

**VIRGINIA LIBRARY LAWS**

**REPORT OF THE**  
**VIRGINIA ADVISORY LEGISLATIVE COUNCIL**

**To**  
**THE GOVERNOR**

**And**  
**THE GENERAL ASSEMBLY OF VIRGINIA**



COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
Richmond  
1969



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\*\*\*Mr. Frost, deceased, September 18, 1969.



# VIRGINIA LIBRARY LAWS

## REPORT OF THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia  
December 10, 1969

To: HONORABLE MILLS E. GODWIN, JR., *Governor of Virginia*  
and  
THE GENERAL ASSEMBLY OF VIRGINIA

In 1966 the General Assembly created the Virginia Cultural Development Study Commission, and directed it to study Virginia's cultural and artistic development, appraise the State's existing assets and future requirements, and report to the 1968 General Assembly.

One of the subjects discussed in the Commission's report was the State public library system. The Commission found that the State's investment in libraries was far lower than that of other states, and that the statutes upon which the State grants were based were very much out of date. The Commission concluded that the State should revise its library laws, encourage regional library systems, and make some provision to rectify the shortage of certified librarians.

The Commission stated:

It is the Commission's belief that State support of public libraries is uneven in distribution and grossly inadequate in amount to meet the needs of the citizens of Virginia.

The Commission feels the present State laws pertaining to public libraries are inequitable and need revision. It, therefore, recommends that the Virginia Advisory Legislative Council be directed to review these laws and report to the Governor and the 1970 General Assembly.

As a result of the Commission's report, the General Assembly directed the Council to make a study of the State library laws. The Resolution directing the study is as follows:

### HOUSE JOINT RESOLUTION NO. 98

To direct the Virginia Advisory Legislative Council to conduct a study pertaining to the existing laws governing libraries and the amount of State aid to libraries.

Whereas, the Virginia Cultural Development Commission in making its survey of the arts and reporting to the Governor and the 1968 General Assembly, stated that the appropriation request for public libraries in the State is insufficient; and

Whereas, such request, however, is the maximum amount allowable under existing laws; and

Whereas, the Regional Library System as proposed by the Library Development Committee of the Virginia Library Association is excellent and calls for the expansion of existing library facilities; and

Whereas, there are many areas of the State that are not adequately served by existing public libraries; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is hereby directed to make a study of library

facilities, State aid to libraries, and to consider any proposals or changes in existing library funds and facilities and, after due and careful consideration, to prepare and present its findings and conclusions, with recommendations for such legislative changes, if any, which the Council may deem desirable and proper in the laws of the State and State appropriations to libraries to the Governor and General Assembly not later than November one, nineteen hundred sixty-nine.

All agencies of the State shall assist the Council in this study.

The Council selected Tom Frost of Warrenton, member of the House of Delegates and member of the Council, as Chairman of the Committee to make the initial study and report to it. Selected to serve with Mr. Frost were: Stanley G. Bryan, member of the House of Delegates, Chesapeake; Adeland L. Brault, member of the Senate, Fairfax; Edwin Cox, former chairman of the State Library Board, Aylett; C. P. Hazzard, principal of William C. Taylor High School, Warrenton; Mary Marshall, member of the House of Delegates, Arlington; Jane Nida, Director of Libraries, Arlington; and Glenn Yates, member of the House of Delegates, Portsmouth.

The Committee met and elected Senator Brault as Vice-Chairman. After the death of Mr. Frost in September of 1969, the Council appointed Senator Robert Fitzgerald, of Fairfax, Chairman of the Committee. Sally Warthen acted as recording secretary and staff.

The Committee held one public hearing and received both oral and written statements from those interested in the laws governing libraries. In addition, it had at its disposal materials from several sources which proved most valuable. Among these were the proposals of the State Library Board; The Arthur D. Little report to the State Library Board: *A Public Library Program for the Commonwealth of Virginia* (1968); and the recommendations of the Public Library Development Committee of the Virginia Library Association. Each of these reports was the result of a good deal of expert study of the needs of the State Library System. The Committee also received valuable assistance from Randolph Church, the State Librarian, and his staff, Carroll K. Shackelford, Chairman of the State Library Board, and a group of librarians from Northern Virginia who made recommendations to the Committee.

The Committee considered the information before it and, after completing its deliberations, made its report to the Council. Having received the Committee's report, the Council now makes its report.

## RECOMMENDATIONS

1. That the provisions for State aid to public libraries be totally revised, so as to more clearly reflect the cost of supplying library service, and to encourage the formation of regional libraries; and that the State increase substantially its support of the library program to implement the new formula;

2. That Title 42 of the Code of Virginia be revised and recodified as Title 42.1, the revision to contain substantive changes so that the provisions may more clearly and simply describe the proper activities of the State Library and local libraries, and set a framework upon which regional libraries may be established and maintained;

3. That the State Council of Higher Education be directed to study the feasibility of establishing courses in library disciplines, and especially a master's degree in library science, in Virginia institutions of higher learning;

4. That the Virginia Advisory Legislative Council be directed to study public records and propose a new public records act for the Commonwealth; and

5. That the General Assembly enact an interstate compact for library service, to make it possible for libraries in the State to cooperate with other states in furnishing library services.

## REVISED STATE AID FORMULA

The present State aid formula is as follows:

- a. To county libraries serving less than 35,000 population: 35% of local appropriations to a ceiling of \$5,000.
- b. To regional or county libraries serving over 35,000 population: 35% of local appropriations to a ceiling of \$15,000 for libraries serving two political subdivisions or less, \$20,000 for libraries serving more than two political subdivisions.
- c. To municipal libraries serving fewer than 5,000 population: \$200.
- d. To municipal libraries serving between 5,000 and 35,000 population: 10% of local appropriations to a ceiling of \$1,000.
- e. To municipal libraries serving over 35,000 population: 10% of local appropriations to a maximum of \$5,000.

In addition to the amounts in a and b, county and regional libraries may receive 20% of the increase in local funds over the year immediately preceding. Payment of this sum is optional and until 1969 no funds were available for it.

The formula was originally devised to encourage localities to put money into their libraries, and to apportion aid in accordance with the cost of library service. At present, the formula accomplishes neither objective. The funding level is so low that there is almost no incentive value in many places. To give two extreme examples, in Arlington County, which has excellent libraries, local expenditures for 1967-68<sup>1</sup> were \$1,008,992; State aid was \$10,524. The Norfolk library, which spent \$736,866 of local funds, received \$3,508 from the State. To qualify for its allotment from the State, Arlington needed to spend about \$45,000 on its library; Norfolk about \$15,000.

Because of arbitrary population cutoffs, low maximum funding levels, and discrimination against cities, the present formula leads to great inequities. The cost of library service depends largely upon the number of people to be served. The following chart shows the maximum State aid available<sup>2</sup> under present law to selected libraries:

<i>Library</i>	<i>Estimated Population</i>	<i>Maximum State Aid</i>
Fairfax County .....	445,214	\$20,000
McIntire Public Library .....	77,335	20,000
(Charlottesville-Albemarle)		
Wythe-Grayson .....	39,370	15,000
Brunswick-Greensville .....	34,577	5,000
(includes Emporia)		
Norfolk .....	305,585	5,000
Amherst County .....	26,489	5,000
Staunton .....	24,504	1,000

As can be seen, the maximum amount of money available has little or no relationship to population.

The formula recommended by the Council is the one recommended to it by the State Library Board. It is a revision of the formula recommended in the Arthur D. Little report, and has been endorsed by the Public Library Development Committee of the Virginia Library Association. In devising the formula, the State Library Board took into account several factors: 1) encouragement of localities to spend money on their libraries; 2) the actual cost of library

<sup>1</sup> State aid and local support figures for 1968-69 were higher, but these figures are not yet available.

<sup>2</sup> These figures omit the grant of 20% of the increase in local expenditures over the previous fiscal year, an unpredictable and fairly small element.

service, which depends upon population, and to a lesser degree, area; 3) encouragement of regional libraries. In essence, the formula is as follows:

1. 35% of local appropriations up to a ceiling of \$150,000.
2. A per capita grant—
  - a. Thirty cents per capita for the first 600,000 persons if the library serves one political unit (county or city) and an additional ten cents per capita for the first 600,000 for each additional political unit served.
  - b. Ten cents per capita for population over 600,000.
3. \$10 per square mile of area served for libraries serving one political unit; \$30 per square mile for libraries serving more than one political unit.
4. A minimum of \$400 for small municipal libraries.
5. A ceiling of 100% of local expenditures.

If State funds are not sufficient to meet approved applications for aid, the State Library is directed to prorate the available funds.

As can be readily seen, parts 1 and 5 are designed to encourage local support of the libraries, in a more equitable and more effective manner than the present formula. The State aid is to be a supplement, not a subsidy. The grants in part 2 are based on population, the major factor in the cost of library service. Part 3 is based on area served, another element in the cost of library service, as more branches and bookmobiles, and therefore more money, is required to give good service over large areas. Finally, part 4 is designed to protect the small library from being cut off entirely. A similar provision exists in the present law.

Both the population and area grants are designed to favor regional libraries. In sparsely settled areas, the formation of regional libraries is the only way to ensure adequate library service. A small local library can, in some cases, adequately perform the function of supplying books for general circulation purposes, but unless joined to a larger entity, it cannot provide even limited research materials, and it cannot pay a professional librarian to supervise its administration. As the size of the library increases, the cost of service per person decreases. In order to perform necessary and valuable functions for their communities, small libraries must cooperate with each other to form larger central units with larger resources and more efficient administration.

