

CHAPTER 147.

[S. B. 212.]

SALE, LEASE AND IMPROVEMENT OF STATE LANDS.

AN ACT relating to the selection, survey, management, sale, reclamation, lease and disposition of state, granted, school, tide, shore and other lands and harbor areas, and amending sections 6633, 6667, 6675, 6681, 6685, 6687, 6690, 6750, 6794, 6828, 6829, 6831, 6836 and 6839 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6633 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 6633, by adding subd. 9.

Section 6633. The commissioner of public lands for services performed by him as such may charge and collect the following fees: (1) For a copy of any record, document or paper on file in his office, fifteen cents per folio; (2) for affixing a certificate and seal, one dollar; (3) for each original contract of sale, lease, or bill of sale, two dollars; (4) for each deed, five dollars; (5) issuance of harbor area lease and approval of bond, five dollars; (6) approval of each assignment of contract, lease or bill of sale, one dollar; (7) for each copy of the plat of a township or any portion thereof, not less than two dollars; (8) for subdivision and issuance of new contracts, after the original has been entered on the records, two dollars for each new contract; (9) for each railroad right of way certificate issued, two dollars.

Fees of land commissioner.

SEC. 2. That section 6667 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 6667, by adding proviso as to fire damaged timber.

Section 6667. When application is made for the purchase of timber, fallen timber, stone, gravel or other valuable materials situated upon public lands of the state, except capitol building lands, the same inspection shall be had as upon an application for the appraisalment and sale of lands. No timber, fallen timber, stone, gravel or other

Sale of timber, stone, gravel, etc.

valuable materials shall be sold for less than the appraised value thereof; and such timber, fallen timber, stone, gravel or other valuable materials may be sold separate from the land when, in the judgment of the board, it is for the best interests of the state to sell the same, except when the estimated amount of timber shall exceed one million feet to the quarter section, in which case the timber shall be sold separate from the land: *Provided*, That whenever any public lands except capitol building lands shall lie within the limits of any watershed from or through which is derived the water supply of any city or town in this state and said city or town shall desire to purchase or condemn the same it may do so, and in case of purchase it shall have the right to buy said land with the timber, fallen timber, stone, gravel or other valuable materials with the land and without a separate appraisement thereof. When such timber, fallen timber, stone, gravel or other valuable materials are sold separate from the land, the full purchase price thereof shall be paid in cash: *Provided*, That in all cases where timber, fallen timber, stone, gravel or other valuable materials are sold separate from the land the same shall revert to the state if not removed from the land within five years from the date of purchase thereof, except that in all cases when the purchaser is acting in good faith and endeavoring to remove such timber, fallen timber, stone, gravel or other valuable materials, the commissioner of public lands may extend the time for removal thereof for any further period not exceeding five years upon payment to the state of a sum to be fixed by the commissioner of public lands not less than one dollar nor more than two dollars per acre per annum. And the commissioner of public lands shall certify and pay to the state treasurer all sums received for such extensions and the same shall be credited to the fund to which was credited the original purchase price of the materials so sold. In every appraisement under this act, the board of state land commissioners shall separately appraise all improvements placed upon any land of the state and found on such land at the time of appraisement of the land, and shall also appraise all

Reversion if  
not removed.

Extension of  
time for  
removal.

Appraisement  
of land and  
improve-  
ments.

damages and waste committed or suffered upon said land by the cutting or removal of timber, stone, gravel or other valuable materials by the person or persons owning such improvements or their assignors and the damages so found shall be deducted from the appraised value of the improvements and the balance, after deducting such damages and waste, shall be the value of the improvements upon the land, and every such appraisal shall be recorded in the proceedings of the board of state land commissioners: *Provided*, That this section shall not be considered as affecting the right of the state to receive the full value of the land. If the purchaser of such land be not the owner of the improvements, he shall deposit with the officer making the sale, at the time of the sale, the appraised value of such improvements; and if it be found by the board that the owner of such improvements was not holding adversely to the state at the time of making the improvements, or that said improvements were placed upon the land in good faith by a lessee whose lease had not been cancelled or subject to cancellation for any cause, or that such improvements were placed upon the land by mistake, then the board of state land commissioners shall direct the commissioner of public lands to pay and he shall pay to the owner of said improvements the sum so deposited. But if it be found by the board that such improvements were made by persons holding or claiming adversely to the state, or by persons without license or lease from the state, or by a lessee who had not complied with the terms of his lease, then said board shall direct the commissioner of public lands to pay said sum so deposited to the state treasurer, who shall credit the same to the fund into which the proceeds derived from the sale of the land should be paid. If it be found that such improvements were made by a lessee or other person with intent to defraud the state or the intending purchaser of the land from the state, the sum so deposited shall be forfeited to the state and credited as last above provided. For the purpose of determining the value and character of land, timber, fallen timber, stone,

Purchaser  
of land to  
pay for im-  
provements.

