

Mo: 2994

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

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# ENROLLED

HOUSE BILL No. 2994

(By Delegate BURK + ROGERS)

— ● —

Passed MARCH 13, 1987

In Effect NINETY Days from Passage

**ENROLLED**  
**H. B. 2994**

(By DELEGATES BURK and ROGERS)

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[Passed March 13, 1987; in effect ninety days from passage.]

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AN ACT to provide a stable method of financing the operation of the Parkersburg and Wood County public library and the Vienna public library, both located in Wood County, West Virginia, as the same were 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 two separate library boards with power to operate such public libraries to serve the residents of the city of Parkersburg, the city of Vienna and the county of Wood; 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:*

**PARKERSBURG AND WOOD COUNTY PUBLIC LIBRARY.**

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

1     There is hereby created a public library board, which  
2     shall operate the Parkersburg and Wood County public  
3     library, which library shall be supported by the board  
4     of education of the county of Wood, by the county  
5     commission of Wood County, and by the city of Parkers-  
6     burg, 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 Wood shall  
5 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 Wood County shall appoint two members to the  
9 board of directors, appointing one member for the term  
10 of two years and one member for the term of five years.  
11 The city of Parkersburg shall appoint one member to  
12 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 Parkersburg, the second such  
21 appointment to be made by the board of education of  
22 Wood County, and the third such appointment to be  
23 made by the county commission of Wood County. Each  
24 appointment to the board of directors of said library  
25 shall be for a term of five years, except that any person  
26 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 Wood, and the city of Parkers-  
 4 burg in connection with the operation of it by a public  
 5 library in the city of Parkersburg and the county of  
 6 Wood, and any branches of such library, shall, on the  
 7 first day of July, one thousand nine hundred eighty-  
 8 seven, vest in the board of directors of the Parkersburg  
 9 and Wood County 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 Parkersburg and Wood County public  
 3 library and any branches thereof, the said supporting

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

14 (a) The county commission of Wood County, for the  
15 first year and annually thereafter not to exceed:

16 Class I, five hundredths cents;

17 Class II, seven hundredths cents; and

18 Class III and IV, one cent.

19 (b) The board of education of the county of Wood for  
20 the first year and annually thereafter not to exceed:

21 Class I, five hundredths cents;

22 Class II, nine hundredths cents; and

23 Class III and IV, one and seven hundredths cents.

24 (c) The city of Parkersburg for the first year and  
25 annually thereafter not to exceed:

26 Class I, nine hundredths cents;

27 Class II, one and nine hundredths cents; and

28 Class III and IV, two and nine hundredths cents.

29 Each year the board of directors shall request each  
30 of the three supporting authorities to levy within the  
31 rates prescribed above, at the rates specified by the  
32 board, on each one hundred dollars of assessed valuation  
33 of property of the same class; and each of the three  
34 supporting authorities shall levy at the rates requested  
35 by the aforesaid board. In addition, each supporting  
36 authority may contribute to the public library any other  
37 general or specific revenues or excess levies.

**§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 at least quarter annually as directed by the  
 4 board of directors of the Parkersburg and Wood County  
 5 public library in a bank or savings account specified by  
 6 the board.

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

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

**§7. Status of employees.**

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

**VIENNA PUBLIC LIBRARY.**

**§8. Public library board created; joint support by the county board of education, county commission and city of Vienna.**

1 There is hereby created a public library board, which  
 2 shall operate the Vienna public library, which library  
 3 shall be supported by the board of education of the  
 4 county of Wood, by the county commission of Wood  
 5 County and by the city of Vienna, as a joint endeavor  
 6 of the three governing authorities in the manner  
 7 hereinafter provided.

