ENROLLED BILL
(REGULAR SESSION. 1933)

House Bill No. 513

(By Mr. [Signature])

Passed March 14, 1933

In Effect [Signature] Passage
AN ACT creating and establishing the independent school district of Butler in the county of Wayne and State of West Virginia; establishing the boundaries of said independent district and providing for a board of education of said independent district and rules and regulations for the establishment and operation and maintenance of schools in said independent school district, amending and reenacting chapter one hundred eight of the acts of the legislature of West Virginia, one thousand nine hundred twenty-nine; amending and reenacting chapter ninety-eight of the acts of the legislature of West Virginia, one thousand nine hundred thirty-one, relating to the Butler district high school in the district of Butler in the county of Wayne and State of West Virginia.
Be it enacted by the Legislature of West Virginia:

Section 1. That chapter one hundred eight of the acts of the legislature of West Virginia, one thousand nine hundred thirty-nine, be amended and reenacted; and reenacting chapter ninety-eight of the acts of one thousand nine hundred thirty-one, relating to the Butler district high school in the district of Butler in the county of Wayne and State of West Virginia.

Sec. 2. The magisterial district of Butler, Wayne county, shall constitute the independent district to be known as the "independent school district of Butler."

Sec. 3-(a). The board of education of the independent school district of Butler shall be composed of two commissioners and a president of the board whose terms of office shall be six years. The board of education of Butler district as now constituted shall be and remain the board of education of the independent school district of Butler until July first, one thousand nine hundred thirty-three, when the member elected November eight, one thousand nine hundred thirty-three shall be a member thereof. There shall be elected by the voters of said independent district at a special election on the
11 second Tuesday in May, one thousand nine hundred thirty-five, in the manner prescribed by the general school law, for the election of school officers, one commissioner who shall serve for a term of six years and a president who shall serve for a term of four years, and on the second Tuesday in May, one thousand nine hundred thirty-seven, at a similar special election, one commissioner shall be elected for a term of six years, the ballot designating the term of service of each member which term shall begin on the first day of July following their election. There shall be elected by the voters of said independent district at said special election on the second Tuesday in May, one thousand nine hundred thirty-seven, in the manner prescribed by the general school law for the election of school officers, a commissioner, whose term shall expire on July first, one thousand nine hundred forty-one, which term shall begin on the first day of July following the election. Regularly every two years thereafter, on the second Tuesday in May, there shall be elected one commissioner or president, as the case may be, whose term of office shall commence on the first of July following their election and continue for six years until his successor is elected and
30 qualified: *Provided, however,* That should a vacancy occur
31 in the office of commissioner or president of said independent
32 board of education by death, resignation or otherwise, the
33 vacancy shall be filled by appointment by the state superin-
34 tendent of free schools until the next school election in said
35 district at which election the vacancy shall be filled by the
36 voters of said independent district for the unexpired term.
37 The state superintendent shall appoint a qualified person of
38 the political party in which the vacancy occurred;
39 (b) The election precincts designated by the county court
40 for general elections in the independent school district of
41 Butler shall constitute the school election precincts of said
42 independent district: *Provided,* That the county court shall
43 have sole jurisdiction and authority in designating school elec-
44 tion precincts in said independent school district. The board
45 of education of said independent school district shall have
46 final and complete authority and jurisdiction in furnishing
47 a registration of voters, in the appointment of commissioners of
48 election and poll clerks, in the appointment of registrars and
49 ballot commissioners, in canvassing and certifying the election
50 returns, in hearing and determining contested elections, in
ascertaining and declaring the results of elections, in the furnishing and delivery of election supplies and all other matters of any kind pertaining to the conducting of school elections, except the said school elections shall be conducted in a manner consistent with the general provisions of law and in accordance with the general election law of West Virginia so far as the same in either case may be applicable or practicable;