Determina-  
tion of  
values.

gravel or other valuable materials or improvements, the commissioner of public lands or the board of state land commissioners may compel the attendance of witnesses by subpoena, at such place as the commissioner or the board may designate, and examine such witnesses under oath as to the value and character of such lands, materials or improvements and waste or damage thereto. When timber or other valuable materials have been sold separate from the land and have actually been removed therefrom, then such lands may be sold for a sum which, added to the price received for the timber or other valuable materials, will not be less than ten dollars per acre. All sales of timber upon state land shall be made subject to the right, power and authority of the board of state land commissioners to prescribe rules and regulations governing the manner of removal of the timber with a view to the protection of the non-merchantable timber against destruction or injury by fire or from other causes; and any such rules or regulations shall be binding upon the purchaser of the timber and his successors in interest and shall be enforced by the commissioner of public lands. When the merchantable timber has been sold and actually removed from any land, the board of state land commissioners may classify the land and such portions thereof as may be found most suitable for reforestation may, by order of the board, be reserved from any future sale and when once so reserved shall not thereafter be subject to sale or other disposition. The commissioner of public lands shall certify to the state fire warden and forester all such reserves so made and thereupon it shall be the duty of the state fire warden and forester to protect such land and the remaining timber from fire and to reforest the same: *Provided, further,* That the board of state land commissioners may order the sale of the timber which has been damaged by fire on any lands of the state, except capitol building lands, without an application having been filed or deposit made as herein provided.

Examination  
of witnesses.

Price of  
land after  
removal of  
valuable  
materials.

Regulations  
for removal  
of timber.

Reforestation.

Sales of tim-  
ber damaged  
by fire.

SEC. 3. That section 6675 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 6675.

Section 6675. All state lands shall be sold on the following terms: One-tenth to be paid on the date of sale and one-tenth to be paid one year from the date of issuance of the contract of sale and one-tenth annually thereafter until the full purchase price has been paid: *Provided*, That any purchaser may make full payment at any time. All deferred payments shall draw interest at the rate of six per cent per annum. The first installment of interest shall become due and payable one year after the date of the contract of sale and thereafter all interest shall become due and payable annually on said date. All remittances for payment of either principal or interest must be forwarded to the commissioner of public lands: *Provided, further*, That the board of state land commissioners may, when they deem it for the best interests of the state, sell any of the granted lands of the state in tracts of not more than eighty acres upon the following terms and conditions: One-twentieth of the purchase price to be paid on the date of sale and one-twentieth on the eleventh year thereafter, and one-tenth annually thereafter until the full purchase price has been paid: *Provided, further*, That before any such lands are offered for sale the board of state land commissioners shall prescribe the extent and character of the improvements that shall be placed upon said lands annually during the first ten years of said contract and said contract shall be subject to forfeiture if the holder thereof shall fail each year to make such improvements as shall be prescribed by said board of state land commissioners before said lands are offered for sale, and the making of such improvements by such contract holder shall, in addition to the payments provided for in said contract, be considered as a part consideration therefor. Every such purchaser shall render to said board between the 10th day of December and the 31st day of December of said years a full and complete statement of the character and cost of

Terms of  
sale.

Maturity of  
interest in-  
stallments.

Sale in tracts  
of not more  
than 80 acres.

Improve-  
ments to be  
made.

Report on  
annual im-  
provements.

Interest on  
deferred  
payments.

