1   **H. B. 2491**

2

3   (By Delegates Iaquinta, Fragale, Mahan and Crosier)

4   [Introduced January 14, 2011; referred to the

5   Committee on Political Subdivisions then Finance.]

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7   **FISCAL NOTE**

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10 A BILL to amend and reenact §10-1-2 of the Code of West Virginia,

11   1931, as amended, relating to permitting counties, county

12   boards of education and municipalities to impose an additional

13   levy on property within the county for the sole purpose of

14   funding public libraries; stating legislative intent; and

15   establishing tax rates for classes.

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

17   That §10-1-2 of the Code of West Virginia, 1931, as amended,

18 be amended and reenacted to read as follows:

19 **ARTICLE 1.   PUBLIC LIBRARIES.**

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

21   **libraries; financing.**

22   (a) A governing authority either by itself or in cooperation

23 with one or more other such governing authorities, shall have the

24 power to establish, equip and maintain a public library, or to take

1 over, maintain or support any public library already established.

2 Any library established, maintained or supported by a governing

3 authority ~~may~~ shall be financed either: (1) By the appropriation

4 from the General Funds of the governing authority of a sum

5 sufficient for the purpose; or (2) by the imposition of an excess

6 levy for library purposes, in accordance with the provisions of

7 section sixteen, article eight, chapter eleven of this code. Such

8 sums as are appropriated hereunder ~~may~~ shall be transferred to the

9 public library board for deposit and disbursement as the Public

10 Library Board shall direct. By such transfer the governing

11 authority designates the Public Library Board as its disbursing

12 agent.

13   (b) In order to provide for the support, maintenance and

14 operation of a public library hereby created, and any and all

15 branches thereof, located in the county seat of the county in which

16 it is established or created, or to support any county seat public

17 library already established, the supporting governing authorities

18 shall, upon written request by the board of directors of the public

19 library, levy annually within the respective taxing districts of

20 the governing authorities, on each $100 of assessed valuation of

21 the property taxable in the area served by it according to the last

22 assessment for state and county purposes, amounts not exceeding the

23 following amounts for each fiscal year beginning on July 1 of the

24 year, and for each succeeding fiscal year, as follows:

1   (1) The county commission, for the first year of the act and

2 annually thereafter: Class I, one and four-tenths cents; Class II,

3 two and eight-tenths cents; Class III, five and six-tenths cents;

4 Class IV, five and six-tenths;

5   (2) The board of education of the county in its regular levy

6 for the first year of the act and annually thereafter; Class I, one

7 and four-tenths cents; Class II, two and eight-tenths cents; Class

8 III, five and six-tenths cents; Class IV, five and six-tenths cents;

9 and

10   (3) The city which serves as the county seat, shall levy in the

11 first year of the act and annually thereafter; Class I, one cent;

12 Class II, two cents; Class IV, four cents.

13   The proceeds of these levies shall be for the exclusive use of

14 the public libraries, any branches thereof, and any other public

15 libraries within the county that the county seat public library

16 makes a legal agreement with concerning distribution and

17 disbursement of these funds, and shall be disbursed only upon order

18 of the respective board of trustees.

19   (c) In addition to the aforesaid amounts which, upon written

20 request by said board, the governing authorities may support the

21 public library with any other general or special revenues or excess

22 levies. All income realized by the operation of the public library

23 from any sources other than the above levies shall be used by the

24 board of directors for support of the public library.

1   (d) It is the intent of the Legislature that the following

2 special Acts of Legislature will remain in effect, except for those

3 specific subsections of each special act concerning library funding

4 that will now no longer be continued:

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

6 applicable to Martinsburg-Berkeley County Public Library;

7   (2) Chapter two hundred twenty-three, Acts of the Legislature,

8 1981, applicable to Hardy County Public Library;

9   (3) Chapter one hundred fifty, Acts of the Legislature, 1987,

10 applicable to Clarksburg-Harrison County Public Library;

11   (4) Chapter one hundred seventy-eight, Acts of the Legislature,

12 1957, applicable to the Kanawha County Public Library;

13   (5) Chapter two hundred twenty-two, Acts of the Legislature,

14 1967, applicable to the Ohio County Public Library;

15   (6) Chapter one hundred sixty-one, Acts of the Legislature,

16 1969, applicable to the Raleigh County Public Library;

17   (7) Chapter one hundred forty-five, Acts of the Legislature,

18 1935, applicable to the Tyler County Public Library;

19   (8) Chapter one hundred eighty-nine, Acts of the Legislature,

20 1994, applicable to the Upshur County Public Library;

21   (9) Chapter one hundred fifty-six, Acts of the Legislature,

22 1987, applicable to the Parkersburg-Wood County Public Library;

23   (10) Chapter two hundred seven, Acts of the Legislature, 1967,

24 applicable to the Cabell County Public Library; and

1   (11) Chapter fifteen, Acts of the Legislature, first

2 extraordinary session, 1986, applicable to the Hamlin-Lincoln County

3 Public Library.

        NOTE: The purpose of this bill is to permit counties, county
boards of education and municipalities to impose an additional levy
on property within the county for the sole purpose of funding public
libraries. The bill states legislative intent. The bill also
establishes tax rates for classes.

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