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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

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ENROLLED

SENATE BILL NO. 121

(By Mr. GAINER AND Mr. BOWERS)

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PASSED MARCH 11 1972

In Effect 90 DAYS FROM Passage



FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 3-29-72

121

**ENROLLED**  
**Senate Bill No. 121**  
(By MR. GAINER and MR. BOWERS)

[Passed March 11, 1972; in effect ninety days from passage.]

AN ACT to amend chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article one-a, relating to the entry of the state of West Virginia into an interstate library compact; prohibiting municipalities and counties from capital expenditure in certain situations; providing a definition of "state library agency"; permitting the state to enter into agreements for the exchange of library services and supplies with other states that are members of the compact; designating a compact administrator, and providing procedures for withdrawal from the compact.

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

That chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article one-a, to read as follows:

**ARTICLE 1A. INTERSTATE LIBRARY COMPACT.**

**§10-1A-1. Enactment of compact.**

1 The "Interstate Library Compact" is hereby enacted  
2 into law and entered into by this state with all states  
3 legally joining therein in the form substantially as fol-  
4 lows:

**INTERSTATE LIBRARY COMPACT**

**ARTICLE 1. POLICY AND PURPOSE.**

1 Because the desire for the services provided by libraries  
2 transcends governmental boundaries and can most effec-  
3 tively be satisfied by giving such services to communities  
4 and people regardless of jurisdictional lines, it is the  
5 policy of the states party to this compact to cooperate and

6 share their responsibilities; to authorize cooperation and  
7 sharing with respect to those types of library facilities and  
8 services which can be more economically or efficiently  
9 developed and maintained on a cooperative basis; and to  
10 authorize cooperation and sharing among localities, states  
11 and others in providing joint or cooperative library serv-  
12 ices in areas where the distribution of population or of  
13 existing and potential library resources make the pro-  
14 vision of library service on an interstate basis the most  
15 effective way of providing adequate and efficient service.

#### **ARTICLE II. DEFINITIONS.**

1 As used in this compact:

2 (a) "Public library agency" means any unit or agency  
3 of local or state government operating or having power to  
4 operate a library.

5 (b) "Private library agency" means any nongovern-  
6 mental entity which operates or assumes a legal obliga-  
7 tion to operate a library.

8 (c) "Library agreement" means a contract establishing  
9 an interstate library district pursuant to this compact or  
10 providing for the joint or cooperative furnishing of library  
11 services.

#### **ARTICLE III. INTERSTATE LIBRARY DISTRICTS.**

1 (a) Any one or more public library agencies in a party  
2 state in cooperation with any public library agency or  
3 agencies in one or more other party states may establish  
4 and maintain an interstate library district. Subject to the  
5 provisions of this compact and any other laws of the  
6 party states which pursuant hereto remain applicable,  
7 such district may establish, maintain and operate some  
8 or all of the library facilities and services for the area  
9 concerned in accordance with the terms of a library  
10 agreement therefor. Any private library agency or  
11 agencies within an interstate library district may cooper-  
12 ate therewith, assume duties, responsibilities and obliga-  
13 tions thereto, and receive benefits therefrom as provided  
14 in any library agreement to which such agency or agen-  
15 cies become party.

16 (b) Within an interstate library district, and as pro-  
17 vided by a library agreement, the performance of library  
18 functions may be undertaken on a joint or cooperative  
19 basis or may be undertaken by means of one or more  
20 arrangements between or among public or private library  
21 agencies for the extension of library privileges or the  
22 use of facilities or services operated or rendered by one  
23 or more of the individual library agencies.

24 (c) If a library agreement provides for joint establish-  
25 ment, maintenance or operation of library facilities or  
26 services by an interstate library district, such district  
27 shall have power to do any one or more of the following  
28 in accordance with such library agreement:

29 (1) Undertake, administer and participate in pro-  
30 grams or arrangements for securing, lending or servicing  
31 of books and other publications, any other materials suit-  
32 able to be kept or made available by libraries, library  
33 equipment or for the dissemination of information about  
34 libraries, the value and significance of particular items  
35 therein and the use thereof;

36 (2) Accept for any of its purposes under this compact  
37 any and all donations and grants of money, equipment,  
38 supplies, materials and services (conditional or other-  
39 wise), from any state or the United States or any sub-  
40 division or agency thereof, or interstate agency or from  
41 any institution, person, firm or corporation, and receive,  
42 utilize and dispose of the same;

43 (3) Operate mobile library units or equipment for the  
44 purpose of rendering bookmobile service within the dis-  
45 trict;

46 (4) Employ professional, technical, clerical and other  
47 personnel, and fix terms of employment, compensation  
48 and other appropriate benefits; and where desirable, pro-  
49 vide for the in-service training of such personnel;

50 (5) Sue and be sued in any court of competent juris-  
51 diction;

52 (6) Acquire, hold and dispose of any real or personal  
53 property or any interest or interests therein as may be  
54 appropriate to the rendering of library service;

55 (7) Construct, maintain and operate a library, includ-  
56 ing any appropriate branches thereof;

57 (8) Do such other things as may be incidental to or  
58 appropriate for the carrying out of any of the foregoing  
59 powers.

