

**H. B. 2914**

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(By Delegates Fragale, Boggs and Iaquina)  
[Introduced January 28, 2011; referred to the  
Committee on Political Subdivisions then Finance.]

**FISCAL  
NOTE**

10 A BILL to amend and reenact §10-1-2 of the Code of West Virginia,  
11 1931, as amended, relating to the funding of public libraries;  
12 permitting levies on property; permitting libraries to seek  
13 funding from municipal and county authorities; and stating  
14 legislative intent.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §10-1-2 of the Code of West Virginia, 1931, as amended,  
17 be amended and reenacted to read as follows:

18 **ARTICLE 1. PUBLIC LIBRARIES.**

19 **§10-1-2. Power of governing authority to establish and maintain**  
20 **libraries; financing.**

21 (a) A governing authority either by itself or in cooperation  
22 with one or more other such governing authorities, may establish,  
23 equip and maintain a public library, or to take over, maintain or  
24 support any public library already established. Any library  
25 established, maintained or supported by a governing authority shall  
26 be financed either by a percentage of property tax revenue from  
27 the general funds of the governing authority or a percentage of

1 property tax revenue from an excess levy as set forth in subsection  
2 (b) of this section. These sums are to be transferred to the  
3 public library board for deposit and disbursement as the board may  
4 direct. By the transfer of these funds the governing authority  
5 designates the public library board as its disbursing agent.

6 (b) In order to provide for the support, maintenance and  
7 operation of a public library hereby located in the county in which  
8 it is established or created, or to support any public library  
9 already established, the supporting governing authorities shall,  
10 upon written request by the board of directors of the public  
11 library, levy annually either from the general funds or from an  
12 excess levy within the respective taxing districts of the governing  
13 authorities, on each \$100 of assessed valuation of the property  
14 taxable in the area served by it according to the last assessment  
15 for state and county purposes, amounts not exceeding the following  
16 amounts for each fiscal year beginning on July 1 of the year, and  
17 for each succeeding fiscal year, as follows:

18 (1) The county commission, for the first year and annually  
19 thereafter: Class I, one and four-tenths cents; Class II, two and  
20 eight-tenths cents; Class III, five and six-tenths cents; Class IV,  
21 five and six-tenths;

22 (2) The board of education of the county in its regular levy  
23 for the first year and annually thereafter: Class I, one and  
24 four-tenths cents; Class II, two and eight-tenths cents; Class III,  
25 five and six-tenths cents; Class IV, five and six-tenths cents; and

26 (3) The municipalities in a county shall levy in the first  
27 year and annually thereafter: Class I, one cent; Class II, two

1 cents; Class IV, four cents.

2 The proceeds of these levies shall be for the exclusive use of  
3 the public libraries within a county and these public libraries  
4 must meet the provisions of this article or any special act of the  
5 Legislature and shall be disbursed only upon order of the  
6 respective library board of directors. In counties where a single  
7 public library exists, its board of directors will receive all of  
8 the funds. In counties where multiple public libraries exist,  
9 funding will be distributed proportionately based upon the service  
10 areas (of the public libraries within the counties) as designated  
11 by the West Virginia Library Commission.

12 (c) In addition to the amounts set forth in subsection (b) of  
13 this section, upon written request by a board, the governing  
14 authorities shall support the public library. These governing  
15 authorities may also support the library voluntarily with any  
16 additional general or special revenues or excess levies. All  
17 revenue realized by the operation of the public library from any  
18 sources other than the levies set forth in subsection (b) of this  
19 section shall be used by the board of directors for support of the  
20 public library.

21 (d) It is the intent of the Legislature that whenever a  
22 provision of this section is contrary to any existing special act  
23 of the Legislature that creates a library funding obligation of a  
24 governmental authority, this section controls over the special act,  
25 which is hereby amended to reflect this section. Specifically, the  
26 special acts that are subject to this section include:

27 (1) Chapter eighty-three, Acts of the Legislature, 1970,

1 applicable to Martinsburg-Berkeley County Public Library;  
2 (2) Chapter two hundred twenty-three, Acts of the Legislature,  
3 1981, applicable to Hardy County Public Library;  
4 (3) Chapter one hundred fifty, Acts of the Legislature, 1987,  
5 applicable to Clarksburg-Harrison County Public Library;  
6 (4) Chapter one hundred seventy-eight, Acts of the  
7 Legislature, 1957, applicable to the Kanawha County Public Library;  
8 (5) Chapter two hundred twenty-two, Acts of the Legislature,  
9 1967, applicable to the Ohio County Public Library;  
10 (6) Chapter one hundred sixty-one, Acts of the Legislature,  
11 1969, applicable to the Raleigh County Public Library;  
12 (7) Chapter one hundred forty-five, Acts of the Legislature,  
13 1935, applicable to the Tyler County Public Library;  
14 (8) Chapter one hundred eighty-nine, Acts of the Legislature,  
15 1994, applicable to the Upshur County Public Library;  
16 (9) Chapter one hundred fifty-six, Acts of the Legislature,  
17 1987, applicable to the Parkersburg-Wood County Public Library;  
18 (10) Chapter two hundred seven, Acts of the Legislature, 1967,  
19 applicable to the Cabell County Public Library; and  
20 (11) Chapter fifteen, Acts of the Legislature, first  
21 extraordinary session, 1986, applicable to the Hamlin-Lincoln  
22 County Public Library.

NOTE: The purpose of this bill is to authorize counties, county boards of education and municipalities to receive funds from levies to support public libraries. The bill also establishes the amounts to be collected for the different classes of property. The bill permits libraries to seek funding from municipal and county authorities. The bill also states the legislative intent.

This section has been completely rewritten; therefore, it has been completely underscored.