

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 801

(By Mr. Bolitt and Mr. Nelson of Raleigh)



PASSED March 9, 1967

In Effect from Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67

801

ENROLLED
House Bill No. 801
(By MR. BOBBITT and MR. NELSON, OF CABELL)

[Passed March 9, 1967; in effect from passage.]

AN ACT to establish the Cabell county public library to serve the residents of the county of Cabell, 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 and of articles seven and ten of chapter five of the West Virginia code.

Be it enacted by the Legislature of West Virginia:

§1. Cabell county public library created.

1 There is hereby created a public library, which shall be
2 known as the "Cabell County Public Library," which

3 shall be supported by the board of education of the county
4 of Cabell and the county court of Cabell county, as a
5 joint endeavor of the two governing authorities in the
6 manner hereinafter prescribed.

§2. Board of directors; appointment, powers and duties.

1 There shall be a board of five directors, who shall serve
2 without compensation. Before the first day of July, one
3 thousand nine hundred sixty-seven, the board of edu-
4 cation of the county of Cabell shall appoint two members
5 of the said board of directors—appointing one person for
6 a term of one year, and one person for a term of three
7 years; the county court of Cabell county shall appoint
8 two members of the said board of directors—appointing
9 one person for a term of two years, and one person for a
10 term of four years; and the city of Huntington shall ap-
11 point one member of the said board of directors for a
12 term of five years. Said initial terms of office shall com-
13 mence July first, one thousand nine hundred sixty-seven.
14 Each successor member of said board of directors shall be
15 appointed by that governing authority which shall have
16 appointed the predecessor member, and each such suc-

17 cessor member shall be appointed for a term of five years
18 each, except that any person appointed to fill a vacancy
19 occurring before the expiration of the term vacated shall
20 serve only for the unexpired term. A member shall be
21 eligible for reappointment. The governing authority
22 which appointed any member may remove such member
23 for cause. There shall be an annual meeting of the board
24 of directors on the second Friday in July in each year,
25 and a monthly meeting on the day in each month which
26 the board may designate in its by-laws. A special meet-
27 ing may be called by the president, the secretary or any
28 two members of the board, and shall be held only after
29 all the directors are given notice thereof. At all meet-
30 ings three members shall constitute a quorum. At each
31 annual meeting the board of directors shall elect, from
32 its membership, a president, a vice-president, a secretary
33 and a treasurer: *Provided, however,* That the librarian
34 may be elected secretary and/or treasurer. The board of
35 directors shall adopt such by-laws, rules and regulations
36 as are necessary for its own guidance and for the admin-
37 istration, supervision and protection of the library and

38 all property belonging thereto. The board of directors
39 shall have all the powers necessary, convenient and ad-
40 visable for the proper operation, equipment and manage-
41 ment of the said library; and, except as otherwise speci-
42 ally provided in this act, shall have the powers and be
43 subject to the duties which are conferred and imposed,
44 respectively, upon library directors by sections six, seven,
45 eight, nine, ten and eleven of article one of chapter ten
46 of the West Virginia code. The board of directors shall
47 have the benefits arising out of the creation and con-
48 tinuance of the state library commission of West Vir-
49 ginia.

§3. Library board to be a corporation.

1 The board of directors of the public library hereby
2 created shall be a corporation. As such it may contract
3 and be contracted with, sue and be sued, plead and be
4 impleaded, and shall have and use a common seal.

§4. Title to property.

1 The title to all property, both real and personal, now
2 devoted to public library purposes by the board of edu-
3 cation of the county of Cabell in connection with the

4 operation by it of a public library in the city of Hunting-
5 ton and the county of Cabell shall, on July first, one
6 thousand nine hundred sixty-seven, vest in the board of
7 directors of the Cabell county public library hereby
8 created.

§5. Financing.

1 In order to provide for the support, maintenance and
2 operation of the public library hereby created and any
3 and all branches thereof the said supporting governing
4 authorities shall, upon written request by the board of
5 directors of the public library, levy annually as follows
6 within the respective taxing districts of the governing
7 authorities, on each one hundred dollars of assessed val-
8 uation of the property taxable in the area served by it
9 according to the last assessment for state and county
10 purposes, amounts not exceeding the following amounts
11 for the fiscal year beginning July first, one thousand nine
12 hundred sixty-seven:

13 A. The county court of Cabell county, for the first
14 year of the act and annually thereafter: Class one, one
15 and four-tenths cents; class two, two and eight-tenths

16 cents; class three, five and six-tenths cents; class four,
17 five and six-tenths cents.

18 B. The board of education of the county of Cabell
19 shall provide funds available to the board through spe-
20 cial and excess levies for the first year of the act: Class
21 one, one-half cent; class two, one cent; class three, two
22 cents; class four, two cents; for the second year of the
23 act: Class one, one cent; class two, two cents; class three,
24 four cents; class four, four cents; for the third year of
25 the act: Class one, one and four-tenths cents; class two,
26 two and eight-tenths cents; class three, five and six-tenths
27 cents; class four, five and six-tenths cents; and thereafter
28 the board shall provide from special and excess levies
29 as follows: Class one, one and four-tenths cents; class
30 two, two and eight-tenths cents; class three, five and
31 six-tenths cents; class four, five and six-tenths cents.

32 In addition to the aforesaid amounts which, upon writ-
33 ten request by said board, the governing authorities shall
34 levy, each such governing authority may support the pub-
35 lic library with any other general or special revenues or
36 excess levies. All income realized by the operation of

37 the public library from any sources other than the above
38 levies shall be used by the board of directors for support
39 of the public library.

§6. Disbursements.

1 All money collected or appropriated by said two govern-
2 ing authorities for library purposes shall be deposited in
3 a special account of the board of directors of the Cabell
4 county public library, and shall be disbursed by that
5 board for the purpose of operating a public library system.

§7. Status of employees.

1 All employees of the public library hereby created
2 shall be entitled to the benefits of the provisions of chap-
3 ter twenty-three and of articles seven and ten of chapter
4 five of the West Virginia code.

§8. Effect of future amendments of general law.

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

§9. Severability.

1 If any provision hereof is held invalid, such invalidity
2 shall not affect other provisions hereof which can be
3 given effect without the invalid provision, and to this
4 end the provisions of this act are declared to be severable.

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

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Meyer
Clerk of the Senate

Ch Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

H. Laban White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Huey C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 3:07 P.