the improvements placed upon said land during such year. Any such purchaser shall have the right to improve said lands during any one year to any greater extent than that prescribed by the board of state land commissioners, if he so desires, and he may pay the full purchase price upon said lands at any time prior to the dates of payment as above provided for, if the board of state land commissioners are satisfied that the improvements which he has placed upon said lands are such as to insure the *bona fide* cultivation and use thereof for agricultural, horticultural and dairying purposes. All deferred payments upon said contract shall draw interest at the rate of four percent per annum for the first ten years after the date of sale and thereafter at the rate of six per cent per annum until the full purchase price has been paid. The object and purpose of this proviso is to encourage the cultivation and improvement of state lands and the use of such lands for agricultural, horticultural or dairying purposes and it shall be construed to be additional to and concurrent with existing laws so far as necessary to the carrying out of such object and purpose. When the entire purchase price of any land shall have been fully paid, such fact shall be certified by the commissioner of public lands to the governor, whereupon he shall cause a patent to be issued to the purchaser. Patents shall be signed by the governor and attested by the secretary of state, with the seal of the state attached thereto, and shall be recorded in the office of the commissioner of public lands, and no fee shall be required for any deed or patent of land issued by the governor, other than the fee provided for in this chapter: *Provided, further,* That each and every contract for the sale of any state lands, or deeds or patents to such state lands except deeds or patents issued pursuant to contracts heretofore made shall contain the following saving clause: "The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns forever, all oils, gases, coal, ores, minerals and fossils of every name, kind or description,

Issuance  
and record  
of patents.

Reservation  
by state of  
oils, gases  
and minerals.

and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oil, gases, coal, ores, minerals, and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right to enter by itself, its agents, attorneys and servants upon said lands or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved;” *Provided, further,* That no rights shall be exercised under this reservation by the state, its successors or assigns, until provision has been made by the state, its successors or assigns to pay to the owner of the land upon which the rights herein reserved to the state, its successors or assigns or sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land.

Payment of  
resulting  
damages to  
owner.

SEC. 4. That section 6681 of Remington & Ballinger’s Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6681. All school and granted lands of the State of Washington may be leased for a term of five years or less to the highest bidder at public auction in the fol-

Amends  
Rem.-Bal.  
§ 6681, by  
changing  
term of lease  
from six to  
five years.

Lease of  
school and  
granted  
lands.

lowing manner: Any person or persons desiring to lease any of such lands shall make application in writing to the commissioner of public lands of this state; each application shall be accompanied with a deposit of ten dollars, such deposit to be in the form of a draft on some bank, a postoffice or express money order, or may be paid in cash. In case the lands so applied for shall be leased at the time they are offered for lease, then such deposit shall be returned to such applicant by the commissioner of public lands; but if the land shall not be leased when so publicly offered for lease, then such deposit shall be declared forfeited to the state, and the commissioner of public lands shall pay the said deposit over to the state treasurer, who shall place the same to the credit of the general fund of the state.

Term of  
lease.

Deposit fee.

Amends  
Rem.-Bal.  
§ 6685, as to  
remittances  
and receipts.

SEC. 5. That section 6685 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Returns of  
county  
auditors.

Section 6685. When any of such lands shall have been so leased by the county auditor, the said auditor shall at once proceed to certify a list of such lands to the commissioner of public lands, giving the name of the lessee, the postoffice address, term of lease, lease price per annum, amount paid on lease, and any other information required by the commissioner of public lands; the auditor shall also forward to the commissioner one certified check, draft or postal order, payable to the order of the commissioner of public lands, for all moneys so paid to him on leases at the time of their sale. The commissioner shall issue two receipts, one to the auditor for the total amount of money so received, and a receipt to each lessee, which shall be in duplicate, the original receipt to be sent to the lessee and the duplicate thereof kept in the office of the commissioner. The commissioner shall pay the money over to the state treasurer and take his receipt therefor: *Provided*, That lands held under lease shall not be offered for sale, or sold, during the life of the lease, except upon application of the lessee.

Receipts by  
land com-  
missioner.



SEC. 6. That section 6687 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 6687, by altering date as to rent notices.

Section 6687. The commissioner of public lands shall keep a full and complete record of all leases so issued and payments made thereon, and not more than forty nor less than thirty days before the time such rental becomes due the commissioner of public lands shall cause to be mailed to each lessee whose rental will become due and payable during said period of forty days a notice stating the date upon which the rental falls due and the amount thereof; and if such rental be not paid on or before the date the same becomes due, according to the terms of the lease, the commissioner of public lands shall declare a forfeiture, cancel the lease and eject the lessee from the land: *Provided*, That the commissioner of public lands may extend the time for payment of annual rental not to exceed one year when, in his judgment, the interests of the state will not be prejudiced thereby:

Notices of rent due.

Forfeiture for delinquency.

Extension of time.

SEC. 7. That section 6690 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 6690, by crediting forfeited deposits to general fund.

