

## CHAPTER 32.

[S. B. 88.]

## STATE HIGHWAYS.

AN ACT relating to acquirement of lands for rights of way and drainage of state highways, and amending section 5872, Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5872 of Rem. & Bal. Code be amended to read as follows:

Acquiring  
land.

Section 5872. Whenever it is necessary to secure any lands for a right-of-way for a state highway, or for the drainage thereof, the supervisor of highways is authorized to acquire such lands in behalf of the state by gift, purchase or condemnation. In case of condemnation to secure such lands, the action shall be brought in the name of the state under the provisions of sections 891 to 900, both inclusive, of Rem. & Bal. Code, and in such action the selection of the lands by the supervisor of highways shall, in the absence of bad faith, arbitrary, capricious or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands are necessary for the purpose sought. The cost of such lands may be paid from the fund apportioned to the State road for which such right of way or drainage is acquired. Whenever it is necessary to locate and construct a state road over and across any of the public lands of the state of Washington, including tide or shore lands or any oyster reserve which has been or may hereafter be established, the supervisor of highways shall file in the office of the state land commissioner a map showing the location of such road over and across such lands with reference to a United States govern-

ment survey, and upon the filing of such map the easement for such right of way shall be reserved to the state and such land when sold, leased or otherwise disposed of, shall be sold, leased or disposed of subject to such right of way.

SEC. 2. That the state highway commissioner shall exercise all the powers and perform all the duties herein required of and authorized to be performed by the supervisor of highways, until such time as such officer shall be appointed, qualify, and assume and exercise the duties of his office.

Exercise of  
powers  
delegated.

Passed by the Senate February 7, 1921.

Passed by the House February 17, 1921.

Approved by the Governor March 1, 1921.

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## CHAPTER 33.

[S. B. 4.]

### UNITED STATES SENATORS.

AN ACT empowering the Governor to make temporary appointments to fill vacancies in the office of United States Senator.

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

SECTION 1. When a vacancy happens in the representation of this state in the Senate of the United States the Governor shall be, and he is hereby, empowered to make a temporary appointment until the people fill the vacancy by election at the next ensuing general state election.

Appointed  
to fill  
vacancy.

Passed by the Senate February 2, 1921.

Passed by the House February 23, 1921.

Approved by the Governor March 2, 1921.