

SB 450

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

Committee Substitute for
SENATE BILL NO. 450

(By Senators Ross and Helmick)



PASSED March 11, 1994

In Effect from Passage

E N R O L L E D
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 450

(SENATORS ROSS AND HELMICK, *original sponsors*)

[Passed March 11, 1994; in effect from passage.]

AN ACT to provide a stable method of financing the operation of the Upshur county public library located in Upshur 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 the public library to serve the residents of the county of Upshur as a joint venture of the Upshur county board of education and the Upshur county commission; appointment of board of directors, members, terms; meetings of the board of directors; powers of the board of directors; incorporation of the board of directors; requiring levy at the request of the board of directors with an annual cap of seventy-five thousand dollars; deposit and disbursement of funds; providing workers' compensation, social security and retirement 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:

UPSHUR COUNTY PUBLIC LIBRARY.

§1. Public library board created; joint support by the county board of education and county commission of Upshur county, West Virginia.

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

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

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
4 ninety-four, the board of education of the county of
5 Upshur shall appoint two members of the board of
6 directors, appointing one member for the term of one
7 year and one member for the term of four years. The
8 county commission of Upshur county shall appoint three
9 members to the board of directors, appointing one
10 member for the term of two years, one member for a
11 term of three years and one member for the term of five
12 years. The initial terms of these appointees shall
13 commence on the first day of July, one thousand nine
14 hundred ninety-four. Annually thereafter, on or before
15 the first day of July in each year beginning on the first
16 day of July, one thousand nine hundred ninety-five, the
17 two supporting entities shall in rotation, appoint one
18 member of the board of directors annually, the first
19 appointment to be made by the board of education of
20 Upshur county and the second appointment to be made
21 by the county commission of Upshur county. Each
22 appointment to the board of directors of the library shall

23 be for a term of five years, except that any person
24 appointed to fill a vacancy occurring before the
25 expiration of that term shall serve only for the unexpired
26 portion of the term. Any member of the board is eligible
27 for reappointment and the governing authority which
28 appointed any member to the board may remove that
29 member for cause.

30 There shall be an annual meeting of the board of
31 directors in July of each year and a monthly meeting on
32 the day of each month which the board may designate. A
33 special meeting may be called by the president, the
34 secretary or any two members of the board and such
35 special meeting shall be held only after all of the
36 directors are given notice of the special meeting. At all
37 meetings three members constitutes a quorum and at
38 each annual meeting of the board of directors it shall
39 elect, from its membership, a president, a vice president,
40 a secretary and a treasurer: *Provided*, That the director
41 of the library may be elected as the secretary. The board
42 of directors shall adopt such bylaws and rules as are
43 necessary for its own guidance and for the administra-
44 tion, supervision and protection of the library and all of
45 the property belonging to the library. The board of
46 directors shall have all of the powers necessary,
47 convenient and advisable for the proper operation,
48 equipment and management of the library; and except as
49 otherwise especially provided in this article, shall have
50 the powers and be subject to the duties which are
51 conferred and imposed, respectively, upon library
52 directors by sections six through eleven, article one,
53 chapter ten of the code of West Virginia, one thousand
54 nine hundred thirty-one, as amended, or by subsequent
55 enactments of the Legislature of West 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, sue
3 and be sued, plead and be impleaded and shall have and
4 use a common seal.

§4. Title to property.

1 The title to all property, both real and personal,
2 hereinafter devoted to public library purposes by the
3 board of education or the county of Upshur, in connec-
4 tion with the operation of it by a public library in the
5 county of Upshur, and any branches of the library shall,
6 on the first day of July, one thousand nine hundred
7 ninety-four, vest in the board of directors of the Upshur
8 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 Upshur county public library and any
3 branches thereof, the supporting governing authorities
4 shall, upon written request by the board of directors of
5 the public library, levy annually within the respective
6 taxing districts of the governing authorities, on each one
7 hundred dollars of assessed valuation of the respective
8 classes of property taxable in the area served by it
9 according to the last assessment for state and county
10 purposes, up to the following rates beginning with the
11 fiscal year beginning on the first day of July, one
12 thousand nine hundred ninety-four.

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

15 Class I, six-tenths cents;

16 Class II, III and IV, eight-tenths cents.

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

19 Class I, nine-tenths cents;

20 Class II, III and IV, one and one-tenths cents.

21 Each year the board of directors shall request each of
22 the two supporting authorities to levy within the rates
23 prescribed above, at the rates specified by the board, on
24 each one hundred dollars of assessed valuation of
25 property of the same class; and each of the two support-

26 ing authorities shall levy at the rates requested by the
27 board of directors: *Provided*, That the sum of the
28 revenues or levies shall not exceed seventy-five thousand
29 dollars in any one year. Nothing herein shall prevent any
30 of the supporting authorities from contributing to the
31 public library, from time to time, any other general or
32 specific revenues or excess levies.

§6. Deposit and disbursement of funds.

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

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

12 The board is hereby vested with authority to accumu-
13 late 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. The
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.

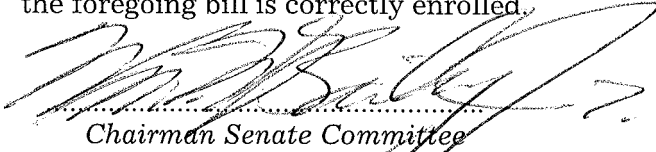
1 All full-time employees of the Upshur county public
2 library shall be entitled to the benefits of the provisions
3 of chapter twenty-three, and articles seven and ten,
4 chapter five of the code of West Virginia, one thousand
5 nine hundred thirty-one, as amended.

§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
4 article only to the extent that they do not conflict with
5 the special features hereof, or unless the intent to amend
6 this article is clear and unmistakable.

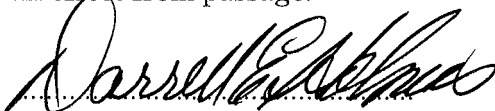
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee

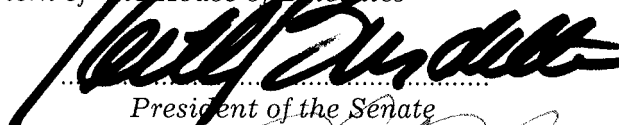

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

In effect from passage.


Darrell E. Edwards
Clerk of the Senate


Donald F. Hooper
Clerk of the House of Delegates


Betty Burdett
President of the Senate


Rick Warren
Speaker House of Delegates

The within is approved this the 15th
day of March, 1994.


Governor

PRESENTED TO THE

GOVERNOR

Date

3/18/94

Time

4:41pm