WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 64
Committee Substitute
Originating in the Senate Committee on Public Library
(By Mr.________________________)

PASSED March 3, 1945

In Effect 90-days from Passage
AN ACT to amend article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by amending and reenacting sections one to eleven thereof, inclusive, and by adding thereto a new section to be numbered eleven-a, all relating to the establishment of public libraries and their operation.

Be it enacted by the Legislature of West Virginia:

That article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by amending and reenacting sections one to eleven thereof, in-
inclusive, and by adding thereto a new section numbered eleven-
a, to read as follows:

Section 1. Public Library and Governing Authority

The term public library as used in this article shall be construed to mean a library maintained wholly or in part by any governing authority from funds derived by taxation and the services of which are free to the public. The term shall not, however, include special libraries such as law, medical or other professional libraries, or school libraries which are maintained primarily for school purposes. The term "governing authority" shall be construed to mean county court, county board of education or the governing body of any municipality.

Sec. 2. Power of Governing Authority to Establish and Maintain Libraries; Levy.—A governing authority, either by itself or in cooperation with one or more other such governing authorities, shall have the power to establish, equip and maintain a public library, or to take over, maintain or support any public library already established. Any library established, maintained or supported by a governing authority may be financed either (1) by the
appropriation from the general funds of the governing
authority of a sum sufficient for the purpose, or (2) by
the imposition of an excess levy for library purposes, in
accordance with the provisions of section sixteen, article
eight, chapter eleven of this code.

Sec. 3. Regional Library.—Two or more counties, by
action of their governing authorities may join in estab-
lishing and maintaining a regional library under the
terms of a contract to which all agree. The expenses of
the regional library shall be apportioned between or
among the counties concerned on such basis as shall be
agreed upon in the contract, which shall specify what
items of expense shall be paid by each county, and the
total amount thereof.

Sec. 4. Contract with Existing Library.—The governing
authority may in lieu of supporting and maintaining an
independent public library, enter into a contract with an
existing library and make annual payments of money to
such library, whose books shall be available without
charge to all persons living within the area represented by
such governing authority. Any school board may con-
tract for school library service from an existing public
library which shall agree to furnish books to a school
or schools under the terms of the contract.
All money paid to a library under such contract shall
be expended solely for the maintenance and support of
the library.

Sec. 5. Board of Library Directors; Qualifications;
Term of Office; No Compensation.—Whenever a public
library is established under this article the governing
authority shall appoint a board of five directors, chosen
from the citizens at large of such governmental division
with reference to their fitness for such office. In a re-
gional library the directors shall be appointed by the
joint action of the governing authorities of the counties
concerned. Such directors shall hold office for five years
from the first day of July following their appointment,
and until their successors are appointed and qualified:
Provided, That upon their first appointment under this
article one member shall be appointed for one year, one
for two years, one for three years, one for four years,
and one for five years; and thereafter all appointments
shall be for terms of five years. Vacancies in the board
shall be immediately reported by the board to the govern-
ing authority and filled by appointment in like manner,
and, if in an unexpired term, for the residue of the term
only. The governing authority may remove any director
for just cause. No compensation shall be paid or allowed
any director.

Sec. 6. *Powers and Duties of Library Directors.*—The
board of directors of each public library established
under this article shall (a) Immediately after appoint-
ment, meet and organize by electing one member as
president, one as secretary, one as treasurer, and such
other officers as may be necessary. All officers shall hold
office for one year and shall be eligible for reelection.
The treasurer before entering upon his duties shall give
bond to the governing authority in an amount fixed by
the board of directors, conditioned for the faithful dis-
charge of his official duties. (b) Adopt such by-laws,
rules, and regulations as are necessary for its own guid-
ance and for the administration, supervision and protec-
tion of the library and all property belonging thereto
as may not be inconsistent with the provisions of this article. (c) Supervise the expenditure of all money credited to the library fund. All money appropriated or collected for public library purposes shall be deposited in the treasury of the governing authority to the credit of the library fund, and shall be paid out on the certified requisition of the library board, in the manner provided by law for the disbursement of other funds of such governing authority. (d) Lease or purchase and occupy suitable quarters, or erect upon ground secured through gift or purchase an appropriate building for the use of such library, and have supervision, care, and custody of the grounds, rooms or building constructed, leased or set apart for library purposes. (e) Employ a head librarian, and upon his recommendation employ such other assistants as may be necessary for the efficient operation of the library.

Sec. 7. Free Use of Libraries.—Each library established or maintained by any governing authority shall be free for the use of all persons living within the area represented by such governing authority, subject to reasonable
rules and regulations adopted by the library board. The board may extend the privilege and use of the library to non-residents upon such terms and conditions as it may prescribe.

The board may exclude from the use of the library under its charge any person who wilfully and persistently violates any rule or regulation prescribed for the use of the library or its facilities.

Sec. 8. Annual Report of Directors.—The Board of directors shall make an annual report for the fiscal year ending June thirtieth to the governing authority or authorities appointing it, stating the conditions of the library property, the various sums of money received from the library fund, and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books lent, the number of registered users of such library, with such other statistics, information, and suggestions as may be deemed of general interest. A copy of this report shall be sent to the West Virginia library commission.
Sec. 9. Library Board to Be a Corporation; Vesting of Title.—The board of library directors of each public library shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and use a common seal.

Any person desiring to make bequests or donations of cash or other personal property or real estate for the benefit of such library, shall vest title thereof in the board of library directors to be held in trust and controlled by such board according to the terms and for the purposes set forth in the deed, gift, devise, or bequest.

Sec. 10. Injury to Library Property; Penalty.—Any person who shall wilfully deface or injure any building or furniture, or deface, injure or destroy any picture, plate, map, engraving, newspaper, magazine, or book, or subject of art, or any other article belonging to a public library shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment not exceeding six months.

Sec. 11. Wilful Retention of Library Property.—Whoever wilfully retains any book, newspaper, magazine,
pamphlet, manuscript, or other article belonging to any
public library for thirty days after notice in writing to re-
turn the same, given after the expiration of the time that
by the rules and regulations of the library such an article
or other property may be kept, shall be liable for dam-
ages, to be recovered by said library board by appropri-
ate proceedings before a justice of the peace; the re-
cover in each case to be paid to the proper office or
custodian of the library fund: Provided, however, That
the notice required hereby shall include a copy of this
section.

Sec. 11-a. Application of Article. — Nothing in this
article shall be construed to abolish or abridge any power
or duty conferred upon any public library already es-
tablished by virtue of any city or town charter or other
special act, or to affect any existing local laws allowing
or providing municipal aid to libraries. Any library now
operating under any city or town charter or other special
act has, however, the privilege of reorganizing under the
provisions of this article.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Charles O. Morris
Chairman Senate Committee

Jane Green
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage

Howard Morgan
Clerk of the Senate

Philp
Clerk of the House of Delegates

Donald W. Bickert
President of the Senate

John E. Amos
Speaker House of Delegates

The within is approved this the 8th day of March, 1945.

Governor.

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