

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1884 Session of
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OCTOBER 7, 1997

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 7, 1997

AN ACT

1 Regulating libraries; providing for the State Librarian, for the
2 State Library and for the State Library Commission;
3 establishing the State Library Fund; providing for library
4 financing; establishing the State Library System; making tax
5 exemptions and authorizing and requiring local taxation;
6 entering into an interstate compact; and making repeals.

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27 Section 5102. Effective date.
28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

30 CHAPTER 1

PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the State Library Code.

Section 102. Declaration of policy.

(a) General.--

(1) The State Library is an indispensable resource for the General Assembly and the executive and judicial branches of the Commonwealth and provides to all citizens of this Commonwealth the wealth of knowledge essential for a democratic people.

(2) Libraries are general information and referral service agencies serving all constituencies of this Commonwealth.

(3) Communications and computer technology have resulted in a third level of library service enabling libraries to offer information and reference, education and recreation, not only by books and audiovisual materials, but by computer services.

(4) To better serve the citizens of this Commonwealth and to assure that this Commonwealth is both economically attractive to business and socially amenable to its citizens, it is of the highest priority that the State Library and all libraries throughout this Commonwealth be properly administered so as to provide the citizens of this Commonwealth with the most advanced information and referral library services possible.

(5) The current physical plant and facilities of the main branch of the State Library impose restraint and limitation on the effective and efficient service of the

1 State Library to the General Assembly and to the executive
2 and judicial branches of the Commonwealth and to its patrons
3 generally, by reason of limitation of space for proper
4 storage of material; inefficient usage of public utilization
5 of the State Library; and antiquated heating, air
6 conditioning and ventilation.

7 (b) Library bill of rights.--Because the library and its
8 information are indispensable to a free and democratic people to
9 rule their governors and because a fully informed electorate is
10 the best government, the General Assembly declares as follows:

11 (1) The citizens of this Commonwealth are guaranteed
12 that their rights of free speech and to petition the
13 government for redress of grievances are not abridged,
14 diminished or derogated by the denial of the free and public
15 dissemination of information provided by libraries through
16 budgetary restraints or imposition of local majoritarian
17 influences.

18 (2) The services of a local library shall be available
19 to all citizens of this Commonwealth regardless of race,
20 color, ethnic background, physical disabilities or religious
21 or political beliefs to the maximum extent possible and free
22 of local economic resources or restraints.

23 (3) The services of a local library shall be available
24 to serve all political, educational, informational and social
25 needs of the citizens of this Commonwealth. No particular
26 service shall be abridged at the expense of providing any
27 other service of the library to the citizens of this
28 Commonwealth.

29 (4) The librarian of any library within this
30 Commonwealth shall be free to exercise the best professional

1 judgment in providing the widest possible dissemination of
2 information to the citizens of this Commonwealth. Whatever
3 information is not locally available shall be, to the maximum
4 extent possible, readily available from any other library
5 within this Commonwealth. The State Library shall serve as
6 the library of last resort.

7 (5) The citizens of this Commonwealth have the right to
8 require the General Assembly and the governing body of each
9 county and municipality, by judicious expenditure of the
10 taxes levied upon the citizens, to assure the fullest, freest
11 and uninterrupted flow of information from the libraries of
12 this Commonwealth.

13 Section 103. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Academic library." A library, whether established and
18 maintained by a public or private institution, which serves the
19 informational, educational and recreational needs of the student
20 body of a college or university or school of a college or
21 university for which the library's governing body is responsible
22 by providing a free access, including free lending and reference
23 services, to an organized and currently useful collection of
24 printed items and other materials and to the services of a staff
25 trained to recognize and provide for these needs. The term does
26 not include school libraries or regional libraries.

27 "Commission." The State Library Commission established in
28 section 341.

29 "Computer library network." The State Library's medium for
30 dissemination and distribution of digital material to qualified

1 libraries within this Commonwealth established in section 1101.

2 "County library district." Any agency, authority, board,
3 commission or department of a county organized by the governing
4 body of the county for the purpose of operating a system of
5 libraries in the county.

6 "Digital material." Materials exclusively, in form or
7 character, for transmission via computerized or technological
8 services.

9 "District board." A library district board of trustees.

10 "Fund." The Library Fund established in section 501.

11 "Historical library." Any library or organized collection of
12 books, volumes and related materials, established and maintained
13 by a municipality, established and maintained by a private
14 historical association or society, house of worship, religious
15 denomination or other similar private association or established
16 and maintained by a corporation or group, which serves the
17 informational, educational and historical needs of the
18 organization with which the library is affiliated and which
19 provides a free access to historians and scholars.

20 "Information retrieval service." A service, public or
21 commercial, which provides computerized information retrieval
22 services over a communications network.

23 "Joint county library district." Any agency, authority,
24 board, commission or department of contiguous counties organized
25 by the governing bodies of the counties for the purpose of
26 operating a system of libraries in the counties.

27 "Joint municipality library district." Any agency,
28 authority, board, commission or department of contiguous
29 municipalities organized by the governing bodies of the
30 municipalities for the purpose of operating a system of

1 libraries in the municipalities.

2 "Law library." A public library, established and maintained
3 by a court, Commonwealth agency, municipality or bar
4 association, which serves the informational and reference needs
5 of attorneys, judges and litigants, including prisoners and
6 inmates, by providing access to an organized and currently
7 useful collection of printed items and other materials and to
8 the services of a staff trained to recognize and provide for
9 these needs.

10 "Library." The State Library and any academic library,
11 county library, historical library, local library, regional
12 library or school library.

13 "Local library." A free, public, nonsectarian library
14 established and maintained by a municipality, by a branch of a
15 county library district or by a private association, corporation
16 or group, which serves the informational, educational and
17 recreational needs of all the residents of either the
18 municipality in which the library is located or the municipality
19 in which the library is located and its contiguous
20 municipalities for which its district board is responsible, by
21 providing free access, including free lending and reference
22 services, to an organized and currently useful collection of
23 printed items and other materials and to the services of a staff
24 trained to recognize and provide for these needs.

25 "Local library district." The service area of any local
26 library or number of libraries within a joint municipal library
27 district.

28 "Master license contract." The contractual agreement between
29 the State Library and any computerized informational retrieval
30 service vendor for the uninterrupted access to and usage of

1 computerized informational retrieval service with all generally
2 available reproduction and copyright clearance rights,
3 privileges and prerogatives for a specified period of time.

4 "Master purchase contract." The contractual agreement
5 between the State Library and a vendor of physical material for
6 the acquisition of multiple volumes of physical material by the
7 State Library for distribution among the branches of the State
8 Library and the system.

9 "Material." Any book, plate, picture, photograph, engraving,
10 painting, drawing, map, newspaper, magazine, pamphlet,
11 broadside, manuscript, document, letter, public record,
12 microfilm, sound recording, audiovisual master in any format,
13 magnetic or other tape, electronic data medium, computer
14 program, electronic data processing record, display, object,
15 work of art, artifact or other documentary or printed material,
16 regardless of physical form or character, belonging to or
17 otherwise in the custody of a library.

