

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

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ENROLLED

HOUSE BILL No. 938

(By Mr. Spawcine and Mr. McNamee)

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PASSED Feb. 28, 1969

In Effect Ninety days from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE _____

938

ENROLLED
House Bill No. 938
(By MR. SPARACINO and MR. McMANUS)

[Passed February 28, 1969; in effect ninety days from passage.]

AN ACT to establish the Raleigh county public library to serve the residents of the county of Raleigh 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. Public library; created; joint support by board of education and county court.

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

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

**§2. Board of directors; appointment, terms, meetings, powers
and duties generally; officers; bylaws, rules and regula-
tions.**

1 There shall be a board of five directors, who shall
2 serve without compensation. Before the first day of July,
3 one thousand nine hundred sixty-nine, the board of
4 education of the county of Raleigh shall appoint two
5 members of the said board of directors, appointing one
6 person for a term of one year, and one person for a term
7 of three years; the county court of Raleigh county shall
8 appoint two members of the said board of directors,
9 appointing one person for a term of two years, and one
10 person for a term of four years; and the city of Beckley
11 shall appoint one member of the said board of directors
12 for a term of five years. Said initial terms of office shall
13 commence July first, one thousand nine hundred sixty-
14 nine. Each successor member of said board of directors
15 shall be appointed by that governing authority which

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

37 ance and for the administration, supervision and pro-
38 tection of the library and all property belonging thereto.
39 The board of directors shall have all the powers neces-
40 sary, convenient and advisable for the proper operation,
41 equipment and management of the said library; and,
42 except as otherwise specially provided in this act, shall
43 have the powers and be subject to the duties which are
44 conferred and imposed, respectively, upon library di-
45 rectors by sections six, seven, eight, nine, ten and eleven
46 of article one of chapter ten of the West Virginia code.
47 The board of directors shall have the benefits arising
48 out of the creation and continuance of the state library
49 commission of West Virginia.

§3. Same—A body corporate.

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 Raleigh in connection with the
4 operation by it of a public library in the city of Beckley
5 and the county of Raleigh, shall, on July first, one thou-
6 sand nine hundred sixty-nine, vest in the board of direc-
7 tors of the Raleigh county public library hereby created.

§5. Levies for support, maintenance and operation.

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
8 valuation of the property taxable in the area served by
9 it 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
12 nine hundred sixty-nine:

13 A. The county court of Raleigh county, for the first
14 year of the act and annually thereafter: Class one, one
15 and seven hundredths of a cent; class two, two and four-

16 teen hundredths of a cent; class three and class four,
17 four and twenty-eight hundredths of a cent.

18 B. The board of education of the county of Raleigh
19 for the first year of the act and annually thereafter: Class
20 one, one and seven hundredths of a cent; class two, two
21 and fourteen hundredths of a cent; class three and class
22 four, four and twenty-eight hundredths of a cent.

23 In addition to the aforesaid amounts which, upon
24 written request by said board, the governing authorities
25 shall levy, each such governing authority may support
26 the public library with any other general or special
27 revenues or excess levies. All income realized by the
28 operation of the public library from any sources other
29 than the above levies shall be used by the board of
30 directors for support of the public library.

§6. Deposit and disbursement of funds.

1 All money collected or appropriated by said two gov-
2 erning authorities for library purposes shall be deposited
3 in a special account of the board of directors of the
4 Raleigh county public library, and shall be disbursed

5 by that board for the purpose of operating a public
6 library system.

§7. Workmen's compensation, social security and public employees retirement benefits for 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 Tompos
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Keyser
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ly. Jefferson
President of the Senate

Don F. Burris
Speaker House of Delegates

The within approved this the 11th
day of March, 1969.

Arch. A. Shaare Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/6/69

Time 11:05 A.M.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA