

CHAPTER 153.

[H. B. 31.]

THIRD CLASS CITIES.

AN ACT relating to consolidation of and the annexation of territory to cities of the third class, providing procedure and limiting the time for attacking the validity thereof, and validating certain consolidations and annexations heretofore made, and authorizing the payment of the cost of certain utilities.

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

Consolidation
and annexation,
proceedings attacking.

SECTION 1. Proceedings attacking the validity of the consolidation of any city of the third class or the annexation of territory to any city of the third class shall be by *quo warranto* only, instituted by the prosecuting attorney of the county in which such city is located, or by some person interested in such proceedings, which interest must be clearly shown, and within one year after the consummation of such consolidation or annexation proceedings, and no error, irregularity or defect of any kind or nature in any such consolidation or annexation proceedings shall invalidate such consolidation or annexation after one year.

Consolidation
and annexation
validated.

SEC. 2. All proceedings for the consolidation of cities of the third class and for the annexation of any unincorporated territory described in any abstract filed with the secretary of state in any such annexation proceeding to a city of the third class heretofore had, or attempted to be had, and over which such consolidated cities or annexed territory such city has exercised jurisdiction for a period of one year after the filing of such abstract with the secretary of state, are hereby ratified and validated as of the date of filing such abstract, irrespective of the fact that such consolidated cities, or any part thereof, are separated by a body of navigable water

or that such annexed territory, or any part thereof, is separated from such city by a body of navigable water, and irrespective of any failure to file a petition for such consolidation or annexation, or to give proper notice of election or of any other defect occurring in such consolidation or annexation proceedings, and all territory so sought to be annexed is hereby declared to be a part of such annexing city as of the date of filing such abstract, and such cities so consolidated are hereby declared to be one municipal corporation as of the date of filing such abstract. All proceedings since the date of the filing of such abstract heretofore had or attempted to be had by any such city within or including such annexed territory, or any part thereof, in the creation of local improvement districts and the making of local improvements, the levying of special assessments and the issuance of bonds therein and also in the levy of taxes, making of contracts, incurring of indebtedness and the issuance of bonds therefor are hereby ratified, validated and confirmed. *Provided*, that nothing in this act contained shall affect the rights of any parties in any proceedings now pending in any court of record in this state and the rights of such parties therein shall be determined and adjudicated as the same existed prior to the passage of this act.

SEC. 3. If in any proceeding now pending in any court of this state affecting assessments levied or attempted to be levied by a city of the third class upon property in a local improvement district situate in territory annexed or attempted to be annexed to said city to pay for the extension of any public utility owned by said city into such annexed territory heretofore had, the court shall reduce or annul such assessments, or any part thereof, thereby creating a deficit in the fund created to pay for such extension, such city is hereby authorized and empowered,

Assessment for
public utilities.
in annexed
territory.

notwithstanding the provisions of any ordinance, to charge such deficit to such utility and provide by ordinance for payment thereof out of the income of such utility.

if any part
unconstitu-
tional.

SEC. 4. If any section or provision of this act should 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 invalid or unconstitutional.

Passed the House February 6, 1923.

Passed the Senate March 5, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,
Secretary of State.

CHAPTER 154.

[H. B. 108.]

STATE FORESTS.

AN ACT relating to and providing for the acquiring, seeding, reforestation and administering of lands for State Forests, and repealing Chapter 169, Laws of 1921, and making an appropriation.

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

State forest
board,
created.

SECTION 1. There is hereby created a State Forest Board to consist of ex-officio, the Governor, Commissioner of Public Lands, Dean of Forestry of the University of Washington, Director of Conservation and Development, and State Supervisor of Forestry. The Governor shall be Chairman and the Commissioner of Public Lands Secretary of said Board. A Vice-Chairman, who shall act during the absence or disability of the Chairman may be selected by said Board from among its members; and an assistant secretary may be designated from among the em-