

H. B. 2524

(By Delegates Overington, Householder, Faircloth, Blair and Folk)

[Introduced January 30, 2015; referred to the

Committee on Political Subdivisions then the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

Martinsburg-Berkeley County Public Library.

§1. Martinsburg-Berkeley County Public Library Created.

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

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

1 There shall be a board of five directors, who shall serve without compensation. The directors
2 currently serving will serve until the end of their respective terms. Beginning June 30, 2015, the
3 Berkeley County Commission shall be responsible for two appointments, the Berkeley county board
4 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, 2015, shall be appointed by the
6 Berkeley County Commission; the term expiring June 30, 2016, shall be appointed by the Berkeley
7 county board of education; the term expiring June 30, 2017 ,shall be appointed by the city of
8 Martinsburg; the term expiring June 30, 2018, shall be appointed by the Berkeley County
9 Commission; and the term expiring June 30, 2019, shall be appointed by the Berkeley county board
10 of education.

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

14 **§1 3. Levies by county commission, county board of education and city of Martinsburg to**
15 **support Martinsburg-Berkeley County Public Library.**

16 In order to provide for the support, maintenance, and operation of the Martinsburg-Berkeley
17 County Public Library, Berkeley County, West Virginia, and any and all branches thereof, the
18 Berkeley county board of education, the Berkeley County ~~court~~ commission and the city of
19 Martinsburg, hereinafter described as the supporting agencies, shall, upon written request by the
20 board of directors of the Martinsburg-Berkeley County Public Library, levy annually on each \$100
21 of assessed valuation of the property taxable according to the last assessment for state and county
22 purposes, amounts as follows: By the board of education of the county of Berkeley, Class I, one-half

1 cent; Class II, one cent; Class III, two cents; Class IV, two cents; by the county ~~court~~commission
2 of Berkeley county, Class I, one-half cent; Class II, one cent; Class III, two cents; Class IV, two
3 cents; and by the city of Martinsburg, Class I, one-half cent; Class II, one cent; Class IV, two cents.

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

10 **§2 4. Disbursements.**

11 All money collected or appropriated by the three supporting agencies for library purposes
12 shall be deposited in a bank account as directed by the library board of directors and disbursed by
13 if for salaries, wages, books, other library materials such as magazines, pamphlets, papers, works of
14 art, records also machinery, equipment, supply services and other cost and expenses of operation a
15 public library and maintaining, repairing, improving and replacing its property as well as acquiring
16 additional property.

17 **§3 5. Status of employees.**

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

21 **§4 6. Effect of future amendments of general law.**

22 Amendments to article one, chapter ten of the Code of West Virginia, 1931, as amended, and

1 other general laws ~~shall~~ do not control this act except to the extent that they do not conflict with the
2 special features hereof, or unless the intent to amend this act is clear, specific and unmistakable.

3 **§5 7. Severability.**

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

NOTE: The purpose of this bill is to change the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library; to create a library board with the power to operate the public library; and to provide a stable method of financing the operation of the Martinsburg-Berkeley County Public Library.

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