

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



# ENROLLED

HOUSE BILL No. 161

(By Mr. Davis and Mr. Jones)



PASSED March 6 1957

In Effect 90 days from Passage



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House Bill No. 161

(By MR. DAVIS and MR. JONES)

[Passed March 6, 1957; in effect ninety days from passage.]

AN ACT to establish the Kanawha county public library to serve the residents of the city of Charleston and of the county of Kanawha; to create a library board with power to operate the said public library; to provide a stable method of financing the operation of the said public library; and to confer upon the employees of the said public library the benefits of chapter twenty-three, article seven-a, chapter eighteen, article seven, chapter five and chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one.

*Be it enacted by the Legislature of West Virginia:*

Section 1. *Kanawha County Public Library Created.*—

2 There is hereby created a public library, which shall be  
3 known as the “Kanawha County Public Library,” which  
4 shall be supported by the board of education of the county  
5 of Kanawha, the county court of Kanawha county and the

6 city of Charleston, as a joint endeavor of the three gov-  
7 erning authorities in the manner hereafter prescribed.

Sec. 2. *Board of Directors; Appointment, Powers and*  
2 *Duties.*—There shall be a board of eighteen directors, who  
3 shall serve without compensation. Before the first day of  
4 July, one thousand nine hundred fifty-seven, the board of  
5 education of the county of Kanawha shall appoint the  
6 members of the said board of directors, appointing three  
7 persons for one year, three persons for two years, three  
8 persons for three years, three persons for four years, three  
9 persons for five years and three persons for six years,  
10 respectively, the term of office commencing July first, one  
11 thousand nine hundred fifty-seven. Their respective suc-  
12 cessors shall be appointed for a term of six years each,  
13 except that any person appointed to fill a vacancy occur-  
14 ring before the expiration of the term vacated shall serve  
15 only for the unexpired term. A member shall be eligible  
16 for reappointment. The board of education of the county  
17 of Kanawha may remove any director for cause which it  
18 deems sufficient. There shall be an annual meeting of the  
19 board of directors on the first Friday in July in each year;

20 and a monthly meeting on the day in each month which  
21 the board may designate in its by-laws. A special meeting  
22 may be called by the president, the secretary or any two  
23 members of the board, and shall be held only after all  
24 the directors are given notice thereof. At all meetings  
25 four members shall constitute a quorum. At each annual  
26 meeting the board of directors shall elect, from its mem-  
27 bership, a president, a vice president, a secretary and a  
28 treasurer: *Provided, however,* That the librarian may be  
29 elected secretary and/or treasurer. The board of directors  
30 shall adopt such by-laws, rules and regulations as are  
31 necessary for its own guidance and for the administration,  
32 supervision and protection of the library and all property  
33 belonging thereto. The board of directors shall have all  
34 the powers necessary, convenient and advisable for the  
35 proper operation, equipment and management of the said  
36 library; and, except as otherwise specially provided in  
37 this act, shall have the powers and be subject to the  
38 duties which are conferred and imposed, respectively,  
39 upon library directors by sections six, seven, eight, nine,  
40 ten and eleven of article one of chapter ten of the code

41 of West Virginia, one thousand nine hundred thirty-one,  
42 as presently amended. The board of directors shall have  
43 the benefits arising out of the creation and continuance of  
44 the state library commission of West Virginia.

Sec. 3. *Library Board to be a Corporation.*—The board  
2 of directors of the public library hereby created shall be  
3 a corporation; and as such it may contract and be con-  
4 tracted with, sue and be sued, plead and be impleaded,  
5 and shall have and use a common seal.

Sec. 4. *Title to Property.*—The title to all property, both  
2 real and personal, now devoted to public library purposes  
3 by the board of education of the county of Kanawha in  
4 connection with the operation by it of a public library in  
5 the city of Charleston and the county of Kanawha shall,  
6 on July first, one thousand nine hundred fifty-seven, vest  
7 in the public library hereby created.

