

ENROLLED BILL

House Bill No. 202

(By Mr. Carter)

Passed February 19 — 1931

In Effect from — Passage

Originated in the

House

Takes effect

Passage

Clerk of the House of Delegates.

Clerk.

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Chairman House Committee.

Chairman Senate Committee.

ENROLLED BILL

(H. B. 202)

[Passed February 19, 1931; in effect from passage.]

AN ACT to provide for extending the boundaries of the school district of Wheeling, by amending and re-enacting sections one, two, three, four, five and fourteen of "an act relating to the school district of Wheeling" as enacted by chapter eleven of the acts of one thousand eight hundred and seventy-two, and amended and re-enacted by chapter forty-six of the acts of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, chapter one hundred fifteen of the acts of one thousand eight hundred and seventy-five, chapter sixteen of the acts of one thousand eight hundred eighty-two, chapter one hundred thirty-nine of the acts of one

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thousand nine hundred and one, chapter thirty-two of the acts of one thousand nine hundred and five, chapter thirty-eight of the acts of one thousand nine hundred and twenty, one thousand nine hundred and twenty-one, and chapter one hundred nine of the acts of one thousand nine hundred and twenty-five, designating chapter one hundred nine of the acts of one thousand nine hundred and twenty-five as section thirty-three thereof and amending the same, adding thereto section thirty-four, repealing all acts or parts of acts inconsistent with the provisions of this act and submitting the question to a vote of the people.

Be it enacted by the Legislature of West Virginia:

(I) That sections one, two, three, four, five and fourteen of chapter eleven of the acts of one thousand eight hundred and seventy-two, as amended and re-enacted by chapter forty-six of the acts of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three, chapter one hundred fifteen of the acts of one thousand eight hundred and seventy-five, chapter sixteen of the acts of one thousand eight hundred and eighty-two, chapter one hundred thirty-nine of the acts of one thousand nine hundred and one, chapter thirty-two of the acts of

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Enrolled H. B. No. 202]

3

one thousand nine hundred and five, and chapter thirty-eight of the acts of one thousand nine hundred and twenty and one thousand nine hundred twenty-one, be and the same are hereby repealed, and that new sections be and are hereby in lieu thereof enacted to be known as sections one, two, three, four, five and fourteen, to read as follows:

Section 1. The area within the limits of the county of Ohio as the said limits existed on the first day of January, one thousand nine hundred and thirty-one, shall constitute an independent school district, to be known as the school district of Wheeling.

Sec. 2. At the next regular biennial election for members of congress to be held in the county of Ohio, on the first Tuesday in November, following the extension of the school district of Wheeling in the manner in this act provided, there shall be elected at large within the limits of said school district of Wheeling as extended seven competent persons to serve as school commissioners for said district. The terms of office of the school commissioners elected pursuant to this section shall commence on the first day of July next succeeding their election, and the terms of office of the three of such commissioners who shall have received the highest number of votes

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12 at said election, shall continue for a term of six years, and
13 until their successors are elected and qualified, and the terms
14 of office of the two of said commissioners who shall receive
15 the next highest number of votes at said election shall con-
16 tinue for a term of four years, and until their successors are
17 elected and qualified, and the terms of office of the two of
18 said commissioners receiving the next highest number of votes
19 at said election, shall continue for a term of two years, and
20 until their successors are elected and qualified; and at each
21 succeeding regular biennial election for members of congress
22 to be held in said county of Ohio, there shall be elected within
23 the limits of said school district of Wheeling as extended, in
24 the manner hereinafter provided, the number of competent
25 persons to serve as such school commissioners, required to take
26 the place of the commissioners, whose terms shall expire on
27 the thirtieth day of June, then next succeeding, and to fill any
28 vacancy for the unexpired term thereof. The term of office
29 of each such school commissioner, elected pursuant to this sec-
30 tion, after the first election following the extension of said
31 school district of Wheeling, shall commence on the first day of
32 July next succeeding his election, and continue for the term

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5

33 of six years, and until his successor is elected and qualified.
34 The persons elected for school commissioners for said school
35 district of Wheeling, in pursuance of this section as amended,
36 and their successors in office, shall constitute a board of edu-
37 cation to be denominated "the board of education of the school
38 district of Wheeling."

