foregoing provision fixing the rate of rental shall not extend beyond December 21, 1928, but all rentals after that date shall be subject to be controlled and fixed in the manner and by the public authority or authorities then provided by law for the same.

Recognition
of improve-
ments prior
to 1913.

Annual
rental.

SEC. 3. The port commission shall require of every lessee under this act a bond with sufficient surety, to be approved by the port commission, in such penalty, and not exceeding twice the amount of the annual rental, but in no case less than five hundred dollars (\$500.00), as may be prescribed by the port commission, conditioned for the

Bond to se-
cure rental.

payment by the lessee of the rental reserved in his lease at or prior to the time of payment therein specified, during the term of such lease or during such part thereof as the port commission in its discretion shall require to be covered by such bond; and in case only a part of the term of such lease shall be covered thereby, said port commission shall require of such lessee another like bond, to be executed and delivered within three months and not less than one month prior to the expiration of the period covered by the previous bond, covering the remainder of the term of the lease, or such part thereof as the port commission in its discretion shall require to be covered thereby. The port commission shall have power at any time to summon sureties upon any bond and to examine into the sufficiency thereof, and if it shall find the same to be insufficient it shall require the lessee to file a new and sufficient bond within thirty days after receiving notice so to do, under penalty of cancellation of the lease; and the port commission shall have power upon sixty (60) days' notice to cancel any lease for a substantial breach by the lessee of any of the conditions thereof, or for lack of a bond therewith as herein required. Notwithstanding any such lease now or hereafter existing the state shall ever retain and does hereby reserve the right to regulate the rates of wharfage, dockage or other tolls to be imposed by the lessee or his assigns upon commerce for any of the purposes for which the leased area may be used, and the right to prevent extortion and discrimination in such use thereof.

Cancellation
of leases.

Right reserved to
regulate
wharfage
rates and
tolls.

Preference
right on
cancellation
of lease.

SEC. 4. The lessee under any lease now existing of harbor area on fresh water situate in a port district, which shall be cancelled or annulled for any reason, shall, upon such cancellation or annulment, have, for ninety (90) days thereafter, a preference right to a new lease, for the remainder of the term of the lease cancelled or annulled, upon the terms and conditions provided in sections two (2) and three (3) of this act; but in all cases where any cancelled or annulled lease contained provisions relating to

the right of the state to annul or cancel the same, like provision shall be incorporated in any new lease covering in whole or in part of the same area.

SEC. 5. The application for or the making or acceptance of any lease authorized by this act shall not work any estoppel against either party thereto or against those in privity with either party as to any claim or right which might otherwise be made or contested.

Act of leasing not to work any estoppel.

SEC. 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed but no lease of harbor area heretofore executed shall be invalidated hereby.

Repealing clause.

SEC. 7. This act is necessary for the immediate preservation of the public peace and safety and the support of the state government, and shall take effect immediately.

Emergency.

Passed the Senate February 16, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 94.

[S. B. 142.]

COMPENSATION OF SUPERIOR COURT BAILIFFS.

AN ACT to amend section 8983 of Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to salaries of court bailiffs.

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

SECTION 1. That section 8983 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 8983. Bailiffs of the several superior courts in counties having a population of more than one hundred thousand in this state, appointed by the respective judges thereof, shall be paid for their services one hundred dollars (\$100.00) per month by the county in which the court is held, with no allowance for overtime. Bailiffs

Salary in counties of over 100,000.