The same principle is applicable to urban libraries. Where political subdivisions are as close in interest and space as Hampton and Newport News, or Richmond, Henrico and Chesterfield, the maintenance of separate libraries is inefficient and a waste of resources. Many materials and expenses are duplicated when duplication could be avoided by cooperation. Moreover, it is inconvenient for residents of one subdivision who work in another to be unable to use the library near their places of business.

Because of local pride, and the difficulty of working out the financial arrangements, a substantial financial incentive is necessary to encourage political subdivisions to cooperate. The Council has concluded that the proposed formula will provide this incentive.

#### AMOUNT OF STATE AID

The report of the Cultural Development Study Commission in 1967 pointed out that in fiscal 1964-65 the amount of money spent on libraries in the State from State, local and federal sources was an amount adequate to build three miles of superhighway. Of the \$1.56 per capita spent, only \$.05 came from State funds. The State appropriation of \$200,000 in 1967 was one-third of North Carolina's, one-seventh of Maryland's and one-twelfth of New York's.

Though the State appropriation has increased somewhat, Virginia still lags far behind in support of its libraries. The following chart is illustrative:



State	Total Population (Est. 1968)	State Aid for Public Libraries 1969-1970	State Aid Per Capita 1969-1970	State Aid for Public Libraries 1970-1971 (anticipated)
Georgia	4,588,000	\$ 3,000,000	\$ .65	.....
Kentucky	3,229,000	1,386,830	.43	.....
Maryland	3,757,000	2,308,887	.61	.....
New Jersey	7,078,000	5,000,000	.71	.....
New York	18,113,000	15,000,000	.83	\$18,000,000
North Carolina	5,135,000	1,293,125	.25	1,793,125
Virginia	4,692,675	400,000	.09	2,000,000 (requested)

In 1969, 12.6 per cent of Virginians had no library service. This was an improvement of 1.4% over the previous year.

It would be possible to enact the legislation recommended in this report without an automatic increase of necessary funds. The formula would then suffice only to shift the present inadequate funds; some libraries would receive more than at present, some less. In order for library service to be improved, the State must increase substantially its investment in the public library system. The report of the Cultural Commission concluded that "in no other area of the Commission's survey did it find more urgent and immediate needs than those of the public libraries across the Commonwealth." This need is now more urgent.

#### REVISION OF TITLE 42

In addition to the substantial changes recommended above, the Council recommends several minor amendments to Title 42. The Code Commission, which was directed to revise Title 42, decided to take no action on it as the Council study was covering the same ground. Since Volume 6 of the Code, in which Title 42 appears, is to be reprinted soon, and as the Title is in great need of a total revision, the Council recommends that Title 42 be repealed, and be replaced by a new Title 42.1.

Several substantive changes are recommended in the provisions on the State Library. The description of the State Library in the present § 42-33 has been completely rewritten (new § 42.1-1), in an attempt adequately to describe its present duties and responsibilities. The present § 42-39, which gives the State Library Board power to supervise expenditures, has been changed (§ 42.1-7) to include the power to request appropriations from the General Assembly, a duty which the Board now performs. In present §§ 42-44, 42-45, 42-46, 42-56 and 42-57 (new §§ 42.1-10, 42.1-11, 42.1-12, 42.1-18 and 42.1-19), the word "Library" has been substituted for "Board", to shift the initial responsibility for less important duties. Present § 42-48 (new § 42.1-13) has been rewritten to remove the responsibility for appointing lesser employees of the library from the Board itself, and to make such employees subject to State personnel regulations. At present they serve at the pleasure of the Board. The duty of approving the sureties on the bond of the State Librarian is transferred from the Board to the Comptroller, in accordance with State practice in other areas. The present § 42-29 (new § 42.1-53), which provides that 10 percent of the State Library appropriation may be used for administration, has been changed to allow 30 percent to be used for such purposes.

The provisions on local and regional libraries have been completely rewritten, but there are few changes in substance. The present §§ 42-1 through 42-11 are changed (§§ 42.1-33 through 42.1-43) so that cities, counties and towns are now governed by the same provisions, and regional libraries are treated separately. For all library systems, the power to appoint the members of library boards is shifted to the governing body from the circuit judge, and the superintendent of schools is no longer specifically required to be a member of the local library board.

Sections 42.1-38 through 42.1-42, which govern the formation and supervision of regional library systems, are largely new. A structure is provided under which localities may establish regional library boards; provision is made for a regional treasurer to handle funds; the regional board is given broad powers to contract; and a provision is added requiring a political subdivision to give two years' notice before withdrawing from a regional system without the consent of the others. As has been pointed out above, the establishment of regional libraries is vital to the improvement of library services. The Council feels that these provisions, like the revised State aid formula, will encourage their formation.

Other provisions in the new title have been changed to delete obsolete language and make the meaning clear; these changes are noted after each section in the bill. In addition, the sections describing duties which have been transferred to the Virginia Landmarks Commission (§§ 42-66 through 42-67) have been placed without change in Title 10. Two additional bills are recommended to eliminate unnecessary language relating to libraries in other titles.

### NEED FOR CERTIFIED LIBRARIANS

A public library, like any other organization, is unable to perform its functions properly and efficiently without trained personnel. To ensure adequate service the head librarian, at least, should have a master's degree in library science, and his assistants should have library training. As library services and collections become more sophisticated, the need for trained personnel will become more acute.

Although there are a few undergraduate courses in library disciplines offered at State institutions, no institution in the State offers a graduate program in library science. The need for such a program is urgent, and has been repeatedly recognized: by the librarians associations, in the Arthur D. Little report, and in the Cultural Commission's report. The inconvenience and extra expense of going out of State discourage many from studying library science; others never consider pursuing a library program because it is never presented to them as a possibility.

As there may be practical difficulties in establishing a good program, the Council recommends that the Council of Higher Education be directed to study the feasibility and advisability of establishing both graduate and undergraduate programs, take steps to implement such programs as are feasible and advisable, and report to the 1972 session of the General Assembly.

### PUBLIC RECORDS

The present sections in Title 42 dealing with public records are inadequate and totally out of date. The State Library Board has recommended that a new public records act be enacted, to ensure that public records are adequately protected and made available to the public.

The Council agrees that the public records provisions are in need of drastic revision. Because time was too short for a full discussion in this area, the Council has recommended few changes in the present provisions. It therefore suggests that it be directed to study the subject and recommend a bill to the 1972 session of the General Assembly.

### INTERSTATE COMPACT

In several areas of the State it is convenient to contract for some types of library service with another state or the District of Columbia. Many libraries now seek to obtain books on loan from the Library of Congress; in places such

as Northern Virginia or Bristol, where people live in one state and work in another, cooperative library service would be valuable to the citizens of both states.

Although there is no provision in the law to authorize interstate cooperation, some libraries are cooperating on an informal basis. The Council recommends that an interstate compact be enacted, in the form which has been adopted by many states. In this way a legal framework for such cooperation may be established.

#### CONCLUSION

The Council is deeply appreciative of the time and thought given to this matter by the Committee, and by the State Library Board, the Virginia Librarians Association, and others who took the time to communicate their opinions and information concerning the State library system.

The bills and resolutions to carry out the recommendations in this report are attached.

Respectfully submitted,

C. W. CLEATON, *Chairman*

J. C. HUTCHESON, *Vice-Chairman*

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TABLE OF COMPARABLE SECTIONS

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42-12.2	42.1-44	42-46	42.1-12
42-12.3	42.1-44	42-47	Deleted
42-12.4	42.1-44	42-48	42.1-13
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42-16	42.1-63	42-53	Repealed
42-17	42.1-64	42-54	Repealed
42-18	42.1-65	42-55	Repealed
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42-28	42.1-52	42-66.1	10-145.3
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42-32	42.1-56	42-66.5	10-145.7
42-32.1	42.1-57	42-67	10-145.8
42-32.2	42.1-58		

*A BILL to revise, rearrange, amend and recodify the general laws of Virginia relating to libraries; to that end to repeal Title 42 of the Code of Virginia, which title includes Chapters 1 through 6 and §§ 42-1 through 42-67 of the Code of Virginia; and to amend the Code of Virginia by adding thereto, in lieu of the foregoing title, chapters, and sections repealed by this act, a new title numbered 42.1 which new title includes new chapters numbered 1 through 5 and §§ 42.1-1 through 42.1-74, relating to libraries; and further to add new sections numbered 10-145.2 through 10-145.8, relating to the Virginia Historic Landmarks Commission.*

Be it enacted by the General Assembly of Virginia:

1. That Title 42 of the Code of Virginia, which title includes Chapters 1 through 6 and §§ 42-1 through 42-67 of the Code of Virginia, as severally amended, is repealed.