18 "Municipal library district." Any agency, authority, board,
19 commission or department of a municipality organized by the
20 governing bodies of the municipality for the purpose of
21 operating a system of libraries in the municipality.

22 "Municipality." A city, borough, incorporated town or
23 township.

24 "Pennsylvania information network." The computer library
25 network.

26 "Physically disadvantaged." Unable by reason of physical
27 age, disability, handicap or infirmity to use material in the
28 normal manner.

29 "Prevailing state-of-the-art technology." The prevailing
30 technological standards generally accepted by the United States

1 computer allied industry for hardware and software attributes
2 and factors for operation of personal station and mainframe
3 station computers.

4 "Qualified library." A library, regardless of organization
5 or ownership, entitled by this act to access at no charge or fee
6 the computer library services of the computer library network.

7 "Qualified library employee." An employee of a system member
8 who, by virtue of being licensed as a professional librarian by
9 the commission, is qualified to provide expertise in the
10 administration of library services and materials.

11 "Regional library." A free, public, nonsectarian library
12 whether established and maintained by a municipality or by a
13 private association, corporation or group, which serves the
14 informational, educational and recreational needs of all the
15 residents of the metropolitan or regional area for which its
16 district board is responsible by providing free access,
17 including free lending and reference services, to an organized
18 and currently useful collection of printed items and other
19 materials and to the services of a staff trained to recognize
20 and provide for these needs. The term includes any college or
21 university library designated by the commission as a regional
22 library.

23 "Regional library district." The Eastern, Middle and Western
24 Districts of this Commonwealth, consisting of the county library
25 districts within each district.

26 "School library." A library, whether established and
27 maintained by a public school district or a private school,
28 which serves the informational, educational and recreational
29 needs of the student body of the school by providing free
30 access, including free lending and reference services, to an

1 organized and currently useful collection of printed items and
2 other materials and to the services of a staff trained to
3 recognize and provide for these needs. The term does not include
4 an academic library.

5 "Specialized library." Any library or organized collection
6 of materials which:

7 (1) is established and maintained by any Commonwealth
8 agency, municipality, business, nonprofit organization or
9 school for persons who are blind, deaf or physically
10 disabled;

11 (2) serves the informational, educational and
12 professional needs of the entity with which the library is
13 affiliated; and

14 (3) provides free and reasonable access to or has
15 possession of unique material of interest to educators,
16 professionals and scholars and students. For purposes of this
17 act, reasonable access shall mean access during regular
18 business hours without disruption of ongoing functions or
19 services of the business, institution or organization.

20 "State aid." Designation of financial assistance under
21 Subchapter B of Chapter 7.

22 "State Librarian." The chief administrative officer of the
23 State Library.

24 "State Library." The State Library of Pennsylvania. The term
25 includes its main branch and other branches within the
26 legislative, executive and judicial branches of the
27 Commonwealth.

28 "Subjects of transfer." Personnel, appropriations,
29 allocations, documents, records, equipment, materials, rights
30 and obligations utilized or accruing in connection with

1 transferred functions.

2 "System." The State Library System established in section
3 361.

4 "System member." A library which elects to become a member
5 of the State Library System.

6 "Volume discount rate." The financial discount provided to
7 the State Library for:

8 (1) acquisition of materials; or

9 (2) provision of computerized information retrieval
10 services or other services through vendors.

11 Section 104. Free access to libraries.

12 Libraries which are members of the State Library System or
13 which otherwise obtain and receive assistance under this act
14 shall provide their library services at all times free, except
15 as provided in this act, to all persons without regard to race,
16 color, creed, national origin, political or religious beliefs or
17 affiliation or physical disability as long as the persons
18 generally comport themselves with good behavior and do not
19 willfully violate the rules promulgated by the commission or
20 library.

21 Section 105. Confidentiality of circulation records.

22 Records related to the circulation of library materials which
23 contain the names or other personally identifying details
24 regarding the users of a library shall be confidential and shall
25 not be made available to anyone except by a court order.

26 CHAPTER 3

27 AGENCIES AND OFFICERS

28 SUBCHAPTER A

29 STATE LIBRARY

30 Section 301. Reestablishment.

1 The State Library is reestablished within the commission as
2 the principal information and referral reference agency for the
3 legislative, executive and judicial branches.

4 Section 302. Main branch; branches within Capitol Complex.

5 (a) Main State Library.--Materials in possession of the
6 State Library shall be preserved in the main branch, located in
7 Harrisburg, Pennsylvania.

8 (b) Branches in Capitol Complex.--Each existing library
9 throughout the Capitol Complex is incorporated as part of the
10 State Library as a branch unless the entity maintaining the
11 library elects to be exempt from this subsection. Upon election,
12 the library shall not be entitled to services, benefits,
13 privileges or use of the State Library, except that which is
14 accorded the general public.

15 (c) Sections in main branch.--The main branch of the State
16 Library shall maintain the following sections:

17 (1) A general library consisting of reference,
18 nonfiction and fiction material, which would not be included
19 in any other section of the State Library.

20 (2) A newspaper and periodical library consisting of
21 daily and weekly newspapers published within principal cities
22 of the world, the United States and this Commonwealth,
23 magazines and periodicals. This paragraph does not include
24 magazines and periodicals subscribed to by other libraries
25 and sections of the State Library.

26 (3) A historical and genealogical library, consisting of
27 volumes relating to the history of Pennsylvania and of the
28 several counties and to American and international history.

29 (4) An agricultural library consisting of reference and
30 nonfiction material relating to agriculture and farming and

1 allied fields.

2 (5) A business and mercantile library consisting of
3 reference and nonfiction material relating to business,
4 commerce, industry, labor and technology.

5 (6) A science and technology library consisting of
6 reference and nonfiction material relating to natural and
7 applied sciences and technology.

8 (7) A communications and media library consisting of
9 reference and nonfiction material relating to communications
10 and media.

11 (8) A government and political science library
12 consisting of reference and nonfiction material relating to
13 Federal, State and local government. This paragraph includes
14 the following:

15 (i) Publications of the General Assembly.

16 (ii) Publications of Commonwealth agencies.

17 (iii) Verbatim transcripts of public proceedings of
18 State and local government.

19 (iv) Political and campaign archives consisting of
20 political and campaign memorabilia from campaigns in this
21 Commonwealth.

22 (9) Radio and television archives consisting of selected
23 radio and television broadcasts by radio and television
24 stations or cable system providers within this Commonwealth
25 of noteworthy broadcasts of programs or shows.

26 (10) A law library.

27 Section 303. Staff.

28 The State Librarian shall appoint adequately qualified staff
29 to provide technical assistance for the computer library
30 services of the law library.

1 Section 304. Public documents.

2 The State Library shall maintain a complete collection of the
3 public documents deposited under this act as a permanent
4 reference file.

5 Section 305. Deposits and copies of public records.

6 (a) Maintenance.--The State Library shall maintain all of
7 the following:

8 (1) Ten copies of the Laws of Pennsylvania for each
9 justice of the Supreme Court during the terms of court.

