

Sentence may be suspended. therewith to the satisfaction of the court the sentence may be suspended: *Provided*, That no such sentence or execution thereof shall be stayed to exceed a period of two (2) years, and if at the expiration of the stay of such sentence or at such time prior thereto as the court may deem proper, it shall appear to the satisfaction of the court that such person has complied faithfully with the conditions of his probation, or such suspended sentence, the court may suspend such sentence absolutely, in which case such person shall be released therefrom. If, at any time during the stay of execution of any sentence, it shall be made to appear to the satisfaction of the court that the sentence ought to be enforced, the court shall have the power to revoke the stay of such sentence and execution, and enforce the same, and the term of such sentence shall commence from the date upon which the same is ordered to be enforced.

Ch. 11, p. 16,
L. '07, re-
pealed.

SEC. 2. Chapter 11 of the Laws of 1907 is hereby repealed.

Passed by the Senate March 2, 1909.

Passed by the House March 9, 1909.

Approved March 17, 1909.

CHAPTER 154.

[S. S. B. 338.]

RELATING TO ASSESSING OF STATE LANDS FOR LOCAL IMPROVEMENTS.

AN ACT authorizing the assessment for local improvements of certain lands owned by the State of Washington and situated within the limits of incorporated cities, towns, diking or drainage districts, and also authorizing such assessment of leasehold, contractual or possessory interests in tide and other lands owned by the state, situated within such cities, towns or districts and which have been leased or sold under contract, repealing section 1 of chapter 73 of the Session Laws of 1907, relating to local improvement assessments, and declaring an emergency.

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

SECTION 1. That all leasehold, contractual or possessory interests in any tide lands owned by the State of

Washington in fee simple (in trust or otherwise), situated within the limits of any incorporated city or town in this state, and which have been leased by the state, or which are held by any person, firm, association, private corporation or municipal corporation under a contract of purchase from the state, may be assessed and charged for the cost of all local improvements specially benefitting such leasehold, contractual, contractual or possessory interest, which may be ordered by the proper authorities of such city or town; and such leasehold, contractual or possessory interest, for all purposes of the assessment and collection of the cost of any such local improvement, shall be treated as the private property of such lessee or owner of such contractual or possessory interest: *Provided*, That nothing in this section shall be construed to effect the title of the state, nor shall any lien for such assessment attach to the fee simple title of the state.

Interest in
land
assessable.

Limitation.

SEC. 2. That when any city has made or caused to be made an assessment for any such local improvement the treasurer of said city shall immediately give notice to the Commissioner of Public Lands of said state, and thereupon said assessment shall become a lien against the leasehold, contractual or possessory interest upon which said assessment is levied, and its collection may be enforced against such interests as provided by law for the enforcement of other local improvement assessments.

Notice of
assessment.

SEC. 3. When any such tide lands are under lease at the time of the making of any local improvements abutting upon or benefiting the same, and said lands are thereafter offered for sale, any such improvements shall be deemed and considered as improvements upon said land and shall be appraised at their then value as provided by law for the appraisal of improvements upon leased, school and granted lands, and upon the sale of said property the lessee shall be entitled to receive the value thereof as in case of improvements upon school and granted lands: *Provided*, Said lessee has theretofore paid the assessment for said improvements as provided by law.

Assessment
considered as
improvements.

Interest of
state in tide
land as-
sessed.

SEC. 4. That all lands, except tide lands, held or owned by the State of Washington in fee simple (in trust or otherwise), situated within the limits of any incorporated city, town, dike or drainage district in this state may be assessed and charged for the cost of local improvements specially benefitting such lands which may be ordered by the proper authorities of any such city, town, diking, or drainage district: *Provided, however,* That the interest of the state in such property shall not be sold to satisfy the lien of such assessment, but only such interest or contract or other right therein as may be in private ownership shall be subject to such sale: *Provided further,* That when an assessment is made against any land in a diking or drainage district such improvement shall be assessed according to the subdivision thereof.

All state
property
assessable.

Not to affect
present con-
tracts.

SEC. 5. In all local improvement assessment districts in any incorporated city, town, diking or drainage district in this state, property in such district, other than tide lands, held or owned by the state shall be assessed and charged for its proportion of the cost of such local improvements in the same manner as other property in such district: *Provided,* That none of the provisions of this act shall have the effect, or be construed to have the effect, to alter or modify in any particular any existing lease of any lands or property owned by the state, or release or discharge any lessee of any such lands or property from any of the obligations, covenants or conditions of the contract under which any such lands or property are leased or held by any such lessee.

Certificate of
assessment.