(c) The board of education of said independent district shall convene in regular session on the first Tuesday in April preceding the regular school election to be held in said district for the purpose of hearing any and all matters as to the registration of voters, and said board of education, when so sitting, shall adopt, as official registration of voters for the ensuing regular school election, a list of voters certified and furnished by the clerk of the county court of Wayne county of the registration of the voters of the respective precincts of the said independent district as adopted by the county court for the last preceding general election held in the aforesaid three precincts of said independent school district. And said board of education while so sitting shall amend, correct and complete
the aforesaid certified registration of voters as furnished by
the clerk of the county court in accordance with and under
the general laws of the state of West Virginia. And at the
time of such sitting of said independent board of education,
the aforesaid books of registration shall be open for public
inspection and they shall register in the manner provided by
law, all qualified voters who have not therefore been registered
and complete and finish the registration of voters, and at the
regular meeting on the first Tuesday in April as aforesaid, the
board of education of said independent district shall pass and
cause to be spread upon the minutes, a resolution calling and
ordering the regular school election and containing the many
items of information pertaining to the purpose of holding
the school election and the terms of office to be filled, the time
and place of holding the election, the time and method of mak-
ing nominations, the time of the final sitting of the board to
complete and certify the registration of voters and such other
items as the board may deem necessary and practical; said
proclamation shall be posted on the front door of the high
school building and at each voting precinct, at least three
weeks previous to the day of the ensuing regular school elec-
tion, and the same shall be published in two newspapers of
general circulation in Wayne county for at least two consecu-
tive weeks previous to the date of said election, the last pub-
llication to be completed at least one week before the date of the
election. At this meeting said board of education shall ap-
point ballot commissioners, commissioners of election, poll
clers and all other officers necessary for conducting the en-
100 suing regular school election: Provided, That the ballot com-
101 missioners who shall be two in number, shall be one each from
102 the dominant political parties in said independent district,
103 who shall receive for their services as such ballot commissioner,
104 a fee of five dollars each: Provided further, That there shall
105 be appointed five election officers at each election precinct;
106 three of whom shall be designated and serve as commissioners
107 of election and two as poll clerks of said election. The politi-
108 cal party which has the majority of the members of said in-
109 dependent board of education shall have the right of the ma-
110 jority of the election officers of such election board and said
111 board of education shall designate not more than two commis-
112 sioners and one clerk for each election board in each precinct
113 from the dominant political party and one commissioner and
114 and one clerk from the political party having the minority member of the board of education; and in the event that the members of said board of education, are all members of one political party, the minority representation on said election board shall be qualified voters of the party which cast the next highest number of votes in said independent district at the last preceding general election. The ballot commissioners and election officers herein provided for shall have the qualifications of registered voters in said independent school district, and shall be definitely recognized as members of some political party. The compensation of election officers is fixed at the sum of three dollars. The secretary of the board of education hereinafter provided for shall serve as a member of the board of ballot commissioners and shall be chairman of said board of ballot commissioners. The said board of ballot commissioners shall prepare the form and arrangement of ballot and provide printed ballots for said ensuing regular school elections.

The board of ballot commissioners shall cause the ballots which are to be used in the ensuing regular school election to be published twice in two newspapers in Wayne county of op-
135 posite politics, the second publication being the week before
136 the day of said school election. The board of education of said
137 independent school district shall publish twice in two news-
138 papers of general circulation and of opposite politics in Wayne
139 county a certified list of the election officers of said ensuing
140 school election, the last publication being the week immedi-
141-150 ately preceding the holding of said election.
151 The board of education of said independent school district
152 shall convene in regular or special session from nine o’clock
153 a. m. until five o’clock p. m. on the Tuesday next preceding
154 and any every regular school election held in said district for
155 the purpose of further amending, correcting, completing and
156 certifying the aforesaid registrations of the qualified voters
157 for the ensuing regular school election and if at said meeting
158 the said board of education is satisfied that persons have been
159 registered who are not entitled to vote, shall on notice to said
160 persons and in the manner provided by law, cause their names
161 to be stricken from the aforesaid list of qualified voters; but
162 no voter shall be entitled to register, except upon a certificate
163 of transfer after the adjournment of the board; and the said
164 board of education shall upon the arrival of five o’clock p. m.
165 certify the aforesaid register lists as the official registration
166 of voters for the ensuing regular school election and then ad-
167 journ. No person shall be allowed to vote at any regular
168 school election in said independent school district who is not
169 at the time of the election an actual bona fide resident of the
170 election precinct in which he offers to vote and has been reg-
171 istered as a voter for such election as required by law.
172 All the sittings of said board of education detailed above
173 shall take place at the official office of said board of educa-
174 tion in the high school building in said independent school dis-
175 trict. The board of education of said independent district
176 shall convene as a canvassing board at the regular time and
177 meeting place on the fifth day (Sunday excepted) after each
178 regular school election held in said district. The canvassing
179 board shall have the sole authority and jurisdiction in ascer-
180 taining, declaring, recording and certifying the result of any
181 and every regular school election in said independent school
182 district. An appeal as provided by law from the decision of
183 said board to the circuit court of Wayne county is herein
184 provided for. Said board of canvassers shall certify the re-
185 sults of said election to the clerk of the county court of Wayne
186 county, who shall record the same in the well bound book kept in his office for that purpose. The board of canvassers shall issue and deliver to each candidate voted on in said election, a certificate showing the total vote cast in said election for each office.