10 (2) Printed hearings of testimony taken by each
11 committee of the General Assembly at the preceding session.

12 (3) Copies of the journals of the Senate and of the
13 House of Representatives.

14 (4) Paperbooks of the Supreme Court, Superior Court and
15 Commonwealth Court and, upon request, paperbooks of the
16 several courts of common pleas and of the United States Court
17 of Appeals for the Third Circuit and District Courts within
18 this Commonwealth.

19 (b) Depository.--The State Library shall serve as a
20 depository for each public document issued by a public official,
21 a Commonwealth agency or a local agency. Seventy-five copies of
22 each document, or one copy in the proper digital format as
23 determined by the State Librarian, which is not issued solely
24 for the use of a public official, Commonwealth agency or local
25 agency shall be furnished to the State Library within 48 hours
26 of issuance.

27 (c) Schools.--Subsection (b) does not apply to State-related
28 universities or to members of the State System of Higher
29 Education. For publications by these entities or public
30 officials of these entities which are not in volumes maintained

1 by the State Library, two copies shall be furnished to the State
2 Library within 48 hours of issuance.

3 Section 306. Operation.

4 The law library at the main branch of the State Library shall
5 be kept open as long as either chamber of the General Assembly
6 is in session. At all other times, the hours of the law library
7 shall be from 8 a.m. to 8 p.m. on weekdays and from 9 a.m. to 5
8 p.m. on Saturdays, Sundays and holidays other than New Year's
9 Day, Independence Day, Thanksgiving Day and Christmas Day, on
10 which the law library shall be closed. The Capitol Police are
11 authorized to admit to the law library at the main branch of the
12 State Library any justice of the Supreme Court or a law clerk,
13 any judge of the Superior Court or the Commonwealth Court or a
14 law clerk, any judge of the United States District Court for the
15 Middle District of Pennsylvania or a law clerk or any member of
16 the General Assembly or staff for emergency research. The
17 commission shall promulgate regulations governing the after-
18 hours use consistent with this section.

19 Section 307. Advanced payments.

20 Payments in advance for subscriptions or other charges for
21 materials and services may be made by the State Librarian if the
22 State Librarian determines it to be more prompt, efficient or
23 economical to do so in the interests of carrying out required
24 library programs.

25 Section 308. Disbursements.

26 The disbursing officer of the State Library has the following
27 powers and duties:

28 (1) Disburse money of the State Library only upon a
29 voucher certified by the State Librarian or by an officer or
30 employee of the State Library, authorized in writing by the

1 State Librarian to certify vouchers.

2 (2) Examine vouchers as necessary to ascertain whether
3 they are in proper form.

4 SUBCHAPTER B

5 STATE LIBRARY COMMISSION

6 Section 321. State Library Commission.

7 (a) Establishment.--The State Library Commission is
8 established as an independent commission. The commission may sue
9 and be sued, contract and have an official seal. The commission
10 is constituted an instrumentality of the Commonwealth. The
11 exercise by the commission of the powers conferred by this act
12 is an essential governmental function of the Commonwealth. All
13 actions at law or in equity against the commission shall be
14 brought only in the courts in which such actions may be brought
15 against the Commonwealth.

16 (b) Composition.--The commission shall consist of 15
17 commissioners:

18 (1) There shall be nine voting commissioners appointed
19 by the Governor with the advice and consent of a majority of
20 the members elected to the Senate. These commissioners must
21 be residents and qualified electors of this Commonwealth.
22 Three commissioners must be from each regional district. Not
23 more than two commissioners may be of the same political
24 party from each regional district.

25 (2) There shall be six ex officio, nonvoting
26 commissioners:

27 (i) The President pro tempore of the Senate.

28 (ii) The Speaker of the House of Representatives.

29 (iii) The Executive Director of the Pennsylvania

30 Historical and Museum Commission.

1 (iv) The Secretary of Education.

2 (v) The State Librarian.

3 (vi) The Chief Justice of Pennsylvania.

4 (c) Terms.--A commissioner under subsection (b)(1) shall
5 serve a term of four years and may be removed only for cause.
6 The commissioner shall continue to serve until a successor is
7 appointed and approved.

8 (d) Officers.--

9 (1) The Governor shall designate a commissioner as the
10 chair of the commission.

11 (2) The chair may designate a commissioner as the chair
12 pro tempore.

13 (3) The commissioners shall elect a treasurer, who must
14 not be a commissioner.

15 (4) The State Librarian shall serve ex officio as the
16 secretary of the commission.

17 (5) Except as set forth in paragraph (4), each officer
18 shall serve a term of four years, subject to removal by the
19 commission for cause. A vacancy shall be filled for the
20 remainder of the term in the same manner as the original
21 office was filled.

22 (e) Quorum.-- Five voting commissioners shall constitute a
23 quorum for the transaction of business and to compel the
24 attendance of absent commissioners. The quorum shall be reduced
25 by one voting commissioner for every two unfilled vacancies of
26 voting commissioners.

27 (f) Meetings and records.--

28 (1) The meetings of the commission shall be in public
29 where the State Library is headquartered.

30 (2) The records of the commission shall be open to the

1 public. The minutes of the commission shall be preserved as
2 permanent records.

3 (3) An elected or appointed public official may not make
4 an ex parte communication to a commissioner or an officer or
5 employee of the commission relative to the consideration of a
6 pending application for State aid by a library in the system.
7 An individual who violates this paragraph commits a summary
8 offense.

9 (g) Compensation.--Each commissioner appointed under
10 subsection (b)(1) shall:

11 (1) be paid a fee of \$250 per meeting, plus mileage,
12 travel and accommodation expenses; and

13 (2) be reimbursed for necessary expenses incurred in the
14 performance of duties. The voucher of the chair shall be
15 sufficient evidence that the per diem compensation and
16 expenses are properly allowable.

17 (h) Internal procedures.--The commission shall make
18 necessary rules for its own operation. The commission may do all
19 of the following:

20 (1) Acquire, own, use, lease, exchange, operate and
21 dispose of property.

22 (2) Enter into contracts necessary or incidental to the
23 performance of its functions.

24 (3) Employ an executive director, an inspector general,
25 experts, consultants and employees as necessary. Individuals
26 under this paragraph shall be hired or employed solely with
27 reference to fitness for duties.

28 Section 322. Commission powers and duties.

29 The commission has the following powers and duties:

30 (1) To propose annually to the General Assembly the

1 appropriation required for the operation of the State Library
2 and for grants to members of the system.

3 (2) To promulgate, upon the recommendation of the State
4 Librarian, regulations for the qualification of system
5 members to obtain services administered by the State Library
6 and for the licensing and removal of professional librarians.

7 (3) To promulgate regulations for grants to system
8 members to aid in their operation and capital maintenance of
9 facilities and to construct new libraries.

10 (4) To designate academic libraries, county libraries or
11 local libraries to be regional libraries for the purpose of
12 acquiring major research collections and, under regulations
13 promulgated by the commission, to make research collections
14 available to all citizens of this Commonwealth, physically
15 and by computer library services.

