

**H. B. 2541**

(By Delegate Overington)

[Introduced February 2, 2015; referred to the  
Committee on the Judiciary then Finance.]

A BILL to amend and reenact §10-1-2 of the Code of West Virginia, 1931, as amended, relating to permitting counties to impose additional levy on property within the county for the sole purpose of funding public libraries; requiring election, etc.

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

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

**ARTICLE 1. PUBLIC LIBRARIES.**

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

(a) A governing authority either by itself or in cooperation with one or more other ~~such~~ governing authorities, ~~shall have the power to~~ may establish, equip and maintain a public library, or to take over, maintain or support any public library already established. Any library established, maintained or supported by a governing authority ~~may~~ shall be financed either:

(1) By the appropriation from the General Funds of the governing authority of a sum

1 sufficient for the purpose; or

2 (2) By the imposition of an excess levy for library purposes, in accordance with the  
3 provisions of section sixteen, article eight, chapter eleven of this code. ~~Such~~

4 (b) Sums as are appropriated hereunder may under this section shall be transferred to the  
5 public library board for deposit and disbursement as the public library board ~~shall direct~~ directs. By  
6 ~~such~~ the transfer the governing authority designates the public library board as its disbursing agent.

7 (c) In order to provide for the support, maintenance and operation of a public library and any  
8 and all branches of the library located in the county or to support a public library already established,  
9 the supporting county shall, upon written request by the board of directors of the public library, levy  
10 annually within the respective taxing districts of the county, on each \$100 of assessed valuation of  
11 the property taxable in the county according to the last assessment for state and county purposes, an  
12 amount equal to \$.01 beginning on July 1 of the year so levied and for each succeeding fiscal year.  
13 Any levy imposed pursuant to this subsection shall be conducted in accordance with all the  
14 requirements of section sixteen, article eight, chapter eleven of this code, including, but not limited  
15 to, requirements establishing that the question of the additional levy shall be submitted to the voters  
16 within the political subdivision.

17 (d) The proceeds of the levies are for the exclusive use of the public libraries, any branches  
18 of the libraries, and any other public libraries in the county that the county seat public library makes  
19 a legal agreement with concerning distribution and disbursement of the funds. The funds may be  
20 disbursed only upon order of the respective board of trustees. The proceeds of the levies are  
21 considered additional library funding and are not intended to replace or reduce any current funding.  
22 All income realized by the operation of the public library from any source other than the above levies

1 shall be used by the board of directors for support of the public library.

NOTE: The purpose of this bill is to permit counties to impose an additional levy on property within the county for the sole purpose of funding public libraries. The bill maintains the usual requirements for levies, including that the question be put to the voters in an election.

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