2. That the Code of Virginia be amended by adding thereto a new title numbered 42.1, new chapters numbered 1 through 5 and new sections numbered 42.1-1 through 42.1-74, which new title, chapters and sections are as follows:

## TITLE 42.1

### LIBRARIES

#### CHAPTER 1

#### STATE LIBRARY AND LIBRARY BOARD

##### Article 1

##### *In General*

§ 42.1-1. **The State Library.**—The Virginia State Library shall be continued and shall be the library agency of the State, the archival agency of the Commonwealth, and the reference library at the seat of government. It shall execute the program of publications and other functions as determined by the Governor and General Assembly, and shall have the following powers and duties:

(1) To make to the Governor and to members of the General Assembly an annual report of its receipts, expenditures, activities and needs, including recommendations for improving its services to the Commonwealth;

(2) To accept gifts, bequests and endowments for the purposes which fall within the general legal powers and duties of the State Library. Unless otherwise specified by the donor or legator, the Library may either expend both the principal and interest of any gift or bequest or may invest such sums as the Board deems advisable, with the consent of the State Treasury, in securities in which sinking funds may be invested;

(3) To purchase and maintain a general collection of books, periodicals, newspapers, maps, films, audio-visual materials and other materials for the use of the people of the Commonwealth as a means for the promotion of knowledge within the Commonwealth. The scope of the Library's collection shall be determined by the Library Board on recommendation of the State Librarian, and, in making these decisions, the Board and Librarian shall take into account the book collections of public libraries and college and university libraries throughout the Commonwealth and the availability of such collections to the general public. The Board shall make available for circulation to free public libraries or to the public such of its materials as it deems advisable;

(4) To give assistance, advice and counsel to other agencies of the Commonwealth maintaining libraries and special reference collections as to the best means of establishing and administering such libraries and collections. It may establish in the State Library a union catalogue of all books, pamphlets and other materials owned and used for reference purposes by all other agencies of the Commonwealth and of all books, pamphlets and other materials maintained by public libraries in the Commonwealth which are of interest to the people of the whole Commonwealth;

(5) To fix reasonable penalties for damage to or failure to return any book, periodical or other material owned by the Library, or for violation of any rule

or regulation concerning the use of books, periodicals, and other materials in the custody of the Library;

(6) To give direction, assistance and counsel to all libraries in the Commonwealth, to all communities which may propose to establish libraries, and to all persons interested in public libraries, as to means of establishment and administration of such libraries, selection of books, retrieval systems, cataloguing, maintenance, and other details of library management, and to conduct such inspections as are necessary;

(7) To engage in such activities in aid of city, county, town, regional and other public libraries as will serve to develop the library system of the Commonwealth;

(8) To administer and distribute State and federal library funds in accordance with law and its own regulations to the city, county and regional libraries of the Commonwealth; and

(9) To enter into contracts with other states or regions or districts for the purpose of providing cooperative library services.

Source: New.

**§ 42.1-2. Under direction of Library Board; membership, chairman and vice-chairman.**—The State Library shall be directed by a board, consisting of nine members, to be appointed by the Governor, which shall be and remain a corporation under the style of “the Library Board”, sometimes in this chapter called the Board. The Board shall meet and organize by electing from its number a chairman and vice-chairman. It shall have the power to appoint such committees and advisory bodies as it deems advisable.

Source: § 42-34.

Note: The word “managed” in the first sentence has been changed to “directed” and the words “of directors” deleted. Provisions have been added for election of a vice-chairman and appointment of committees.

**§ 42.1-3. Terms of office of members of Board; vacancies.**—Within sixty days preceding July one of the year in which the terms of office respectively of the members of the Board expire by limitation the Governor shall appoint to fill the vacancies so occasioned qualified persons whose terms shall be for five years from the day on which that of their immediate predecessors expired; provided that of the three additional members to be appointed when this section as amended becomes effective, one shall be appointed for a term of four years, and his successor for a term of five years. Appointments to fill other vacancies shall be for the unexpired term.

No person shall be eligible to serve as a member of the Board for or during more than two successive terms.

Source: § 42-35.

Note: No change.

**§ 42.1-4. Removal of member of Board.**—The Governor may remove any member for misconduct, incapacity, or neglect of duty and he shall be the sole judge of the sufficiency of the cause for removal. He shall report every such removal at once to the General Assembly if it is in session, and if not at the beginning of the next session.

Source: § 42-36.

Note: No change.

§ 42.1-5. **Expenses of members of Board.**—The members of the Board shall receive no compensation for their services as such; but reasonable expenses incurred as members of the Board in the discharge of their duties shall be paid out of the Library funds.

Source: § 42-37.

Note: No change.

§ 42.1-6. **Minutes and records of Board.**—The Board shall keep minutes of all its proceedings, which shall be signed by the chairman and attested by the secretary, and a record of all receipts and disbursements, all of which shall be preserved as public records.

Source: § 42-38.

Note: The word “complete” before “minutes” and the words “neatly recorded in a substantial book” have been deleted.

§ 42.1-7. **Supervision of funds.**—The Board shall make requests for appropriations of necessary funds and approve all expenditures of Library funds. Such expenditures shall be made as provided by law.

Source: § 42-39.

Note: This section has been rewritten to show the Board’s responsibility for requesting funds as well as for supervising their expenditure.

§ 42.1-8. **Rules and regulations.**—The Board shall make rules and regulations, not inconsistent with law, for the government and use of the State Library, and may by general or special regulation determine what books and other possessions of the Library may not be removed therefrom.

Source: § 42-41.

Note: No change.

§ 42.1-9. **When Library to be kept open.**—The State Library shall be kept open for such days and hours each day as may be prescribed for other State agencies at the seat of government. But the Board may, in its discretion, prescribe additional hours in which the Library shall be kept open.

Source: § 42-43.

Note: No change.

§ 42.1-10. **Acquisition of books and other library matter.**—The Library may from time to time acquire books and other library matter by gift, purchase, exchange or loan. And the Library shall cause to be procured, from time to time, as opportunity may offer, a copy of any book, pamphlet, manuscript, or other library material, relating to the history of Virginia, not now in the State Library, which can be obtained on reasonable terms.

Source: § 42-44.

Note: The word “Board” has been changed to “Library” in two places.

§ 42.1-11. **Editing and publishing State records and other special matter.**—The Board may edit, or cause to be edited, arranged and published, as the funds at its disposal permit, the State records now or hereafter deposited in the State Library and such other special matter as it deems of sufficient value.



The Board may cause to be printed any manuscript relating to the history of Virginia which has not been published, including such portions of the executive journals and letter books, and of the legislative papers, as the Board may deem proper, and shall cause the papers so to be printed to be arranged for that purpose and preserved for reference; and shall cause the records in the Library pertaining to the various wars in which the State has been engaged to be edited, arranged, and published so as to show the service of citizens of the State in such wars.

The Library may expend funds to list its publications in appropriate commercial listings.

Source: § 42-45.

Note: The word "Library" has been substituted for "Board" in the third paragraph, and the word "its" deleted before "funds".

**§ 42.1-12. Fees for copies made by Library staff.**—The Library may, in its discretion, charge and collect such fees as it may deem reasonable for copies or extracts from any books, papers, records, documents or manuscripts in the Library, made by the Library staff, for persons applying for the same. The State Librarian shall keep an accurate account of all such fees and pay the same into the general fund of the State treasury.

Source: § 42-46.

Note: The word "Library" has been substituted for "Board".

## Article 2

### *State Librarian, Assistants and Employees*

**§ 42.1-13. Appointment and terms of office or employment.**—The Board shall appoint a librarian, to be known as the State Librarian, who shall serve at the pleasure of the Board. The Board shall appoint the principal assistants to the Librarian, and may approve the appointment of other employees. The terms of office and employment of such assistants and employees shall be subject to the personal regulations of the Commonwealth.

Source: § 42-48.

Note: The section is rewritten to make the tenure of all library employees except the State Librarian subject to the State personnel regulations, and to remove from the Board the duty of selecting all employees of the Library.

**§ 42.1-14. Compensation.**—The State Librarian, assistants and employees shall be paid such salaries from appropriations out of the public treasury as are provided by law.

Source: § 42-49.

Note: No change.

**§ 42.1-15. Duties of State Librarian.**—The State Librarian shall have charge of the State Library. He shall see that the Library is properly kept and that its contents are properly preserved and cared for.

He shall be secretary of the Board, and shall perform all duties belonging to that position. He shall keep a record of all proceedings of the Board and such financial records as are required by the Commonwealth.

Source: § 42-50.

Note: Unnecessary descriptive language has been deleted, and “such financial records as are required by the Commonwealth” substituted for “an itemized account of all receipts and disbursements, and an itemized memorandum of all purchases, or contracts for purchases made, and of all books and manuscripts given or received as gifts or in exchange.”

**§ 42.1-16. Bond of State Librarian.**—The State Librarian shall give bond to the State in the sum of two thousand dollars, with sureties approved by the State Treasurer, subject to the approval of the Governor, for the faithful discharge of his duties and the delivery over to his successor of all the property of the State in his possession, which bond shall be recorded by the Secretary of the Commonwealth and deposited with the Comptroller.

Source: § 42-51.

Note: The duty of approving the sureties on the bond is shifted to the State Treasurer in conformity with the provisions applicable to other State officials.

**§ 42.1-17. Cities and towns to furnish copies of official publications.**—The mayor of each city and town in the Commonwealth shall send regularly at the time of publication to the State Library two copies of each of the official publications of such city or town, and also two copies of each publication of former years of which the supply has not been exhausted. Official publications for the purpose of this section shall embrace printed reports, in pamphlet or book form, of the officials of the city or town, printed volumes of ordinances and such other special publications as the city or town may authorize to be printed.

Source: § 42-52.

Note: No change.

**§ 42.1-18. Exchanges; duplication.**—The Library may arrange for the exchange of the Virginia publications with such states and institutions, the general government and other governments, societies and others, as it sees fit. Publications received on exchange are to become the property of the State Library, except statute and law books, which shall be placed in the Law Library. The Library may also, when deemed advantageous, donate, exchange or sell any or all duplicate material now or hereafter the property of the State Library, and other printed material not within the scope of its collections. The Librarian shall keep an accurate account of all such sales and pay the money arising therefrom into the general fund of the State treasury.

Source: § 42-56.

Note: The word “Library” has been substituted for “Board” in the first and third sentences.

**§ 42.1-19. Sending State publications to universities, etc.**—The Library may send to any university, college, public library or society copies of State publications.

Source: § 42-57.

Note: The word “Library” has been substituted for “Board”.

### Article 3

#### *Public Records*

**§ 42.1-20. Deposit in Library of records of historical value; return of such records.**—The records of the several agencies of the State government, which may be considered of historical value, may, with the consent of the head of such agency, and of the State Librarian, be deposited and preserved in the State Library. None of the records so deposited shall be removed from the Library except by the head of the agency by which the same was so deposited; but the records may, at the direction of the State Librarian, be returned to the agency whence they came.