16 (5) To designate, upon the recommendation of the State
17 Librarian, various divisions of materials within the State
18 Library.

19 (6) To promulgate regulations for the access and usage
20 of the State Library, interlibrary loans in the system and
21 acquisition of materials by master license agreements and
22 master purchase contracts.

23 (7) To make recommendations to the State Librarian on
24 coordination of library services in the system.

25 (8) To promulgate regulations establishing minimal
26 system standards of all of the following:

27 (i) Print, audio-visual and digital materials and
28 their acquisition and disposal.

29 (ii) Staffing.

30 (iii) Internship qualifications.

1 (iv) Accessibility and services for persons who are
2 physically disabled.

3 (v) Accessibility and services for non-English
4 speaking patrons.

5 (vi) Services and programs for patrons by
6 demographic segments and interests.

7 (vii) Other germane library science matters.

8 (9) To accept and administer gifts, bequests or devises
9 of property for the benefit of the State Library.

10 (10) To propose to the General Assembly the
11 appropriation required for the establishment and maintenance
12 of physical plant and facilities for the State Library.

13 (11) To promulgate regulations upon the advice and
14 consultation of the Supreme Court for the establishment,
15 administration, operation and maintenance of law libraries
16 and minimal system standards of law materials and services
17 for inclusion in those libraries.

18 (12) To promulgate regulations for the establishment,
19 operation, maintenance and upgrade of the computer library
20 network so as to provide digital material services via
21 computer access to all materials designated for public use by
22 the legislative, executive or judicial branch.

23 (13) Upon the recommendation of the State Librarian, to
24 promulgate regulations for the physical and digital
25 preservation of historical materials of the State Library and
26 system members.

27 (14) To collect, preserve and publish appropriate
28 statistics on the libraries of this Commonwealth.

29 (15) To provide analysis in an annual report to the
30 Governor and General Assembly by the first Monday in

1 February. The report shall contain a detailed statement of
2 the nature of the receipts and the manner of expenditures and
3 any balance of money remaining at the end of the year after
4 the payment of the necessary expenses, including per diem
5 expenses and other necessary expenses of the commission
6 incurred in the discharge of functions.

7 (16) To promulgate regulations to implement literacy
8 enhancement and improvement skills of the citizens of this
9 Commonwealth.

10 (17) To order, upon adjudication subject to 2 Pa.C.S.
11 Ch. 5 Subch. A (relating to practice and procedure of
12 Commonwealth agencies) and Ch. 7 Subch. A (relating to
13 judicial review of Commonwealth agency action), the
14 prohibition of inclusion within a collection of library
15 materials deemed to be pornographic or obscene.

16 (18) To make recommendations on other matters of general
17 policy concerning the State Library and the system.

18 Section 323. Inspector general.

19 (a) Powers.--The inspector general has the following powers
20 and duties:

21 (1) To conduct investigations at the direction of the
22 commission pertaining to the proper management and fiduciary
23 obligations of the State Library and libraries in the system.

24 (2) To make recommendations to the commission, the
25 Attorney General and the Auditor General for implementation
26 of measures necessary for compliance with this act.

27 (b) Authorization and support.--

28 (1) The commission shall issue to the inspector general
29 proper authorization and identification under the seal of the
30 commission.

1 (2) The commission shall provide the inspector general
2 with services and support.

3 (3) The commission shall prepare guidelines governing
4 the conduct of investigations by the inspector general.

5 Guidelines under this paragraph include constitutional
6 protection of the accused.

7 Section 324. Decennial census capital requirements.

8 (a) Report.--The commission shall investigate and report to
9 the Governor and the General Assembly within 180 days of the
10 effective date of this act, and every ten years thereafter, the
11 findings of the commission as to the capital requirements of the
12 State Library System, which shall include a determination and
13 requirements of all existing facility and physical plants of a
14 system member library and whether such system member library
15 requires relocation, rehabilitation or repair.

16 (b) Engineers and consultants.--The commission shall hire
17 such professional engineers and consultants with expertise in or
18 reasonable access to expertise relative to library services as
19 may be necessary to physically inspect, survey and analyze the
20 attributes and defects, if any, of the structural and building
21 attributes, heating, air conditioning and ventilation,
22 floorload, parking accommodations, access for persons who are
23 physically disabled, security and preservation of materials,
24 implementation and maintenance of prevailing state-of-the-art
25 technology and preservation of historical or unique
26 architectural features.

27 (c) The commission shall consult with and cooperation shall
28 be provided, as to the State Library, by the Secretary of
29 General Services and the mayor of the city of Harrisburg, and as
30 to all other libraries, by the county commissioners or county

1 executives and the governing bodies of local municipalities, and
2 their respective department heads or officials responsible for
3 property maintenance and management.

4 Section 325. Special financing report to General Assembly.

5 (a) Report.--The commission shall report to the General
6 Assembly within 180 days from the effective date of this act its
7 recommendation of a permanent funding formula plan for the State
8 Library System established under this act. In preparing the
9 report:

10 (1) The commission shall survey the funding formulas
11 enacted by other states and municipalities within other
12 states and conduct a comprehensive survey of the material,
13 staffing and capital requirements of each potential member of
14 the State Library System.

15 (2) The commission should specifically consider whether
16 the Commonwealth should assume the primary financing of
17 public libraries through general appropriations, or whether
18 the counties or municipalities should assume the primary
19 financing of public libraries through levy of a library tax
20 and whether the tax should be levied on market value of real
21 estate or personal income, or any combination of State and
22 local funding or any combination of State aid for incentives
23 to counties and municipalities to finance local libraries.

24 (3) The commission shall analyze and determine the
25 amount of capital expenditures that may be required to remedy
26 existing deficiencies in library financing and whether the
27 expenditures shall be from general appropriations, local
28 taxes or public bond financing.

29 (4) The commission shall use generally accepted
30 benchmarks and indices provided by national library service

1 organizations and public agencies in its evaluation of the
2 state of public libraries.

3 (5) The commission shall include a comprehensive census
4 of existing library services, material possessions and
5 capital requirements by municipality, county, legislative
6 district and shall include such other information and
7 analysis which the commission deems proper for consideration
8 by the General Assembly.

9 (6) The commission may include consideration of
10 consolidating various public libraries and whatever other
11 means the commission deems appropriate to contain costs.

12 (b) Hearings.--The commission or a panel of three
13 commissioners thereof shall conduct hearings in each county and
14 inspect the physical plant and facilities of each potential
15 member of the State Library System prior to the submission of
16 the report under subsection (a). The following criteria shall
17 apply to the hearings:

18 (1) Each hearing shall be open to the public and
19 scheduled at such reasonable hours and locations which will
20 accommodate the general public and local press and broadcast
21 coverage.

22 (2) Sufficient notice shall be provided not less than
23 five business days prior to the hearing by legal
24 advertisement in a newspaper of general circulation and
25 posting of notices at all local libraries, borough and
26 township buildings, schools and county courthouses.