Sec. 5. *Financing.*—In order to provide for the support,  
2 maintenance and operation of the public library hereby  
3 created, and any and all branches thereof, the supporting  
4 governing authorities shall, upon written request by its  
5 board of directors, levy annually as follows within the

6   respective taxing districts of the governing authorities,  
7   on each one hundred dollars of assessed valuation of the  
8   property taxable in the area served by it according to the  
9   last assessment for state and county purposes, amounts  
10   not exceeding the following amounts for the fiscal year  
11   beginning July first, one thousand nine hundred fifty-  
12   seven, and for each succeeding fiscal year, as follows: by  
13   the board of education of the county of Kanawha, class  
14   one, one cent; class two, two cents; class three, four cents;  
15   class four, four cents; by the county court of Kanawha  
16   county, class one, one cent; class two, two cents; class three,  
17   four cents; class four, four cents; and by the city of  
18   Charleston, class one, one cent; class two, two cents; class  
19   four, four cents. Each year the board of directors shall  
20   request each of the three governing authorities to levy  
21   the same amount on each one hundred dollars of assessed  
22   valuation of property of the same class, and the amount  
23   of the levy on the respective classes of property shall be  
24   in the same ratio as the maximum amount of levy on the  
25   said classes of property authorized herein. In addition to  
26   the aforesaid amounts which, upon written request by

27 the board, the governing authorities shall levy, each gov-  
28 erning authority may support the public library with any  
29 other general or special revenues or excess levies. All  
30 income realized by the operation of the public library  
31 from any sources other than the above levies shall be  
32 used by the board of directors for the support and main-  
33 tenance of the public library.

Sec. 6. *Disbursements.*—All money collected or appro-  
2 priated by the three governing authorities for library  
3 purposes shall be deposited in a special account of the  
4 board of education of the county of Kanawha, and shall  
5 be disbursed by it, as directed by the board of directors,  
6 for salaries, wages, books, magazines, pamphlets, papers,  
7 pictures, records, machinery, equipment, supplies, services  
8 and other costs and expenses of operating the public  
9 library and maintaining, repairing and replacing its prop-  
10 erty, as well as acquiring additional property.

Sec. 7. *Status of Employees.*—All employees of the pub-  
2 lic library hereby created shall be deemed to be employees  
3 of the board of education of the county of Kanawha,  
4 insofar as the provisions of chapter twenty-three, article

5 seven-a; chapter eighteen, article seven; chapter five and  
6 chapter twenty-one-a of the code of West Virginia, one  
7 thousand nine hundred thirty-one, as presently amended,  
8 are concerned; and the board of education of the county  
9 of Kanawha shall be reimbursed from the funds of the  
10 public library for all expenditures made for premiums  
11 and other costs in accordance with the provisions of the  
12 said statutes.

Sec. 8. *Effect of Future Amendments of General Law.*—

2 Amendments to article one, chapter ten of the code of  
3 West Virginia, one thousand nine hundred thirty-one, as  
4 amended, and other general laws shall control this act  
5 only to the extent that they do not conflict with the special  
6 features hereof, or unless the intent to amend this act is  
7 clear and unmistakable.

Sec. 9. *Severability.*—If any provision hereof is held  
2 invalid, such invalidity shall not affect other provisions  
3 hereof which can be given effect without the invalid pro-  
4 vision, and to this end the provisions of this act are de-  
5 clared to be severable.



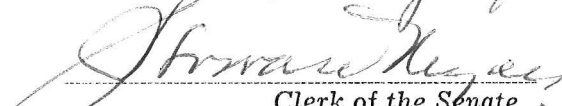
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

  
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days 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 15th  
day of March, 1957.

  
Governor



Filed in the Office of the Secretary of State  
of West Virginia MAR 15 1957  
D. PITT O'BRIEN  
SECRETARY OF STATE