

CHAPTER 93.

[H. B. 134.]

LEASING OF COUNTY OWNED PROPERTY.

AN ACT authorizing counties to lease county owned properties, or tax acquired properties, or reserved mineral rights, for the purpose of prospecting for and removal therefrom of minerals, including oil, gas and other petroleum products, amending section 1, chapter 38, Laws of 1907 (section 11312, Remington's Revised Statutes; section 487-43, Pierce's 1943 Code), adding five new sections to be known as sections 4, 5, 6, 7 and 8, and declaring an emergency.

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

SECTION 1. Section 1, chapter 38, Laws of 1907 (section 11312, Remington's Revised Statutes; section 487-43, Pierce's 1943 Code), is amended to read as follows: Amendments.

Section 1. Whenever it shall appear to the Board of County Commissioners of any county in this state that it is for the best interests of said county and the taxing districts and the people thereof, that any mining claims, reserved mineral rights, or any other county owned or tax acquired property owned by the county, either absolutely or as trustee, should be leased for the purpose of exploration, development, and removal of any minerals, oil, gas and other petroleum products therefrom, said Board of County Commissioners is hereby authorized to enter into written leases, under the terms of which any county owned lands or county owned mineral rights, or reserved mineral rights, are leased for the aforementioned purpose, with or without an option to purchase. Any such lease shall be upon terms and conditions as said County Commissioners may deem for the best interests of said county and the taxing districts, and as in this chapter provided, and may be for such primary term as said board may determine and as long thereafter as minerals, including oil, and/or gas, may be produced therefrom. Leasing of county owned properties reserving mineral rights.

Amend-
ments.

SEC. 2. Chapter 38, Laws of 1907, is amended by adding a new section to be designated as section 4, to read as follows:

Liability
under lease.

Section 4. The lessee under any such petroleum lease shall have the option of surrendering any of the lands included in said lease at any time, and shall thereby be relieved of all liability with respect to such lands except the payment of accrued royalties as provided in said lease. Upon such surrender, the lessee shall have the right for a period of one hundred twenty (120) days following the date of such surrender, to remove all improvements placed by him on the lands which have been surrendered.

Amend-
ments.

SEC. 3. Chapter 38, Laws of 1907, is amended by adding a new section to be designated as section 5, to read as follows:

Rentals
distribution.

Section 5. Any royalties or rentals received by the said county under any lease entered into under the provisions of this chapter, shall be divided among the various taxing districts entitled thereto, in the same proportion and manner as the purchase money for said lands would have been divided in the event the said properties had been sold.

Amend-
ments.

SEC. 4. Chapter 38, Laws of 1907, is amended by adding a new section to be designated as section 6, to read as follows:

Surface
rights.

Section 6. Nothing in this chapter contained shall be construed as giving the County Commissioners the right to lease the surface rights of tax acquired property, except that the lease of any property as in this chapter provided shall give the lessee the right to use such portions of the surface on said land as may be necessary or desirable to it in its business.

Amend-
ments.

SEC. 5. Chapter 38, Laws of 1907, is amended by adding a new section to be designated as section 7, to read as follows:

Section 7. In the event said lease shall be for reserved mineral rights on lands previously sold by said county with mineral rights reserved, as provided in chapter 19, Laws of 1943, said lease shall contain a provision that no rights shall be exercised under said lease by the lessee, his heirs, executors, administrators, successors or assigns, until provision has been made by the lessee, his heirs, executors, administrators, successors or assigns to pay to the owner of the land upon which the rights reserved to the county are sought to be exercise [exercised], full payment for all damages to said owner by reason of entering upon said land; said rights to be determined as provided for in said chapter 19, Laws of Washington, 1943: *Provided, however,* That in the event of litigation to determine such damage, the primary term of such lease shall be extended for a period equal to the time required for such litigation, but not to exceed (3) years.

Lands
previously
sold.

SEC. 6. Chapter 38, Laws of 1907, is amended by adding a new section to be designated as section 8, to read as follows:

Amend-
ments.

Section 8. Nothing herein contained is intended to or shall be construed as affecting any existing rights granted under chapter 38, Laws of 1907.

Existing
rights.

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

Effective
immediately.

Passed the House February 7, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 15, 1945.