SEC. 6. Upon the approval and confirmation of the assessment roll for any local improvement ordered by the proper authorities of any incorporated city, town, diking or drainage district, the treasurer of such city, town, diking or drainage district shall certify and forward to the Commissioner of Public Lands of the State of Washington (if such lands are within the jurisdiction of said commissioner), or to the State Board of Control (if such lands are occupied by, or used in connection with, any state institution), a statement of all the lots or parcels of land

(other than tide lands), held or owned by the state and charged on such assessment roll for the cost of such improvement, separately describing each such lot or parcel of the state's land, with the amount of the local assessment charged against it; the Commissioner of Public Lands shall charge against each such lot or parcel of land owned or held by the state for sale the amount of the local assessment so certified by such treasurer, and shall then certify said statement to the State Auditor; and the State Board of Control shall cause a proper record to be made in its office of the cost of such improvement upon land occupied by state institutions or used in connection therewith, and shall certify said statement to the State Auditor, and the State Auditor at the next session of the legislature shall certify to the legislature the amount of all local improvement assessments charged against such lands of the state, and the legislature shall provide for the payment of the same, with interest, by appropriation out of the general fund of the state: *Provided*, That no city, town, diking or drainage district shall have jurisdiction to make such local improvement or levy an assessment against any of the lands of the State of Washington until notice of the making of such proposed improvement and the fixing of the time for hearing and confirming the same by the city, town, diking or drainage district has been served upon the Land Commissioner or the Board of Control, as the case may be. Said notice shall be served at least twenty days before the time fixed for said hearing, and an acceptance in writing by said Land Commissioner or the secretary of the said Board of Control, duly filed with said city, town, diking or drainage district, shall be deemed and considered due proof of such service: *And provided further*, That no land belonging to the State of Washington shall be included in any bonding district, and that no penalty shall be provided or enforced against the state, and no interest on the assessment levied to pay for said improvement greater than six per cent per annum shall be taxed to, or allowed by, the state for or on account of making such improvement.

Assessment
charged
against
each lot.

Notice to be
served, when.

Six per cent.
interest.

Assessment
added to
appraised
value.

SEC. 7. When any land, other than tide lands and lands occupied and used in connection with state institutions, owned or held by the state within incorporated cities, towns, diking or drainage districts in this state, against which local improvement assessments have been paid, as herein provided for, is offered for sale, there shall be added to the appraised value of such land, as provided by law, the amount of the local improvement assessments paid by the state, which amount so added shall be paid by the purchaser in cash at the time of the sale of said land, in addition to the amounts otherwise due to the state for said land, and no deed shall ever be executed until such local assessment has been paid.

Application
of act.

SEC. 8. The provisions of this act shall apply to all municipal corporations, diking and drainage districts, and charter or ordinance provisions to the contrary notwithstanding.

Appropriation
for im-
provements.

SEC. 9. Where the state has made no lease or contract, or has granted no right with reference to any such lands or any part thereof, against which an assessment has been made for local improvements, the state shall at the next session of the legislature after such improvement is made, if it still owns the land, appropriate sufficient money to pay for such improvements, or the person entitled to such money may apply to the proper state officers to have such lands sold in the manner provided by law, and if the said lands have not been appraised, the State Land Commissioner shall, upon said application being made, cause the same, exclusive of benefits, to be appraised, and the assessment for such improvement shall be added to the appraised valuation of all such tracts owned by the state, and such Land Commissioner shall cause the sale of such lands to be made in the manner provided by law, but no sale shall be made for less than the appraised value, plus the assessment, against the tract to be sold. When such lands are sold, the proper state officers are authorized to pay to the party entitled to receive the same, the amount or amounts of said assessments for local improvements.

[See, also,
§ 3, ch. 73, p.
124, L. '07.]

SEC. 10. Whenever any such tide, state, school, granted or other lands situated within the limits of any city, town, diking or drainage district has been included within any local improvement district, by such city, town, diking or drainage district, and the contract, leasehold or other interest of any individual has been sold to satisfy the lien of such assessment for local improvement, the purchaser of such interest at such sale shall be entitled to receive from the State of Washington, on demand, a conveyance of the property purchased by him upon the payment to the state of the amount of balance which his predecessor in interest was obligated to pay.

Subrogation.

[See, also, § 2, Ch. 73, p. 123, L. '07.]

SEC. 11. Nothing in any of the provisions of this act shall have the effect, or be construed to have the effect, to alter or modify in any particular any existing lease of any lands or property owned by the state or any contract to purchase from the state any of its land or property, or any agreement under which any possessory or contractual interest in any lands of the state may be owned or held by any person, firm, association, private corporation or municipal corporation, or to waive, release or discharge any covenant, stipulation or obligation of any such lease, contract or agreement, and whether the lands involved be tide lands or other lands.

Contracts not affected by this act.

SEC. 12. That section 1 of chapter 73 of the Session Laws of 1907, relative to the assessment of state school and granted lands for local improvements, is hereby repealed.

§ 1, Ch. 73, p. 123, L. '07, repealed.

SEC. 13. An emergency exists and this act shall take effect immediately.

Emergency.

Passed by the Senate March 11, 1909.

Passed by the House March 11, 1909.

Approved March 17, 1909.