

voucher verified by the claimant or his agent and approved by the president and countersigned by the secretary of the board and directed to the county auditor for the issuance of a warrant against the proper fund of the district, in payment of said claim.

If any part
unconstitu-
tional.

SEC. 14. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged to be invalid or unconstitutional.

Emergency.

SEC. 15. 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.

Passed the House February 28, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 17, 1923.

CHAPTER 139.

[S. B. 269.]

STATE HIGHWAYS.

AN ACT relating to the acquirement of lands for rights of way and drainage of state highways and for the purpose of securing sand pits, gravel pits, borrow pits and stone quarries, and rights of way to gain access thereto, and amending section 6766 of Remington's Compiled Statutes.

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

Amends Rem.
Comp. Stat.
§ 6766;
Pierce's Code
§ 6786.

Lands for
rights of way,
drainage,
sand, gravel
or borrow
pits.

SECTION 1. That Section 6766 of Remington's Compiled Statutes be amended to read as follows:

Section 6766. Whenever it is necessary to secure any lands for a right of way for a state highway, or for the drainage thereof, or for the purpose of acquiring sand pits, gravel pits, borrow pits and stone quarries for the construction or maintenance,

or both, of any state highway together with right of way to reach such property and gain access thereto, 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 this 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, drainage, sand pits, gravel pits, borrow pits and stone quarries are 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 government 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.

See Rem.
Comp. Stat.
§ 891 to 900;
Pierce's Code
§ 7661 to 7670.

Across
public lands.

Passed the Senate February 27, 1923.

Passed the House March 6, 1923.

Approved by the Governor March 16, 1923.