Section 6690. If, at the expiration of any lease, or any renewal thereof, the lessee desires to re-lease the lands covered thereby, he may make application to the commissioner of public lands for a re-lease. Such application shall be made within thirty days after the expiration of the lease and shall be in writing and under oath, setting forth the character and value of all improvements existing on the land, the name and postoffice address of the owner thereof, the purpose for which he desires to re-lease the land, the amount considered by such lessee as the reasonable annual rental value thereof and such other information as the commissioner of public lands may require, and shall be accompanied with a deposit of ten dollars, which deposit, if the land be not leased, through the failure or refusal of the applicant to accept a lease at the rate fixed by the commissioner of public lands, shall be forfeited to the state

Lessee's right to re-lease.

Deposit.

and by the commissioner paid to the state treasurer and credited to the general fund of the state. The commissioner of public lands may, upon the filing of such application, cause the lands to be inspected by a state land inspector; and if he deems it for the best interests of the state to re-lease said lands, he shall fix the rental value thereof and, upon receipt of the first year's rental, together with the fees required by law, the commissioner of public lands shall issue to the applicant a renewal lease for any period not exceeding five years. The commissioner of public lands shall notify the applicant by mail, of the rental value fixed, and if, within thirty days after the date of such notice, the applicant fails or refuses to pay to the commissioner of public lands the first year's rental together with the statutory fee for issuing a lease, the commissioner of public lands may cause the improvements existing upon the land to be appraised, in the same manner as in the case of the sale of land, offer the land for lease at public auction to the highest bidder, as provided for original leases, and if the successful bidder be not the owner of the improvements, he shall deposit with the officer making the sale the appraised value of the improvements. The amount so deposited as the appraised value of improvements, together with the first year's rental and the fees required by law, shall be transmitted to the commissioner of public lands and, upon confirmation of the lease by the commissioner of public lands, the amount so deposited in payment for the improvements shall be disposed of by the commissioner of public lands in the same manner as in the case of the sale of the land: *Provided*, That no bid shall be received for less than the minimum price fixed by the commissioner of public lands.

Forfeiture.

Lessee's failure to renew.

Appraisal of improvements.

Offer of lease to highest bidder.

Amends Rem.-Bal. § 6750.

Rights of abutting owners on first class tide lands.

SEC. 8. That section 6750 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6750. The owner or owners of lands abutting or fronting upon tide or shore lands of the first class shall have the right for sixty days following the filing of the

final appraisal of the tide and 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 land so owned: *Provided*, That if valuable improvements, and in actual use prior to March twenty-sixth, eighteen hundred and ninety, for commerce, trade, residence or business have been made upon said tide or shore lands by any person, association, or corporation, the owner or owners of such improvements shall have the exclusive right to apply for the purchase of the land so improved for the period aforesaid. If at the expiration of sixty days from and after the filing of 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. If at the expiration of said sixty days two or more applications shall have been filed for any tract, conflicting with each other, the board of state land commissioners shall forthwith require each applicant, within a time stated, to submit under oath a full statement of the facts whereby he claims a preference right of purchase. In case any applicant shall fail within the time limited to file such statement he shall, unless good excuse be shown therefor, be deemed to have waived his claim to a right of purchase of the tract under his application. After such statements have been filed, if it be deemed advisable or necessary by the board of state land commissioners, in order to determine the rights of the parties applying for said tract, said board may order a hearing for such purpose. The board shall determine who has the first right of purchase to the whole or any portion of the lot or tract involved, and shall, unless an appeal be taken from the appraisal or finding to the superior court, proceed to sell or dispose of such lands in accordance with such finding.

SEC. 9. That section 6794 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6794. No lease shall be made by the state for any sum less than twenty-five dollars (\$25.00) per quar-

Amends  
Rem.-Bal.  
§ 6794, by  
reducing  
term of lease  
to five years.

Lease of  
oil and  
gas lands.

Royalty.

ter section of land for each year during the term of said lease, and in addition thereto the said lease shall provide that the state shall be entitled to receive a sum not less than ten per cent of the gross value of all petroleum and natural gas extracted therefrom during the term of the said lease, payable semi-annually during said term. The term of said lease to be any term not to exceed five years.

Amends  
Rem.-Bal.  
§ 6828, by  
conferring  
authority on  
land com-  
missioners.

SEC. 10. That section 6828 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Grant of  
right to over-  
flow state  
lands.

Section 6828. The board of state land commissioners is authorized to grant any person or corporation the right, privilege, power and authority to perpetually back and hold water upon and over any land belonging to the State of Washington, and to overflow any such land and inundate the same, if said board deems it necessary for the purpose of erecting, constructing, maintaining or operating any water power plant, reservoir or works for impounding water for power purposes, irrigation, mining or other public use.

