

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4246

(BY DELEGATES OVERINGTON, HOUSEHOLDER,

FAIRCLOTH, BLAIR AND FOLK)

[Introduced January 25, 2016;

referred to the Committee on Political Subdivisions

then Government Organization.]

1 A BILL to amend and reenact chapter 83, Acts of the Legislature, regular session, 1970, relating
2 to changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public
3 Library; creating a library board with the power to operate the public library; and providing
4 a stable method of financing the operation of the Martinsburg-Berkeley County Public
5 Library.

Be it enacted by the Legislature of West Virginia:

MARTINSBURG-BERKELEY COUNTY PUBLIC LIBRARY.

§1. Martinsburg-Berkeley County Public Library Created.

1 The city of Martinsburg formed the Martinsburg Public Library, which now provides library
2 service to all of Berkeley County. The public library is funded by Berkeley County, the Berkeley
3 county board of education and the city of Martinsburg. To recognize the county wide service and
4 shared funding of the public library the corporation known as the Martinsburg Public Library shall
5 become the Martinsburg-Berkeley County Public Library.

§2. Board of Directors – Appointment, powers and duties.

1 The directors currently serving will serve until the end of their respective terms. Beginning
2 June 30, 2016, there shall be a board of five directors, who shall serve without compensation.
3 The Berkeley County Commission shall be responsible for two appointments, the Berkeley county
4 board of education shall be responsible for two appointments and the city of Martinsburg shall be
5 responsible for one appointment. The term expiring June 30, 2016, shall be appointed by the
6 Berkeley County Commission; the term expiring June 30, 2017, shall be appointed by the
7 Berkeley county board of education; the term expiring June 30, 2018, shall be appointed by the
8 city of Martinsburg; the term expiring June 30, 2019, shall be appointed by the Berkeley County
9 Commission; and the term expiring June 30, 2020, shall be appointed by the Berkeley county
10 board of education.

11 Successive appointments will be filled by the original appointing authority. The powers
 12 and duties of the Martinsburg-Berkeley County Public Library and the board of directors shall be
 13 defined by chapter ten of the West Virginia Code.

**§1 3. Levies by county commission, county board of education and city of Martinsburg to
 support Martinsburg-Berkeley County Public Library.**

1 In order to provide for the support, maintenance, and operation of the Martinsburg-
 2 Berkeley County Public Library, Berkeley County, West Virginia, and any and all branches thereof,
 3 the Berkeley county board of education, the Berkeley County ~~court~~ Commission and the city of
 4 Martinsburg, hereinafter described as the supporting agencies, shall, upon written request by the
 5 board of directors of the Martinsburg-Berkeley County Public Library, levy annually on each \$100
 6 of assessed valuation of the property taxable according to the last assessment for state and
 7 county purposes, amounts as follows: By the board of education of the county of Berkeley, Class
 8 I, one-half cent; Class II, one cent; Class III, two cents; Class IV, two cents; by the county ~~court~~
 9 commission of Berkeley county, Class I, one-half cent; Class II, one cent; Class III, two cents;
 10 Class IV, two cents; and by the city of Martinsburg, Class I, one-half cent; Class II, one cent; Class
 11 IV, two cents.

12 Each year the board of directors shall request each of the three supporting agencies to
 13 levy within the above rates on each \$100 of assessed valuation of property of the same class,
 14 and each of the three supporting agencies shall levy within the rates aforesaid. In addition, each
 15 supporting agency may contribute to the public library any other general or specific revenues or
 16 excess levies. All income realized by the operation of the public library from any sources other
 17 than the above levies shall be used by the board of directors for the support and maintenance of
 18 the public library.

§2 4. Disbursements.

1 All money collected or appropriated by the three supporting agencies for library purposes
 2 shall be deposited in a bank account as directed by the library board of directors and disbursed

3 by if for salaries, wages, books, other library materials such as magazines, pamphlets, papers,
 4 works of art, records also machinery, equipment, supply services and other cost and expenses of
 5 operation a public library and maintaining, repairing, improving and replacing its property as well
 6 as acquiring additional property.

§~~3~~ 5. Status of employees.

1 All employees of the Martinsburg-Berkeley County Public Library ~~shall be~~ are entitled to
 2 the benefits of the provisions of chapter twenty-three and of articles seven and ten of chapter five
 3 of the Code of West Virginia, 1931, as amended.

§4 6. Effect of future amendments of general law.

1 Amendments to article one, chapter ten of the Code of West Virginia, 1931, as amended,
 2 and other general laws ~~shall~~ do not control this act except to the extent that they do not conflict
 3 with the special features hereof, or unless the intent to amend this act is clear, specific and
 4 unmistakable.

§5 7. Severability.

1 If any provision hereof is held invalid, such invalidity shall not affect other provisions hereof
 2 which can be given effect without the invalid provision, and to this end the provisions of this act
 3 are declared to be severable.

NOTE: The purpose of this bill is to change the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library. It makes changes in the current law to be consistent with the change of name in relation to the creation of a library board with the power to operate the public library. And, the bill provides a stable method of financing the operation of the Martinsburg-Berkeley County Public Library.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.