

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 1074

(By Mr. Saibert and Mr. Shays)



PASSED March 5 1967

In Effect from Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE

THIS DATE 3-16-67

#1074

ENROLLED

House Bill No. 1074

(By MR. SEIBERT and MR. STAMP)

[Passed March 8, 1967; in effect from passage.]

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 opera-
2 tion of said public library and any and all branches
3 thereof, and to provide funds for the purchase, acqui-
4 sition and construction of a new library or libraries and
5 library facilities, the board of education of Ohio county
6 and the board of commissioners of Ohio county, upon

7 request by the said board of trustees, shall each levy
8 annually, on each one hundred dollars of the assessed
9 valuation of property within the limits of Ohio county,
10 according to the last assessment thereof for state and
11 county purposes, amounts not exceeding the following
12 amounts for each fiscal year as follows: By the board of
13 education of Ohio county, three cents on one hundred
14 dollars of said assessed valuation; by the board of com-
15 missioners of Ohio county, one and two-tenths cents on
16 Class I, two and four-tenths cents on Class II, four and
17 eight-tenths cents on Class III, and four and eight-tenths
18 cents on Class IV, of each one hundred dollars of said
19 assessed valuation. The proceeds of these levies shall
20 be for the exclusive use of said public library, any
21 branches thereof, and any other public libraries acquired
22 by purchase or otherwise by said board of trustees, and
23 shall be disbursed only upon order of the said board of
24 trustees, evidenced by warrants drawn on the sheriff of
25 Ohio county, and signed by the chairman and secretary-
26 treasurer of said board. Said levies shall be included with-
27 in the limits and be a part of the levy or levies authorized

28 to be made by the said board of education of Ohio county,
29 and the board of commissioners of Ohio county.

30 The proceeds of said levies may be used by the board
31 of trustees of said public library for the maintenance,
32 support, operation, equipping and management of said
33 library, and any and all other public libraries or branch
34 libraries acquired by the said board, either by gift or
35 purchase, the purchase of real estate, the construction
36 and equipping of buildings, either by ^{way}~~day~~ of replace-
37 ment of present library property and facilities or addi-
38 tional libraries and library facilities.

39 The board is hereby vested with authority to accumu-
40 late out of the proceeds of said levies any surplus thereof
41 over and above the amount currently required for the
42 proper operation, maintenance and management of pres-
43 ent library facilities from year to year for a period not
44 to exceed five years and such accumulated surplus may
45 be used for the purchase of land, construction of build-
46 ings and the equipping of such buildings for library
47 purposes. The board is further vested with full power
48 and authority to borrow funds from such sources as the

49 same may be available for the purchase of land, the
50 construction of new buildings and the equipping of said
51 buildings for library purposes, and to pledge by the
52 execution and the delivery of appropriate legal instru-
53 ments, any real estate the said board of trustees may
54 now own or which it may hereafter acquire for the re-
55 payment of such borrowed funds; the principal thereof
56 and interest thereon may be paid out of the proceeds
57 of the levies hereinbefore authorized: *Provided, how-*
58 *ever,* That not more than thirty-three and one-third per
59 cent of the proceeds from said levies may be so used
60 in any fiscal year.

§5. Status of employees.

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

§6. Effect of future amendments of general law.

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

§7. Severability.

1 If any provision hereof is held invalid, such invalidity
2 shall not affect other provisions hereof which can be
3 given effect without the invalid provision, and to this end
4 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 Keegan
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

H. Labea Zerkito
Speaker House of Delegates

The within *approved* this the *15*

day of *March*, 1967.

Huey C. Smith
Governor

PRESENTED TO THE
GOVERNOR

Date 3/13/67

Time 4:30 p.m.