

CHAPTER 153.

[H. B. 426.]

TESTING VALIDITY OF MUNICIPAL BONDS.

AN ACT providing for actions to test the validity of bonds to be issued by counties, cities, school districts, or other municipal corporations or taxing districts.

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

Municipal bonds.

SECTION 1. Whenever the legislative or governing body of any county, city, school district or other municipal corporation or taxing district, shall desire to issue bonds and shall have passed an ordinance or resolution authorizing the same, the validity of such proposed bond issue may be tested and determined in the manner provided in this act.

Proceedings for testing validity.

SEC. 2. A complaint shall be prepared and filed in the superior court by such county, city, school district or other municipal corporation or taxing district, setting forth such ordinance or resolution and that it is the purpose of the plaintiff to issue and sell bonds as stated therein and that it is desired that the right of the plaintiff to so issue such bonds and sell the same shall be tested and determined in said action. In said action all taxpayers of such taxing district shall be deemed to be defendants and shall be named in the title of said action as defendants with the words "The Taxpayers of(naming the taxing district), Defendants." Upon the filing of the complaint the court shall, upon the application of the plaintiff, enter an order naming one or more taxpayers of such taxing district upon whom service in said action shall be made as the representative of all taxpayers of said district, except such as may intervene as herein provided, and in such case the court shall fix and allow a reasonable attorney's fee in said action to the attorney who shall represent the repre-

sentative taxpayer or taxpayers as aforesaid, and such fee and all taxable costs incurred by such representative taxpayer or taxpayers shall be taxed as costs against the plaintiff: *Provided*, That if the taxpayer or taxpayers appointed by the court shall default, the court shall appoint an attorney who shall defend said action on behalf of all taxpayers, and such attorney shall be allowed a reasonable fee and taxable costs to be taxed against the plaintiff: *Provided further*, That any taxpayer may intervene in such action and be represented therein by his own attorney.

SEC. 3. The court in such action shall enter its judgment determining whether or not the bonds as proposed will be valid, and if the court finds that a portion, but not all, of the said bond issue is authorized by law, the court shall so declare, and find by its judgment what portion of such bond issue will be valid, and the judgment in said action shall be binding upon all taxpayers.

SEC. 4. Except as otherwise herein provided, all the provisions of the Laws of Washington relating to declaratory judgments shall apply to the action herein provided for. The remedy herein provided shall be in addition to other remedies now provided by law.

Passed the House February 27, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 15, 1939.