

No: 2833

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

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ENROLLED

Com. SUB. FOR

HOUSE BILL No. 2833.

(By Delegates MINARD + FULLEN)

— ● —

Passed MARCH 14, 1987

In Effect Ninety Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2833
(By DELEGATES MINARD and FULLEN)

[Passed March 14, 1987; in effect ninety days from passage.]

AN ACT to provide a stable method of financing the operation of the Clarksburg-Harrison public library located in Harrison County, West Virginia, as the same was organized under the provisions of article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by creating a separate library board with power to operate such public library to serve the residents of the city of Clarksburg and the county of Harrison; requiring levy at request of boards; providing workers' compensation coverage for library employees; vesting title to library property; and providing for application of future amendments to general law.

Be it enacted by the Legislature of West Virginia:

CLARKSBURG-HARRISON PUBLIC LIBRARY.

§1. Public library board created; joint support by the county board of education, county commission and city of Clarksburg.

- 1 There is hereby created a public library board, which
- 2 shall operate the Clarksburg-Harrison public library,
- 3 which library shall be supported by the board of
- 4 education of the county of Harrison, by the county

5 commission of Harrison County, and by the city of
6 Clarksburg, as a joint endeavor of the three governing
7 authorities in the manner hereinafter provided.

**§2. Board of directors; appointment, powers and duties
generally; officers, bylaws, rules and regulations.**

1 There shall be a board of directors consisting of five
2 directors who shall serve without compensation. Before
3 the first day of July, one thousand nine hundred eighty-
4 seven, the board of education of the county of Harrison
5 shall appoint two members of such board of directors,
6 appointing one member for the term of one year and one
7 member for the term of four years. The county commis-
8 sion of Harrison County shall appoint two members to
9 the board of directors, appointing one member for the
10 term of two years and one member for the term of five
11 years. The city of Clarksburg shall appoint one member
12 to the board of directors for the term of three years. The
13 initial terms of these appointees shall commence on the
14 first day of July, one thousand nine hundred eighty-
15 seven. Annually thereafter, on or before the first day of
16 July each year beginning on the first day of July, one
17 thousand nine hundred eighty-eight, the three support-
18 ing entities shall in rotation, appoint one member of the
19 board of directors annually, the first such appointment
20 to be made by the city of Clarksburg, the second such
21 appointment to be made by the board of education of
22 Harrison County, and the third such appointment to be
23 made by the county commission of Harrison County.
24 Each appointment to the board of directors of said
25 library shall be for a term of five years, except that any
26 person appointed to fill a vacancy occurring before the
27 expiration of that term shall serve only for the unex-
28 pired portion thereof. Any member of the board shall
29 be eligible for reappointment and the governing
30 authority which appointed any member to the board
31 may remove that member for cause.

32 There shall be an annual meeting of the board of
33 directors on the third Tuesday in July of each year and
34 a monthly meeting on the day of each month which the
35 board may designate. A special meeting may be called
36 by the president, the secretary, or any two members of

37 the board and such special meeting shall be held only
 38 after all of the directors are given notice thereof in
 39 writing. At all meetings three members shall constitute
 40 a quorum and at each annual meeting of the board of
 41 directors it shall elect, from its membership, a presi-
 42 dent, a vice president, a secretary, and a treasurer:
 43 *Provided*, That the director of the library may be elected
 44 as the secretary. The board of directors shall adopt such
 45 bylaws, rules and regulations as are necessary for its
 46 own guidance and for the administration, supervision
 47 and protection of the library and all of the property
 48 belonging thereto. The board of directors shall have all
 49 of the powers necessary, convenient and advisable for
 50 the proper operation, equipment and management of
 51 said library; and except as otherwise especially provided
 52 in this act, shall have the powers and be subject to the
 53 duties which are conferred and imposed, respectively,
 54 upon library directors by sections six through eleven,
 55 article one, chapter ten of the code of West Virginia, one
 56 thousand nine hundred thirty-one, as amended, or by
 57 subsequent enactments of the Legislature of West
 58 Virginia.

§3. A body corporate.

1 The public library hereby created shall be a corpora-
 2 tion. As such it may contract and be contracted with,
 3 sue and be sued, plead and be impleaded, and shall have
 4 and use a common seal.

§4. Title to property.