39 For election purposes within the area of the said school dis-
40 trict of Wheeling the precinct boundary lines shall be those
41 adopted by the board of commissioners of the county of Ohio.

42 Candidates for school commissioner to be voted on at any
43 regular election to be held following the said extension of said
44 school district of Wheeling shall be nominated at the primary
45 election held in the county of Ohio for the nomination of
46 candidates for member of congress to be elected at said regular
47 election, and no other names shall be printed upon the ballots
48 used at the election of school commissioners except those
49 selected in the manner hereinafter prescribed. Any person
50 desiring to become a candidate for school commissioner at a
51 regular election shall, at least twenty days prior to the pri-
52 mary election to be held prior to said regular election for the
53 nomination of member of congress, file with the clerk of the

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54 circuit court of Ohio county, a petition, signed by at least fifty
55 qualified voters of said school district. Said petition shall be
56 verified by the affidavit of one or more credible persons as to
57 the qualifications and residence of each of the persons signing
58 said petition, and said petition, shall be in form or effect as
59 follows:

60 "The undersigned, duly qualified voters of the school dis-
61 trict of Wheeling and residing at the places set opposite our
62 respective names hereto, do hereby request the name of (name
63 of candidate) be placed on the ballots as a candidate for nomi-
64 nation for school commissioner of the school district of Wheel-
65 ing, at the primary election to be held in said district on the
66day of....., 19..... We further state that
67 we know such person to be a qualified voter and resident of
68 the said school district of Wheeling, and a person of good
69 moral character, and qualified in our judgment for the duties
70 of such office.

71 Names of qualified voters.....
72 Number..... Street....."

73 Any person whose name has been submitted for candidacy
74 shall file his acceptance of such candidacy with the clerk of

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7

75 the circuit court of Ohio county not later than fifteen days
76 before the day of the primary election, and in the absence of
77 such acceptance the name of the candidate shall not appear
78 on the ballots. Immediately upon the expiration of time for
79 filing the petition for and acceptance of the candidates, the
80 clerk of the circuit court of Ohio county shall cause to be
81 published in all the daily newspapers of the city of Wheeling
82 once, in proper form, the names of the persons as they will
83 appear upon the primary ballots; and the said clerk shall there-
84 upon cause the primary ballots to be printed and authenticated
85 with a facsimile of his signature. The ballots shall be printed
86 upon plain white paper without party mark or designation,
87 and shall contain the names of the candidates in alphabetical
88 order. The ballots shall be separate from those used for can-
89 didates for other offices, and the primary election shall be
90 conducted and the result ascertained by the election officials
91 designated by the board of commissioners of the county of
92 Ohio for conducting the primary election for nomination of
93 candidates for members of congress. The number of candi-
94 dates, which is double the number to be elected at the next
95 ensuing regular election, receiving the highest number of

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96 votes in said school district shall be the candidates and the
97 only candidates whose names shall be placed upon the ballots
98 at the next regular election for school commissioners for the
99 school district of Wheeling.

100 In any case where candidates shall have received an equal
101 number of votes, so that as between such candidates there is
102 no choice at the primary, the clerk of the circuit court of Ohio
103 county shall determine by lot the names out of those voted on
104 at the primary and tied as aforesaid, to be placed on the
105 ballots for the next regular election. At such election ballots
106 shall be prepared by the clerk of the circuit court of Ohio
107 county containing the names of the candidates nominated at
108 the primary election, such ballots being separate from those
109 containing the names of candidates for other offices, and the
110 election shall be conducted and the results ascertained by the
111 election officials designated by the board of commissioners of
112 the county of Ohio for conducting the election, and the number
113 of persons, which is the number to be elected, receiving the
114 highest number of votes within said school district shall be the
115 persons elected as school commissioners of the said school dis-
116 trict of Wheeling.

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9

117 The clerk of the circuit court of Ohio county after ascer-
118 taining from the board of canvassers the result of a primary
119 or regular election for the nomination or election of candidates
120 for school commissioners of the school district of Wheeling,
121 shall publish the result of such primary or regular election in
122 the same manner and at the same time that he publishes the
123 result of the primary or regular election for the nomination
124 or election of candidates for other offices. The cost of and
125 expense of printing and publishing incident to the primary
126 and election for school commissioners shall be borne by the
127 board of education of the school district of Wheeling.