Sec. 4. Before entering upon their duties as members of the board of education of independent school district of Butler, each of the commissioners and the president shall be required to qualify by taking and subscribing to the following oath: "I, A............., B............., do solemnly swear (or affirm), that I will faithfully perform the duties of commissioner (or president) of the board of education of the independent school district of Butler, during the term for which I was elected (or appointed), to the best of my ability, according to law, so help me God."

The secretary of the board of education, or any notary public of the county of Wayne, is authorized to administer said oath, a copy of which shall be kept by him upon the files of his office.

Nominations for the office of the commissioner and president of said board of education shall be made by party conventions by the two opposing political parties which at the last preceding...
17 general election held in November at the voting places in the
18 several precincts in said independent school district cast the
19 highest and next highest number of votes and shall be filed and
20 duly certified with the secretary of the board of education at
21 least twenty days prior to said regular school election. Said
22 conventions shall be held in said independent school district on
23 the second Tuesday in April at the hour of one o'clock p. m. at
24 such place or places as may be designated by the board of edu-
25 cation of said district. The call for said conventions shall be
26 made by said board of education at least thirty days prior to
27 the day of holding said conventions, which call shall be pub-
28 lished in two newspapers of opposite politics of general circula-
29 tion in said district at least two weeks prior to the day of hold-
30 ing said conventions. The temporary chairman of said
31 conventions shall be named by the board of education in the
32 proclamation calling for the holding of said conventions who
33 shall be members of the political party holding the said con-
34 vention. Said convention shall be called to order by the tempo-
34-a rary chairman so designated and shall be conducted and held
35 in accordance with rules and regulation adopted by said board
36 of education and the laws of the State of West Virginia. The
Certificate of nomination for the office of school commissioner and president of the board as aforesaid shall designate the term of office of each person nominated and shall be signed by the chairman and secretary of said convention and authenticated by the official signature of a notary public. This certificate shall be executed in triplicate and one copy shall be filed with the clerk of the county court of Wayne county and recorded by him in the records of primaries and elections in the well-bound book kept in his office for that purpose. One copy shall be delivered in the manner specified above to the secretary of the board of education.

Sec. 5. The board of education of said district shall meet annually on the first Monday in July at their regular meeting place and shall elect a secretary who shall serve during will and pleasure of the board. Before entering upon the duties of his office the secretary shall take the oath as prescribed by law.

Sec. 6. The secretary shall record in a book, provided for that purpose, all the official acts and proceedings of the board which shall be a public record, open to the inspection of all persons interested therein. He shall preserve in his office at
5 the junior high school building, all papers containing evidence
6 of title, contracts and obligations; and in general shall record
7 and keep on file in his office all such papers and documents as
8 may be required by any of the provisions of this act or by any
9 order of the board of education. He may be removed by the
10 board of education of the independent school district of Butler
11 at any regular or special meeting. Any vacancy in this office
12 shall be filled by the board for the unexpired term. All levies
13 for any purpose shall be levied in accordance with the general
14 school law. The rate of school levy in said district may include
15 the total amount available after the specific levy for county and
16 state purposes as provided by law has been allowed. When the
17 board of education has laid the levies it shall be the duty of
18 the secretary to report the matter thereof to the county super-
19 intendent and other county and state officials, such facts in his
20 possession as may be required by the general school law of the
21 state. For his service, he may receive such compensation as
22 provided by the general school law of the state. In his absence
23 the board may appoint a secretary pro tempore.

Sec. 7. The president of the board of education shall per-
2 form such duties as usually devolve upon the presiding officer
of such a deliberate body, except that he shall have a vote upon
each and every question as any other commissioner, but he shall
have but one vote only upon one question. In his absence,
the board may choose a president pro tempore from among
their number. He shall perform all the duties prescribed by
law for a president of the board of education of magisterial
school district.

Sec. 8. The board of education of the independent school
district of Butler shall hold stated meetings at such times and
places as they may appoint, not less than a majority of the
members being required to constitute a quorum for the trans-
action of business. Special meetings may be called by the
president, or at the request of any two members by the secre-
tary. No business may be transacted at a special meeting, ex-
cept that mentioned in the call for such meeting; which call
shall be in writing and shall be recorded by the secretary in the
record of proceedings of said meeting: Provided, That all the
members shall have had notice of the place and purpose of any
special meeting called by the president or secretary herein pro-
vided: Provided further, That a concurrence of two members
of said board of education shall be required to elect teachers
and to decide all questions involving the expenditures of money.