**ARTICLE IV. INTERSTATE LIBRARY DISTRICTS,  
GOVERNING BOARD.**

1 (a) An interstate library district which establishes,  
2 maintains or operates any facilities or services in its  
3 own right shall have a governing board which shall direct  
4 the affairs of the district and act for it in all matters re-  
5 lating to its business. Each participating public library  
6 agency in the district shall be represented on the govern-  
7 ing board which shall be organized and conduct its busi-  
8 ness in accordance with provision therefor in the library  
9 agreement. But in no event shall a governing board meet  
10 less often than twice a year.

11 (b) Any private library agency or agencies party to a  
12 library agreement establishing an interstate library dis-  
13 trict may be represented on or advise with the governing  
14 board of the district in such manner as the library agree-  
15 ment may provide.

**ARTICLE V. STATE LIBRARY AGENCY COOPERATION.**

1 Any two or more state library agencies of two or more  
2 of the party states may undertake and conduct joint or  
3 cooperative library programs, render joint or cooperative  
4 library services, and enter into and perform arrange-  
5 ments for the cooperative or joint acquisition, use, housing  
6 and disposition of items or collections of materials which,  
7 by reason of expense, rarity, specialized nature or in-  
8 frequency of demand therefor would be appropriate for  
9 central collection and shared use. Any such programs,  
10 services or arrangements may include provision for the  
11 exercise on a cooperative or joint basis of any power  
12 exercisable by an interstate library district and an agree-  
13 ment embodying any such program, service or arrange-  
14 ment shall contain provisions covering the subjects de-  
15 tailed in Article VI of this compact for interstate library  
16 agreements.

**ARTICLE VI. LIBRARY AGREEMENTS.**

1 (a) In order to provide for any joint or cooperative  
2 undertaking pursuant to this compact, public and private  
3 library agencies may enter into library agreements. Any  
4 agreement executed pursuant to the provisions of this  
5 compact shall, as among the parties to the agreement:

6 (1) Detail the specific nature of the services, programs,  
7 facilities, arrangements or properties to which it is ap-  
8 plicable;

9 (2) Provide for the allocation of costs and other finan-  
10 cial responsibilities;

11 (3) Specify the respective rights, duties, obligations  
12 and liabilities of the parties;

13 (4) Set forth the terms and conditions for duration,  
14 renewal, termination, abrogation, disposal of joint or  
15 common property, if any, and all other matters which  
16 may be appropriate to the proper effectuation and per-  
17 formance of the agreement.

18 (b) No public or private library agency shall undertake  
19 to exercise itself, or jointly with any other library  
20 agency, by means of a library agreement any power pro-  
21 hibited to such agency by the constitution or statutes of  
22 its state.

23 (c) No library agreement shall become effective until  
24 filed with the compact administrator of each state in-  
25 volved and approved in accordance with Article VII of  
26 this compact.

**ARTICLE VII. APPROVAL OF LIBRARY AGREEMENTS.**

1 (a) Every library agreement made pursuant to this  
2 compact shall, prior to and as a condition precedent to its  
3 entry into force, be submitted to the attorney general of  
4 each state in which a public library agency party thereto  
5 is situated, who shall determine whether the agreement is  
6 in proper form and compatible with the laws of his state.  
7 The attorneys general shall approve any agreement sub-  
8 mitted to them unless they shall find that it does not meet  
9 the conditions set forth herein and shall detail in writing  
10 addressed to the governing bodies of the public library

11 agencies concerned the specific respects in which the pro-  
12 posed agreement fails to meet the requirements of law.  
13 Failure to disapprove an agreement submitted hereunder  
14 within ninety days of its submission shall constitute ap-  
15 proval thereof.

16 (b) In the event that a library agreement made pur-  
17 suant to this compact shall deal in whole or in part with  
18 the provision of services or facilities with regard to which  
19 an officer or agency of the state government has consti-  
20 tutional or statutory powers of control, the agreement  
21 shall, as a condition precedent to its entry into force, be  
22 submitted to the state officer or agency having such power  
23 of control and shall be approved or disapproved by him  
24 or it as to all matters within his or its jurisdiction in the  
25 same manner and subject to the same requirements gov-  
26 erning the action of the attorneys general pursuant to  
27 subsection (a) of this article. This requirement of sub-  
28 mission and approval shall be in addition to and not in  
29 substitution for the requirement of submission to and ap-  
30 proval by the attorneys general.

#### **ARTICLE VIII. OTHER LAWS APPLICABLE.**

1 Nothing in this compact or in any library agreement  
2 shall be construed to supersede, alter or otherwise impair  
3 any obligation imposed on any library by otherwise ap-  
4 plicable law, nor to authorize the transfer or disposition  
5 of any property held in trust by a library agency in a  
6 manner contrary to the terms of such trust.