128 Members of the board of education of the school district of
129 Wheeling shall be residents and qualified voters of the school
130 district of Wheeling, and removal from the district shall vacate
131 the office of such commissioner.

Sec. 3. No person shall be allowed to vote for school com-
2 missioner who is not an actual resident of and qualified to vote
3 for county officers of the county of Ohio.

Sec. 4. It shall be the duty of the clerk of the board of edu-
2 cation of the school district of Wheeling, at least ten days be-
3 fore the first day of July succeeding any regular election under

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4 this act, to notify the commissioners-elect throughout the school
5 district of their election. And before assuming the duties of his
6 office, each of said commissioners shall qualify by taking and
7 subscribing to the following oath of office, viz: "I do solemnly
8 swear (or affirm) that I will faithfully discharge the duties of
9 school commissioner of the school district of Wheeling, during
10 the time of my office, to the best of my ability and according to
11 law, so help me God;" and such other oath or affirmation as
12 may be required by law. Such oath of office may be administered
13 by the clerk of the board of education at any time on or before
14 the first day of July next after the election, and the same, or a
15 copy thereof, shall be kept by him in the files of his office.

16 Any vacancy which may occur in the office of school commis-
17 sioner, by death, resignation, refusal to serve, or otherwise, shall
18 be filled by the board of education of the school district of
19 Wheeling, at any regular meeting as soon as practicable there-
20 after, by the appointment of a suitable person, resident of the
21 district, who shall hold the office until the first regular election
22 which shall be held after such appointment. In case the board
23 is unable to fill such vacancy by reason of a tie between nomi-
24 nees receiving the highest number of votes, the clerk of the cir-

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11

25 cuit court of Ohio county shall determine by lot from such of
26 said nominees as shall have received the highest number of
27 votes, which one of said nominees shall be elected to fill the
28 vacancy.

Sec. 5. On the first Thursday in July after the first election
2 under this act, and biennially thereafter, at seven-thirty o'clock
3 P. M., at the office of the board of education of the school district
4 of Wheeling, there shall be held a meeting of the board, at
5 which meeting the board shall be organized, if a majority of the
6 members be present, and if a majority of the members be not
7 present, then as soon as practicable thereafter, by the election
8 of one of their number as president, and also a suitable person
9 for clerk, who shall not be a member of the board. The presi-
10 dent shall be entitled to vote upon all questions submitted to
11 the decision of the board. Before entering upon the duties of
12 his office, the clerk shall, with at least two good securities, not
13 members of the board, or a corporate surety authorized to do
14 business in the state of West Virginia, to be approved by the
15 board, enter into a bond, payable to the board of education of
16 the school district of Wheeling, conditioned for the faithful dis-
17 charge of the duties of his office, in such penal sum as the board

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18 may direct; and for good cause a new bond and other bonds-
19 men, may from time to time be required by the board; and such
20 bond or bonds shall be filed with the president of the board for
21 safe keeping. Should corporate surety be given on said bond,
22 the premium or premiums for same shall be paid by the board.

Sec. 14. The collecting officer named in the preceding sec-
2 tions, shall, for the purpose of this act, be known as the "col-
3 lector of the school district of Wheeling," and before collecting
4 or receiving any of the moneys of said district, shall give bond,
5 with sureties, not members of the board, approved by the board
6 of education, in such amount as shall be named by said board,
7 which bond shall be filed with the clerk of the board, whose
8 duty it shall be, upon the forfeiture of said bond, to prosecute
9 and collect from said collector and his sureties, the amount
10 named in the bond for the use of said district, and new bond
11 and sureties may be required by the board in proper cases. In
12 case any person shall neglect or refuse to pay in whole or in
13 part any tax lawfully levied upon him or her by the board of
14 education, it shall be lawful for the officer appointed to collect
15 such tax, to take reasonable distress of any personal property
16 in said district, belonging to the said delinquent, or in which