27 (3) Each public school or school district is authorized
28 to distribute to all students in attendance the notice of the
29 hearings.

30 (4) Written comments may be received by the commission

1 at any time prior to the time the commission is required to
2 report to the General Assembly.

3 (5) The commission shall hold public hearings in
4 Harrisburg to mark up and prepare the report prior to its
5 submission to the General Assembly.

6 (c) Surveys.--The commission shall conduct a survey of
7 public opinion employing generally accepted statistical
8 practices as to public understanding of libraries and preferable
9 financing options. The public opinion survey shall gauge the
10 extent to which the public currently uses and has access to
11 local libraries and what expectations the general public has of
12 local library services. The commission shall also conduct a
13 survey of county and municipal officials as to their opinions of
14 the proper means of public library financing.

15 (d) Cooperation.--Each public library heretofore established
16 and each academic, scholastic and law library shall cooperate to
17 the fullest extent possible in assisting the commission to
18 develop such information as the commission determines is
19 necessary to formulate its recommendations.

20 (e) Hiring of professional services.--The commission shall
21 have the authority to hire such certified public accountants and
22 consultants and other professional services as the commission
23 deems appropriate to complete this report.

24 Section 326. Cooperation of other agencies.

25 The commission may request from Commonwealth agencies and
26 authorities and from political subdivisions and their agencies
27 and authorities available information required in its work.
28 Required information shall, within a reasonable time, be
29 furnished to the commission.

STATE LIBRARIAN

Section 341. State Librarian, deputy and assistant.

(a) State Librarian.--The State Librarian shall be appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate. The State Librarian shall manage the affairs of the State Library.

(b) Deputy and assistant.--The State Librarian shall, after consultation with the commission, appoint one Deputy State Librarian, who shall assist the State Librarian and act as the State Librarian in the State Librarian's absence, and an Assistant State Librarian for Computer Library Services, Historical Preservation, the Law Library, each section of the General Library and Literacy Programs.

(c) Compensation.--The compensation of the State Librarian and Deputy and Assistant State Librarians shall be set by the commission.

(d) Qualifications.--The State Librarian and Deputy State Librarian must each have a master's degree in library science and not less than four years' experience in library work in a supervisory administrative capacity. The Assistant State Librarian must have a master's degree in library science or such specialized training to develop the expertise and skill that is generally recognized within the appropriate discipline.

(e) Transfer.--The subjects of transfer of the State Library are transferred to the commission with the same force and effect as if they had originally belonged to the commission. The civil service status of employees of the State Library shall not be affected by the transfer.

Section 342. Staff.

(a) General.--The State Librarian, after consultation with

1 the commission, may employ other employees as necessary for the
2 care and management of the State Library.

3 (b) Computer operation.--The State Librarian shall appoint
4 an adequately qualified staff skilled in the maintenance and
5 operation of electronic computer services for the digitalization
6 and dissemination of information, which shall be under the
7 direction of the Assistant State Librarian for Computer Library
8 Services. The State Librarian is authorized to maintain a
9 temporary staff to satisfy the conversion of physical material
10 into digital material.

11 (c) Qualifications.--All individuals employed in the State
12 Library under the State Librarian shall be appointed solely with
13 reference to fitness for particular duties.

14 Section 343. Powers and duties.

15 The State Librarian has the following powers and duties:

16 (1) To manage the State Library pursuant to the
17 philosophy and mission as set forth by the commission.

18 (2) To maintain, as part of the State Library, a system
19 of law libraries in the State Capitol; each county; State and
20 county correctional facilities; and seats of the Supreme
21 Court, Superior Court and Commonwealth Court subject to the
22 advice and consultation of the Chief Justice of Pennsylvania
23 or a designee.

24 (3) To receive copies of State and political subdivision
25 publications in order to maintain a definitive, organized
26 collection of all the publications by the State Library and
27 to provide for the distribution of the publications to
28 libraries in the system.

29 (4) To designate selected academic libraries or local
30 libraries to be State government document depository

1 libraries under regulations approved by the commission.

2 (5) To coordinate the services and programs not related
3 to finances of the system and to aid and assist the libraries
4 in the system in complying with the regulations of the
5 commission.

6 (6) To purchase and maintain a general collection of
7 material for the use of the legislative, executive and
8 judicial branches of the Commonwealth and for the use of the
9 political subdivisions.

10 (7) To sell or exchange duplicate volumes or sets of
11 works of material not needed for use in the State Library and
12 to apply the proceeds to the purchase of other material for
13 the State Library.

14 (8) To make available materials of the State Library for
15 circulation to the system and to the citizens of this
16 Commonwealth generally under the regulations promulgated by
17 the commission. The State Librarian may, after consultation
18 with the commission, restrict the circulation of certain
19 materials because they are rare or used intensively in the
20 State Library for reference or other purposes.

21 (9) To establish and maintain programs providing for
22 literacy skills enhancement and improvement of all employees
23 of the Commonwealth.

24 (10) To establish and conduct continuing professional
25 educational programs for personnel of the State Library and
26 all system members.

27 (11) To further the development of effective Statewide
28 school library services.

29 (12) To provide technical assistance to historical
30 libraries for the maintenance and preservation of historical

1 materials.

2 (13) To promote and advance the library science of this
3 Commonwealth.

4 (14) To otherwise coordinate the affairs and activities
5 of the State Library with the commission.

6 (15) To send one copy of each public document required
7 to be deposited under this act to the Library of Congress.

8 (16) To prepare and issue quarterly a complete index of
9 public documents deposited under this act during the
10 immediately preceding quarter. The index shall be cumulated
11 and printed at the end of each calendar year. A copy shall be
12 distributed by the State Librarian to each member of the
13 General Assembly, to Commonwealth agencies and to each county
14 law library.

15 (17) To establish a document exchange system with
16 agencies in the several states to make available selected
17 documents.

18 (18) To exchange the judicial decisions, statutes,
19 journals, legislative and executive documents of the
20 Commonwealth and other books placed in the care of the State
21 Library with other libraries of the several states, the
22 Federal Government, foreign countries and societies and
23 institutions.

24 (19) To name, after consultation with the commission,
25 members to advisory panels for each section of the State
26 Library to advise and consult on the establishment and
27 maintenance of materials for such sections.

28 Section 344. Historical materials preservation.

29 The State Librarian shall, under regulations promulgated by
30 the commission, establish and maintain facilities for the

1 preservation of historical materials owned by the Commonwealth;
2 by the several counties; and, on a cost-only basis, by
3 historical libraries. The State Librarian shall appoint an
4 adequately qualified staff skilled in the preservation of
5 historical materials. The State Librarian shall maintain on an
6 annual basis a census of historical materials owned by the
7 Commonwealth, the several counties and the historical libraries.
8 Section 345. Report of State Librarian.

9 By January 15, the State Librarian shall make an annual
10 report for the preceding fiscal year as to the affairs of the
11 State Library. The report shall include a detailed statement of
12 receipts and expenditures on account of the State Library, the
13 acquisition of new materials and analysis of the collection of
14 materials in the possession of the State Library.

