
SENATE BILL 5728

State of Washington

56th Legislature

1999 Regular Session

By Senators Winsley, Haugen, McCaslin and Hale

Read first time 02/04/1999. Referred to Committee on State & Local Government.

1 AN ACT Relating to proposed bond issues; amending RCW 7.25.010,
2 7.25.020, 7.25.030, and 7.25.040; and adding a new section to chapter
3 7.25 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 7.25.010 and 1983 c 263 s 1 are each amended to read
6 as follows:

7 Whenever the legislative or governing body of the state or any
8 county, city, school district, other municipal corporation, taxing
9 district, or any agency, instrumentality, or public corporation thereof
10 shall desire to issue bonds of any kind and shall have passed an
11 ordinance or resolution authorizing the same, the validity of such
12 proposed bond issue may be tested and determined in the manner provided
13 in this chapter.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.25 RCW
15 to read as follows:

16 As used in this chapter, the following terms have the meanings
17 indicated unless the context clearly requires otherwise:

1 (1) "Government entity" means the state of Washington, the state
2 finance committee, any county, city, school district, other municipal
3 corporation, taxing district, or any agency, instrumentality, or public
4 corporation thereof.

5 (2) "Bonds" means one or more bonds, notes, or other evidences of
6 indebtedness.

7 (3) "Interested parties" means all taxpayers, ratepayers, or any
8 other persons who have any obligations, rights, or other interests in
9 the bonds or issuance thereof, or the project or purpose for which the
10 bonds were issued or are to be issued.

11 **Sec. 3.** RCW 7.25.020 and 1983 c 263 s 2 are each amended to read
12 as follows:

13 A complaint shall be prepared and filed in the superior court by
14 such ~~((county, city, school district, other municipal corporation,~~
15 ~~taxing district, or agency, instrumentality, or public corporation~~
16 ~~thereof)) government entity setting forth such ordinance or resolution
17 and that it is the purpose of the plaintiff to issue and sell bonds as
18 stated therein and that it is desired that the right of the plaintiff
19 to so issue such bonds and sell the same shall be tested and determined
20 in said action. In said action all ~~((taxpayers))~~ interested parties of
21 such ~~((taxing district))~~ government entity shall be deemed to be
22 defendants ~~((and shall be named in the title of said action as~~
23 ~~defendants with the words "The Taxpayers of (naming the~~
24 ~~taxing district), Defendants."))~~. The title of the action shall be "In
25 re (name of bond issue)." Upon the filing of the complaint the court
26 shall, upon the application of the plaintiff, enter an order naming one
27 or ~~((more taxpayers))~~ interested parties of such ~~((taxing district))~~
28 government entity upon whom service in said action shall be made as the
29 representative of all ~~((taxpayers))~~ interested parties of said
30 ~~((district))~~ government entity, except such as may intervene as herein
31 provided, and in such case the court shall fix and allow a reasonable
32 attorney's fee in said action to the attorney who shall represent the
33 representative ~~((taxpayer or taxpayers))~~ interested parties as
34 aforesaid, and such fee and all taxable costs incurred by such
35 representative ~~((taxpayer or taxpayers))~~ interested parties shall be
36 taxed as costs against the plaintiff: PROVIDED, That if the ~~((taxpayer~~
37 ~~or taxpayers))~~ interested parties appointed by the court shall default,
38 the court shall appoint an attorney who shall defend said action on~~

1 behalf of all (~~taxpayers~~) interested parties, and such attorney shall
2 be allowed a reasonable fee and taxable costs to be taxed against the
3 plaintiff: PROVIDED FURTHER, That (~~any taxpayer~~) after filing the
4 complaint, the plaintiff shall twice place a notice in a newspaper of
5 general circulation within the boundaries of the government entity,
6 stating the title of the action, informing the interested parties that
7 the action has been commenced testing the validity of the bonds, and
8 stating that any interested parties, as that term is defined herein,
9 may intervene in such action and be represented therein by his own
10 attorney. Thereupon, any interested parties who desire to intervene
11 must apply to the court to intervene within ten days after the second
12 publication of the notice.

13 **Sec. 4.** RCW 7.25.030 and 1939 c 153 s 3 are each amended to read
14 as follows:

15 Trial court proceedings in all declaratory judgment actions
16 authorized by this statute shall be in superior court, shall be heard
17 and determined without a jury, and, both before the trial court and any
18 appellate courts, shall have preference over all other civil causes
19 except proceedings relating to eminent domain, proceedings related to
20 confirmation of assessment rolls in local improvement districts and
21 local utility districts, and actions of forcible entry and detainer.

22 The court in such action shall enter its judgment determining
23 whether or not the bonds as proposed will be valid, and if the court
24 finds that a portion, but not all, of the said bond issue is authorized
25 by law, the court shall so declare, and find by its judgment what
26 portion of such bond issue will be valid, and the judgment in said
27 action shall be conclusive and binding upon all (~~taxpayers~~)
28 interested persons and upon all other persons.

29 **Sec. 5.** RCW 7.25.040 and 1939 c 153 s 4 are each amended to read
30 as follows:

31 Except as otherwise herein provided, all the provisions of the laws
32 of Washington relating to declaratory judgments shall apply to the
33 action herein provided for. The remedy and procedure herein provided
34 shall be in addition to other remedies and procedures now provided by
35 law.

--- END ---