

No. 20

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1986

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ENROLLED

SENATE BILL NO. 20

(By Senator Lawrence M. President, et al)

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PASSED May 20, 1986

In Effect June Passage



ENROLLED
Senate Bill No. 20

(By SENATORS TONKOVICH, MR. PRESIDENT (By REQUEST) AND HARMAN)

[Passed May 20, 1986, in effect from passage.]

AN ACT to provide a stable method of financing the operation of the Hamlin-Lincoln county public libraries, Lincoln County, West Virginia, organized under article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended.

Be it enacted by the Legislature of West Virginia:

HAMLIN-LINCOLN COUNTY PUBLIC LIBRARIES.

§1. Legislative findings and purpose.

1 The Legislature finds: (1) That in the year one thousand
2 nine hundred seventy-two the governing authority of the
3 town of Hamlin located in Lincoln County, West Virginia,
4 pursuant to authority granted to it in section two, article
5 one, chapter ten of the code of West Virginia, one thousand
6 nine hundred thirty-one, as amended, created the Hamlin
7 Public Library; (2) that this library is operated by a board of
8 directors appointed by the governing authority of the town
9 of Hamlin, as provided in section five of said article one,
10 which board is a public corporation under section nine of
11 said article one, having all the powers and duties vested in
12 library boards by article one of said chapter ten; (3) that the
13 county commission and the county board of education, both
14 of Lincoln County, have entered into contracts with this
15 library board, as permitted under section four of said article
16 one, for the library board to make its library materials and

17 services available without charge to all persons living in
18 Lincoln County; (4) that branch libraries have been
19 established in Alum Creek and Branchland, both located in
20 Lincoln County; and (5) that other areas of Lincoln County
21 have expressed interest in having branches of this library
22 established in their area. The Legislature further finds and
23 declares it to be in the public interest to provide for the
24 Hamlin-Lincoln county public library a stable method of
25 financing its operation to better serve persons in Lincoln
26 County.

**§2. Levies by county commission, county board of education
and city of Hamlin to support Hamlin-Lincoln county
public libraries.**

1 (a) In order to provide for the support, maintenance and
2 operation of the Hamlin-Lincoln County public libraries,
3 Lincoln County, West Virginia, and any and all branches
4 thereof, the Lincoln County board of education, the county
5 commission of Lincoln County and the city of Hamlin,
6 hereinafter described as the supporting agencies, shall,
7 upon written request by the board of directors of the
8 Hamlin-Lincoln County public libraries, levy annually on
9 each one hundred dollars of assessed valuation of the
10 property taxable by it according to the last assessment for
11 state and county purposes, amounts as follows, for the fiscal
12 year beginning the first day of July, one thousand nine
13 hundred eighty-six, and each succeeding fiscal year:

14 (1) By the board of education of Lincoln County, from
15 special and excess levies available to the board: On Class I
16 property, seven tenths (7/10) of one cent per hundred; on
17 Class II property, one and four-tenths (1.4) cents per
18 hundred; on Class III property, two and eight-tenths (2.8)
19 cents per hundred; and on Class IV property, two and
20 eight-tenths (2.8) cents per hundred.

21 (2) By the county commission of Lincoln County: On
22 Class I property, four tenths (4/10) of one cent per hundred;
23 on Class II property, eight tenths (8/10) of one cent per
24 hundred; on Class III property, one and six-tenths (1.6)
25 cents per hundred; and on Class IV property, one and six-
26 tenths (1.6) cents per hundred.

27 (3) By the city of Hamlin: On Class I property, one and
28 two-tenths (1.2) cents per hundred; on Class II property,

29 two and four-tenths (2.4) cents per hundred; and on Class IV
30 property, four and eight-tenths (4.8) cents per hundred.

31 (b) Each year the board of directors of the Hamlin-
32 Lincoln County public libraries may request each of the
33 three supporting agencies to levy within the rates
34 prescribed in subsection (a), at the rate specified by the
35 board, on each one hundred dollars of assessed value of
36 property of the same class; and each of the three supporting
37 agencies shall levy as aforesaid and appropriate the revenue
38 derived from such levies to the Hamlin-Lincoln County
39 public libraries. In addition, each supporting agency may
40 appropriate to the public library any other general or
41 specific revenues or excess levies.

§3. Deposit and disbursement of funds.

1 (a) All money collected or appropriated by the three
2 supporting agencies for library purposes shall be deposited
3 as directed by the board of directors of the Hamlin-Lincoln
4 County public libraries in a bank or savings account
5 specified by the board.

6 (b) *Disbursement of funds.* —All monies appropriated to
7 the Hamlin-Lincoln County public libraries and all income
8 realized by the operation of the public libraries shall be
9 used by the board of directors for the support, maintenance
10 and operation of the public libraries, and disbursed by it for
11 payment of: salaries and wages; books and other library
12 materials such as periodicals, pamphlets, papers, works of
13 art, records and tapes; machinery, equipment and
14 furnishings; supplies and services; other costs and expenses
15 of operating and maintaining public libraries, including the
16 cost of maintaining, repairing, improving and replacing its
17 properties; and costs of acquiring additional property:
18 *Provided*, That all money appropriated by the city of
19 Hamlin shall be used only for the public library, or branches
20 thereof, located within the corporate limits of the city of
21 Hamlin.

22 (c) *Accumulated surplus.* —The board is hereby vested
23 with authority to accumulate a surplus from year to year
24 over and above the amount currently required for the
25 proper operation, maintenance and management of present
26 library facilities. Such accumulated surplus may be used
27 for the purchase or lease of new library facilities or

28 additions to existing library facilities, including the
29 equipping of such new facilities or additions to existing
30 facilities for library purposes; and to pledge by the
31 execution and delivery of appropriate legal instruments,
32 any real estate the board of directors may now own or which
33 it may hereafter acquire for the repayment of borrowed
34 funds; and the principal thereof and the interest thereon
35 may be paid out of the proceeds of the levies hereinbefore
36 authorized.

§4. Status of employees.

1 All employees of the Hamlin-Lincoln County public
2 library system shall be entitled to the benefits of the
3 provisions of chapter twenty-three and of article seven,
4 chapter five of the code of West Virginia, one thousand nine
5 hundred thirty-one, as amended.

§5. Effect of future amendments of general law.

1 Amendments to article one of said chapter ten and to
2 other general laws shall not control this act except to the
3 extent that such amendments do not conflict with the
4 provisions of this act, unless the intent to amend this act is
5 expressly stated.

§6. Severability.

1 If any provision hereof is held to be invalid by a court of
2 competent jurisdiction, such invalidities shall not affect
3 other provisions of this act which can be given effect
4 without the invalid provision, and to this end, the
5 provisions of this act are declared to be severable.

Blaine O. L. Davis
Chairman Senate Committee

Floyd Fuller
.....
Chairman House Committee

Todd C. Miller
Clerk of the Senate

Donald E. Voss
Clerk of the House of Delegates

... *Alan Tonelson*
President of the Senate

Joseph P. Allright
Speaker House of Delegates

The within approved this the 28th
day of May, 1986.
Ark A. Shary
Governor

SENT TO THE

GOVERNOR

Date 5/22/86

Time 3:22 p.m.

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