15 SUBCHAPTER D

16 SYSTEM

17 Section 361. Establishment.

18 There is established the State Library System which shall
19 consist of a unified system of all libraries within this
20 Commonwealth which qualify for and apply for State financial
21 assistance within this act. The commission shall promulgate
22 regulations governing the State Library System and such minimal
23 library service standards for libraries to qualify for State aid
24 and grants.

25 Section 362. Library precincts.

26 Each local library, regardless if it is a branch of the
27 county library district or of a municipal library district,
28 shall be within a local library precinct which shall constitute
29 the service area of one or more precincts, wards, boroughs,
30 towns or townships, as the case may be. At no time shall any

1 local library district divide any political subdivision, nor
2 shall there be any overlapping of political subdivisions by a
3 local library. The local library district shall no later than
4 February 1 of each year certify to the commission the
5 municipality or municipalities within the local library
6 precinct.

7 Section 363. County or municipal library districts.

8 (a) Establishment of county library districts.--The
9 governing body of each county shall create a county library
10 district and appoint not less than five nor more than nine
11 library trustees to serve at the pleasure of the district board.
12 All local libraries which seek State aid shall be members of the
13 county library district, unless the municipality in which the
14 local library is located elects to establish a municipal or
15 joint municipal library district under subsection (c). The
16 county library district shall establish new libraries in
17 municipalities which are not served by a local library.

18 (b) Trustees.--Each library trustee shall serve without
19 compensation and upon their appointment thereto, the library
20 trustees shall meet and elect from among themselves a chairman,
21 vice chairman and secretary-treasurer, who shall be bonded
22 pursuant to regulations promulgated by the commission and shall
23 serve for a term of four years commencing on the first January
24 after a municipal election. The district board of the library
25 district shall be responsible for the implementation of the
26 provisions of this act pursuant to the regulations promulgated
27 by the commission.

28 (c) Establishment of municipal or joint-municipal library
29 districts.--A municipality in which a local library is
30 established may elect to establish a municipal library district

1 or enter into an agreement to establish a joint municipal
2 library district with contiguous municipalities which fall
3 within the local library precinct established under subsection
4 (a).

5 (d) Membership in regional library district.--Each library
6 district and each academic, historical, law and specialized
7 library shall be a member of a regional library district.

8 Section 364. Regional library districts.

9 The system shall be divided into the following regional
10 library districts:

11 (1) The Eastern Regional District, which shall consist
12 of Berks, Bucks, Carbon, Chester, Delaware, Lancaster,
13 Lehigh, Monroe, Montgomery, Northampton and Philadelphia
14 Counties.

15 (2) The Middle Regional District, which shall consist of
16 Adams, Bedford, Blair, Bradford, Centre, Clearfield, Clinton,
17 Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon,
18 Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin,
19 Montour, Northumberland, Perry, Pike, Potter, Schuylkill,
20 Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming
21 and York Counties.

22 (3) The Western Regional District, which shall consist
23 of Allegheny, Armstrong, Beaver, Butler, Cambria, Cameron,
24 Clarion, Crawford, Elk, Erie, Fayette, Forest, Greene,
25 Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset,
26 Venango, Warren, Washington and Westmoreland Counties.

27 Section 365. State Library System Conference.

28 (a) Organization and meeting.--On the third Wednesday of
29 January, April, July and October, or in the case of a holiday,
30 on the first business day thereafter, the State Library System

1 Conference shall meet in Harrisburg or at another place
2 designated by the commission from time to time. Each county
3 library district shall send not less than one nor more than five
4 librarians and not less than one nor more than three library
5 trustees, each of whom shall have one vote on all matters
6 brought before the conference. No librarian or trustee shall be
7 compensated for attending the conference but may be reimbursed
8 for out-of-pocket expenses.

9 (b) Authority and duties.--The conference shall have the
10 authority to consider and enact resolutions informing the
11 commission of the views of the conference on matters concerning
12 the administration of the State library system and to make
13 recommendations on policy pertaining to library sciences. The
14 commission shall accept, modify or table the recommendations
15 within three regularly scheduled meetings of the commission.
16 Section 366. Academic, law, school and specialized libraries.

17 Any academic library, law library, school library or
18 specialized library must be a member of the system in order to
19 be entitled to assistance under Chapter 7 Subch. B. A system
20 member under this subsection may not charge membership dues or
21 admission fees for services.

22 Section 367. System operations.

23 (a) Regulations.--The commission shall promulgate
24 regulations establishing minimum standards governing the system.

25 (b) Pass.--

26 (1) The commission shall establish, maintain and operate
27 a singular Statewide library pass to be issued by the
28 commission to all citizens 12 years of age or older. The pass
29 shall be accepted by all system members.

30 (2) The commission shall establish, maintain and operate

1 a singular Statewide law library pass to be issued by the
2 commission to all attorneys at law. The pass shall be
3 accepted by the State Library and all county law libraries
4 which are system members.

5 (c) Catalog.--The commission shall establish, maintain and
6 operate a Statewide automated catalog to be made available over
7 the computer library network.

8 (d) Annual reports.--The commission shall promulgate
9 regulations for annual reporting to the commission by all system
10 members regarding the state of the member library, its service
11 to the general public and forecasts for library development. The
12 report shall include, but not be limited to, the annual
13 expenditures of the system member, the number of patrons,
14 borrowings, visitations and inquiries, the number of print,
15 audio-visual and digital materials on hand, including additions
16 and matter missing, and the general character of books, with
17 such other statistics, information and suggestions as they may
18 deem of general interest. All reports filed with the commission
19 shall be subject to the provisions of 18 Pa.C.S. § 4902
20 (relating to perjury).

21 Section 368. Noncompliance with system requirements.

22 Any system member which fails to comply with the minimal
23 standards promulgated by the commission shall not be eligible
24 for any State aid or financial assistance or access to the
25 computer library network. A system member not in compliance
26 shall be suspended from the system pursuant to an order, subject
27 to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure
28 of Commonwealth agencies) and Ch. 7 Subch. A (relating to
29 judicial review of Commonwealth agency action). Suspension shall
30 remain in effect until such curative actions as ordered are

1 effectuated.

2 Section 369. Organic law and additional materials.

3 (a) Existing law.--Nothing in this act shall be construed to
4 invalidate any provision of organic law authorizing the
5 establishment of a library electing to be a system member.

6 (b) Additional materials.--Nothing in this act or a
7 regulation promulgated by the commission shall be construed to
8 prohibit a library from acquiring or possessing material.

9 Section 370. Regional libraries.

10 Each regional district shall have a regional library as
11 designated by the commission. A regional library shall be
12 designated because of its capacity to provide additional
13 services and support for local libraries within the regional
14 district. A designated regional library shall maintain the
15 documents readily accessible for use and shall render assistance
16 for their use without charge.

17 Section 371. County library districts.

18 (a) Powers and duties.--The district board the of the county
19 library district has the following powers and duties:

20 (1) To administer the downloading of computer library
21 services from the State Library to the regional library for
22 distribution to libraries within the county library district.