Source: § 42-58.

Note: No change.

**§ 42.1-21. State Librarian may microfilm, photograph or microphotograph State records and store such microfilm or microphotographed records.**—The State Librarian is authorized to microfilm, photograph and microphotograph State records and papers upon the request of the heads of the several administrative departments, divisions, institutions or agencies having custody of such records and papers; and also at the request of such heads to store such microfilmed or microphotographed records. He may purchase such equipment and employ such assistants as may be required in connection therewith.

Source: § 42-58.1.

Note: No change.

**§ 42.1-22. Destruction or other disposition of records.**—No agency of the State government shall sell, destroy, give away or discard any record or records, unless specifically so authorized by law, without first having informed the State Librarian, and the Comptroller. The State Librarian, or his deputy, and the Comptroller, or his deputy, shall examine such records; and those records considered by the head of the agency, or his deputy, the State Librarian, or his deputy, and the Comptroller, or his deputy, as having no administrative or historical value or value as financial records may be destroyed or otherwise effectively disposed of. But no land or personal property book shall be destroyed.

Source: § 42-59.

Note: No change.

**§ 42.1-23. State Library Board may conduct program to facilitate management of public records.**—The State Library Board is authorized to conduct, in cooperation with, and with the concurrence of State agencies, departments, commissions and institutions, a program designed to facilitate the management of public records, their creation, filing, microfilming and destruction.

Source: § 42-59.1.

Note: No change.

**§ 42.1-24. Deposit in Library of other public documents.**—The proper official or custodian of any public record of the State, or of any county, city or town within the State, is hereby authorized and empowered, in his discretion, to transfer to the State Library, with the approval of the State Librarian, for preservation, any official books, records, documents, original papers, or maps in his office; and the State Library shall provide for their permanent preservation. When so surrendered, copies therefrom shall be made and certified by the State Librarian, or his deputy, upon application and the payment of reasonable fees, which certification shall have the same force and effect, as if made by the officer or custodian originally in charge of them.

Source: § 42-60.

Note: No change.

**§ 42.1-25. Records relating to members of armed forces requesting absentee ballots.**—The Secretary of the Commonwealth is authorized, in his discretion, to have transferred to the State Library, the completed books containing a list of the members in active service with the armed forces who requested absentee ballots which are required to be kept in his office pursuant to the provisions of section seven of chapter two hundred eighty-six of the Acts of Assembly of nineteen hundred forty-four.

Source: § 42-60.1.

Note: No change.

**§ 42.1-26. When certain court records removed to Library.**—Where the records of any court which are sixty years of age or older, except the will books and the deed books, are not properly cared for, on notice from the State Librarian to the official having custody of such records and failure of the official to have such records repaired and maintained in a manner satisfactory to the judge of such court, the judge is directed to have such records removed to the State Library.

Source: § 42-61.

Note: The words “which are sixty years of age or older” have been substituted for “of a date prior to and including one thousand eight hundred and sixty-five.”

**§ 42.1-27. Removal to Library of certain public records upon application of State Librarian.**—Upon application made by the State Librarian, every official or custodian of any public records of the State, or any county, city or town in the State, shall deliver to the State Library any and all official books, records, documents, original papers and maps which are sixty years of age or older that may be in his custody or possession or under his control. The application shall be made to the court under the jurisdiction of which such records are kept, and the court, or judge thereof in vacation, may, by an order entered of record, which order shall contain a list of the records, cause the records to be delivered to the State Library by the sheriff or other officer to be designated, and a receipt taken therefor.

Source: § 42-62.

Note: The words “which are sixty years of age or older” have been substituted for “of a date prior to and including the year one thousand eight hundred and sixty-five.”

**§ 42.1-28. Librarian to make copies of such records; copies as evidence.**—The State Librarian shall cause to be made from any and all of such records as may be necessary for public use and convenience, by photo-duplication process, a copy or copies thereof. A copy shall be retained in the Archives Division of the State Library, and a copy may be bound and returned to the county, city or other source from which obtained on request from the lawful custodian of such records. The original records shall be returned within a reasonable time to the source from which obtained, unless the State Librarian is authorized by the court to retain possession of the same. The State Librarian may cause the original records to be restored and repaired, in whole or in part, as he deems neces-

The State Librarian or a deputy duly authorized by him, is authorized and directed at the end of such copy or copies which may be returned to the county, city or other source from which the original records were obtained, to certify, over his hand and the official seal of the Library Board, that the copy or copies are true and correct reproductions of the original records, and such duplicated copy or copies, or extracts or copies therefrom, duly certified by the lawful custodian thereof, are hereby made primary evidence to the same effect as the original records, in any courts, or otherwise, in the Commonwealth.

Source: § 42-63.

Note: No change.

§ 42.1-29. **Reserved.**

#### Article 4

#### *Historical Material Relating to World War II*

§ 42.1-30. **Virginia World War II History Commission abolished; duties transferred to State Librarian.**—The Virginia World War II History Commission, heretofore created and existing, is hereby abolished and its duty of collecting, assembling, editing and publishing such information and material with respect to the contribution to World War II made by Virginia and Virginians as is most worthy of preservation shall hereafter be performed by the State Librarian. The Virginia World War II History Commission shall deliver to the State Librarian all material, records and information collected, assembled and compiled by it in the performance of its duties.

Source: § 42-64.

Note: No change.

§ 42.1-31. **Counties and cities may submit material.**—Any county or city of the Commonwealth may assemble and submit to the State Librarian information and material relating to its contribution and that of its citizens to World War II, and the governing body of any county or city may appropriate for this purpose such funds as it deems necessary.

Source: § 42-65.

Note: No change.

§ 42.1-32: **Reserved.**

#### CHAPTER 2

#### LOCAL AND REGIONAL LIBRARIES

§ 42.1-33. **Power of local governments to establish and support libraries.**—The governing body of any city, county or town shall have the power to establish a free public library for the use and benefit of its residents. The governing body shall provide sufficient support for the operation of the library by levying a tax therefor, either by special levy or as a fund of the general levy of the city, county or town. The word "support" as used in this article shall include, but is not limited to, purchase of land for library buildings, purchase or erection of buildings for library purposes, purchase of library books, materials and equipment, compensation of library personnel, and all maintenance expenses for library property and equipment. Funds appropriated or contributed

for public library purposes shall constitute a separate fund and shall not be used for any but public library purposes.

Sources: §§ 42-1 and 42-4.

Note: These two sections have been combined and rewritten for purposes of clarity.

**§ 42.1-34. Power of local governments to contract for library service.**—Any city, town or county shall have the power to enter into contracts with adjacent cities, counties, towns, or State-supported institutions of higher learning to receive or to provide library service on such terms and conditions as shall be mutually acceptable, or they may contract for a library service with a library not owned by a public corporation but maintained for free public use. The board of trustees of a free public library may enter into contracts with county, city or town school boards and boards of school trustees to provide library service for schools. The city, town or county governing body contracting for library service shall, as a part of such contract, have the power to appoint at least one member to the board of trustees or other governing body of the library contracting to provide such service. Any city, town or county thus contracting for library service shall be entitled to the rights and benefits of regional free library systems established in accordance with the provisions of § 42.1-37. The board of trustees or other governing body of any library established under the provisions of § 42.1-33 may also, with the approval of and on terms satisfactory to the State Library Board, extend its services to persons in adjacent areas of other states.

Sources: §§ 42-2, 42-3, 42-8 and 42-12.

Note: These sections have been combined and rewritten for purposes of clarity. In addition, towns and cities are given the power to contract with their school boards to provide library service.

**§ 42.1-35. Library boards generally.**—The management and control of a free public library system shall be vested in a board of not less than five members or trustees. They shall be appointed by the governing body, chosen from the citizens at large with reference to their fitness for such office. One such member shall be appointed in the beginning for a term of one year, one member for a term of two years, one member for a term of three years, and two members for terms of four years; thereafter all five shall be appointed for terms of four years. The governing body of any county, city or town entitled to representation on a library board of a library system of another jurisdiction pursuant to § 42.1-34 shall appoint a member to serve for a term of four years, or until the contract is terminated, whichever is shorter. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. No appointive member shall be eligible to serve more than two successive terms. A member shall not receive a salary or other compensation for services as a member but necessary expenses actually incurred shall be paid from the library fund. A member of a library board may be removed for misconduct or neglect of duty by the governing body making the appointment. The members shall adopt such bylaws, rules and regulations for their own guidance and for the government of the free public library system as may be expedient. They shall have control of the expenditures of all moneys credited to the library fund. The board shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of such free public library systems or endowments for same.

Source: § 42-9.

Note: The words “members or” have been inserted before “trustees” in the

first sentence, and “members” substituted for “trustees” throughout. The provisions relating to regional libraries have been omitted and included in § 42.1-39. The fourth sentence has been broadened to cover all jurisdictions. The appointive power has been changed from the circuit judge to the governing body, and the requirement that the superintendent of schools be a member of the library board has been deleted.

§ 42.1-36. **Boards not mandatory.**—The formation and creation of boards shall in no wise be considered or construed in any manner as mandatory upon any county, city or town by virtue of this chapter.

Source: New.

§ 42.1-37. **Establishment of regional library system.**—Two or more political subdivisions (counties, cities or towns), by action of their governing bodies, may join in establishing and maintaining a regional free library system under the terms of a contract between such political subdivisions; provided, that in the case of established county or city free library systems, the library boards shall agree to such action.

Source: § 42-5.

Note: The words “two or more political subdivisions (counties, cities or towns)” have been substituted for “two or more counties, or any city or cities and the contiguous county or counties.” The words “library boards” have been substituted for “boards of trustees.”

