

## CHAPTER CXXII.

[S. B. No. 225.]

## RELATING TO PUBLIC LANDS.

AN ACT to amend section 53 of an act of the legislature of the State of Washington entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States, creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties, and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, and making an appropriation for the use of the commissioner of public lands, and declaring an emergency.

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

SECTION 1. Section 53 of an act of the legislature of <sup>Amendment.</sup> the State of Washington, entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties and making an appropriation therefor, and declaring an emergency," approved March 16, 1897, is hereby amended so as to read as follows:

"Sec. 53. The board of state land commissioners <sup>Lease of harbor areas.</sup> shall have the power to lease the right to build and maintain wharves, docks and other structures upon the harbor areas laid out or which shall hereafter be laid out in pursuance of the provisions of article XV of the constitution of the State of Washington, for such rental and under such general rules as said board shall prescribe, except in so far as the same are or may be pre-

scribed by law; but no such lease shall be made for any term longer than thirty years. The rental fixed and reserved to the State of Washington in each such lease shall be such sum as said board shall fix, not exceeding one per centum of the value as ascertained by the last assessment for state and county purposes previous to the making of each such lease, of a strip of the shore or tide lands (exclusive of the improvements thereon) adjoining the portion of the harbor area embraced in such lease and of equal width, and where such adjoining strip of shore or tide lands is of less width than the harbor area, a value proportional to said width. Said board shall require of each such lessee a bond with sufficient surety, to be approved by the commissioner of public lands, in such penalty, not exceeding twice the amount of the annual rental, but in no case less than five hundred dollars, as may be prescribed by the board, conditioned for the payment by the lessee of the rental reserved in his lease at or prior to the times of payment therein specified, during the term of such lease, or during such part thereof as the board 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 board 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 board in its discretion shall require to be covered thereby. The board 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 board shall have power 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. The lessee of any part of such

Rental.

Bond.

Renewal of  
bond.

harbor area may at his or its option, improve the same in such manner, subject to the approval of the board and to such extent as such lessee shall elect. The application for, or the making or acceptance of any lease herein authorized shall not work any estoppel against either party thereto or against those in privity with either party, as to any right or claim which might otherwise be made or contested. Any holder of any lease made prior to and in full force on the 1st day of March 1899, who has theretofore fully complied with all the requirements of law relative to such leases, but no other person, shall be entitled upon making application therefor to said board, to have the rental reserved by his lease adjusted in conformity with the provisions of this section; but such adjustment shall not apply to any rental previously paid or accrued. If the person, association or corporation having the preference right to lease any part of any such harbor area has not exercised or shall not exercise such right within such time and in such manner as may be prescribed by said board in its rules and regulations, then said board whenever it shall deem it advisable that such part should be leased shall give thirty days notice by publication that a lease of such part of such harbor area for such rental and under such general rules within the limitations of this section as said board shall have prescribed will be sold, at a time and place to be specified in said notices, to the person, association or corporation offering at such public sale to pay to the state the highest sum as a cash bonus for such lease; and upon the giving of such notices 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. All the rentals derived from the leases herein authorized shall be paid into the state treasury under such regulations as said board may prescribe, and shall constitute a harbor fund to be used as the legislature may direct; but the sum of one thousand dollars is hereby appropriated to be paid by the state treasurer out of said harbor fund to the commissioner of public

Improve-  
ments.

Leases prior  
to March 1,  
1899.

Preference  
right.

Harbor fund.

lands, as he shall call therefor by warrants drawn on the treasurer against said harbor fund, to be expended by said commissioner, and he is hereby authorized to expend the same so far as necessary in the examination of the policy and systems of other states and countries relative to the control and regulation of harbors and water frontage and in the gathering, collating and publication of data respecting the same, and in paying for any advertising which may be done in pursuance of this section, and any part of said sum unexpended by said commissioner prior to the 1st day of January, 1901, shall be repaid by him into the state treasury and credited to said harbor fund. 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."

Rates and  
tolls.

Passed the Senate March 7, 1899.

Passed the House March 8, 1899.

Approved March 14, 1899.