23 (2) To administer the uploading of computer library
24 services from libraries within the county library district to
25 the State Library for Statewide distribution.

26 (3) To administer interlibrary loan programs, special
27 events, programs and projects for local libraries if such
28 existing activities are not administered by the local
29 library.

30 (b) Organization.--The district board shall organize after

1 appointment by electing a presiding officer, a secretary and a
2 treasurer from its membership and other officers and agents as
3 the district board deems necessary.

4 CHAPTER 5

5 FUND

6 Section 501. Establishment.

7 The Library Fund is established as a separate fund in the
8 State Treasury.

9 Section 502. Source.

10 The following are the sources of the fund:

11 (1) Appropriations.

12 (2) Donations.

13 (3) Fees collected under this act.

14 Section 503. Administration.

15 The commission shall administer the fund to implement this
16 act.

17 CHAPTER 7

18 FINANCING

19 SUBCHAPTER A

20 FUNDING

21 Section 701. District board to control all funds.

22 (a) General.--All money appropriated for the establishment
23 or maintenance of a local library and all money received from
24 other sources for its use shall be under the exclusive control
25 of the appropriate district board.

26 (b) Report.--The district board of a system member shall
27 file with the commission an annual report by January 30 or
28 within 30 days subsequent to the end of the fiscal year. The
29 report shall be a public document. The accounts of the treasurer
30 of the district board shall be audited as in the case of other

1 county or municipal expenditures. The annual report required
2 under this subsection shall contain an itemized statement of all
3 receipts and expenditures and shall show the condition of the
4 library and branches, the number of materials, the number added,
5 the number lost or withdrawn, the number of registered borrowers
6 and readers and a statement of the circulation of material, with
7 other information and recommendations as desirable. A copy of
8 each report shall be sent to the county or municipality in which
9 the library district is located at the same time the report is
10 filed with the commission.

11 (c) Deposit.--Money received for any county library district
12 or local library district shall be deposited in the treasury of
13 the county or municipality to the credit of the library and
14 shall be kept separate and apart from other money of the county
15 or municipality.

16 Section 702. Professional dues.

17 Each library district shall include among the expenses of the
18 local library or county library district the annual membership
19 dues of professional librarians in the Pennsylvania Library
20 Association and the annual membership dues of a president, vice-
21 president, secretary, treasurer or similarly designated officer
22 of an incorporated nonprofit organization of friends or patrons
23 of the local library or county library district in the Friends
24 of Pennsylvania Libraries.

25 Section 703. Donations.

26 Any person desiring to making donations of money, personal
27 property or real property for the benefit of any system member
28 library shall have the right to vest the title to the donated
29 money or property in the commission or the district board of any
30 county library, joint-county library district, municipal library

1 or joint-municipal library created under this act, to be held
2 and controlled by the commission or district board, when
3 accepted, according to the terms of the deed, gift, devise or
4 bequest of the money or property. As to the donated money or
5 property, the commission or district board shall be held and
6 considered to be special trustees.

7 Section 704. Base funding for library expenditures. (Reserved)

8 Section 705. Base funding for capital expenditures. (Reserved)

9 SUBCHAPTER B

10 SUPPLEMENTAL STATE AID

11 Section 721. Authorization. (Reserved)

12 Section 722. Exception. (Reserved)

13 Section 723. Procedure. (Reserved)

14 Section 724. School library. (Reserved)

15 Section 725. Regulations.

16 The commission shall promulgate regulations governing
17 eligibility for local libraries for supplemental State aid
18 beyond the base funding, based on the following criteria:

19 (1) The tax base of the political subdivision and impact
20 thereon by result of the number of taxpayers who are
21 economically impoverished or otherwise below the Poverty
22 Level by Family Size established by the United States Bureau
23 of the Census.

24 (2) The economic and social demographic background of
25 the population of the political subdivision, including:

26 (i) Major plant closing and decline of industries
27 which dominate the economic base of the political
28 subdivision and surrounding region.

29 (ii) Number of citizens within the political
30 subdivision who are not gainfully employed by reason of

1 age or inability to obtain employment in industries which
2 are major employers within and throughout the political
3 subdivision.

4 (iii) Number of citizens within the political
5 subdivision who are dependent on Federal or State
6 assistance provided by reason of economic poverty and
7 lack of educational or vocational training.

8 (iv) Number of housing stock within the political
9 subdivision which may be eligible for Federal or State
10 financial assistance.

11 (v) The lack of adequate communications networks
12 installed by utilities by reason of market conditions
13 precluding investment by the utilities.

14 (3) The fiscal condition of the political subdivision,
15 including the following factors:

16 (i) Significant tax increases required to be enacted
17 by the political subdivision which have resulted in the
18 loss of business entities and establishments relocating
19 from the political subdivision.

20 (ii) Budget deficits incurred by the political
21 subdivision over a period of the past five years.

22 (iii) The amount of State financial assistance to
23 the political subdivision for improvement of housing
24 stock, assistance to citizens who are economically
25 impoverished or not gainfully employed by reason of age
26 or inability to obtain employment in industries which
27 historically were major industries within the political
28 subdivision.

29 (iv) The urgency of the preservation requirements of
30 the material collections, for which the rarity of the

1 material shall be a governing influence, or the urgency
2 of capital improvement to plant and premises, for which
3 the state of disrepair of the specific capital attribute
4 shall be a governing influence.

5 (v) The demographic population attributes of the
6 political subdivision which the system member is charged
7 to serve. Under this subparagraph, the necessity to
8 improve the literacy rate of the population shall be a
9 governing influence.

10 (vi) The alternative opportunities available to the
11 population of the political subdivision which the member
12 system library is chartered to serve. Under this
13 subparagraph, the limitations on the means and
14 accessibility of transportation and communications
15 networks shall be a governing influence.

16 Section 726. Nonprofits.

17 (a) General.--The commission is authorized to consider an
18 application from a nonprofit organization or corporation engaged
19 in the administration of services providing such literacy
20 programs. No award shall be for the expense of retaining
21 services of professional fundraisers who, as compensation for
22 their services, charge a percentage or extract a portion of the
23 fees from the money raised.

24 (b) Historical, law and specialized libraries.--

25 (1) The commission is authorized to provide State aid to
26 any historical library, law library or specialized library
27 which:

28 (i) is established and operated by a nonprofit
29 organization, including a county bar association; and

30 (ii) is a system member.

(2) An application for State aid under this subsection must be submitted by February 1 for consideration and inclusion in the budgetary requests of the commission.

(3) The commission shall approve an application for State aid based on the following criteria:

(i) The financial condition of the system member.

(ii) The economic condition of the political subdivision of which the system member is chartered to serve.

(4) For a system member under section 366, State aid under this subsection shall include the amount that the library would have collected from membership dues or admission fees.

CHAPTER 9

LICENSING OF LIBRARIAN

Section 901. Licensing of professional librarians.