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13

17 he or she shall have any right or interest, and to sell the said
18 property, right or interest, at public sale in said district (hav-
19 ing given ten days' notice of the time and place of sale by
20 advertisement posted at some public place in the district), and
21 out of the proceeds of such sale, after defraying all proper ex-
22 penses, to pay to the said board of education the amount which
23 shall be due on account of said tax, returning the balance, if
24 any, to the owner of the property, right or interest so sold. In
25 case any such tax levied upon real estate shall not be paid in
26 full within thirty days from the first day of December, after
27 said levy, it shall be lawful for the officer appointed to collect
28 such tax, to take reasonable distress of any personal property
29 belonging to the owner of said real estate, or in which such
30 owner shall have any right or interest, or of any personal prop-
31 erty on the premises taxed belonging to any person in the posses-
32 sion or occupancy thereof, or in which such person shall have
33 any right or interest, and to sell such property, right or interest
34 and apply the proceeds thereof in the manner prescribed in
35 this section. And such officer shall have power to distrain any
36 personal estate which may be on the premises taxed, and the
37 same to sell and apply as aforesaid, notwithstanding such per-

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38 sonal estate may be included in any deed, deed of trust, mort-
39 gage, bill of sale, or other writing. All such taxes levied upon
40 real estate, shall remain a lien thereon, bearing interest at the
41 rate of ten per cent per annum from the date when due until
42 the same be fully paid, and the personal property of every per-
43 son to whom the said real estate shall come by descent, or
44 purchase, and of the person or persons in possession or occu-
45 pancy thereof, shall be subject to distress and sale in the same
46 manner and to the same effect as if he, she or they were origin-
47 ally chargeable with the said taxes. In all cases in which any
48 such tax levied upon real estate shall be paid in whole or in
49 part by the tenant, or out of his or her property, he or she shall
50 be entitled to deduct the same out of the accruing rent, or to
51 recover the amount so paid from the owner of said real estate,
52 unless it shall have been otherwise specially agreed. All taxes
53 levied as aforesaid shall be due and payable on the first day of
54 October of the year in which the levy is made.

And be it further enacted:

(II) That chapter one hundred and nine, of the acts of one thousand nine hundred and twenty-five, be designated and hereafter known as section thirty-three, to and as a part of said chap-

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Enrolled H. B. No. 202]

15

ter eleven of the acts of one thousand eight hundred and seventy-two, and that the eight sections of said chapter one hundred and nine of the acts of one thousand nine hundred and twenty-five, be designated and hereafter known as subsections one to eight, inclusive, of said section thirty-three, and that subsection two thereof be amended to read as follows:

Sec. 2. At its session held on the second Tuesday in August 2 as aforesaid, the said board shall ascertain the condition of the 3 fiscal affairs of its said district and make up an itemized statement thereof distinguishing between the elementary and high 4 schools and the various funds hereinafter provided for each, 5 which statement shall set forth in detail:

7 *First:* The separate amounts due the various funds of said 8 district, and the amounts that will become due and collectible 9 during the current fiscal year except from the levy of taxes 10 to be made for the year;

11 *Second:* The debts and demands owed by the said district 12 and the debts and demands that will become due and payable 13 during the current fiscal year, including interest on any indebtedness, funded, bonded or otherwise;

15 *Third:* All other expenditures under the several heads of

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16 expenditures, to be made and payable out of the levy of the
17 said district for the current fiscal year, with proper allowances
18 for delinquent taxes, exonerations and contingencies. Said
19 statement shall also set forth the separate amount necessary
20 to be raised for each fund by the levy of taxes for the current
21 fiscal year, the proposed rate of such levy on each one hundred
22 dollars assessed valuation of the taxable property in the said
23 district for each of such funds, and the separate and aggregate
24 amounts of the assessed valuation of real estate, personal prop-
25 erty, and public utility property assessed by the board of public
26 works. A copy of such statement duly certified by the clerk of
27 the said board shall immediately be forwarded to the state tax
28 commissioner, and said statement shall, before the next meeting
29 of said board, be published once in two newspapers of opposite
30 politics in said school district, if there be two such newspapers
31 therein. If there be but one newspaper published in said dis-
32 trict, the publication shall be made therein. The session shall
33 then stand adjourned until the fourth Tuesday in August, at
34 which time it shall reconvene. And the said board of educa-
35 tion shall then hear and consider any objections made orally
36 or in writing by the prosecuting attorney of Ohio county, by

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Enrolled H. B. No. 202]