§ 42.1-38. **Agreements to create regional boards.**—Two or more political subdivisions (counties, cities or towns) which have qualified for participation in the State’s regional library program, have been recognized as a region by the State Library Board, and have made the minimum local appropriation of funds as may now or hereafter be recommended by the Board, are hereby empowered and authorized to execute contracts with each other to create a regional library board to administer and control the regional library services within the region. Each jurisdiction shall, as a part of such contract, have the power to appoint at least one member to the regional library board.

Source: New.

§ 42.1-39. **Regional library boards generally.**—The members of the Board of a regional library system shall be appointed by the respective governing bodies represented. Such members shall in the beginning draw lots for expiration of terms, to provide for staggered terms of office, and thereafter the appointment shall be for a term of four years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members are regularly chosen. No appointive member shall be eligible to serve more than two successive terms. A member shall not receive a salary or other compensation for services as member, but necessary expenses actually incurred shall be paid from the library fund. A regional board member may be removed for misconduct or neglect of duty by the governing body making the appointment. The board members shall elect officers and adopt such bylaws, rules and regulations for their own guidance and for the government of the regional free library system as may be expedient. They shall have control of the expenditure of all moneys credited to the regional free library fund. The regional board shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of such regional free library system or endowments for same.

Source: § 42-9.

Note: The local library board provisions of § 42-9 are omitted here and included in § 42.1-35. The word "member" has been substituted for "trustee" throughout. The lot-drawing provision for staggering terms has been added and the appointive power changed from the judge of the circuit court to the governing body of each political subdivision.

**§ 42.1-40. Power to contract.**—The regional library board shall have authority to execute contracts with the State Library Board, with the library boards of the respective jurisdictions, and any and all other agencies, for the purpose of administering a public library service within the region, including contracts concerning allocation and expenditure of funds, to the same extent as the library board of any one of the jurisdictions which are parties to the agreement would be so authorized.

Source: New.

**§ 42.1-41. Funds and expenses of regional library system.**—The expenses of the regional library system shall be apportioned among the participating political subdivisions on such basis as shall be agreed upon in the contract. The treasurer of the regional library board shall have the custody of the funds of the regional free library system; and the treasurers or other financial officers of the participating jurisdictions shall transfer quarterly to him all moneys collected or appropriated for this purpose in their respective jurisdictions. Such funds shall be expended only for the library service for which the county or city contracted and for no other purpose. The regional library board shall furnish a detailed report of receipts and disbursements of all funds at the regular meeting of the governing body of every participating jurisdiction after the close of the State's fiscal year. It shall make a similar report to the State Library. The treasurer of the board shall be bonded for an amount to be determined by the board. The board may authorize the treasurer to pay bond premiums from State library funds.

Source: New.

**§ 42.1-42. Withdrawal from regional library system.**—No county, city or town participating in a regional library system shall withdraw therefrom without two years' notice to the other participating counties, cities and towns without the consent of such other participating political subdivisions.

Source: New.

**§ 42.1-43. Appropriation for free library or library service conducted by company, society or organization.**—The governing body of any county, city or town in which no such free public library system as provided in this chapter shall have been established, may, in its discretion, appropriate such sums of money as to it seems proper for the support and maintenance of any free library or library service operated and conducted in such county by a company, society or association organized under the provisions of §§ 13.1-201 through 13.1-290.1.

Source: § 42-11.

Note: The words "city or town" have been added in the first sentence. Internal cross references have been conformed.

**§ 42.1-44. Co-operative Library System for Henrico and Chesterfield Counties and city of Richmond.**—Notwithstanding the repeal of Title 42 of the



Code of Virginia, §§ 42-12.1 to 42-12.5 of Chapter 2.1 of former Title 42 are continued in effect and are incorporated into this title by reference.

Source: §§ 42-12.1 to 42-12.5.

Note: The purpose of this section is to continue the cooperative library provisions.

§ 42.1-45: Reserved

### CHAPTER 3 STATE AND FEDERAL AID

§ 42.1-46. **Library policy of the Commonwealth.**—It is hereby declared to be the policy of the Commonwealth, as a part of its provision for public education, to promote the establishment and development of public library service throughout its various political subdivisions.

Source: § 42-23.

Note: No change.

§ 42.1-47. **Grants for development.**—In order to provide State aid in the development of public library service throughout the State, the Library Board, in this chapter sometimes called the Board, shall grant from such appropriations as are made for this purpose funds to provide library service.

Source: § 42-24.

Note: The words “particularly in rural communities” after “throughout the State” and “to county and regional free library systems, established pursuant to the provisions of §§ 42-4 and 42-5” have been deleted from the end of the section.

§ 42.1-48. **Grants to improve standards.**—In order to encourage the maintenance and development of proper standards, including personnel standards, and the combination of libraries or library systems into larger and more economical units of service, grants of State aid may be made by the Board to any free public library or library system which qualifies under the standards set by the Board. The grants to each qualifying library or system in each fiscal year shall be as follows:

- (a) Thirty-five cents of State aid for every dollar expended, or to be expended, exclusive of State and federal aid, by the political subdivision or subdivisions operating or participating in the library or system. The grant to any one library or system shall not exceed one hundred fifty thousand dollars;
- (b) A per capita grant based on the population of the area served and the number of participating counties or cities: thirty cents per capita for the first six hundred thousand persons to a library or system serving one city or county, and additional ten cents per capita for the first six hundred thousand persons for each additional city or county served. Libraries or systems serving a population in excess of six hundred thousand shall receive ten cents per capita for the excess; and
- (c) A grant of ten dollars per square mile of area served to every library or library system, and an additional grant of twenty dollars per square

mile of area served to every library system serving more than one city or county.

Source: New.

**§ 42.1-49. Grants to small municipal libraries.**—Every qualifying municipal library serving an area containing less than five thousand population shall receive its proper share, but not less than four hundred dollars.

Source: New.

**§ 42.1-50. Limitation of grants; proration of funds.**—The total amount of grants under §§ 42.1-48 and 42.1-49 shall not exceed the amount expended, exclusive of State and federal aid, by the political subdivision or subdivisions operating the library.

If the State appropriations provided for grants under §§ 42.1-48 and 42.1-49 are not sufficient to meet approved applications, the Library Board shall prorate the available funds in such manner that each application shall receive its proportionate share of each type of grant. Applications must be received prior to September 1 of each calendar year.

Source: § 42-26.1.

Note: The words “of each type of grant” have been added at the end of the second sentence. The first paragraph is new.

**§ 42.1-51. Obligations of libraries and systems receiving aid.**—The obligations of the various library systems and libraries receiving State aid, shall consist in establishing and maintaining an organization as approved by the Board; provided that personnel standards of such library systems and libraries shall conform to the provisions of Chapter 11 of Title 54 for the certification of librarians, and with rules and regulations prescribed by the State Board for the Certification of Librarians in accordance with such chapter. All books and bookmobiles purchased with State aid funds shall, if the Board so determines, become the property of the State Library in the case of any library system or library which does not meet its obligations as determined by the Board.

Source: § 42-27.

Note: No change.

**§ 42.1-52. Standards of eligibility for aid; reports on operation of libraries.**—The Board shall establish standards under which library systems and libraries shall be eligible for State aid and may require reports on the operation of all libraries receiving State aid.

As long as funds are available, grants shall be made to the various libraries, library systems or contracting libraries applying for State aid in the order in which they meet the standards established by the Board.

In the event that any library meets the standards of the State Library Board but is unable to conform to Chapter 11 (§ 54-261 et seq.) of Title 54 of the Code relating to the employment of certified librarians, the Library Board may, under a contractual agreement with such library, provide professional supervision of its services and may grant State aid funds to it in reduced amounts under a uniform plan to be adopted by the State Library Board.

Source: § 42-28.

Note: No change.

**§ 42.1-53. Expense of administration.**—Not to exceed thirty per cent per annum of appropriations may be used by the Board to defray the expense of administering the provisions of this chapter and to provide other public library extension functions.

Source: § 42-29.

Note: The word “thirty” has been substituted for “ten” in the first sentence.

**§ 42.1-54. Procedure for purchase of books, materials and equipment and payment of salaries.**—All proposals for books, materials and equipment to be purchased with State aid funds and all proposals for aid in the payment of salaries of certified librarians shall be submitted for approval to the State Library by the libraries, library systems or contracting libraries applying for State aid, in form prescribed by the Board, and those approved may be ordered by the libraries, library systems or contracting libraries. Payments and disbursements from the funds appropriated for this purpose shall be made by the State Treasurer upon warrants of the Comptroller issued upon vouchers signed by the duly authorized representative of the library, library system or contracting library and approved by the duly authorized representative of the Board. Each voucher shall be accompanied by a certification by the duly authorized representative of such library, or library system that the books, materials or equipment have been received, or salaries paid, and that the same were approved by the State Library as hereinabove required. The Board shall act to obtain the best prices and most advantageous arrangements in securing all books, materials and equipment purchased through State aid.

Source: § 42-30.

Note: The words “books and bookmobiles” have been changed to “books, materials and equipment.”

**§ 42.1-55. Free service available to all.**—The service of books in library systems and libraries receiving State aid shall be free and shall be made available to all persons living in the county, region, or municipality.

Source: § 42-31.

Note: No change.

**§ 42.1-56. Meaning of term “books”.**—The term “books” as used in this chapter may be interpreted in the discretion of the Board to mean books, magazines, newspapers, other printed matter and appropriate audio-visual materials.

Source: § 42-32.

Note: No change.

**§ 42.1-57. Authority of Library Board to accept and distribute federal funds.**—The Library Board is empowered, subject to approval of the Governor, to accept grants of federal funds for libraries and to allocate such funds to public libraries under any plan approved by the Board and the appropriate federal authorities. Such allocations shall not be subject to the restrictions of this chapter.

