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# ENROLLED BILL

(REGULAR SESSION, 1933)

House Bill No. 364

(By Mr. Haynes)

Passed February 22 1933

In Effect From Passage

Originated in the.....House.....Takes effect.....from.....passage  
*Geo. S. Spence*  
 Clerk of the House of Delegates.

CORRECTLY ENROLLED

*James L. Smith*  
 Chairman House Committee.

*DeWitt D. Moore*  
 Chairman Senate Committee.

# ENROLLED BILL

(H. B. No. 364)

[Passed February 22, 1933; in effect from passage.]

AN ACT to amend and reenact sections three, five, nine and thirteen, chapter forty-three of the acts of the legislature of West Virginia, regular session one thousand nine hundred twenty-one, relating to the election, qualification, appointment and transaction of business of, and by the school commissioners of the independent school district of Hinton, in Summers county, West Virginia, and to repeal all acts and parts of acts, and all sections and parts of sections of chapter forty-three of the acts of the legislature of West Virginia, regular session one thousand nine hundred twenty-one, in conflict with, or inconsistent with sections three, five, nine and thirteen, as amended by this act; and to repeal sections four and eight of chapter forty-three of the acts of the legislature of West Virginia, regular session one thousand nine hundred twenty-one, re-

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*James A. Byrnes*

Chairman Senate Committee.

*James L. Smith*

Chairman House Committee.

lating to the appointment and election of school commissioners of the independent school district of Hinton, and filing a statement of their political affiliations with the board of education of said district; and providing for a board of education and the selection thereof, when, and after this act as amended, shall take effect, and repealing all acts, and parts of acts inconsistent with, or in conflict with this act.

*Be it enacted by the Legislature of West Virginia:*

(a) That sections four and eight, chapter forty-three of the 2 acts of the legislature of West Virginia, regular session one 3 thousand nine hundred twenty-one, relating to the appointment 4 and election of school commissioners of the independent school 5 district of Hinton, and filing of statements of their political 6 affiliation with the board of education of the district be and the 7 same is hereby repealed.

(b) That sections three, five, nine and thirteen, chapter 8 forty-three of the acts of the legislature of West Virginia, regu- 9 lar session one thousand nine hundred twenty-one, be amended 10 and reenacted to read as follows, respectively:

Section 3. There shall be a board of education of the inde- 2 pendent school district of Hinton, to consist of three school

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*Chairman House Committee.*  
*Henry A. Smith*  
*Chairman Senate Committee.*

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3 commissioners; any two of whom shall constitute a quorum to do  
4 business, who shall be elected as hereinafter provided, and who  
5 shall be at the time of their election and qualification as such,  
6 citizens and residents of the district, and be entitled to vote  
7 in the independent school district of Hinton, at the election at  
8 which they are elected, and shall be either freeholders owning  
9 real estate within the district or persons having a child or chil-  
10 dren residing within the district who are entitled to attend  
11 school therein.

Sec. 5. There shall be elected by the qualified voters of the  
2 independent school district of Hinton, at the general election  
3 to be hereafter held at the voting places in the several election  
4 precincts in the independent school district of Hinton, on the  
5 Tuesday next after the first Monday in November, one thou-  
6 sand nine hundred thirty-four, three school commissioners who  
7 shall be members of the board of education of the independent  
8 school district, one of whom shall be elected for the term of two  
9 years one for the term of four years and one for the term of six  
10 years; the person receiving the highest number of votes for  
11 school commissioner shall be declared elected for the full term  
12 of six years the person receiving the next highest number of

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13 votes for school commissioner shall be declared elected for the  
14 full term of four years and the person receiving the next  
15 highest number of votes for school commissioner shall be de-  
16 clared elected for the full term of two years; and each two  
17 years thereafter at the general election to be held on the Tues-  
18 day next after the first Monday in November in each even year  
19 in the independent district of Hinton there shall be elected by  
20 the qualified voters of the independent district one school com-  
21 missioner for the full term of six years. The terms of office of  
22 the independent school district of Hinton school commissioners  
23 shall commence on the first day of July next after their election,  
24 and they shall hold their office until their successors have been  
25 duly elected and qualified: *Provided, however,* That no such  
26 school commissioner who has served a full term of six years shall  
27 be eligible for reelection: *And provided further,* That from and  
28 after the time when this act as amended shall take effect, the  
29 board of education of the independent school district of Hinton  
30 shall be composed of only three commissioners who shall hold  
31 and shall continue in office from and after the time that this  
32 act as amended shall take effect, until the first day of July, one  
33 thousand nine hundred thirty-five. The commissioners of the

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34 board of education of the independent school district of Hinton  
35 shall consist only of that commissioner or member of the present  
36 board of education of the independent school district of Hinton,  
37 who was elected commissioner or member of the board of educa-  
38 tion of the independent school district of Hinton, at the gen-  
39 eral election held in November, one thousand nine hundred  
40 thirty, and who is shown by the election record for said year  
41 in Summers county, West Virginia, to have received the highest  
42 number of votes cast for commissioner or member of the board  
43 of education of the independent school district of Hinton at  
44 the general election so held, and of the two commissioners or  
45 members declared elected as commissioners or members of the  
46 board of education of the independent school district of Hin-  
47 ton, at the general election held in November, one thousand nine  
48 hundred thirty-two.

Sec. 9. If and when a vacancy occurs on the board of educa-  
2 tion of the independent school district of Hinton, it shall be  
3 filled by the board by appointment thereto of some eligible per-  
4 son from the independent school district of Hinton, and the per-  
4-a son so appointed shall hold office for the unexpired term and  
5 until his successor is elected and qualified: *Provided*, That if a

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*Chairman House Committee.*

6 vacancy or vacancies should occur in the membership of the  
7 board of education of the independent school district of Hin-  
8 ton, or a question shall arise from any cause as to the election  
9 or qualifications of a commissioner or member of the board of  
10 education of the independent school district of Hinton that  
11 cannot for any reason be filled or determined as herein pro-  
12 vided; then that vacancy or vacancies shall be filled or that  
13 question determined by the county court of Summers county,  
14 at any regular term of court or at any special term of said  
15 court called for the purpose. And the action of the county court  
16 of Summers county, West Virginia, in filling the vacancy or  
17 vacancies in membership of the board of education of the inde-  
18 pendent school district of Hinton or in determining any ques-  
19 tion or questions, when certified, shall be conclusive and bind-  
20 ing.

Sec. 13. The board of education shall hold regular or stated  
2 meetings at such time and places as the board may appoint, and  
3 special meetings of the board may be called by the president,  
4 or at the request of any member, by the secretary. No business  
5 may be transacted at a special meeting except that mentioned in  
6 the call for such special meeting, which call shall be in writing

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7 and shall be recorded by the secretary in the record of the pro-  
8 ceedings of the meeting. Two members of the board of educa-  
9 tion shall constitute a quorum for the transaction of business  
10 at any meeting of the board: *Provided*, That all of the mem-  
11 bers shall have had notice of the time, place and purpose of any  
12 special meeting called by the president or secretary as herein  
13 provided.

14 All acts and parts of acts and all sections and parts of sec-  
15 tions of said chapter forty-three of the acts of the regular ses-  
16 sion of the legislature of West Virginia, one thousand nine  
17 hundred twenty-one, in conflict with or inconsistent with sec-  
18 tions three, five, nine and thirteen as hereby amended are here-  
19 by repealed.



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*James A. Smith*  
Chairman Senate Committee.

*Wm. H. Starnes*  
Speaker of the House of Delegates.

*Geo. L. Wallace*  
Clerk of the House of Delegates.

*Wm. M. Mauney*  
President of the Senate.

*Charles D. Smith*  
Clerk of the Senate.

*James A. Smith*  
Chairman House Committee.

The within is *Approved*

this *2<sup>d</sup>* day of *March* 1933.

*Wm. H. Starnes*  
Governor.

Filed in the office of the Secretary of State  
of West Virginia **MAR 2 1933**  
GEORGE W. SHARP,  
Secretary of State.