1 The title to all property, both real and personal, now
 2 devoted to public library purposes by the board of
 3 education, the county of Harrison, and the city of
 4 Clarksburg in connection with the operation of it by a
 5 public library in the city of Clarksburg and the county
 6 of Harrison, and any branches of such library, shall, on
 7 the first day of July, one thousand nine hundred eighty-
 8 seven, vest in the board of directors of the Clarksburg-
 9 Harrison public library, hereby created.

§5. Levies for support, maintenance and operation.

1 In order to provide for the support, maintenance, and

2 operations of the Clarksburg-Harrison public library
3 and any branches thereof, the said supporting governing
4 authorities shall, upon written request by the board of
5 directors of the public library, levy annually within the
6 respective taxing districts of the governing authorities,
7 on each one hundred dollars of assessed valuation of the
8 respective classes of property taxable in the area served
9 by it according to the last assessment for state and
10 county purposes, up to the following rates beginning
11 with the fiscal year beginning on the first day of July,
12 one thousand nine hundred eighty-seven:

13 (a) The county commission of Harrison County, for the
14 first year and annually thereafter:

15 Class I, two tenths cents;

16 Class II, four tenths cents; and

17 Class III and IV, eight tenths cents.

18 (b) The board of education of the county of Harrison
19 for the first year and annually thereafter:

20 Class I, two tenths cents;

21 Class II, four tenths cents; and

22 Class III and IV, eight tenths cents.

23 (c) The city of Clarksburg for the first year and
24 annually thereafter:

25 Class I, 1.066 cents;

26 Class II, 2.132 cents; and

27 Class III and IV, 4.264 cents.

28 Each year the board of directors shall request each
29 of the three supporting authorities to levy within the
30 rates prescribed above, at the rates specified by the
31 board, on each one hundred dollars of assessed valuation
32 of property of the same class; and each of the three
33 supporting authorities shall levy at the rates requested
34 by the aforesaid board. Nothing herein shall prevent any
35 of the supporting authorities from contributing to the
36 public library, from time to time, any other general or
37 specific revenues or excess levies: *Provided*, That in the

38 first year the mentioned levy rates are in effect, and in
 39 each year thereafter, the public library shall receive
 40 annual funding from the county commission of Harrison
 41 County in an amount not less than fifty thousand dollars,
 42 funding from the board of education of the county of
 43 Harrison in an amount not less than fifty thousand
 44 dollars, and funding from the city of Clarksburg in an
 45 amount not less than one hundred thousand dollars.
 46 Such minimum funding from the county commission
 47 and the county board of education shall be increased
 48 yearly by the amount of increase in revenues produced
 49 by the rates set out in this article, until the amounts
 50 contributed by the county commission and the county
 51 board of education equal the amount then contributed
 52 by the city of Clarksburg, and thereafter the three
 53 supporting authorities shall contribute to the public
 54 library in equal annual amounts of not less than one
 55 hundred thousand dollars.

§6. Deposit and disbursement of funds.

1 All money collected or appropriated by the three
 2 governing authorities for library purposes shall be
 3 deposited on a quarterly basis directed by the board of
 4 directors of the Clarksburg-Harrison public library in
 5 a bank or savings account specified by the board.

6 All moneys appropriated to the Clarksburg-Harrison
 7 public library and all income realized by the operation
 8 of the public library from any sources other than the
 9 above levies shall be used by the board of directors for
 10 the support, maintenance and operation of the said
 11 public library and its branches.

12 The board is hereby vested with authority to accum-
 13 ulate a surplus from year to year over and above the
 14 amount currently required for the proper operation,
 15 maintenance and management of the library. Such
 16 accumulated surplus may be used if and as needed for
 17 support, maintenance and operation of the library, and
 18 for capital improvements, additions or extensions to
 19 library facilities.

§7. Status of employees.

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

§8. Effect of future amendments of general law.

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

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

Bruce O. Williams
Chairman Senate Committee

Lyb Lattis
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Willis
Clerk of the Senate

Donald L. Hopp
Clerk of the House of Delegates

Sam Terhune
President of the Senate

Robert C. Chalk
Speaker of the House of Delegates

The within *approved* this the *31st*
day of *March*, 1987.

Anna. Mary J.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/26/87

Time 2:49 p.m.

RECEIVED

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OFFICE OF THE
SOLICITOR GENERAL