Source: § 42-32.1.

Note: No change.

**§ 42.1-58. Agreements providing for expenditure of federal and matching funds.**—The Library Board and the cities and counties of the Commonwealth are authorized to enter into agreements providing for the supervision

of the expenditure of federal funds allocated to such cities and counties and matching funds provided by such political subdivisions. Such agreement shall set forth the standards and conditions with respect to the expenditure of such funds.

Source: § 42-32.2.

Note: No change.

§ 42.1-59. Reserved.

## CHAPTER 4 LAW LIBRARIES

**§ 42.1-60. State Law Library managed by Supreme Court of Appeals.**—There shall be a State Law Library at Richmond, with a branch thereof at Staunton, maintained as at present, which shall be managed by the Supreme Court of Appeals. The Court shall appoint the librarian and other employees to hold office during the pleasure of the Court; provided, however, that the clerk at Staunton shall act as law librarian there without additional compensation therefor.

Source: § 42-13.

Note: No change.

**§ 42.1-61. Books constituting Library.**—The State Law Library shall consist of the books now in the law libraries at Richmond and Staunton, with such additions as may be made thereto.

Source: § 42-14.

Note: No change.

**§ 42.1-62. Additions to Library.**—The Supreme Court of Appeals shall, from time to time, make additions to the State Law Library by purchases made with funds at its disposal for that purpose, and may cause books to be transferred from one law library to another. All law books acquired by the State by gift, or by exchange, from the United States, or other states and countries, shall be placed in the Library. The Director of the Department of Purchases and Supply shall have placed in the State Law Library at Richmond, and in the branch thereof at Staunton, a copy of every law book required by §§ 2.1-257, 2.1-268, and 2.1-269.

Source: § 42-15.

Note: The word “Comptroller” in the last sentence has been changed to “Director of the Department of Purchases and Supply.” Internal cross references have been conformed.

**§ 42.1-63. Regulation of Library.**—The Supreme Court of Appeals shall have power to make and enforce such rules and orders for the regulation of the State Law Library, and the use thereof, as may to it seem proper.

Source: § 42-16.

Note: No change.

**§ 42.1-64. Who may use Library.**—The Governor and other State officers at the seat of government, the Reporter of the Supreme Court of Appeals, mem-

bers of the General Assembly during the session thereof, judges of courts, and practicing attorneys in good standing, and such other persons as the Supreme Court of Appeals shall designate, shall have the use of the State Law Library, under such rules and regulations as the Court shall make.

Source: § 42-17.

Note: No change.

**§ 42.1-65. Local law libraries in charge of circuit or corporation court clerks.**—If the members of the bar practicing in any county or city of the Commonwealth shall procure by voluntary contribution a law library of the value of five hundred dollars, at the least, for the use of the courts held in such county or city, and of the bar practicing therein, it shall be the duty of the circuit court of such county or corporation court of such city to require its clerk to take charge of the library so contributed and to keep the same in the courthouse or clerk's office building according to the rules prescribed by the bar and approved by the court.

Source: § 42-18.

Note: No change.

**§ 42.1-66. Circuit or corporation courts to enforce rules for government of such libraries.**—The observance of the rules so prescribed and approved may be enforced by the circuit court of the county or corporation court of the city by such summary process and judgment as shall be provided by such rules.

Source: § 42-19.

Note: No change.

**§ 42.1-67. Assessment for law library as part of costs in civil actions in certain counties; contributions from bar associations in such counties.**—Any county having the county executive form of government and a population in excess of one hundred fifty thousand in this State having a law library for the use and benefit of the courts of the Commonwealth may, through its governing body, assess as part of the costs incident to each and every civil action filed in the courts located within its boundaries a sum not in excess of one dollar. The imposition of such assessment shall be by ordinance of the governing body and the assessment shall be collected by the clerk of the courts and remitted to the treasurer or finance officer of the political subdivision and held by such treasurer or finance officer subject to disbursements by the governing body for the acquisition of law books and law periodicals, and the maintenance of the library, including compensation to be paid to librarians and other necessary staff for the maintenance of such library; the compensation of librarians and the necessary staff is to be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cash. The assessment provided for herein shall be in addition to all other costs prescribed by law, but shall not apply to civil actions in which the Commonwealth or any political subdivision thereof or the federal government shall be a party. The governing body is authorized to accept contributions to the fund from any bar association.

Source: § 42-19.1.

Note: No change.

**§ 42.1-68. Assessment for law library as part of costs in civil actions in certain cities; contributions from bar associations in such cities.**—Any city having a population of more than ninety thousand and adjoining a county

having a population of more than two hundred seventy-five thousand and any city having a population of not less than eighty-eight thousand and not more than ninety thousand, and having a law library for the use and benefit of the courts of the Commonwealth may, through its governing body, assess as part of the costs incident to each and every civil action filed in the court of record located within its boundaries a sum not in excess of one dollar. The imposition of such assessment shall be by ordinance of the governing body and the assessment shall be collected by the clerk of the courts and remitted to the treasurer or finance officer of the city and held by such treasurer or finance officer subject to disbursements by the governing body for the acquisition of law books and law periodicals, and the maintenance of the library, including compensation to be paid to librarians and other necessary staff for the maintenance of such library; the compensation of librarians and the necessary staff is to be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cost. The assessment provided for herein shall be in addition to all other costs prescribed by law, but shall not apply to civil actions in which the Commonwealth or any other political subdivision thereof or the federal government shall be a party. The governing body is authorized to accept contributions to the fund from any bar association.

Source: § 42-19.2.

Note: No change.

**§ 42.1-69. Assessment for law library as part of costs in civil actions in certain other cities; contributions from bar associations in such cities.—**Any city having a population in excess of one hundred thirteen thousand but not more than one hundred fourteen thousand in this State may, through its governing body, assess as part of the costs, incident to each civil action filed in the courts located within its boundaries a sum not in excess of one dollar. The imposition of such assessment shall be by ordinance of the governing body and the assessment shall be collected by the clerk of the court in which the action is filed, and remitted to the treasurer or finance officer of such city and held by such treasurer or finance officer subject to disbursements by the governing body for the acquisition of law books and law periodicals for the establishment, use and maintenance of a law library which shall be open for the use of the public. In addition to the acquisition of law books and law periodicals, the disbursements may include compensation to be paid to librarians and other necessary staff for the maintenance of such library and acquisition of suitable quarters for such library. The compensation of such librarians and the necessary staff and the cost of suitable quarters for such library shall be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cost. The assessment provided for herein shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the Commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the Commonwealth, political subdivision thereof, or federal government. The governing body is authorized to accept contributions to the fund from any bar association.

Source: § 42-19.3.

Note: No change.

**§ 42.1-70. Assessment for law library as part of costs in civil actions; contributions from bar associations.—**Any county or city may, through its governing body, assess as part of the costs, incident to each civil action filed in the courts of record and courts not of record located within its boundaries a sum not in excess of one dollar.

The imposition of such assessment shall be by ordinance of the governing body, which ordinance may provide for different sums in courts of record and courts not of record, and the assessment shall be collected by the clerk of the court in which the action is filed, and remitted to the treasurer of such county or city and held by such treasurer subject to disbursements by the governing body for the acquisition of law books and law periodicals for the establishment, use and maintenance of a law library which shall be open for the use of the public. In addition to the acquisition of law books and law periodicals, the disbursements may include compensation to be paid to librarians and other necessary staff for the maintenance of such library and acquisition of suitable quarters for such library. The compensation of such librarians and the necessary staff and the cost of suitable quarters for such library shall be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cost. The assessment provided for herein shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the Commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the Commonwealth, political subdivision thereof, or federal government. The governing body is authorized to accept contributions to the fund from any bar association.

Any such library established in the county of Wythe shall be located only in a town which is the seat of the county government.

Source: § 42-19.4.

Note: No change.

§ 42.1-71. **Reserved.**

## CHAPTER 5 OFFENSES

§ 42.1-72. **Injuring or destroying books and other property of libraries.**—Any person who wilfully, maliciously or wantonly writes upon, injures, defaces, tears, cuts, mutilates, or destroys any book, plate, picture, engraving, map, newspaper, magazine, pamphlet, manuscript, record or other library property belonging to, or in the custody of any public, county or regional library, the State Library, other repository of public records, museums or any library or collection belonging to or in the custody of any educational, eleemosynary, benevolent, hereditary, historical library or partiotic institution, organization or society, shall be punished by a fine of not less than five dollars nor more than one thousand dollars, one-half of which shall go to the informer upon conviction of the offender, or by imprisonment in jail for a period not exceeding twelve months, or both, in the discretion of the court or jury trying the case.

Source: § 42-20.

Note: No change.

§ 42.1-73. **Removal of book or other property from library.**—Any person who wilfully or without authority removes any book or other property from any of the above libraries or collections shall be deemed guilty of larceny thereof, and shall be punished by a fine of not more than five thousand dollars, one-half of which shall go to the informer upon conviction of the offender, or by imprisonment in jail for a period not exceeding one year, or both, in the discretion of the court or jury trying the case.

Source: § 42-21.

Note: No change.

**§ 42.1-74. Failure to return book or other library property.**—Any person having in his possession any book or other property of any of the above libraries or collections, which he shall fail to return within thirty days after receiving notice in writing from the custodian, shall be guilty of a misdemeanor and punished according to law; provided, however, that if such book should be lost or destroyed, such person may, within thirty days after being notified, pay to the custodian the value of such book, the value to be determined by the governing board having jurisdiction.

Source: § 42-22.

Note: No change.