Sec. 9. The board of education of the independent school district of Butler shall be a body corporate in law; and as such may purchase, hold, sell or convey real or personal property for the purpose of education within the district; may be a party to suits and contracts and do other common corporate acts. They shall have the management of, and be vested with the title to, all real and personal property, for the use of public schools within the district and shall manage and dispose of the same as in their opinion will best serve the interests of the district. The board of education shall have the power to make all necessary rules and regulations for the government of the schools of the district, for the admission of pupils therein, for the exclusion of pupils whose attendance would be dangerous to the health or detrimental to the morals or discipline of the schools. They may perform such other duties as are permitted by the general school law of the state, and not in violation of chapter one hundred eight of the legislature of one thousand nine hundred twenty-nine, and chapter ninety-eight of the acts of the legislature of one thousand nine hundred thirty-one.

Sec. 10. Annually, on or before April first, the board of
education shall cause to be taken an enumeration of all the youth of the district, noting age and color, according to the general school law. The secretary shall report to the county superintendent the result of said enumeration of youth, at such time as may be required by law.

Sec. 11. The state superintendent of schools in his report to the auditor, shall specify separately the result of the enumeration of youth in the independent school district of Butler and the rest of Wayne county, and the auditor, in apportioning money for school purposes, shall apportion to the independent school district of Butler and to the rest of Wayne county separately, according to their respective numbers of youth, as shown by the list furnished by the state superintendent of schools, and the said superintendent shall draw his requisition upon the auditor in favor of the sheriff of Wayne county for such amount as the district is entitled to receive, and at the same time notify the secretary of the board of education of the amount.

Sec. 12. It shall be the duty of the said board of education to provide by purchase, condemnation, leasing, building, or otherwise, school houses and grounds, furniture, fixtures and
4 appendages, and keep the same in good order and repair; and
5 to supply the said school houses with fuel and other things nec-
6 essary for their comfort and convenience.

Sec. 13. It shall be the duty of the board of education of
2 the independent school district of Butler, annually, at the same
3 time and in the same manner that is now provided or that may
4 hereafter be provided by the general school law of this state
5 for the ascertaining and making of estimates and the fixing and
6 laying of school levies by the boards of education of the various
7 school districts within the state for the support of the free schools
8 therein, to ascertain and to make such estimates of the amounts
9 necessary for the support of the schools within the said inde-
10 pendent school district and on the property located in the
11 said independent district to determine, fix, and lay such levies
12 for the support of the schools therein. It shall be the duty of
13 the board of education of the said independent school district
14 of Butler, annually, at such meeting, to levy as many cents on
15 each one hundred dollars' valuation of the taxable property
16 of the said independent school district, according to the last as-
17 sessment thereof, as will produce the amounts shown by the esti-
18 mate of said board to be necessary to be levied for the mainte-
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19 nance, building, and teachers' fund purposes; to levy in like
20 manner the amounts necessary to continue the schools in session
21 in the said independent school district for a minimum term of
22 eight months in elementary school and nine months in the junior
23 high schools; and to levy and provide sufficient funds for all
24 purposes to keep said schools in session for the full minimum
25 term of eight and nine months as herein provided. And the
26 board of education of said independent district is hereby
27 authorized and empowered to lay a levy in addition to the
28 levies authorized by the general school law of the state, if the
29 same shall be required, sufficient for all purposes to conduct
30 the schools of the said independent school district for the full
31 minimum term of eight months as aforesaid. For the purpose
32 or purposes mentioned in this act and for the purpose of paying
33 teachers and other school officers, the interest and sinking funds
34 on bonds, and any other legal obligations which are now owed
35 by the independent school district of Butler or may hereafter
36 be incurred by it, the said board of education shall lay an-
37 nually such levies in the manner that is now provided or that
38 may hereafter be provided by the general school law of the
39 state. Elections for bond issues shall likewise be conducted in
Sec. 14. The levies made under the provisions of this act shall be collected and disbursed as now provided by law. The board of education shall not, during any one year, incur any expense that shall exceed the amount of available funds received for school purposes during that year.

Sec. 15. The sheriff shall annually at such time and in such manner as required by law make settlement with the board of education.

Sec. 16. The said board of education shall have power to establish within the district, such graded schools, including junior high schools, of such grade, as may, in their judgment, be best for the interests of the district. The branches and textbooks to be taught in the schools within the district shall be the state-adopted texts. The said junior high schools shall be open to all pupils in the district, but no pupil shall be entitled to admittance to said junior high schools until the principal shall have been satisfied that the pupil shall have made due proficiency in the branches taught in the other schools of the district.

Sec. 17. Teachers shall be subject, in all respects, to the
2 rules and regulations adopted by the board of education, and
3 they may be removed by the board for incompetency, immoral
4 conduct, or willful violation of the rules of the board, upon
5 complaint of any member of the board.

