

board, until such time as said board shall be appointed and shall qualify.

SEC. 4. This act is necessary for the support of the state government and its existing public institutions and shall take effect immediately. Emergency.

Passed by the Senate February 23, 1921.

Passed by the House March 7, 1921.

Approved by the Governor March 14, 1921.

CHAPTER 80.

[S. B. 73.]

FRANCHISES ON STATE HIGHWAYS.

AN ACT relating to state highways, providing for the granting of franchises thereon outside of incorporated cities and towns, and providing penalties for violations thereof.

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

SECTION 1. It shall be unlawful for any person or corporation to construct on, over, across, or along any state highway any water pipe, gas pipe, telegraph, telephone, or electric light or power lines, without having first obtained a franchise so to do in the manner hereinafter in this act provided.

Constructions on highways unlawful.

SEC. 2. The state highway board or committee shall have the power to grant franchises to persons or corporations to use a state highway outside of incorporated cities and towns for the construction and maintenance of water pipes, gas pipes, telephone, telegraph, and electric light and power lines. All applications for such franchises shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired, and the nature of the franchise. Upon the filing of any such application

Granting of franchises.

Hearings.

a time and place for hearing the same shall be fixed and a notice thereof shall be given in the county or counties in which the state highway mentioned in the application is located, at the expense of the applicant, by posting written or printed notices in three public places at the county seat and in at least one conspicuous place on the state highway or part thereof over which the application for the franchise is made, at least fifteen days before the day fixed for such hearing, and by publishing a like notice in three successive weekly issues of the newspaper doing the county printing, the last publication to be at least five days before the day fixed for the hearing; which notice shall state the name or names of the applicant or applicants, a description of the state highway or part thereof over which the franchise is applied for, and time and place for hearing which shall be at the state capital. In case the application is for a franchise over portions of a state highway in two or more counties, notice shall be given as above provided in each of the counties. It shall be the duty of the county auditor of the respective counties to cause such notices to be posted and published and to file proof of such posting and publication with the state highway board or committee.

Prescribing regulations and conditions.

SEC. 3. All hearings provided for in the preceding section may be adjourned from time to time and from place to place until completed. If after such hearing it is deemed to be for the public interest to grant such franchise in whole or in part, the board, or committee, may make and enter the appropriate order granting the franchise applied for, or such part thereof as it shall deem to be for the public interest, under such rules, regulations and conditions as it may prescribe, and may require any such utility and its appurtenances to be placed in such location on, over, across, or along the state

highway as it finds will cause the least interference with other uses of the state highway. Any person or corporation constructing or operating such utility on, over, across, or along such state highway shall be liable to any person injured thereby for any damage incident to the work of installation or the continuation of the occupancy of such highway by such utility, and shall be liable to the state for all necessary expenses incurred in restoring such highway to a permanent suitable condition for travel. This act shall be construed as an addition to existing laws, and shall not limit powers or rights which may be exercised under existing laws: *Provided*, That no franchise shall be granted for a period of longer than fifty years; And, *Provided further*, That no exclusive franchise or privilege shall be granted.

Damages.

SEC. 4. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Violations.

Passed by the Senate February 9, 1921.

Passed by the House March 7, 1921.

Approved by the Governor March 14, 1921.

CHAPTER 81.

[H. B. 216.]

DISPOSITION OF LICENSE FEES BY STATE TREASURER.

AN ACT relating to funds in the state treasury, providing for the deposit of certain moneys in, and the payment of certain expenses from the general fund, and abolishing the drugless practitioners' fund.

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

SECTION 1. All moneys received by the state treasurer as fees for the issuance of licenses upon examination, and the renewal thereof, and paid into

Credited to general fund and disbursed for expenses.