

## CHAPTER XIII.

[S. B. No. 23.]

APPROPRIATION FROM PENITENTIARY REVOLVING  
FUND TO PAY EMPLOYES.

AN ACT making an appropriation to the state penitentiary.

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

SECTION 1. There is hereby appropriated out of the revolving fund of the state penitentiary in the state treasury the sum of fifteen thousand dollars to the state penitentiary, for the purchase and delivery at the state penitentiary of jute, clay and other materials, for the manufacture of jute and other fabrics and brick, and for the payment of salaries of employes in the jute mill and brick yard of said penitentiary.

SEC. 2. The appropriation provided for in section 1. of this act, if not used for the purposes above set forth on or before April 1, 1899, shall revert to the revolving fund of the state penitentiary.

Passed the Senate January 21, 1899.

Passed the House February 15, 1899.

Approved February 16, 1899.

## CHAPTER XIV.

[H. B. No. 237.]

FORMATION AND ALTERATION OF SCHOOL DIS-  
TRICTS.

AN ACT to amend section 4 of chapter 3 of title I, and section 72 of chapter 2 of title III, and section 116 of chapter 6 of title III of the code of public instruction, approved March 19, 1897, and declaring an emergency.

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

SECTION 1. That section 4 of chapter 3 of title I of the code of public instruction, approved March 19, 1897, and found on pages 357 and 358 of the Session

Laws of 1897, be amended to read as follows: "Sec. 4.

For the purpose of organizing a new district a petition in writing shall be made to the county superintendent, signed by at least five heads of families residing within the boundaries of the proposed new district, which petition shall describe the boundaries of the proposed new district and give the names of all the children of school age residing within the boundaries of such proposed new district, at the date of presenting said petition. The county superintendent shall give notice to the parties interested by causing notices to be posted at least twenty (20) days prior to the time appointed by him for considering said petition, in at least three of the most public places in the proposed new district, and one on the school house door of each district affected by the proposed change, or if there be no school house, then in one of the most public places of said old district, and shall, on the day fixed in the notice, proceed to hear said petition, and if he deem it advisable to grant the petition he shall make an order establishing said district and describing the boundaries thereof, and shall certify his action to the board of county commissioners at their next regular meeting:

Method of  
organizing  
new school  
districts.

*Provided*, That when in the formation or alteration of any school district, or after the refusal of the county superintendent to form or alter a school district as prayed for, if any person or school district affected by such formation or alteration, or by such refusal to form or alter a school district as prayed for, shall feel aggrieved by the action of the county superintendent, he or it may appeal to the board of county commissioners of his or its county. Said appeal shall be filed with the clerk of the board of county commissioners within twenty days after the action complained of, and shall state in a clear and concise manner the matters complained of, which statement shall be verified by the affidavit of the appellant or appellants or some one in his, her or its behalf. Copies of the notice of appeal shall be filed with the county superintendent and with the clerk of each school district affected by the

Appeal from  
decision of  
county super-  
intendent.

appeal, at the time of filing said notice with the clerk of the board of county commissioners: *Provided*, That in case of a vacancy in the office of clerk of such school district, then the copy of the notice of appeal may be filed with any member of the school board of such school district. The county commissioners shall, at their next regular meeting, appoint a time and place when such appeal shall be heard. At such appointed time and place they shall hear and determine said appeal, and shall have power to summon witnesses and their action shall be final: *And provided further*, That at such hearing before the county superintendent he shall hear testimony offered by any person or school district interested and find and determine the amount of bonded and other indebtedness of all the school districts affected by the formation of the new district and shall find and determine the amount and value of all school property retained by the old district or districts, and shall find and determine the amount, as nearly as may be, of the said outstanding indebtedness that was incurred for permanent improvements and the amount incurred for current expenses, and shall make an equitable adjustment of all debts and liabilities between such new district and the old district or districts, and the proportion and amount of such debts and liabilities to be paid by each district, and the decision of said county superintendent shall be final, unless appealed from within the time provided by law: *And provided further*, That every school district which shall be enlarged or created from territory taken from any other school district or school districts shall be liable for a just proportion of the existing debts and liabilities of the school district or school districts from which such territory shall be taken: *Provided*, That in such accounting one school district shall not be charged with any debt or liability then existing, incurred in the purchase of any school district property or in the purchase or construction of any buildings or permanent improvements then in use or under construction (or for which obligations have

Indebtedness  
of districts.

been incurred) which shall fall within and be retained by the other school district, but each district retaining such property shall be liable for the indebtedness therefor: *Provided further*, That this shall not be construed to affect the rights of creditors: *Provided further*, That in case of an appeal by the school district the affidavit on appeal may be made by any school district officer of the school district so appealing: *Provided further*, That when an appeal is taken to the board of county commissioners as herein provided they shall hear and determine the matter *de novo* and render such a decision as should have been made by the county superintendent."

SEC. 2. That section seventy-two of chapter two of title three of the Code of Public Instruction, approved March 19, 1897, and found on page three hundred and eighty-five of the Session Laws of 1897, be amended to read as follows: "Sec. 72. Each incorporated city or town in the state shall be comprised in one school district, and shall be under the control of one board of directors: *Provided*, That nothing in this section shall be so construed as to prevent the extension of such city or town district a reasonable distance beyond the limits of such city or town: *And provided further*, That nothing in this section shall be so construed as to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except in cases of incorporation of cities or towns lying partly in two or more school districts organized prior to the incorporation of such city or town, or the extension of the boundaries of cities or towns beyond the limits of the school districts in which they are situated, or in cases where two or more cities or towns unite, as provided by law: *And provided further*, That the fact of the issuance of bonds by school districts, heretofore or hereafter, shall not prevent the formation of new school districts whether or not such bonds have been redeemed, cancelled or paid in whole or in part; and shall not prevent the transfer or uniting with another school district of a portion, or the whole

Further amendment.

Districts in cities and towns.

District indebtedness

of a district where bonds have been or may hereafter be issued."

Further amendment.

New district's share of apportionment.

Special tax levy.

SEC. 3. That section 116 of chapter 6 of title III of the Code of Public Instruction, approved March 19, 1897, and found on page 401 of the Session Laws of 1897, be amended to read as follows: "Sec. 116. When a new district is formed from one or more old districts it shall be entitled to a just share of the school moneys to the credit of the one or more old districts, from which the new district is formed, at the time the petition was granted to establish the new district. And the county superintendent (or in case of an appeal, the board of county commissioners) shall divide such moneys, and also such moneys as may, for the current year, afterward be apportioned to the said one or more old districts, according to the number of school children resident in the new district, as may be ascertained by a census taken for that purpose: *Provided*, That the new district shall be entitled to all special tax levied within the boundaries of the new district, for the current year in which the new district is formed. And if such special tax, or any part of it, has already been collected and placed to the credit of the aforementioned one or more old districts, it shall be the duty of the county treasurer, upon the order of the county superintendent, to transfer such special tax to the credit of the new district.

Emergency.

SEC. 4. An emergency exists, and this act shall take effect immediately.

Passed the House February 2, 1899.

Passed the Senate February 15, 1899.

Approved February 21, 1899.