WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 1074

(By Mr. (signature) and Mr. (signature))

PASSED March 5, 1967

In Effect (signature) Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-16-67
AN ACT to amend and reenact section four, chapter one hundred fifty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-seven; and to further amend said chapter by adding thereto three new sections, designated sections five, six and seven, relating to the board of trustees, ownership, management and operation of the Ohio county public library and providing levies for the support, maintenance and operations thereof, and to provide funds for the purchase, acquisition and construction of library buildings and for the purchase of land and the construction and equipping of buildings thereon, defining the powers and authority in the board
of trustees of said library as to receiving and disbursing the funds from the levies herein provided, authorizing said board to borrow money for public library purposes, and further providing that the employees of said board shall be subject to and covered by the West Virginia public employees retirement act.

Be it enacted by the Legislature of West Virginia:

That section four, chapter one hundred fifty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, be amended and reenacted; and that said chapter be further amended and reenacted by adding thereto three new sections, designated sections five, six and seven, all to read as follows:

§4. Annual levies expended for use of library; disbursements; use of income.

1 In order to provide for the maintenance and operation of said public library and any and all branches thereof, and to provide funds for the purchase, acquisition and construction of a new library or libraries and library facilities, the board of education of Ohio county and the board of commissioners of Ohio county, upon
request by the said board of trustees, shall each levy annually, on each one hundred dollars of the assessed valuation of property within the limits of Ohio county, according to the last assessment thereof for state and county purposes, amounts not exceeding the following amounts for each fiscal year as follows: By the board of education of Ohio county, three cents on one hundred dollars of said assessed valuation; by the board of commissioners of Ohio county, one and two-tenths cents on Class I, two and four-tenths cents on Class II, four and eight-tenths cents on Class III, and four and eight-tenths cents on Class IV, of each one hundred dollars of said assessed valuation. The proceeds of these levies shall be for the exclusive use of said public library, any branches thereof, and any other public libraries acquired by purchase or otherwise by said board of trustees, and shall be disbursed only upon order of the said board of trustees, evidenced by warrants drawn on the sheriff of Ohio county, and signed by the chairman and secretary-treasurer of said board. Said levies shall be included within the limits and be a part of the levy or levies authorized
to be made by the said board of education of Ohio county,
and the board of commissioners of Ohio county.
The proceeds of said levies may be used by the board
of trustees of said public library for the maintenance,
support, operation, equipping and management of said
library, and any and all other public libraries or branch
libraries acquired by the said board, either by gift or
purchase, the purchase of real estate, the construction
and equipping of buildings, either by replacement of present library property and facilities or additional libraries and library facilities.
The board is hereby vested with authority to accumulate out of the proceeds of said levies any surplus thereof over and above the amount currently required for the proper operation, maintenance and management of present library facilities from year to year for a period not to exceed five years and such accumulated surplus may be used for the purchase of land, construction of buildings and the equipping of such buildings for library purposes. The board is further vested with full power and authority to borrow funds from such sources as the
same may be available for the purchase of land, the
construction of new buildings and the equipping of said
buildings for library purposes, and to pledge by the
execution and the delivery of appropriate legal instru-
ments, any real estate the said board of trustees may
now own or which it may hereafter acquire for the re-
payment of such borrowed funds; the principal thereof
and interest thereon may be paid out of the proceeds
of the levies hereinbefore authorized: Provided, how-
ever, That not more than thirty-three and one-third per
cent of the proceeds from said levies may be so used
in any fiscal year.

§5. Status of employees.

The employees of the Ohio county public library shall
be subject to the West Virginia public employees retire-
ment act, and the board of trustees of the Ohio county
public library shall be deemed to be a "participating
public employer" and the said employees shall be deemed
to be "an employee" as said terms are defined and used
in said act.

1 Amendments to article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and other general laws shall not control this act except to the extent that they do not conflict with the special features hereof and unless the intent to amend this act is clear, specific and unmistakable.

§7. Severability.

1 If any provision hereof is held invalid, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompkins
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Reedy
Clerk of the Senate

A.B. Blankenship
Clerk of the House of Delegates

Howard E. Peterson
President of the Senate

A. J. Scraw Zinkato
Speaker House of Delegates

The within approved this the 15 day of March, 1967.

Huey P. Long
Governor