**§9. Board of directors; appointments, 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 Wood shall  
5 appoint one member of such board of directors for the  
6 term of three years. The county commission of Wood  
7 County shall appoint one member to the board of  
8 directors for the term of one year. The city of Vienna  
9 shall appoint three members to the board of directors,  
10 appointing one member for the term of two years, one  
11 member for the term of four years and one member for  
12 the term of five years. The initial terms of these  
13 appointees shall commence on the first day of July, one  
14 thousand nine hundred eighty-seven. Annually thereaf-  
15 ter, on or before the first day of July each year  
16 beginning on the first day of July, one thousand nine  
17 hundred eighty-eight, the three supporting entities shall  
18 in rotation, appoint one member of the board of  
19 directors annually, the first such appointment to be  
20 made by the county commission of Wood County, the  
21 second such appointment to be made by the city of  
22 Vienna, the third such appointment to be made by the  
23 board of education of Wood County, the fourth and fifth  
24 such appointments to be made by the city of Vienna.  
25 Each appointment to the board of directors of said  
26 library shall be for a term of five years, except that any  
27 person appointed to fill a vacancy occurring before the  
28 expiration of that term shall serve only for the unex-  
29 pired portion thereof. Any member of the board shall  
30 be eligible for reappointment and the governing  
31 authority which appointed any member to the board  
32 may remove that member for cause.

33       There shall be an annual meeting of the board of  
34 directors on the third Tuesday in July of each year and  
35 a monthly meeting on the day of each month which the  
36 board may designate. A special meeting may be called  
37 by the president, the secretary, or any two members of  
38 the board and such special meeting shall be held only  
39 after all of the directors are given notice thereof in  
40 writing. At all meetings three members shall constitute

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

**§10. 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.

**§11. Title to property.**

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

**§12. Levies for support, maintenance and operation.**

1 In order to provide for the support, maintenance and  
2 operations of the Vienna public library, the said  
3 supporting governing authorities shall, upon written  
4 request by the board of directors of the public library,  
5 levy annually within the respective taxing districts of  
6 the governing authorities, on each one hundred dollars  
7 of assessed valuation of the respective classes of property

8 taxable in the area served by it according to the last  
9 assessment for state and county purposes, up to the  
10 following amounts beginning with the fiscal year  
11 beginning on the first day of July, one thousand nine  
12 hundred eighty-seven:

13 (a) The county commission of Wood County, for the  
14 first year and annually thereafter not to exceed:

15 Class I, one hundredths cents;

16 Class II, two hundredths cents; and

17 Class III and IV, two hundredths cents.

18 (b) The board of education of the county of Wood for  
19 the first year and annually thereafter not to exceed:

20 Class I, one hundredths cents;

21 Class II, two hundredths cents; and

22 Class III and IV, two hundredths cents.

23 (c) The city of Vienna for the first year and annually  
24 thereafter not to exceed:

25 Class I, four hundredths cents;

26 Class II, six hundredths cents; and

27 Class III and IV, nine hundredths 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. In addition, each supporting  
35 authority may contribute to the public library any other  
36 general or specific revenues or excess levies.

**§13. Deposit and disbursement of funds.**

1 All money collected or appropriated by the three  
2 governing authorities for library purposes shall be  
3 deposited at least quarter annually as directed by the  
4 board of directors of the Vienna public library in a bank  
5 or savings account specified by the board.

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

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

**§14. Status of employees.**

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

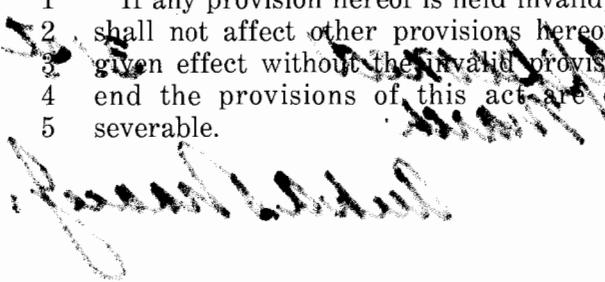
**GENERAL.**

**§15. 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.

**§16. 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  
4 end the provisions of this act are declared to be  
5 severable.



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

*Bruce O. Williams*  
-----  
Chairman Senate Committee

*Lyle Satter*  
-----  
Chairman House Committee  
member

Originating in the House.

Takes effect ninety days from passage.

*Todd C. Willis*  
-----  
Clerk of the Senate

*Donald L. Kopp*  
-----  
Clerk of the House of Delegates

*Ron Tombari*  
-----  
President of the Senate

*John W. Sprunt*  
-----  
Speaker of the House of Delegates

The within *appeared* this the *31<sup>st</sup>*  
*March* day of \_\_\_\_\_, 1987.

*Arthur H. Mays, Jr.*  
-----  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/87

Time 5:02 p.m.

RECEIVED

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