WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

HOUSE BILL No. 161

(By Mr. [Signature])

PASSED [March 6] 1957

In Effect 90 days from Passage
ENROLLED

House Bill No. 161
(By Mr. Davis and Mr. Jones)

[Passed March 6, 1937; 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
city of Charleston, as a joint endeavor of the three governing authorities in the manner hereafter prescribed.

Sec. 2. Board of Directors: Appointment, Powers and Duties.—There shall be a board of eighteen directors, who shall serve without compensation. Before the first day of July, one thousand nine hundred fifty-seven, the board of education of the county of Kanawha shall appoint the members of the said board of directors, appointing three persons for one year, three persons for two years, three persons for three years, three persons for four years, three persons for five years and three persons for six years, respectively, the term of office commencing July first, one thousand nine hundred fifty-seven. Their respective successors shall be appointed for a term of six years each, except that any person appointed to fill a vacancy occurring before the expiration of the term vacated shall serve only for the unexpired term. A member shall be eligible for reappointment. The board of education of the county of Kanawha may remove any director for cause which it deems sufficient. There shall be an annual meeting of the board of directors on the first Friday in July in each year;
and a monthly meeting on the day in each month which
the board may designate in its by-laws. A special meeting
may be called by the president, the secretary or any two
members of the board, and shall be held only after all
the directors are given notice thereof. At all meetings
four members shall constitute a quorum. At each annual
meeting the board of directors shall elect, from its mem-
bbership, a president, a vice president, a secretary and a
treasurer: Provided, however, That the librarian may be
elected secretary and/or treasurer. The board of directors
shall adopt such by-laws, rules and regulations as are
necessary for its own guidance and for the administration,
supervision and protection of the library and all property
belonging thereto. The board of directors shall have all
the powers necessary, convenient and advisable for the
proper operation, equipment and management of the said
library; and, except as otherwise specially provided in
this act, shall have the powers and be subject to the
duties which are conferred and imposed, respectively,
upon library directors by sections six, seven, eight, nine,
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
respectively taxing districts of the governing authorities, on each one hundred dollars of assessed valuation of the property taxable in the area served by it according to the last assessment for state and county purposes, amounts not exceeding the following amounts for the fiscal year beginning July first, one thousand nine hundred fifty-seven, and for each succeeding fiscal year, as follows: by the board of education of the county of Kanawha, class one, one cent; class two, two cents; class three, four cents; class four, four cents; by the county court of Kanawha county, class one, one cent; class two, two cents; class three, four cents; class four, four cents; and by the city of Charleston, class one, one cent; class two, two cents; class four, four cents. Each year the board of directors shall request each of the three governing authorities to levy the same amount on each one hundred dollars of assessed valuation of property of the same class, and the amount of the levy on the respective classes of property shall be in the same ratio as the maximum amount of levy on the said classes of property authorized herein. In addition to the aforesaid amounts which, upon written request by
the board, the governing authorities shall levy, each govern-
ing authority may support the public library with any
other general or special revenues or excess levies. All
income realized by the operation of the public library
from any sources other than the above levies shall be
used by the board of directors for the support and main-
tenance of the public library.

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

Sec. 7. Status of Employees.—All employees of the pub-
lic library hereby created shall be deemed to be employees
of the board of education of the county of Kanawha,
insofar as the provisions 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, as presently amended,
are concerned; and the board of education of the county
of Kanawha shall be reimbursed from the funds of the
public library for all expenditures made for premiums
and other costs in accordance with the provisions of the
said statutes.

Sec. 8. Effect of Future Amendments of General Law.—
Amendments to article one, chapter ten of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, and other general laws shall control this act
only to the extent that they do not conflict with the special
features hereof, or unless the intent to amend this act is
clear and unmistakable.

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

D. Pitt O'Brien
SECRETARY OF STATE