

1 **Senate Bill No. 465**

2 (By Senators Laird, Plymale, McCabe, Yost, Wells, Carmichael,
3 Fitzsimmons and Edgell)

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5 [Introduced February 3, 2014; referred to the Committee on the
6 Judiciary.]

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11 A BILL to amend and reenact §10-1-2 of the Code of West Virginia,
12 1931, as amended, relating to permitting counties to impose an
13 additional levy on property within the county for the sole
14 purpose of funding public libraries.

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, ~~shall have the~~
23 ~~power to~~ may establish, equip and maintain a public library, or to

1 take over, maintain or support any public library already
2 established. Any library established, maintained or supported by
3 a governing authority ~~may~~ shall be financed either:

4 (1) By the appropriation from the General Funds of the
5 governing authority of a sum sufficient for the purpose; or

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

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

14 (c) In order to provide for the support, maintenance and
15 operation of a public library and any and all branches of the
16 library located in the county or to support a public library
17 already established, the supporting county shall, upon written
18 request by the board of directors of the public library, levy
19 annually within the respective taxing districts of the county, on
20 each \$100 of assessed valuation of the property taxable in the
21 county according to the last assessment for state and county
22 purposes, an amount equal to one cent beginning on July 1 of the
23 year so levied and for each succeeding fiscal year.

24 (d) The proceeds of the levies are for the exclusive use of

1 the public libraries, any branches of the libraries, and any other
2 public libraries in the county that the county seat public library
3 makes a legal agreement with concerning distribution and
4 disbursement of the funds. The funds may be disbursed only upon
5 order of the respective board of trustees. The proceeds of the
6 levies are considered additional library funding and are not
7 intended to replace or reduce any current funding. All income
8 realized by the operation of the public library from any source
9 other than the above levies shall be used by the board of directors
10 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.

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