

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 141

(By Mr. Loep)



PASSED February 14 1955

In Effect from Passage



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House Bill No. 141
(By MR. LOOP)

[Passed February 14, 1955; in effect from passage.]

AN ACT to authorize and empower the county court of Kanawha county to create a board of supervisors for the purpose of establishing, improving, equipping, developing, operating, maintaining, administering and managing a county home for the detention of juvenile delinquents or children charged with delinquency.

Be it enacted by the Legislature of West Virginia:

Section 1. *County Court of Kanawha County Authorized and Empowered to Create Board of Supervisors.*—

2 The county court of Kanawha county is hereby authorized
3 and empowered, by order entered of record, to create a
4 board of supervisors for the purpose of establishing, im-
5 proving, equipping, developing, operating, maintaining,
6 administering and managing a county home for the deten-
7

8 tion of juvenile delinquents or children charged with de-
9 linquency.

Sec. 2. *Name of Home.*—The home created hereby shall
2 be designated the Kanawha Home for Children.

Sec. 3. *Board of Supervisors; Powers.*—The board of su-
2 pervisors, created by the county court authorized by this
3 article, shall be known as the board of supervisors of the
4 Kanawha home for children of said county. The board of
5 supervisors shall provide, maintain, administer and man-
6 age at the expense of Kanawha county, a suitable home or
7 place for the detention of the persons coming under the
8 jurisdiction and control of such court. The board of super-
9 visors may consult with the judge of the domestic rela-
10 tions court or the judge of such court that has jurisdiction
11 over juveniles.

Sec. 4. *Members of Board; Qualification; Appointment;
2 Term; Compensation; Disqualification.*—The board of su-
3 pervisors shall consist of five members, a majority of
4 whom shall constitute a quorum for the transaction of
5 business: *Provided, however,* That not more than three
6 members of the board shall be of any one political party:

7 *And provided further*, That each member of said board
8 shall be a bona fide resident of Kanawha county. The
9 term of board members shall be for five years and until
10 their successors have been appointed and qualified: *Pro-*
11 *vided, however*, That the county court, in appointing the
12 members of the first board, shall appoint one member for
13 a term of one year, one member for a term of two years,
14 one member for a term of three years, one member for a
15 term of four years, and one member for a term of five
16 years. Upon the expiration of such initial appointments,
17 the term of each new appointee shall be five years, except
18 that any person appointed to fill a vacancy occurring prior
19 to the expiration of the term for which his predecessor
20 was appointed shall be appointed only for the remainder
21 of such term. No board member shall be eligible for re-
22 appointment upon the expiration of one full term of five
23 years: *Provided, however*, That any former member may
24 be reappointed to another term after an expiration of
25 one year. The order of the county court shall fix the date
26 on which the term of such board member shall begin.
27 After appointment, the members of the board of super-

28 visors shall qualify by taking and filing with the clerk
29 of the county court of Kanawha county the oath pre-
30 scribed by law of public officials. At the first meeting
31 of the board of supervisors, and annually thereafter, it
32 shall organize by designating one of its members president
33 and one vice president and by appointing a secretary, who
34 may, but need not, be a member of the board. The board
35 of supervisors, except the secretary, shall serve without
36 compensation for their services, but shall be reimbursed
37 for any expenses incurred in the performance of their
38 duties. The board shall have the authority to fix the
39 salary of the secretary. Any member of the board who
40 shall cease to be a bona fide citizen of the county shall
41 thereby be disqualified as a member of the board and his
42 office shall become vacant. The board of supervisors shall
43 be responsible to the county court of Kanawha county
44 for the performance of its duties. Any member of the
45 board may be removed by the county court for incom-
46 petency, neglect of duty or malfeasance in office and after
47 an opportunity to be heard at a public hearing before the
48 county court. When a vacancy occurs on said board by

49 reason of death, change of residence, expiration of term
50 or for cause, the county court shall appoint a successor
51 or successors who shall fill out the unexpired term of such
52 member as hereinbefore provided.

Sec. 5. *Time and Place of Meetings; Payment of Ex-*
2 *penses; Powers to Manage and Control Properties and*
3 *Operation of the Kanawha Home for Children; Prepara-*
4 *tion of Budget.*—The board of supervisors shall have the
5 authority to fix the time and place of its meetings: *Pro-*
6 *vided, however,* That the board shall hold at least one
7 meeting every month. Such board of supervisors shall
8 provide for the employment and shall have the power to
9 remove and fix the compensation of such persons as in
10 its opinion may be necessary for the operation, mainte-
11 nance, administration and management of the property
12 under its control, subject, however, to the appropriation
13 of money for such purpose by the county court. The
14 power and authority to manage and control shall include
15 the power to make rules and regulations and to enforce
16 such rules and regulations as may be necessary for the
17 management of said home. The board shall prepare and

18 submit to the county court an annual budget for the
19 operation of the home. No expenditure in excess of said
20 budget shall be made by the board of supervisors without
21 prior approval by the county court.


Sec. 6. *Appointment of Personnel; Compensation.*—It
2 shall be the duty of the board of supervisors to appoint a
3 superintendent to take charge of the home and children,
4 together with other adequate personnel, and generally to
5 maintain order and discipline among the children so com-
6 mitted into their keeping. The salary or compensation
7 to be paid to said superintendent and the personnel of said
8 home shall be fixed by the board of supervisors and cer-
9 tified to the county court as one of the expenses of main-
10 taining said home.

Sec. 7. *Home Not to Be a Penal Institution.*—The Kan-
2 awha home for children shall not be in or connected with
3 any jail or prison and shall not be deemed to be or treated
4 as a penal institution. It shall be conducted or respected
5 as near like a home as possible: *Provided, however,* That
6 proper methods shall be taken to secure the custody of the
7 children pending their disposition by the judge of the

8 domestic relations court or the judge of such court that
9 has jurisdiction over juveniles.

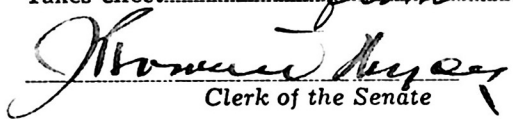
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

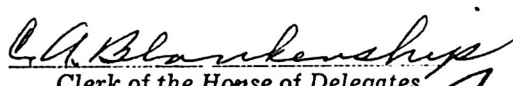

Chairman Senate Committee

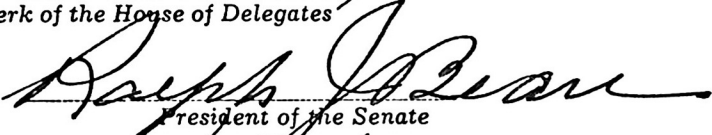

Chairman House Committee

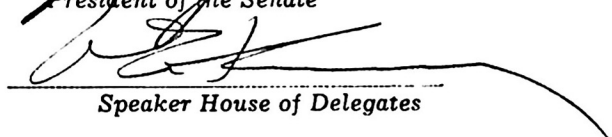
Originated in the House of Delegates

Takes effect from passage.

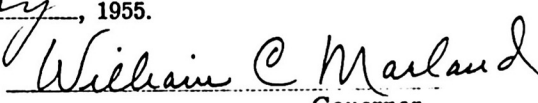

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 18
day of February, 1955.


Governor

Filed In the Office of the Secretary of State
of West Virginia

FEB 19 1955
PITTSBURGH
O'BRIEN

SECRETARY OF STATE