Amends  
Rem.-Bal.  
§ 6829.

SEC. 11. That section 6829 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Conditioned  
on payment  
of damages.

Section 6829. The right, privilege, power and authority herein given and granted by said board of state land commissioners shall not be exercised or enjoyed until the amount of damages appraised and fixed by said board shall have been paid by the person or corporation to whom such right is granted: *Provided*, That if the construction or erection of any such water power plant, reservoir or works for impounding water for the purposes as heretofore specified shall not be commenced and be diligently prosecuted and completed within such time as the board may prescribe at the time such right, privilege, power and authority is granted, the same may be forfeited by the board of state land commissioners by serving written notice of such forfeiture upon the person or corporation to whom the same is granted. Such forfeiture shall become effective upon

Forfeiture  
of grant.

the service of said notice: *Provided, further,* That said board may extend the time within which such work shall be completed if the said board deems it necessary.

SEC. 12. That section 6831 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends  
Rem.-Bal.  
§ 6831.

Section 6831. Any person, corporation or association engaged in the business of logging and lumbering shall have a right of way over public lands when necessary, for the purpose of hauling or removing timber or ties from other lands. Before, however, any such right of way grant shall become effective, a written application for and a plat showing the location of such right of way, with reference to the adjoining lands, shall be filed with the board of state land commissioners, and all timber on said right of way, together with the damages to said lands, shall be appraised by said board and paid for in cash by the person, corporation or association applying for such right of way. The board of state land commissioners shall then cause to be issued in duplicate to such person, corporation or association a right of way certificate setting forth the conditions and terms upon which such right of way is granted. Whenever said right of way shall cease to be used, for a period of two years, for the purpose for which it was granted, it shall be deemed forfeited, and said right of way certificate shall contain such a provision. One copy of each certificate shall be filed in the office of the commissioner of public lands and one copy delivered to the applicant. The forfeiture of said right of way, as herein provided, shall be rendered effective by the mailing of a notice of such forfeiture to the grantee thereof to his last known postoffice address and by stamping the copy of said certificate in the office of the commissioner of public lands cancelled and the date of such cancellation. For the issuance of such certificate the same fee shall be charged as provided in the case of certificates for railroad rights of way.

Logging  
right of way.

Issuance of  
right of way  
certificate.

Forfeiture.

Fee for  
certificate.

SEC. 13. That section 6836 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6836. Should any improvements made as of right and with license from the State of Washington be upon any of such lands at the time of said appraisal, the board of state land commissioners shall separately appraise the same together with the damage and waste done to said lands by the use and occupancy of the same or to adjacent lands and after deducting from the amount of appraisal for improvements the amount of such damage and waste the balance shall be determined and regarded as the value of said improvements, and the railroad company if not the owner of such improvements shall deposit with the commissioner of public lands the value of the same as shown by said appraisal within thirty days next following the date thereof. The commissioner of public lands shall hold such moneys for the period of three months, and unless a demand and proof of the ownership of such improvements shall be made to the commissioner of public lands within said period of three months the same shall be deemed forfeited to the state and deposited with the state treasurer and paid into the general fund of the state. If two or more persons shall, within said period of three months, file claims of the ownership of the said improvements with the commissioner of public lands, the commissioner shall hold such moneys until a certified copy of a judgment decreeing the ownership of said improvements shall be filed with him. When a certified copy of a judgment has been so filed with the commissioner of public lands, he shall pay to the owner thereof, as decreed by said judgment, the appraised value of said improvements. Where said right of way affects the improvements of any person other than the person owning improvements on said right of way or entitled thereto under existing law the applicant for said right of way shall file with the commissioner of public lands a valid release of damages duly executed by such owner or owners, or a certified copy of

Amends  
Rem.-Bal.  
§ 6836.

Separate  
appraisal of  
improve-  
ments on  
rights of way.

Deposit with  
land com-  
missioner.

Award to  
claimant.

Settlement  
for damages  
to other  
parties.

a judgment of a court of competent jurisdiction showing that the damages resulting to such owner or owners, ascertained in accordance with existing law, has been made or paid into the registry of such court.

SEC. 14. That section 6839 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Amends Rem.-Bal. § 6839, by adding proviso.