#### **ARTICLE IX. APPROPRIATIONS AND AID.**

1 (a) Any public library agency party to a library  
2 agreement may appropriate funds to the interstate library  
3 district established thereby in the same manner and to  
4 the same extent as to a library wholly maintained by it  
5 and, subject to the laws of the state in which such public  
6 library agency is situated, may pledge its credit in support  
7 of an interstate library district established by the agree-  
8 ment.

9 (b) Subject to the provisions of the library agreement  
10 pursuant to which it functions and the laws of the states

11 in which such district is situated, an interstate library  
12 district may claim and receive any state and federal aid  
13 which may be available to library agencies.

#### **ARTICLE X. COMPACT ADMINISTRATOR.**

1 Each state shall designate a compact administrator with  
2 whom copies of all library agreements to which his  
3 state or any public library agency thereof is party shall  
4 be filed. The administrator shall have such other powers  
5 as may be conferred upon him by the laws of his state  
6 and may consult and cooperate with the compact ad-  
7 ministrators of other party states and take such steps as  
8 may effectuate the purposes of this compact. If the laws  
9 of a party state so provide, such state may designate  
10 one or more deputy compact administrators in addition  
11 to its compact administrator.

#### **ARTICLE XI. ENTRY INTO FORCE AND WITHDRAWAL.**

1 (a) This compact shall enter into force and effect  
2 immediately upon its enactment into law by any two  
3 states. Thereafter, it shall enter into force and effect as  
4 to any other state upon the enactment thereof by such  
5 state.

6 (b) This compact shall continue in force with respect  
7 to a party state and remain binding upon such state until  
8 six months after such state has given notice to each  
9 other party state of the repeal thereof. Such withdrawal  
10 shall not be construed to relieve any party to a library  
11 agreement entered into pursuant to this compact from any  
12 obligation of that agreement prior to the end of its dura-  
13 tion as provided therein.

#### **ARTICLE XII. CONSTRUCTION AND SEVERABILITY.**

1 This compact shall be liberally construed so as to  
2 effectuate the purposes thereof. The provisions of this  
3 compact shall be severable and if any phrase, clause,  
4 sentence or provision of this compact is declared to be  
5 contrary to the constitution of any party state or of the  
6 United States or the applicability thereof to any govern-  
7 ment, agency, person or circumstance is held invalid, the



8 validity of the remainder of this compact and the applica-  
9 bility thereof to any government, agency, person or cir-  
10 cumstance shall not be affected thereby. If this compact  
11 shall be held contrary to the constitution of any state  
12 party thereto, the compact shall remain in full force and  
13 effect as to the remaining states and in full force and  
14 effect as to the state affected as to all severable matters.

**§10-1A-2. Restrictions relating to outlay of public funds.**

1 No county, municipality or other political subdivision  
2 of this state shall be party to a library agreement which  
3 provides for the construction or maintenance of a library  
4 pursuant to Article III, subsection (c), subdivision (7) of  
5 the compact, nor pledge its credit in support of such a  
6 library or contribute to the capital financing thereof, ex-  
7 cept after compliance with any laws applicable to such  
8 counties, municipalities or other political subdivisions of  
9 this state relating to or governing capital outlays and the  
10 pledging of credit.

**§10-1A-3. State library agency defined.**

1 As used in the compact, "state library agency," with  
2 reference to this state, means the West Virginia library  
3 commission as designated in section twelve, article one of  
4 this chapter.

**§10-1A-4. Interstate library districts; state aid.**

1 An interstate library district lying partly within this  
2 state may claim and be entitled to receive state aid in  
3 support of any of its functions to the same extent and in  
4 the same manner as such functions are eligible for sup-  
5 port when carried on by entities wholly within this state.  
6 For the purposes of computing and apportioning state aid  
7 to an interstate library district, this state will consider  
8 that portion of the area which lies within this state as an  
9 independent entity for the performance of the aided  
10 function or functions and compute and apportion the aid  
11 accordingly. Subject to any applicable laws of this state,  
12 such a district also may apply for and be entitled to re-  
13 ceive any federal aid for which it may be eligible.

**§10-1A-5. Compact administrator.**

1 The governor shall appoint an officer or employee of  
2 this state who shall be the compact administrator pur-  
3 suant to Article X of the compact.

**§10-1A-6. Withdrawal.**

1 In the event of withdrawal from the compact, the gov-  
2 ernor shall send and receive any notices required by  
3 Article XI, subsection (b) of the compact.

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

Russell H. Beall  
Chairman Senate Committee

Phyllis J. Rutledge  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard Robinson  
Clerk of the Senate

Clara Blankenship  
Clerk of the House of Delegates

E. Hans McCourt  
President of the Senate

Lewis N. W. Manner  
Speaker House of Delegates

The within approved this the 27th  
day of March, 1972.

Richard Rouse III  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/17/72  
Time 1:00 p.m.

MAR 29 9 29 AM '72

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA