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
ENROLLED
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.

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

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

There shall be a board of directors consisting of five directors who shall serve without compensation. Before the first day of July, one thousand nine hundred ninety-four, the board of education of the county of Upshur shall appoint two members of the board of directors, appointing one member for the term of one year and one member for the term of four years. The county commission of Upshur county shall appoint three members to the board of directors, appointing one member for the term of two years, one member for a term of three years and one member for the term of five years. The initial terms of these appointees shall commence on the first day of July, one thousand nine hundred ninety-four. Annually thereafter, on or before the first day of July in each year beginning on the first day of July, one thousand nine hundred ninety-five, the two supporting entities shall in rotation, appoint one member of the board of directors annually, the first appointment to be made by the board of education of Upshur county and the second appointment to be made by the county commission of Upshur county. Each appointment to the board of directors of the library shall
be for a term of five years, except that any person appointed to fill a vacancy occurring before the expiration of that term shall serve only for the unexpired portion of the term. Any member of the board is eligible for reappointment and the governing authority which appointed any member to the board may remove that member for cause.

There shall be an annual meeting of the board of directors in July of each year and a monthly meeting on the day of each month which the board may designate. A special meeting may be called by the president, the secretary or any two members of the board and such special meeting shall be held only after all of the directors are given notice of the special meeting. At all meetings three members constitutes a quorum and at each annual meeting of the board of directors it shall elect, from its membership, a president, a vice president, a secretary and a treasurer: Provided, That the director of the library may be elected as the secretary. The board of directors shall adopt such bylaws and rules as are necessary for its own guidance and for the administration, supervision and protection of the library and all of the property belonging to the library. The board of directors shall have all of the powers necessary, convenient and advisable for the proper operation, equipment and management of the library; and except as otherwise especially provided in this article, shall have the powers and be subject to the duties which are conferred and imposed, respectively, upon library directors by sections six through eleven, article one, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, as amended, or by subsequent enactments of the Legislature of West Virginia.

§3. A body corporate.

The public library hereby created shall be a corporation. As such it may contract and be contracted with, sue and be sued, plead and be impleaded and shall have and use a common seal.
§4. Title to property.

The title to all property, both real and personal, hereinafter devoted to public library purposes by the board of education or the county of Upshur, in connection with the operation of it by a public library in the county of Upshur, and any branches of the library shall, on the first day of July, one thousand nine hundred ninety-four, vest in the board of directors of the Upshur county public library, hereby created.

§5. Levies for support, maintenance and operation.

In order to provide for the support, maintenance and operations of the Upshur county public library and any branches thereof, the supporting governing authorities shall, upon written request by the board of directors of the public library, levy annually within the respective taxing districts of the governing authorities, on each one hundred dollars of assessed valuation of the respective classes of property taxable in the area served by it according to the last assessment for state and county purposes, up to the following rates beginning with the fiscal year beginning on the first day of July, one thousand nine hundred ninety-four.

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

Class I, six-tenths cents;
Class II, III and IV, eight-tenths cents.

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

Class I, nine-tenths cents;
Class II, III and IV, one and one-tenths cents.

Each year the board of directors shall request each of the two supporting authorities to levy within the rates prescribed above, at the rates specified by the board, on each one hundred dollars of assessed valuation of property of the same class; and each of the two support-
ing authorities shall levy at the rates requested by the board of directors: Provided, That the sum of the revenues or levies shall not exceed seventy-five thousand dollars in any one year. Nothing herein shall prevent any of the supporting authorities from contributing to the public library, from time to time, any other general or specific revenues or excess levies.

§6. Deposit and disbursement of funds.

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

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

The board is hereby vested with authority to accumulate a surplus from year to year over and above the amount currently required for the proper operation, maintenance and management of the library. The accumulated surplus may be used if and as needed for support, maintenance and operation of the library, and for capital improvements, additions or extensions to library facilities.

§7. Status of employees.

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

§8. Effect of future amendments of general law.

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

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the ______ day of ______, 1994.

Governor