

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939

ENROLLED

SENATE BILL No. 39

(By Mr. Fleming)

PASSED March 10th 1939

In Effect From Passage



13-39

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Senate Bill No. 39

(BY MR. FLEMING)

[Passed March 10, 1939; in effect from passage.]

AN ACT to amend article one, chapter ten of the code of West Virginia, nineteen hundred thirty-one, by adding thereto sections sixteen to twenty-one, inclusive, relating to the establishment and maintenance of regional library areas and regional libraries; to the collection and preservation of library data, statistics and surveys and to the availability of the results thereof; and, to provide for the authorization of financial or other aid to public, school, traveling, regional or other libraries by the West Virginia Library Commission.

Be it enacted by the Legislature of West Virginia:

That article one, chapter ten of the code of West Virginia, nine-

teen hundred thirty-one, be amended by adding thereto sections sixteen to twenty-one, inclusive, to read as follows:

Article I. Public Libraries.

Section 16. *Regional Libraries; Plan for Establishment*

2 *and Location.* The West Virginia Library Commission is
3 hereby authorized, to develop a plan for the establishment and
4 location of regional libraries, and library areas throughout
5 the state, based on a detailed survey to be made by the Com-
6 mission of the needs of the various localities of the state.
7 A region shall include two or more counties.

Sec. 17. *Action by County Courts; Alteration of Plan.*

2 On completion of the survey of any proposed region, the ex-
3 ecutive secretary of the commission shall refer the proposal
4 to the county courts of all the counties included in such pro-
5 posed region. The county courts shall act upon such proposal
6 by resolution, and the votes of a majority of each of the county
7 courts of the counties included in the proposed region shall
8 be necessary for the adoption of such proposal. In case of
9 the rejection of such proposal by the county courts of any
10 of the counties included in such proposed region, the li-
11 brary commission is hereby authorized to alter its plan in

12 accordance with such action in order to provide for a region
13 in such section of the state. The vote of a majority of each
14 county court in the counties in such altered region shall be
15 necessary for the adoption of such proposal.

Sec. 18. *Powers of West Virginia Library Commission*

2 *Over Regional Libraries.* The West Virginia Library Com-
3 mission shall have the following powers for the establishment
4 and maintenance of regional areas and regional libraries:

5 (a) To establish, maintain, and operate a public li-
6 brary for the region.

7 (b) To appoint a librarian and the necessary assistants,
8 and to fix their compensation, such appointments to be based
9 upon merit and efficiency as determined by the commission.
10 The librarian shall hold a certificate from an approved school
11 of library science and shall have had not less than three years
12 of practical experience in library work. Said library com-
13 mission shall also have the power to remove said librarian and
14 other assistants.

15 (c) To purchase books, periodicals, equipment and sup-
16 plies.

17 (d) To purchase sites and erect buildings, and/or to lease

18 suitable quarters, and to have supervision and control of said
19 property.

20 (e) To borrow books from and lend books to other li-
21 braries.

22 (f) To enter into contracts to receive service from or give
23 service to libraries within or without the region and to give
24 service to municipalities without the region which have no li-
25 braries, or to co-operate with and aid generally without such
26 contracts, public, school, institutional and other libraries.

27 (g) To make such by-laws, rules and regulations not in-
28 consistent with this act as may be expedient for the govern-
29 ment of such regional library areas and the regional libraries
30 therein, and for the purpose of carrying out the provisions of
31 this act.

32 (h) To accept for the state of West Virginia any appro-
33 priations of money that may hereafter be made out of the
34 federal treasury by an act or acts of congress and to disburse
35 such funds for the purpose of carrying out the provisions of
36 this act, in accordance with sections eleven and twelve of ar-
37 ticle ten of chapter eighteen of the code of nineteen hundred
38 thirty-one as so amended.

Sec. 19. *Contract Rights; Transfers to Regional Libraries.*

2 After the establishment of a regional library area or regional
3 library, as provided for in this act, the county court, legis-
4 lative body of any city or town, the board of education of any
5 county, or any other governing body of any political sub-
6 division of this state, already maintaining a public, school or
7 county library may notify the West Virginia Library Com-
8 mission and such county, city or town, or other subdivision
9 library may be transferred to, leased to, or used by said li-
10 brary commission for regional library purposes under such
11 terms as may be mutually agreed upon between the said li-
12 brary commission and the respective county courts, legisla-
13 tive bodies of cities or towns, boards of education, or govern-
14 ing bodies of other political subdivisions.

Sec. 20. *Library Commission May Aid Libraries Generally.*

2 The West Virginia Library Commission is hereby authorized
3 and empowered to render such aid and assistance, financial
4 advisory and/or otherwise, to public, school, county, or re-
5 gional libraries, whether established or maintained by said
6 library commission or not, under such conditions and rules
7 as the said commission deems necessary to further the in-

8 terests of the state and best increase the efficiency of the
9 service it is expected to render the public.

Sec. 21. *Collection and Preservation of Data; Surveys.*

2 The West Virginia Library Commission is hereby authorized
3 and empowered to collect and preserve statistics and other
4 data, concerning libraries of any sort located within this
5 state; to make surveys relating to the needs or conditions of
6 such libraries or the library conditions of any city, town,
7 county, regional library area, or other subdivision of this
8 state; and to publish the results and findings thereof in ac-
9 cordance with the provisions of section fourteen of this ar-
10 ticle. The commission may employ all necessary personnel
11 for any of these purposes, such appointments to be based on
12 merit and efficiency as determined by the commission. Such
13 data, surveys, and findings of the Library Commission shall be
14 available to all school, public, institutional, regional and/or
15 other libraries within this state, whether proposed or estab-
16 lished.

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

E. O. Roseman

Chairman Senate Committee

Bill B. Melter

Chairman House Committee

Originated in the

Senate

Takes effect

From

passage

Charles H. Jones

Clerk of the Senate

Wm. S. O'Brien

Clerk of the House of Delegates

James L. Thomas

President of the Senate

James L. Thomas

Speaker House of Delegates

The within

approved

this the

15th

day of

March

, 1939.

James L. Thomas

Governor



Filed in the office of the Secretary of State
of West Virginia **MAR 16 1939**

Wm. S. O'BRIEN,
Secretary of State