

five dollars per month, for attendance at board meetings and for performance of other services in behalf of the district. In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all firemen of the district: **PROVIDED**, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it. In any district which has a fire department owning and operating motor-powered fire fighting equipment and employing personnel on a full time, fully paid basis, fire commissioners, in addition to expenses as aforesaid, shall each receive twenty-five dollars per day, not to exceed one hundred twenty-five dollars per month, for attendance at board meetings and for performance of other services on behalf of the district. Any commissioner may waive all or any portion of his compensation payable under this section as to any month or months during his term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which said compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firemen without compensation. A commissioner actually serving as a volunteer fireman may enjoy the rights and benefits of a volunteer fireman. The first commissioners shall take office immediately when qualified in accordance with RCW 29.01.135 and shall serve until after the next general election for the selection of commissioners and until their successors have been elected and have qualified and have assumed office in accordance with RCW 29.04.170.

Passed the Senate February 4, 1980.

Passed the House February 18, 1980.

Approved by the Governor February 28, 1980.

Filed in Office of Secretary of State February 28, 1980.

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## CHAPTER 28

[Engrossed Substitute Senate Bill No. 3237]

### HIGHWAY FRANCHISES

AN ACT Relating to franchises on state highways; amending section 47.44.010, chapter 13, Laws of 1961 as last amended by section 1, chapter 46, Laws of 1975 1st ex. sess. and RCW 47.44.010; and amending section 47.44.020, chapter 13, Laws of 1961 as amended by section 2, chapter 46, Laws of 1975 1st ex. sess. and RCW 47.44.020.

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

Section 1. Section 47.44.010, chapter 13, Laws of 1961 as last amended by section 1, chapter 46, Laws of 1975 1st ex. sess. and RCW 47.44.010 are each amended to read as follows:

~~The ((highway commission or such persons as it may designate shall have the power to))~~ department of transportation may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas, oil or coal pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the ~~((highway commission))~~ department of transportation, and any other such facilities. All applications for such franchise 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 applications, a notice of the filing shall be given in the county or counties in which any portion of the state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed notice in a public place at the county seat of such county or counties and by publishing a like notice in two successive issues of a newspaper having a general circulation in such county or counties; which notice shall state the name or names of the applicant or applicants, and a description of the state highway or part thereof over which the franchise is applied for. It shall be the duty of the county auditor of the respective counties to cause such notices to be posted and published upon receipt and to file proof of such posting and publication with the highway commission.~~

~~Sufficient copies of the notice required by this section shall be sent directly to the county auditor of the respective counties.)~~ The department of transportation shall adopt rules providing for a hearing or an opportunity for a hearing with reasonable public notice thereof with respect to any franchise application involving the construction and maintenance of utilities or other facilities within the highway right of way which the department determines may (1) during construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right of way, or (2) during or following construction, cause a significant and adverse effect upon the surrounding environment.

Sec. 2. Section 47.44.020, chapter 13, Laws of 1961 as amended by section 2, chapter 46, Laws of 1975 1st ex. sess. and RCW 47.44.020 are each amended to read as follows:

~~((When fourteen days have elapsed after the notice has been posted and published as required in RCW 47.44.010 as now or hereafter amended and))~~ If the ((highway commission or such persons as it may designate)) department of transportation deems it to be for the public interest, the

franchise may be granted in whole or in part, with or without hearing under such regulations and conditions as the ~~((commission))~~ department may prescribe, with or without compensation, but not in excess of the reasonable cost for investigating, handling, and granting the franchise. The ~~((commission or such persons as it may designate))~~ department may require that the utility and appurtenances be so placed on the highway that they will, in its opinion, least interfere with other uses of the highway.

If a hearing is held, it shall be conducted by the ~~((commission or such persons as it may designate))~~ department, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.

The facility shall be made subject to removal when necessary for the construction, alteration, repair, or improvement of the highway and at the expense of the franchise holder, except that the state shall pay the cost of such removal whenever the state shall be entitled to receive proportionate reimbursement therefor from the United States in the cases and in the manner set forth in RCW 47.44.030. Renewal upon expiration of a franchise shall be by application ~~((and notice posted and published, and a hearing may or may not be conducted in the same manner as an original application))~~. A person constructing or operating such a utility on a state highway is liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of the highway by the utility, and except as provided above, is liable to the state for all necessary expenses incurred in restoring the highway to a permanent suitable condition for travel. No franchise ~~((shall))~~ may be granted for a longer period than fifty years, and no exclusive franchise or privilege ~~((shall))~~ may be granted.

Passed the Senate February 1, 1980.

Passed the House February 15, 1980.

Approved by the Governor February 28, 1980.

Filed in Office of Secretary of State February 28, 1980.

## CHAPTER 29

[Senate Bill No. 3245]

### PUBLIC RETIREMENT SYSTEMS—DUAL MEMBERSHIP

AN ACT Relating to public retirement systems; amending section 1, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 41.04.270; repealing section 2, chapter 243, Laws of 1941 and RCW 41.36.010; repealing section 1, chapter 243, Laws of 1941 and RCW 41.36.020; repealing section 3, chapter 243, Laws of 1941 and RCW 41.36.030; repealing section 4, chapter 243, Laws of 1941 and RCW 41.36.040; repealing section 3, chapter 78; Laws of 1949, section 33, chapter 75, Laws of 1977 and RCW 41.04.060; repealing section 1, chapter 98, Laws of 1951 and RCW 41.04.070; repealing section 2, chapter 98, Laws of 1951 and RCW 41.04.080; repealing section 3, chapter 98, Laws of 1951 and RCW 41.04.090; and repealing section 4, chapter 98, Laws of 1951 and RCW 41.04.100.