3. That the Code of Virginia be amended by adding sections numbered 10-145.2 through 10-145.8, as follows:

**§ 10-145.2. Erection without certificate of approval forbidden.**—It shall be unlawful to post or erect any historical marker, monument, sign or notice, on public property or upon any public street, road or highway in the State bearing any legend, inscription or notice which purports to record any historic event, incident or fact, or to maintain any such historical marker, monument, notice, or sign posted or erected after June seventeenth, nineteen hundred and thirty, unless a written certificate has been issued prior to July first, nineteen hundred fifty by the former division of archeology and history of the Virginia Conservation Commission, with the approval of the Commission, or has been issued on or after July first, nineteen hundred fifty by the State Library Board or by its designation the State Librarian or his duly authorized agent or employee, such certificate setting forth that after due investigation and inquiry such legend, inscription or notice appears to be a true and correct record of the historic event, incident or fact set forth therein.

Applications for such certificates shall be acted on as promptly as may be reasonably practicable under all the circumstances of each case.

Source: § 42-66.

Note: No change.

**§ 10-145.3. Determination of sites, etc., justifying markers; Department of Highways to erect and maintain.**—The State Library Board or, by its designation, the State Librarian, shall have authority to determine what historical events, personalities, sites, and traditions of importance to the Commonwealth justify the expenditure of public funds for the purchase of markers of uniform style to be known as “highway historical markers”, to procure such markers by expending any funds specifically appropriated by the General Assembly for this purpose, and to designate the approximate location of such markers. The Virginia Department of Highways is empowered to erect and maintain such markers, provided that the written consent to do so has been obtained from interested parties when such markers are not located on the public rights of way controlled directly by that Department.

Source: § 42-66.1.

Note: No change.

**§ 10-145.4. Collection of replacement cost of marker damaged or destroyed.**—The State Library Board or, by its designation, the State Librarian, shall use any legal means necessary to secure payment to the Commonwealth of the actual replacement cost of any such marker damaged or destroyed, accidentally or otherwise. Any funds so collected shall be placed in the treasury to



the credit of the appropriation for the procurement of historical markers and may be expended as provided in § 10-146.1.

Source: § 42-66.2.

Note: An internal cross reference has been conformed.

**§ 10-145.5. State Library Board authorized to create Advisory Committee on Historical Markers; members; duties; expenses.**—The State Library Board is authorized to create an Advisory Committee on Historical Markers, to consist of the chairman of the State Library Board or his designee, the president of the Virginia Historical Society or his designee, and the State Highway Commissioner or his designee. Such Committee shall make an investigation into and render an opinion on the accuracy of the proposed text for any marker, the historical significance of the person, event or place, and the appropriateness of the proposed location on request of the State Library Board or the State Librarian, or any member or committee of the General Assembly. The Board shall also, on such request, review the text of any existing marker and if any inaccuracy is found, recommend appropriate corrective action. Any expenses incurred in connection with the work of the Committee shall be defrayed from the appropriation to the State Library Board for erecting and replacing historical markers.

Source: § 42-66.3.

Note: No change.

**§ 10-145.6. Erection of markers by local governing bodies.**—The governing body of any county, city or town may, at its own expense, have erected a historical marker commemorating any person, event or place upon any public street, road or highway within its boundaries, provided the text and location thereof has been approved as provided in § 10-145.2.

Source: § 42-66.4.

Note: Internal cross reference has been conformed.

**§ 10-145.7. Resolutions of General Assembly.**—It is hereby declared to be the sense of the General Assembly that, the State Library Board and its Advisory Committee on Historical Markers having been designated as the State agencies to determine the textual accuracy, historical significance and appropriate location of historical markers, their attention can appropriately be invited to the desirability of markers in particular cases by resolutions adopted by this body.

Source: § 42-66.5.

Note: No change.

**§ 10-145.8. Penalty for violation; proceedings by Attorney General.**—Any person who shall violate either as agent, or principal, or both, any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punishable for each separate offense by a fine of not less than one dollar nor more than one hundred dollars.

At the relation of any interested person, the Attorney General may, and at the relation of the State Librarian he shall, institute and maintain appropriate proceedings in the name of the Commonwealth, in any court having jurisdiction thereof, for the purpose of remedying by injunction, mandamus or other process any violation of the provisions of this article.

Source: § 42-67.

Note: No change.

4. All acts and parts of acts inconsistent with the provisions of this act are repealed to the extent of such inconsistency.

5. The repeal of Title 42 shall not affect any act or offense done or committed, or any penalty or forfeiture incurred, or any right established, accrued or accruing on or before the effective date of its repeal, or any prosecution, suit or action pending on that date. Except as in this act otherwise provided, neither the repeal of Title 42 of the Code of Virginia nor the enactment of Title 42.1 shall apply to offenses committed prior to the effective date thereof, and prosecutions for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this act, an offense was committed prior to such date if any of the essential elements of the offense occurred prior thereto.

6. Whenever in Title 42.1 any of the conditions, requirements, provisions or contents of any section, article or chapter of Title 42, as such title existed prior to the effective date of this act, are transferred in the same or in modified form to a new section, article or chapter of Title 42.1, and whenever any such former section, article or chapter of Title 42 is given a new number in Title 42.1 or in Title 10, all references to any such former section, article or chapter of Title 42 appearing elsewhere in the Code of Virginia than in Title 42.1 shall be construed to apply to the new or renumbered section, article or chapter containing such conditions, requirements, provisions or contents or portions thereof.

7. It is the intention of the General Assembly that this act shall be liberally construed to effect the purposes set out herein, and if any clause, sentence, paragraph or section of this act shall ever be declared unconstitutional, it shall be deemed severable, and the remainder of this act shall continue in full force and effect.

8. This act shall be effective on and after November one, nineteen hundred seventy.

*A BILL to amend and reenact §§ 2.1-272, 2.1-286, 15.1-8 as amended, 15.1-862 and 15.1-880, of the Code of Virginia, relating to the State Library and local libraries.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-272, 2.1-286, 15.1-8 as amended, 15.1-862 and 15.1-880, of the Code of Virginia are amended and reenacted as follows:

**§ 2.1-272.**—~~The provisions of this chapter shall not apply, to the printing of the journals of the House of Burgesses, the publication of which the State Library Board shall have the authority to continue and the payment for which is made out of the manuscript fund, nor, unless otherwise ordered by the Governor, to the binding and rebinding of the books and other literary material of libraries operated by the State or under its authority, nor shall it apply to the printing of the records of the Supreme Court of Appeals.~~

**§ 2.1-286. Cases in which purchasing through Director of Department of Purchases and Supply not mandatory.**—Unless otherwise ordered by the Governor, the purchasing of materials, equipment and supplies through the Director of the Department of Purchases and Supply is not mandatory in the following cases:

(1) Telephone and telegraph service, and electric light and power service, and such materials, equipment and supplies as are incident to the performance of a contract for labor or for labor and materials;

(2) Technical instruments and supplies, and technical books and other printed matter on technical subjects; also manuscripts, maps, *audio-visual mate-*

*rials*, books, pamphlets and periodicals purchased for the use of the Virginia State Library or any other library in the State supported in whole or in part by State appropriation; but no instrument supply, equipment or other commodity shall be considered technical unless so classified by the Department of Purchases and Supply;

(3) Perishable articles, provided that no article except fresh vegetables, fresh fish, eggs and milk shall be considered perishable within the meaning of this clause, unless so classified by the Department of Purchases and Supply;

(4) Automobile license number plates;

(5) Materials, equipment and supplies needed by the State Highway Commission; provided, however, that this exception may include office stationery and supplies, office equipment, janitorial equipment and supplies, coal and fuel oil for heating purposes only when authorized in writing by the Director;

(6) Materials, equipment and supplies needed by the Virginia Alcoholic Beverage Control Board; provided, however, that this exception may include office stationery and supplies, office equipment, janitorial equipment and supplies, coal and fuel oil for heating purposes only when authorized in writing by the Director.

**§ 15.1-8. Reproductions of records and documents and legal status thereof; destruction of originals.**—The governing body of any county, city or town is authorized to provide for the photographing or microphotographing, or the recording by any other process which accurately reproduces or forms a durable medium for reproducing the original of all or any part of the papers, records, documents or other material kept by or in charge of any department, agency or institution of such county, city or town.

A reproduction thereof if substantially the same size as the original, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of the court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

Whenever photographs or microphotographs shall have been made and put in conveniently accessible files, and provision has been made for preserving, examining and using the same, the governing body of the county, city or town may ~~cause~~ *notify the State Librarian that it intends to destroy* the records and papers so photographed or microphotographed, or any part thereof. ~~to be destroyed.~~ *If within sixty days the State Librarian has not notified the governing body that such records or papers should be retained, the governing body may cause them to be destroyed.* Such governing body may also, in its discretion, consult with the county, city or town librarian with reference to the advisability of destroying any such records, papers, documents or other material because of any historical significance or value.

With the approval of the judge of the circuit court of the county entered of record, the clerk, and the clerk of the county court may, if directed so to do by the county governing body, microphotograph records in their respective offices which are not required for current use. No record so microphotographed shall be destroyed but may be stored in a safe place. The microphotograph or a certified copy thereof shall be of the same force and effect as the original record.

**§ 15.1-862.**—A municipal corporation may grant financial aid to military units organized in the municipal corporation pursuant to the laws of the Commonwealth, and to ~~public libraries, and~~ charitable or benevolent institutions and corporations, including those established for scientific, literary or musical purposes or the encouragement of agriculture and the mechanical arts, whose functions further the public purposes of the municipal corporation.

§ 15.1-880.—A municipal corporation may provide and operate ~~public libraries~~, armories and markets, or may contract with others for supplying such facilities.