Sec. 18. The board of education shall in accordance with the
2 general school law, appoint all teachers for the public schools
3 of any grade or junior high school within the district and fix
4 their salaries: Provided, That in no case shall the salaries of
5 teachers and principals be below the minimum salary set by
6 this state: Provided further, That no person shall be employed
7 to teach in any public school of the district who shall not first
8 have obtained from the state authorities a certificate of quali-
9 fications to teach a school of the grade for which the appoint-
10 ment is made.

Sec. 19. The salary of the commissioners and president of
2 the independent school district board shall be regulated and
3 fixed by the general school law of the State of West Virginia.

Sec. 20. All school houses, school house sites and all other
2 property of whatever description of the board of education of
3 the magisterial school district of Butler shall by the passage
4 of this act and its enactment into law, become the property of
5 the independent school district of Butler and all departments
6 of the board of education of the magisterial school district of
7 Butler, of whatsoever description, including bond issues of said
8 magisterial school district of Butler, shall be assumed by and
9 are hereby made the obligations of the independent school dis-
10 trict of Butler. All contracts between the board of education
11 of Butler magisterial school districts employing teachers for
12 the school year one thousand nine hundred thirty-three and one
13 thousand nine hundred thirty-four are hereby transferred, set
14 over and perpetuated as legal contracts of the board of educa-
15 tion of the independent school district of Butler.

Sec. 21. All provisions of the general school law of the state
2 and all laws and acts and parts of acts heretofore existing which
3 are in any manner inconsistent with the provisions of this act
4 are hereby repealed and shall be void within the said inde-
5 pendent school district; otherwise the said general school law
6 shall remain in full force and effect in said independent school
7 district as elsewhere in the state. If any section or part of any
8 section of this act shall be declared unconstitutional it shall not
9 affect the other sections of this act.

Sec. 22. This act shall not become a law or be in full force
and effect until the qualified voters residing in Butler school magisterial district by a majority of the votes cast at a special election to be held on the twenty-third day of May, one thousand nine hundred thirty-three, declare in favor thereof. On the said twenty-third day of May, one thousand nine hundred thirty-three, it shall be the duty of the board of education of Butler school magisterial district, to submit to the legal voters of Butler school magisterial district, the question of the adoption or rejection of the provisions of this act. It shall be the duties of the board of education of Butler school magisterial district to meet in special or regular session on the fourth Tuesday in April, one thousand nine hundred thirty-three, for the purpose of calling said special election. Notices thereof shall be published once a week for two successive weeks in two newspapers of opposite politics of general circulation in said district, the last notice being published at least one week preceding the day of said special election. It shall be the duties of the board of education of Butler school magisterial district to secure the registration of voters properly certified by the county clerk, taken for the last general election held in November last, and the same shall be accepted as proper registration.
23 of voters entitled to vote after the same has been corrected in the manner provided by law. The present voting places in said Butler district shall be the voting places for the special election and single election boards to have charge of the polls shall be appointed in the following manner: At the special meeting of the board of education on the fourth Tuesday in April, the board of education of Butler school magisterial district shall appoint as election officers, persons having qualifications of voters from the two dominant political parties in said magisterial district. There shall be appointed three election commissioners, two from the dominant political party and one from the second dominant party in the district, and one poll clerk each from the two dominant political parties for each precinct. A list of these election officers shall be published along with the notices of election as provided above. Necessary booths, ballot boxes, poll books and other appliances required by law and necessary for the holding of such elections shall be furnished by the county court of Wayne county. The ballots shall be made up as required by law by the ballot commissioners of Wayne county. The expense of said election shall be paid by the board of education of Butler school magisterial district
and shall be such sum or sums as fixed by the general election law of the state. The ballot to be voted in said election shall be on plain, white paper and in the following form:

School District Election.

(Indicate how you desire to vote by cross in square)

☐ For independent school district.

☐ Against independent school district.

If a majority of votes cast at said election be for independent school district, then this act shall be binding and in full force as of June first, one thousand nine hundred thirty-three, otherwise this act shall be void.

The district school board shall meet on the fifth day (Sunday excepted) after said special election as a board of canvassers, to canvass, ascertain and declare the result of said special election. Any contest or appeal from the board of canvassers shall be to the circuit court of Wayne county.

Sec 23. That the county superintendent of Wayne county shall exercise the powers, duties and authority in said independent district as provided by chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one.
The within is .................................................................

c. ............day of ..................................................., 1933.

.........................................................
Governor.

Filed in the office of the Secretary of State
of West Virginia MAR 18 1933
Wm. S. O'BRIEN, Secretary of State