

CHAPTER 159.

[S. B. 107.]

EXERCISE OF POWER OF EMINENT DOMAIN BY CORPORATIONS GENERATING AND TRANSMITTING ELECTRICITY.

AN ACT relating to the exercise of the power of eminent domain by corporations generating and transmitting electricity and using and selling the same for light and power.

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

SECTION 1. Any corporation authorized to do business in this State, which, under the present laws of the State, is authorized to condemn property for the purpose of generating and transmitting electrical power for the operation of railroads or railways, or for municipal lighting, and which by its charter or articles of incorporation, assumes the additional right to sell electric power and electric light to private consumers outside the limits of a municipality and to sell electric power to private consumers within the limits of a municipality, which shall provide in its articles that in respect of the purposes mentioned in this section it will assume and undertake to the State and to the inhabitants thereof the duties and obligations of a public service corporation, shall be deemed to be in respect of such purposes a public service corporation, and shall be held to all the duties, obligations and control, which by law are or may be imposed upon public service corporations. Any such corporation shall have the right to sell electric light outside the limits of a municipality and electric power both inside and outside such limits to private consumers from the electricity generated and transmitted by it for public purposes and not needed by it therefor: *Provided*, That such corporation shall furnish such excess power at equal rates, quantity and conditions considered, to all consumers alike, and shall supply it to the first applicants therefor until the amount available shall be exhausted: *Provided further*, That no such corporation shall be obliged to furnish such excess power to any one consumer to an amount exceeding twenty-five per cent of the total amount of such excess power generated or transmitted by it. In exercising the power of eminent domain for public pur-

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poses it shall not be an objection thereto that a portion of the electric current generated will be applied to private purposes, provided the principal uses intended are public: *Provided*, That all public service or quasi-public service corporations shall at no time sell, deliver and dispose of electrical power in bulk to manufacturing concerns at the expense of its public service functions, and any person, firm or corporation that is a patron of such corporation as to such public function, shall have the right to apply to any court of competent jurisdiction to correct any violation of the provisions of this act.

Power must be applied to public use.

SEC. 2. Whenever any corporation has acquired any property by decree of appropriation based on proceedings in court under the provisions of this act, no portion of the electricity generated or transmitted by it by means of the property appropriated under the provisions of this act shall be used or applied by such corporation for or to a business or trade not under the present laws deemed public or quasi-public conducted by itself.

Suit for violation of act.

SEC. 3. In the event of the violation of any of the requirements of this act by any corporation availing itself of its provisions, an appropriate suit may be maintained in the name of State upon the relation of the Attorney General, or, if he shall refuse or neglect to act, upon the relation of any individual aggrieved by the violation, or violations, complained of, to compel such corporation to comply with the requirements of this act. A violation of this act shall cause the forfeiture of the corporate franchise if the corporation refuses or neglects to comply with the orders with respect thereto made in the suit herein provided for.

Saving clause.

SEC. 4. Nothing in this act contained shall affect any action or proceeding pending in any court at the time of its passage.

Passed the Senate February 14th, 1907.

Passed the House March 9th, 1907.

Approved by the Governor March 13th, 1907.