Section 6839. Upon full payment of the value of such easement ascertained as aforesaid, any future grant or lease by the state of the lands affected by said right of way shall be subject to the easements obtained under the provisions of this act: *Provided, however,* That before any such easement shall become effective a right of way certificate shall be issued to said railway company by the commissioner of public lands, in which the terms and conditions of such easement shall be set forth and the lands covered thereby described. Such certificate shall be in such form as the commissioner of public lands may prescribe.

Future grants subject to easement.

Right of way certificate.

SEC. 15. Any cemetery association may purchase, under the provision of law governing the sale thereof, a cemetery site or sites, of not less than one acre nor more than ten acres each, of any school lands of the State of Washington.

Cemetery sites on school lands.

SEC. 16. The board of state land commissioners is hereby authorized to locate in all navigable rivers in this state, which are subject to tidal flow, the line dividing the tide lands in such river from the shore lands in such river, and such classification or the location of such dividing line shall be final and not subject to review.

Location of line dividing tide and shore lands.

SEC. 17. The assistant auditor and cashier of the office of the commissioner of public lands shall enter into a good and sufficient surety company bond, to be approved by and deposited with the secretary of state, in the sum of ten thousand dollars (\$10,000.00), for the faithful discharge of the duties of said office. The premium on said bond shall be paid by the state from the incidental fund provided for the commissioner of public lands.

Bonds of cashier and assistant auditor.

Limit on  
value of im-  
provements  
on leased  
lands.

SEC. 18. The commissioner of public lands, at the time of fixing the rental value of any lands of the state, which are to be offered for lease, shall fix the limit of the value of improvements that may be placed upon said lands by any lessee of the state, and upon the expiration of any such lease the board of state land commissioners shall not appraise said improvements in an amount exceeding the limit so fixed by the commissioner of public lands: *Provided*, That at any time during the life of said lease the commissioner may extend the limit of the value of improvements which may be placed on the lands covered by said lease, if he deems it advisable and for the best interests of the state. Such extension shall be made by written order, which shall be filed with the lease in the office of the commissioner, and unless so made and filed shall not be effective.

Extension  
of limit.

Holding over  
after expira-  
tion of lease.

SEC. 19. No lessee of state lands, after the expiration of his said lease, shall without the written consent of the commissioner of public lands and then only upon such terms and conditions as such written consent shall prescribe, remain in possession of said lands or the improvements thereon after the termination or expiration of said lease. All improvements placed upon state lands under lease, during the term of said lease, which remain upon said lands sixty days from the termination or expiration of said lease, shall become the property of the State of Washington and be considered, except as herein provided, a part of the land upon which they are located: *Provided, however*, That if said lands are sold within a period of three years from the termination or expiration of said lease, then the purchaser at such sale shall pay to the owner of said improvements the appraised value thereof as determined by the board of state land commissioners: *Provided, further*, That at any time within sixty (60) days after the termination or expiration of any such lease the owner of said improvements shall be entitled to remove such of said improvements as can be removed without injury to said lands: *Provided, further*, That any improvements

Time for  
removal of  
improve-  
ments.

Payment to  
owner of im-  
provements,  
when.

Forfeiture  
of im-  
provements.



placed upon any state school or granted lands without written authority or after the expiration of a written lease shall become the property of the State of Washington and be considered a part of the land.

Passed the Senate February 25, 1915.

Passed the House March 8, 1915.

Approved by the Governor March 18, 1915.

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## CHAPTER 148.

[S. B. 211.]

### ACCIDENT CLAIMS AGAINST CITIES, THEIR PRESENTATION AND ALLOWANCE.

AN ACT relating to claims for damages against cities and towns and amending sections 7996 and 7998 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7996 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 7996. Nothing in this act shall be construed as in any wise modifying, limiting or repealing any valid provision of the charter of any such city relating to such claims for damages, but the provisions of this act shall be in addition to such charter provision, and such claims for damages, in all other respects, shall conform to and comply with such charter provisions: *Provided*, That if the claimant shall be incapacitated from verifying and filing his claim for damages within the time prescribed by charter or if the claimant be a minor, then the claim may be verified and presented on behalf of said claimant by any relative or attorney or agent representing the injured person, and no action for damages now pending or hereafter brought shall be defeated by the failure of the person to verify or file the claim in person if action be brought within three years after the taking effect of this act where a claim has heretofore been verified and filed within the time and

Amends Rem.-Bal. § 7996, by provision for claims of minors and incapacitated persons.

Act cumulative with charter provisions.

When claims may be verified and filed by other than claimants.