

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 313

(By Mr. Galbraith)



PASSED March 12th 1937

In Effect from Passage

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Senate Bill No. 313

(By MR. GALBRAITH)

[Passed March 12, 1937; in effect from passage.]

AN ACT to amend and reenact chapter one hundred eighteen, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, relating to the appointment of a board of trustees of the Ohio county public library, and to the ownership, management and operation of the Ohio county public library.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred eighteen, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 1. Title to the public library of the city of
2 Wheeling heretofore owned and operated by the independent
3 school district of said city, is hereby vested in a board of
4 trustees to be known as the "Board of Trustees of the Ohio
5 County Public Library," which board is hereby created. Said
6 board is hereby made a body corporate and by that name
7 may sue and be sued, plead and be impleaded, contract and
8 be contracted with. Said board shall consist of five citizens
9 of the county of Ohio, and shall be appointed in the manner
10 hereinafter set out and shall serve without compensation, and
11 shall hold no remunerative political office, either state, county
12 or municipal; no member of the board shall be eligible to
13 appointment to any remunerative office or position under the
14 jurisdiction of said board, and not more than three of the
15 members shall belong to the same political party, and at least
16 two of the members shall be women.

Sec. 2. The appointment of members of the said board
2 heretofore made under the provisions of section two, chapter
3 one hundred eighteen, acts of the Legislature, first extraordi-
4 nary session, one thousand nine hundred thirty-three, is here-
5 by ratified, approved and confirmed, and the persons ap-

6 pointed as such members shall continue to hold office for the
7 respective terms for which they were appointed. The acts
8 of such board as such, heretofore made, are hereby ratified,
9 approved and confirmed. The respective successors of said
10 members shall be appointed by the Clerk of the circuit court
11 of Ohio county for a term of five years each, excepting that
12 any person appointed to fill a vacancy occurring before the
13 expiration of the term vacated, shall serve only for the unex-
14 pired term, and the members shall be eligible for reappoint-
15 ment: *Provided, however,* That any vacancy created, except
16 by the expiration of a term, shall be filled by the said board
17 of trustees. The said board shall annually elect from among
18 its members a chairman and a secretary-treasurer, who shall
19 hold office for one year and be eligible for reelection, and
20 annually thereafter said board shall organize by the election
21 of a chairman and secretary-treasurer. Members of the board
22 may be removed from office in the same manner as provided
23 for the removal of county officers under section seven, article
24 six, chapter six of the code of West Virginia, one thousand
25 nine hundred thirty-one.

Sec. 3. Title to said library property, including real estate,
2 equipment, books, and all other property of whatsoever
3 nature is hereby vested as of July first, one thousand nine
4 hundred thirty-three, and said board of education and their
5 successors. The board of education shall have all and sole
6 power necessary, convenient and advisable for the proper
7 operation, equipment and management of said library, and
8 any and all other public libraries or branch libraries estab-
9 lished or acquired by the said board, either by gift or pur-
10 chase, and shall make such rules and regulations as it shall
11 deem expedient for the care and management thereof.

Sec. 4. In order to provide for the maintenance and oper-
2 ation of said public library and any and all branches thereof,
3 the board of education of Ohio county shall levy annually not
4 to exceed three cents, upon request by the said board of
5 trustees, on each one hundred dollars of the assessed valua-
6 tion of property within the limits of Ohio county, according
7 to the last assessment thereof for state and county purposes.
8 The proceeds of this levy will be for the exclusive use of said
9 public library or any branches thereof or any other public
10 libraries acquired by purchase or otherwise by said board of

11 trustees, and shall be disbursed only upon order of the said
11a board of trustees, evidenced by warrants drawn on the sheriff
12 of Ohio county, and signed by the chairman and secretary-
13 treasurer of said board. Said levy shall be included within
14 the limits and be a part of the levy or levies authorized by law
15 to be laid by said board of education of Ohio county.

16 All income realized by the operation of said public library
17 or other libraries or branches thereof, from the rental of
18 books or otherwise, other than as proceeds of the levy herein-
19 before mentioned, shall be paid directly to the sheriff
20 and by him used in the purchase of new books for any
21 public library or branch and for the maintenance and opera-
22 tion thereof in the discretion of said board.

23 All acts or parts of acts inconsistent herewith are hereby
24 repealed.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Carl B. Henth

Chairman Senate Committee

Joe B. Backe

Chairman House Committee

Originated in the.....

Takes effect.....passage.

Charles H. Henth

Clerk of the Senate

Mo. I. Henth

Clerk of the House of Delegates

Ch. E. Henth

President of the Senate

J. A. Thomas

Speaker House of Delegates

The within.....this the.....

day of....., 1937.

Governor

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



Filed in the office of the Secretary of State
of West Virginia.

MAR 19 1937

Wm. S. O'BRIEN,
Secretary of State

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the 19th day of March,

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SECRETARY OF STATE