

1 **H. B. 4291**

2
3 (By Delegates Miley, Frazier, Longstreth,
4 Barill and Manchin)

5 (By request of the Supreme Court of Appeals)

6 [Introduced January 25, 2012; referred to the
7 Committee on the Judiciary.]

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10 A BILL to amend and reenact §51-8-8 of the Code of West Virginia,
11 1931, as amended, relating to county law libraries operated by
12 the Supreme Court of Appeals.

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

14 That §51-8-8 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

16 **ARTICLE 8. STATE AND COUNTY LAW LIBRARIES; LAW CLERKS.**

17 **§51-8-8. Authority to establish county law libraries; under**
18 **control of circuit judge; rules. ~~and regulations~~**

19 ~~In addition to all other powers and duties now conferred by~~
20 ~~law upon~~ The Supreme Court of Appeals ~~and the circuit courts, such~~
21 ~~courts are hereby authorized and empowered to~~ may establish county
22 law libraries which ~~shall be~~ once established, are wholly under the
23 ~~control and~~ management of the circuit judge, with the assistance of
24 the circuit clerk. The Supreme Court of Appeals may determine the

1 appropriate number of law libraries that will be in operation as
2 well as the location of the libraries and may expend funds for the
3 purchase of books or other expenses necessary ~~to~~ for the operation
4 of the county law ~~library~~ libraries.

5 All county law libraries ~~presently in existence~~ in operation
6 shall be continued and kept current and the cost ~~thereof~~ of the
7 libraries, other than for provision of adequate space, shall be
8 borne by the state and ~~charged against~~ paid from the judicial
9 ~~accounts thereof~~ branch appropriation. ~~Such~~ The county libraries
10 shall be available for use by the public subject to ~~such~~ reasonable
11 rules as may be adopted by the circuit judge. County commissions
12 shall provide adequate space for ~~such~~ the county libraries.

NOTE: The purpose of this bill is to authorize the Supreme Court of Appeals to determine which county law libraries are being used and should be continued as an obligation of the state.

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