*A BILL to amend and reenact § 3, as amended, of Chapter 161 of the Acts of Assembly of 1926, approved March 17, 1926, which was continued in effect by § 21-120 of the Code of Virginia, relating to sanitary districts, so as to revoke the power to establish libraries for sanitary districts.*

Be it enacted by the General Assembly of Virginia:

1. That § 3, as amended, of Chapter 161 of the Acts of Assembly of nineteen hundred twenty-six, approved March seventeenth, nineteen hundred twenty-six, which was continued in effect by § 21-120 of the Code of Virginia, be amended and reenacted as follows:

§ 3. After the entry of such order creating a sanitary district of such county, the board of supervisors or other governing body hereinafter referred to as "board of supervisors" thereof shall have the following powers and duties, subject to the conditions and limitations hereinafter prescribed.

(a) To construct, reconstruct, maintain, alter, improve, add to and operate motor vehicle parking lots, water supply, drainage, sewerage, garbage disposal, heat, light, power, gas, sidewalk, curbs, gutters, streets and street name signs and fire fighting systems, for the use and benefit of the public in such sanitary district and as to such motor vehicle parking lots systems to make such charges for the use of such facilities as may be prescribed by said board or body.

(a-1) To acquire, maintain and operate, within such sanitary district, such community buildings, ~~public libraries~~ and other recreational facilities as the board may deem expedient or advisable, and to make such charges for the use of such facilities as may be prescribed by the board.

(b) To acquire by gift, condemnation, purchase, lease or otherwise, and to maintain and operate any such motor vehicle parking lots, water supply, drainage, sewerage, garbage disposal, heat, light and power and gas, sidewalks, curbs, gutters, streets and street name signs, ~~public libraries~~ and fire fighting systems in such district.

(c) To contract with any person, firm, corporation, municipality, county, authority or the Federal government or any agency thereof to acquire, construct, reconstruct, maintain, alter, improve, add to and operate any such motor vehicle parking lots, water supply, drainage, sewerage, garbage removal and disposal, heat, light, power, gas, sidewalk, curbs, gutters, streets and street name signs, ~~public libraries~~ and fire fighting systems in such district, and to accept the funds of, or to reimburse from any available source, such person, firm, corporation, municipality, county, authority or the Federal government or any agency thereof for either the whole or any part of the costs, expenses and charges incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, addition to and operation of any such system or systems.

(d) To require owners or tenants of any property in the district to connect with any such system or systems, and to contract with the owners or tenants for such connections. In order to require owners or tenants of any property in the district to connect with any such system or systems, the board of supervisors shall have power and authority to adopt ordinances so requiring owners or tenants to connect with such systems, and to use the same, and the board of supervisors shall have power to provide for a punishment in the ordinance of not exceeding a fifty dollar fine for each failure and refusal to so connect with such systems, or to use the same. Before adopting any such ordinance the board of supervisors shall give public notice of the intention to propose the same for passage by posting hand bill notices of such proposal in three or more public places in the sanitary district at least ten days prior to the time the ordinance shall be proposed for passage. The ordinance shall not become effective after its passage until ten

days like notice has been given by posting copies of such ordinance in three or more public places in the district. Violations of such ordinances shall be tried before the county court of the county as is provided for trial of misdemeanors, and with like right of appeal.

(e) To fix and prescribe the rates of charge for the use of any such system or systems and to provide for the collection of such charges. And to enable the board to enforce the collection of charges for the use of any such system against the person or persons, firm or corporation using the same, the charges when made for the use of any such system shall be collectable by distress, levy, garnishment, attachment or otherwise without recourse to court procedure, except so far as the selected procedure may require the same. And the board shall have power to designate as its agent for the purpose of collection such officer or officers, person or persons as it may determine, and the officer or officers, person or persons shall be vested with the same power and authority as a sheriff or constable may have in like procedure.

Any unpaid charge shall become a lien superior to the interest of any owner, lessee or tenant, and next in succession to county taxes, on the real property on which the use of any such system was made and for which the charge was imposed; provided, however, such lien shall not bind or affect a subsequent bona fide purchaser of such real estate for valuable consideration without actual notice of such lien, except and until from the time that the amount of such charge is entered in the Judgment Lien Docket kept in the office where deeds may be recorded in the political subdivision wherein the real estate or a part thereof is located. It shall be the duty of the clerk in whose office deeds may be recorded to keep and preserve and hold available for public inspection such Judgment Lien Docket and to cause entries to be made and indexed therein from time to time upon certification by the board for which he shall be entitled to a fee of fifty cents per entry to be paid by the board and added to the amount of the lien.

Such lien on any real estate may be discharged by the payment to the board of the total amount of such lien, and interest at the rate of six per centum per annum to the date of such payment, and the entry fee of fifty cents, and it shall be the duty of the board to deliver a certificate thereof to the person paying the same, and upon presentation thereof and the payment of the further fee of twenty-five cents by such person, the clerk having the record of such lien shall mark the entry of such lien satisfied.

Jurisdiction to enforce any such lien shall be in equity and the court may decree the real estate subject to the lien, or any part thereof, to be sold and the proceeds applied to the payment of such lien and the interest which may accrue to the date of such payment.

Nothing contained herein shall be construed to prejudice the right of the board to recover the amount of such lien, or of the charge, and the interest which may accrue, by action at law or otherwise.

(f) To employ and fix the compensation of any technical, clerical, or other force and help which from time to time, in their judgment, may be deemed necessary for the construction, operation or maintenance of any such system or systems.

(g) To negotiate and contract with any person, firm, corporation, county, authority or municipality with regard to the connection of any system or systems with any other system or systems now in operation or hereafter to be established, and with regard to any other matter necessary and proper for the construction or operation and maintenance of any such system within the sanitary district.

(h) To contract for the extension of any such system into territory outside of the district, and for the use thereof, upon such terms and conditions as the board may from time to time determine upon.

(i) With respect to the maintenance and operation of said motor vehicle parking lots system, the board is authorized to purchase, install, maintain and

operate, and to fix and charge parking meter fees for the use of, such parking lot or lots.

#### HOUSE JOINT RESOLUTION NO. —

Directing the State Council of Higher Education to study the feasibility of establishing graduate and undergraduate courses in library disciplines.

Whereas, the services of trained professional librarians are necessary for the efficient and effective administration of public libraries; and

Whereas, the shortage of librarians with adequate professional training makes it difficult or impossible for the public libraries of the State to obtain such services; and

Whereas, there are few courses available in library disciplines, and no institution of higher learning in the State offers the graduate degree in library science necessary to provide trained professional librarians; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, that the State Council of Higher Education is directed to conduct a study of the feasibility and advisability of establishing graduate and undergraduate courses in library science, and especially a graduate degree in library science, in Virginia institutions of higher learning. If establishment of such courses and programs is found feasible and advisable, the Council is further directed to take steps to implement such courses and programs. The Council shall complete its study and report its findings and progress to the General Assembly not later than November one, nineteen hundred seventy-one. All agencies of the State shall cooperate with and assist the Council in its study.

To defray costs incurred in the conduct of this study, there is hereby appropriated the sum of ten thousand dollars to be paid from the contingent fund of the General Assembly.

#### HOUSE JOINT RESOLUTION NO. —

Directing the Virginia Advisory Legislative Council to study and propose a Public Records Act for the Commonwealth.

Whereas, the preservation of public records is important to the Commonwealth, both for the administration of government and the study of its history; and

Whereas, the access of the public to such records should be protected, without endangering the safety of the documents; and

Whereas, the present provisions of the Code of Virginia are inadequate to accomplish such purposes; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Virginia Advisory Legislative Council is hereby directed to make a study of public records preservation, the present provisions dealing with public records, and proposals for new provisions. All agencies of the State shall assist the Council in its study. The Council shall complete its study and submit its report to the Governor and the General Assembly not later than November One, Nineteen hundred seventy-one.

*A BILL to provide for the enactment of an interstate compact by the Commonwealth of Virginia, relating to interstate library cooperation.*

Be it enacted by the General Assembly of Virginia:

1. That the Interstate Library Compact is enacted into law and entered into by this State in the form substantially as follows:

The Contracting States solemnly agree:

## ARTICLE I

### *Policy and Purpose*

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis, and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

## ARTICLE II

### *Definitions*

As used in this compact:

- (a) "Public library agency" means any unit or agency of local or state government operating or having power to operate a library.
- (b) "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.
- (c) "Library agreement" means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

## ARTICLE III

### *Interstate Library Districts*

(a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreements:

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing of books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for

the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

2. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, (conditional or otherwise), from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

3. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.

4. Employ professional, technical, clerical and other personnel and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the in-service training of such personnel.

5. Sue and be sued in any court of competent jurisdiction.

6. Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

7. Construct, maintain and operate a library, including any appropriate branches thereof.

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

#### ARTICLE IV

##### *Interstate Library Districts, Governing Board*

(a) An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

(b) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

#### ARTICLE V

##### *State Library Agency Cooperation*

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed in Article VI of this compact for interstate library agreements.

#### ARTICLE VI

##### *Library Agreements*

(a) In order to provide for any joint or cooperative undertaking pursuant



to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

1. Detail the specific nature of services, programs, facilities, arrangements or properties to which it is applicable.
2. Provide for the allocation of cost and other financial responsibilities.
3. Specify the respective rights, duties, obligations and liabilities of the parties.
4. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

## ARTICLE VII

### *Approval of Library Agreements*

(a) Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.

(b) In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to paragraph (a) of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

## ARTICLE VIII

### *Other Laws Applicable*

Nothing in this compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

## ARTICLE IX

### *Appropriations and Aid*

(a) Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

(b) Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

## ARTICLE X

### *Compact Administrator*

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

## ARTICLE XI

### *Entry Into Force and Withdrawal*

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

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

## ARTICLE XII

### *Construction and Severability*

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.