17

37 the state tax commissioner or his representatives, or by any
38 taxpayer of the said school district, to the said estimate and
39 proposed levy, or any item thereof. It shall be the duty of the
40 said board of education to enter an order showing the objec-
41 tions so made, setting forth the reasons and grounds for such
42 objections. But the failure of any officer or taxpayer to offer
43 objections as herein provided shall not preclude him from pur-
44 suing any legal remedy necessary to correct any levy made by
45 said board of education. After said objections have been made
46 and heard, the said board of education shall thereupon re-
47 consider the proposed original estimate and proposed rate of
48 levy, and if the objections thereto or any part thereof appear
49 to be well taken, the said board of education shall correct the
50 same accordingly, and it shall thereupon be approved, and when
51 approved shall, with the order approving it, be entered by the
52 clerk of said board of education in the proper record book.
53 After having entered the statement as finally approved in its
54 book of record or proceedings, the said board shall thereupon
55 levy as many cents on each one hundred dollars assessed valu-
56 ation of the taxable property in said school district, according
57 to the last assessment thereof, as will produce the amounts

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58 shown by the statement to be necessary, as follows:

59 (a) For maintenance fund purposes, including kinder-
60 gartens and medical inspection, for defraying the maintenance
61 expenses for a fiscal year;

62 (b) For teachers' fund purposes, including kindergartens
63 and medical inspection, for the purpose of maintaining the
64 schools of the said district for a term of not less than nine
65 months, or for a longer term where the same has been extended
66 by the said board of education.

67 For high school purposes, including junior high schools, vo-
68 cational schools and physical educational schools, the said board
69 of education shall levy a rate sufficiently high to defray the
70 expenses for such high school purposes for the current fiscal
71 year, and shall divide the levy so made into a levy for main-
72 tenance fund purposes and a levy for teachers' fund purposes.

73 For new building and improvement fund purposes, for the
74 purchase of land and for the purpose of erecting and equipping
75 buildings for elementary and high school purposes, for the pur-
76 chase of furniture and apparatus, for rent and permanent im-
77 provement of old buildings.

78 For maintenance of the public library under the control and

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19

79 management of said board of education, including salaries for
80 librarian and assistants and all other expenses of managing and
81 operating said library, a levy of not to exceed five cents.

82 *Provided, however,* That the total levy, laid by the board
83 of education of the school district of Wheeling as extended, for
84 any one year for all purposes, exclusive of levies for library
85 purposes and for bonded indebtedness, shall not exceed one
86 dollar and twenty cents on the hundred dollars' valuation of
87 taxable property.

And be it further enacted:

(III) That the following section be added to said chapter eleven
of the acts of one thousand eight hundred and seventy-two, as a
part thereof, namely:

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Sec. 34. For the government of the schools within the
2 school district of Wheeling, as extended, pursuant to the pro-
3 visions of this act, the board of education of the school district
4 of Wheeling may appoint, at such salary as said board shall
5 deem proper, not to exceed two assistant superintendents, and
6 such supervisors of educational subjects as it may deem neces-
7 sary, who shall be subject to the orders and direction of said
8 board and of the superintendent of the said school district.

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Benjamin Harrison
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9 For purpose of collecting taxes and levies due the school
10 district of Wheeling, as extended, the board of education of
11 said district shall, not later than the fourth Thursday of
12 August in each year, designate as collector of the school dis-
13 trict of Wheeling, either the officer by whom the city of Wheel-
14 ing levies are collected or the officer by whom the county of
15 Ohio levies are collected, as it may deem more expedient and
16 economical. Any and all compensation or commission charged
17 by such officer for making said collection shall be the prop-
18 erty of and be credited by said officer to the city of Wheeling
19 or the county of Ohio, as the case may be.

And be it further enacted:

(IV) That all acts relating to the independent school district of Wheeling so far, and so far only, as they conflict with the provisions of this act, are hereby repealed.

Provided, however, That this act shall not be effective unless and until the boundaries of the school district of Wheeling shall be extended by a vote of the electorate of Ohio county in the manner hereinafter provided:

5 Such extension of boundaries shall be proposed by resolution of the board of education of the school district of Wheel-

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Enrolled H. B. No. 202]

21

ing, which resolution shall,

(a) Fix the time for holding an election at which the proposed change of boundaries shall be submitted to the qualified voters of the school district of Wheeling and of the territory proposed to be annexed for approval or rejection;

(b) Direct that notice of such election be published in each of the daily newspapers in the city of Wheeling once a week for four successive weeks, the last publication to be not more than ten days before the day of election;

The following form of ballot shall be used at such election:

Shall the school district of Wheeling be extended to include all of the territory of Ohio county, and the bonded indebtedness of all present

school districts within Ohio county be assumed by and become the obligations of the school

☐ Yes district of Wheeling as extended, and the board of education of the school district of Wheeling

as extended levy and collect a direct annual tax on all property within the said district as extended

☐ No sufficient to provide for the payment of sinking fund, principal and interest obligations of

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28 and on said indebtedness as they arise under the
29 original terms thereof?

30 The board of education of the school district of Wheeling
31 shall, through its clerk, notify the president of the board of
32 education of each district within the territory which is pro-
33 posed to be annexed, of the proposed extension of boundaries,
34 at least six weeks before the time for the election herein pro-
35 vided for; whereupon it shall be the duty of the board of
36 education of each of said districts, except as hereinafter other-
37 wise provided, to provide for such election by designating
38 precincts, boundaries thereof, and voting places, and by ap-
39 pointing judges and clerks for each precinct within the ter-
40 ritory proposed to be annexed, and certify the precincts,
41 boundaries thereof, voting places and the names of such ap-
42 pointees to the board of education of the school district of
43 Wheeling within three weeks of the service of notice upon
44 said president. If such certification is not filed, the board of
45 education of the school district of Wheeling shall, except as
46 hereinafter otherwise provided, designate such precincts,
47 boundaries thereof and voting places, and shall appoint such
48 judges and clerks of election. So far as they are applicable

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Enrolled H. B. No. 202]

23

49 and except as specific provision is made herein or in the char-
50 ter of the school district of Wheeling, such election shall be
51 governed by the general election laws of the state of West
52 Virginia. Said election may be a special election or may be
53 held at the same time that any primary or regular election
54 is held by the city of Wheeling or the county of Ohio. If
55 held at the same time as a county election the same precinct
56 lines shall be used and the election shall be conducted and the
57 results ascertained by the same election officials, as designated
58 by the board of commissioners of the county of Ohio for con-
59 ducting the election. If held at the same time as a city of
60 Wheeling election the same precinct lines shall be used and
61 the election within the limits of the city of Wheeling shall be
62 conducted and the result ascertained by the same election
63 officials, as designated by the council of the city of Wheeling
64 for conducting said election, and in each precinct outside the
65 city of Wheeling a single election board may be used to con-
66 duct the election, and said election boards outside the city of
67 Wheeling shall report to the same officials to whom the boards
68 within the city of Wheeling are required by the charter of the
69 city of Wheeling to report. The officials required by law to

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70 canvass and certify the results of the city or county election
71 as the case may be, shall likewise canvass and certify to the
72 board of education of the school district of Wheeling the re-
73 sult of the election hereby authorized.

74 When the result of such election is ascertained and certi-
75 fied, the president of the board of education of the school dis-
76 trict of Wheeling shall issue his proclamation of such result
77 and cause the same to be published in each daily newspaper
78 published in the city of Wheeling within five days of such
79 certification, and if three-fifths of the votes cast at such elec-
80 tion shall be in favor of such extension, then all the territory
81 within the county of Ohio shall be and become a part of the
82 school district of Wheeling, on the first day of July following
83 the next succeeding general election for member of congress,
84 and beginning on that date, the school district of Wheeling
85 shall include all the territory within the county of Ohio, and
86 the corporate existence of any other school district included
87 within the county of Ohio shall thereupon cease and determine;
88 and if three-fifths of the votes cast at such election shall not
89 be in favor of such extension, then the boundaries of the
90 school district of Wheeling shall remain as they now are, and

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Jacob D. Smith
Chairman Senate Committee.

Concurrent Measures
Chairman House Committee.

Enrolled H. B. No. 202]

25

91 the territory within the county of Ohio and outside the present
92 school district of Wheeling shall be in no way affected by such
93 election. If the extension be rejected by failure to obtain a
94 three-fifths majority vote this shall not prevent the calling
95 of a subsequent election or elections to submit to vote the same
96 matter in any manner herein provided. All expenses of hold-
97 ing such elections, the payment whereof is not now provided
98 by law, shall be paid by the school district of Wheeling, and
99 the board of education may appropriate therefor from such
100 fund as it may see fit.

101 At any such election, all persons may vote who would be
102 then legally qualified to vote at a general city or county elec-
103 tion and are properly registered on books of the city of Wheel-
104 ing or the county of Ohio.

105 The board of education of the school district of Wheeling
106 shall call an election hereunder, submitting to the voters of
107 Ohio county, the proposed change of boundaries, in the man-
108 ner herein provided, at the first regular general city election
109 held by the city of Wheeling after the passage of this act.

110 The failure, neglect or refusal of the publisher of any news-
111 paper in Wheeling to publish either the notice or proclamation

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Benjamin M. Madsen

Chairman House Committee.

Joseph D. Smith

Chairman Senate Committee.

112 herein provided for, shall not affect the validity of the pro-
113 ceedings to extend the boundaries of the school district of
114 Wheeling, if such publication shall appear in one of such
115 papers.

116 In the event of the extension of the school district of
117 Wheeling in the manner herein provided, then, from and after
118 the time such extension becomes effective, all the debts and
119 obligations, including bonded indebtedness, of any district
120 included within Ohio county shall become and be the debts
121 and obligations of the school district of Wheeling as extended,
122 and shall be enforceable against said school district of Wheeling
123 and all property therein to the same extent as they might have
124 been enforced against the district creating them, and taxes
125 thereafter levied to provide for such indebtedness, principal
126 and interest, shall be levied, by the board of education of the
127 school district of Wheeling as extended, on the entire taxable
128 property within the said district, and at a rate sufficient to
129 provide for the payment annually of the sinking fund, prin-
130 cipal and interest obligations thereof and thereon as they arise
131 under the original terms thereof.

132 The extension of the boundaries of the school district of

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Samuel M. Mason

Chairman House Committee.

Joseph A. Smith

Chairman Senate Committee.

Enrolled H. B. No. 202]

27

133 Wheeling shall not affect the boundaries or the organization
134 of any municipality theretofore existing.

135 The terms of office of the county superintendent of schools
136 of Ohio county, the members and officers of the board of edu-
137 cation of the school district of Wheeling, and of the boards of
138 education of each school district within the area annexed to
139 the school district of Wheeling by virtue of this act, as they
140 exist at the time at which the extension of the school district
141 of Wheeling becomes effective in the manner provided in this
142 act, shall expire on the thirtieth day of June next succeeding
143 the election of the first board of education of the school dis-
144 trict of Wheeling as extended; and the terms of all district
145 superintendents and supervisors and other officers and em-
146 ployees appointed or employed by any of the aforementioned
147 boards or officers, shall terminate at the same time.

148 All property in the hands, or under the control, of the
149 boards and officers whose terms shall expire as aforesaid, shall
150 be turned over to the incoming board of the independent
151 school district of Wheeling as extended, and the title to all
152 real and personal property owned by any and all of the school
153 districts annexed to the independent school district of Wheel-

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Bruneau Meadows

Chairman House Committee.

Jacob D. Smith

Chairman Senate Committee.

154 ing, pursuant to this act, shall become the property of the
155 independent school district of Wheeling on the said first day
156 of July following the election aforesaid. And the board of
157 education of the school district of Wheeling as extended shall
158 thereupon and thereafter exercise full and complete control
159 thereover, and all of said property and every educational
160 facility hereafter located within the school district of Wheel-
161 ing as extended shall be available for school uses throughout
162 said district under such regulations as shall be prescribed by
163 the board of education of said district.

164 Should any provision, section or part of section of this act
165 be held unconstitutional, such fact shall not be held to in-
166 validate the other provisions and sections hereof.

CORRECTLY ENROLLED

James O. Smith
Chairman Senate Committee.

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29

J. Alfred Taylor
Speaker of the House of Delegates.

R. H. Thayer
Clerk of the House of Delegates.

W. B. H. H. H.
President of the Senate.

M. S. Hodges
Clerk of the Senate.

The within is approved
this 31 day of March, 1931.

W. B. H. H. H.
Governor.

Filed in the office of the Secretary of State
of West Virginia MAR 4 1931

GEORGE W. ELLIOTT,
Secretary of State.