

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 70-days from Passage



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COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 64**

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[Passed March 3, 1945; in effect ninety days from passage.]

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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-

clusive, and by adding thereto a new section numbered eleven-  
a, to read as follows:

Section 1. *Public Library and Governing Authority*

2 *Defined.*—The term public library as used in this article  
3 shall be construed to mean a library maintained wholly  
4 or in part by any governing authority from funds derived  
5 by taxation and the services of which are free to the  
6 public. The term shall not, however, include special  
7 libraries such as law, medical or other professional li-  
8 braries, or school libraries which are maintained pri-  
9 marily for school purposes. The term “governing author-  
10 ity” shall be construed to mean county court, county board  
11 of education or the governing body of any municipality.

Sec. 2. *Power of Governing Authority to Establish and*

2 *Maintain Libraries; Levy.*—A governing authority, either  
3 by itself or in cooperation with one or more other such  
4 governing authorities, shall have the power to establish,  
5 equip and maintain a public library, or to take over, main-  
6 tain or support any public library already established.  
7 Any library established, maintained or supported by a  
8 governing authority may be financed either (1) by the

9 appropriation from the general funds of the governing  
10 authority of a sum sufficient for the purpose, or (2) by  
11 the imposition of an excess levy for library purposes, in  
12 accordance with the provisions of section sixteen, article  
13 eight, chapter eleven of this code.

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

Sec. 4. *Contract with Existing Library*.—The governing  
2 authority may in lieu of supporting and maintaining an  
3 independent public library, enter into a contract with an  
4 existing library and make annual payments of money to  
5 such library, whose books shall be available without  
6 charge to all persons living within the area represented by  
7 such governing authority. Any school board may con-

8 tract for school library service from an existing public  
9 library which shall agree to furnish books to a school  
10 or schools under the terms of the contract.

11 All money paid to a library under such contract shall  
12 be expended solely for the maintenance and support of  
13 the library.

Sec. 5. *Board of Library Directors; Qualifications;*  
2 *Term of Office; No Compensation.*—Whenever a public  
3 library is established under this article the governing  
4 authority shall appoint a board of five directors, chosen  
5 from the citizens at large of such governmental division  
6 with reference to their fitness for such office. In a re-  
7 gional library the directors shall be appointed by the  
8 joint action of the governing authorities of the counties  
9 concerned. Such directors shall hold office for five years  
10 from the first day of July following their appointment,  
11 and until their successors are appointed and qualified:  
12 *Provided, That upon their first appointment under this*  
13 *article one member shall be appointed for one year, one*  
14 *for two years, one for three years, one for four years,*  
15 *and one for five years; and thereafter all appointments*

16 shall be for terms of five years. Vacancies in the board  
17 shall be immediately reported by the board to the govern-  
18 ing authority and filled by appointment in like manner,  
19 and, if in an unexpired term, for the residue of the term  
20 only. The governing authority may remove any director  
21 for just cause. No compensation shall be paid or allowed  
22 any director.

Sec. 6. *Powers and Duties of Library Directors.*—The  
2 board of directors of each public library established  
3 under this article shall (a) Immediately after appoint-  
4 ment, meet and organize by electing one member as  
5 president, one as secretary, one as treasurer, and such  
6 other officers as may be necessary. All officers shall hold  
7 office for one year and shall be eligible for reelection.  
8 The treasurer before entering upon his duties shall give  
9 bond to the governing authority in an amount fixed by  
10 the board of directors, conditioned for the faithful dis-  
11 charge of his official duties. (b) Adopt such by-laws,  
12 rules, and regulations as are necessary for its own guid-  
13 ance and for the administration, supervision and protec-  
14 tion of the library and all property belonging thereto

15 as may not be inconsistent with the provisions of this  
16 article. (c) Supervise the expenditure of all money  
17 credited to the library fund. All money appropriated or  
18 collected for public library purposes shall be deposited  
19 in the treasury of the governing authority to the credit  
20 of the library fund, and shall be paid out on the certified  
21 requisition of the library board, in the manner provided  
22 by law for the disbursement of other funds of such gov-  
23 erning authority. (d) Lease or purchase and occupy  
24 suitable quarters, or erect upon ground secured through  
25 gift or purchase an appropriate building for the use of  
26 such library, and have supervision, care, and custody  
27 of the grounds, rooms or building constructed, leased or  
28 set apart for library purposes. (e) Employ a head li-  
29 brarian, and upon his recommendation employ such other  
30 assistants as may be necessary for the efficient operation  
31 of the library.

Sec. 7. *Free Use of Libraries.*—Each library established  
2 or maintained by any governing authority shall be free  
3 for the use of all persons living within the area repre-  
4 sented by such governing authority, subject to reasonable

5 rules and regulations adopted by the library board. The  
6 board may extend the privilege and use of the library to  
7 non-residents upon such terms and conditions as it may  
8 prescribe.

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

Sec. 8. *Annual Report of Directors.*—The Board of di-  
2 rectors shall make an annual report for the fiscal year  
3 ending June thirtieth to the governing authority or  
4 authorities appointing it, stating the conditions of the li-  
5 brary property, the various sums of money received  
6 from the library fund, and all other sources, and how  
7 such money was expended, the number of books and peri-  
8 odicals on hand, the number added during the year, the  
9 number lost or missing, the number of books lent, the  
10 number of registered users of such library, with such  
11 other statistics, information, and suggestions as may be  
12 deemed of general interest. A copy of this report shall  
13 be sent to the West Virginia library commission.



*Sec. 9. Library Board to Be a Corporation; Vesting*

2 of Title.—The board of library directors of each public  
3 library shall be a corporation; and as such it may contract  
4 and be contracted with, sue and be sued, plead and be  
5 impleaded, and shall have and use a common seal.

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

*Sec. 10. Injury to Library Property; Penalty.—Any*

2 person who shall wilfully deface or injure any building  
3 or furniture, or deface, injure or destroy any picture,  
4 plate, map, engraving, newspaper, magazine, or book, or  
5 subject of art, or any other article belonging to a public  
6 library shall be guilty of a misdemeanor, and on conviction  
7 thereof shall be punished by a fine of not less than  
8 ten dollars nor more than fifty dollars, or by imprisonment  
9 not exceeding six months.

*Sec. 11. Wilful Retention of Library Property.—Who-*

2 ever wilfully retains any book, newspaper, magazine,

3 pamphlet, manuscript, or other article belonging to any  
 4 public library for thirty days after notice in writing to re-  
 5 turn the same, given after the expiration of the time that  
 6 by the rules and regulations of the library such an article  
 7 or other property may be kept, shall be liable for dam-  
 8 ages, to be recovered by said library board by appropri-  
 9 ate proceedings before a justice of the peace; the re-  
 10 covery in each case to be paid to the proper office or  
 11 custodian of the library fund: *Provided, however,* That  
 12 the notice required hereby shall include a copy of this  
 13 section.

Sec. 11-a. *Application of Article.* — Nothing in this  
 2 article shall be construed to abolish or abridge any power  
 3 or duty conferred upon any public library already es-  
 4 tablished by virtue of any city or town charter or other  
 5 special act, or to affect any existing local laws allowing  
 6 or providing municipal aid to libraries. Any library now  
 7 operating under any city or town charter or other special  
 8 act has, however, the privilege of reorganizing under the  
 9 provisions of this article.

