ENROLLED

HOUSE BILL No. 801

(By Mr. Robert H. Nelson, Speaker)

PASSED March 9, 1967

In Effect from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67
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
shall be supported by the board of education of the county
of Cabell and the county court of Cabell county, as a
joint endeavor of the two governing authorities in the
manner hereinafter prescribed.

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

There shall be a board of five directors, who shall serve
without compensation. Before the first day of July, one
thousand nine hundred sixty-seven, the board of edu-
cation of the county of Cabell shall appoint two members
of the said board of directors—appointing one person for
a term of one year, and one person for a term of three
years; the county court of Cabell county shall appoint
two members of the said board of directors—appointing
one person for a term of two years, and one person for a
term of four years; and the city of Huntington shall ap-
point one member of the said board of directors for a
term of five years. Said initial terms of office shall com-
mence July first, one thousand nine hundred sixty-seven.
Each successor member of said board of directors shall be
appointed by that governing authority which shall have
appointed the predecessor member, and each such suc-
cessor member shall be appointed for a term of five 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 governing authority which appointed any member may remove such member for cause. There shall be an annual meeting of the board of directors on the second 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 three members shall constitute a quorum. At each annual meeting the board of directors shall elect, from its membership, 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 West Virginia code. The board of directors shall have the benefits arising out of the creation and continuance of the state library commission of West Virginia.

§3. Library board to be a corporation.

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

§4. Title to property.

1 The title to all property, both real and personal, now devoted to public library purposes by the board of education of the county of Cabell in connection with the
operation by it of a public library in the city of Huntington and the county of Cabell shall, on July first, one thousand nine hundred sixty-seven, vest in the board of directors of the Cabell county public library hereby created.

§5. Financing.

In order to provide for the support, maintenance and operation of the public library hereby created and any and all branches thereof the said supporting governing authorities shall, upon written request by the board of directors of the public library, levy annually as follows within the respective 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 sixty-seven:

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

B. The board of education of the county of Cabell shall provide funds available to the board through special and excess levies for the first year of the act: Class one, one-half cent; class two, one cent; class three, two cents; class four, two cents; for the second year of the act: Class one, one cent; class two, two cents; class three, four cents; class four, four cents; for the third year of the act: Class one, one and four-tenths cents; class two, two and eight-tenths cents; class three, five and six-tenths cents; class four, five and six-tenths cents; and thereafter the board shall provide from special and excess levies as follows: Class one, one and four-tenths cents; class two, two and eight-tenths cents; class three, five and six-tenths cents; class four, five and six-tenths cents.

In addition to the aforesaid amounts which, upon written request by said board, the governing authorities shall levy, each such governing 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 support
of the public library.

§6. **Disbursements.**

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

§7. **Status of employees.**

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

§8. **Effect of future amendments of general law.**

1. Amendments to article one, chapter ten of the West Virginia code, 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.

1 If any provision hereof is held invalid, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this 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 Tampar
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Negley
Clerk of the Senate

V.A. Shenkens
Clerk of the House of Delegates

Howard J. Carver
President of the Senate

H. Levan White
Speaker House of Delegates

The within approved this the 17

day of March, 1967.

Hulett E. Smith
Governor
PRESENTED TO THE GOVERNOR

Date 3/17/67
Time 3:07 P.