(a) Authority.--The commission shall have the authority to issue licenses to professional librarians to be admitted to this Commonwealth for employment as professional librarians by any academic, historical, law, local, school or special library.

(b) Regulations.--The commission shall promulgate regulations governing the professional standards and educational knowledge to be examined and the times and places in which candidates for professional librarian licenses may take examinations for applications for professional library licenses. Examination for licenses shall include proficiency in book, audio visual and computer materials, administration and financial management.

(c) Exemptions.--

(1) A professional librarian employed by an academic,

1 historical, law, local, school or special library for ten
2 years prior to the enactment of this act and who has a
3 master's degree in library sciences granted by an accredited
4 college or university or any professional librarian employed
5 by an academic, historical, law, local, school or special
6 library for 15 years prior to the enactment of this act and
7 who has a bachelor's degree in library sciences granted by an
8 accredited college or university, shall be exempt from
9 examination for a professional license under this section.

10 (2) The commission may, upon petition of any
11 professional librarian or system member made within six
12 months after enactment of this act, exempt any other
13 professional librarian from examination for a professional
14 license under this section, except for extraordinary hardship
15 situations.

16 (3) The waiver shall be effective only for the current
17 librarian position in which the candidate is employed and
18 shall not be transferrable to any other librarian position
19 within this Commonwealth.

20 (d) Advisory board.--The commission may establish and
21 appoint a seven-member Professional Librarian Licensing Board
22 consisting of four college professors from schools of library
23 sciences of any college or university within this Commonwealth
24 and three citizens with expertise and experience in allied
25 subject matters such as computer operations and public finance,
26 to serve at the pleasure of the commission.

27 Section 902. Employment hiring and removal of professional
28 librarians.

29 (a) General.--No person shall be employed as a librarian
30 within this Commonwealth without first being qualified and

1 licensed or otherwise exempted from licensing requirements under
2 section 901.

3 (b) Employment removal.--No professionally licensed
4 librarian may be removed by a library or district board on
5 matters relative to material selection and maintenance or other
6 matters germane to library administration and management. Any
7 removal of a professionally licensed librarian must be upon
8 order of the commission after following the procedure under 2
9 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
10 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial
11 review of Commonwealth agency action).

12 (c) Exception.--Any library or district board may remove a
13 professionally licensed librarian upon conviction of theft,
14 abuse of public office or other infamous crime without the prior
15 consent of the commission.

16 CHAPTER 11

17 INFORMATION AND FEES

18 Section 1101. Computer library services, digital storage and
19 dissemination.

20 (a) Computer library network.--There is established a
21 computer library network, which shall connect system members;
22 the legislative, executive and judicial branches; and
23 municipalities. The computer library network may be referred to
24 as the Pennsylvania Information Network (PIN). The computer
25 library network shall be available to the general public without
26 cost or fee via Internet access.

27 (b) Materials.--Materials generally made available by the
28 legislative, executive and judicial branches and municipalities
29 by print material shall be available by digital material over
30 the computer library network pursuant to regulations promulgated

1 by the commission. Materials owned by the State Library and all
2 system members shall be made available over the computer library
3 network unless dissemination is prohibited by Federal or
4 international copyright laws. The commission shall promulgate
5 regulations governing the time and cost factors relative to the
6 conversion of print materials to digital format for inclusion on
7 the computer library network.

8 Section 1102. Commercial computerized information retrieval
9 services.

10 The State Librarian, under regulations promulgated by the
11 commission, is authorized to acquire commercially available
12 computerized information retrieval services for dissemination
13 through the computer library services of the State Library, as
14 provided in section 1103, through a master license contract.

15 Section 1103. Bid examination.

16 Notwithstanding the provisions of State law to the contrary,
17 the State Librarian may acquire commercial computerized
18 information retrieval services for dissemination through the
19 computer library services of the State Library without contract
20 bid, subject to the following:

21 (1) The commercial computerized information retrieval
22 service is not a service that is otherwise regularly
23 available by public dissemination over existing communication
24 networks under ownership of a public agency or entity.

25 (2) The fee is a one-year, flat-rate charge for
26 unlimited access.

27 (3) The commercial computerized information retrieval
28 service demonstrates by competent documentation in a form and
29 manner as prescribed by the commission that the volume
30 discount rate meets all of the following:

1 (i) Is less than the largest commercially available
2 discount provided by the vendor to its largest volume
3 customer.

4 (ii) Represents a significant discount to the State
5 Library for the acquisition of the information retrieval
6 service so that, after deducting 10% of the cost of
7 acquisition of the service for State government use, the
8 pro rata expense of providing the information retrieval
9 service to fee-paying library patrons remains less than
10 the expense after application of the largest commercially
11 available discount provided by the vendor to its largest
12 commercial volume customer.

13 (iii) The cost charged to 75% of fee-paying library
14 patrons estimated under the master license contract will
15 offset the expense of providing the service for State
16 government use and for exemption of patron access fees as
17 provided under this act.

18 (4) The commercial computerized information retrieval
19 service includes all serial and periodic updates within
20 consideration of the volume discount rate.

21 (5) The commercial computerized information retrieval
22 service includes all consumer and technical support services
23 made available to the highest preferred commercial customer.

24 Section 1104. User fees.

25 The commission by regulation shall set user fees for access
26 to information retrieval services.

27 Section 1105. Telephone service.

28 Under section 254(h)(1)(B) of the Communications Act of 1934
29 (48 Stat. 1105, 47 U.S.C. § 254(h)(1)(B)), each common carrier
30 providing intrastate telephone service shall provide at no cost

1 telephone access to the Internet for all system members in a
2 number and amount set by regulations promulgated by the
3 commission, which shall take into consideration the per capita
4 requirements of each system member and availability of
5 prevailing state-of-the-art technology.

6 CHAPTER 13

7 TAX

8 Section 1301. Property, inheritance and income.

9 (a) Property.--Any building owned and occupied by a county
10 library district or a local library district and the land on
11 which it stands shall be exempt from local tax, notwithstanding
12 the fact that some portion of the building or land may be
13 yielding rentals to the corporation or association managing the
14 library. To qualify for exemption under this subsection, the net
15 receipts of the corporation or association from rentals must be
16 used solely for the purpose of maintaining the library.

17 (b) Inheritance and income.--Gifts, bequests, devises,
18 grants or endowments made to a library, to the State Library or
19 to any national library created by a Federal statute shall be
20 free from inheritance tax. The income from such gifts, bequests,
21 devises, grants or endowments used solely for the purposes of
22 maintaining the libraries shall be exempt from State income tax.

23 Section 1302. Local.

24 (a) Authorization.--If a local library within a city,
25 borough, incorporated town or township is not a system member
26 through either a county library district or a municipal or joint
27 municipal library district, the city, borough, incorporated town
28 or township shall levy and collect a tax of one-half of one mill
29 on every dollar of assessable property within the levying
30 municipality.

(b) Increase.--The millage under this section may be increased by any of the following:

(1) Vote of the governing body of the levying municipality.

(2) Vote of the electors of the levying municipality upon a petition brought by at least 5% of the electors who voted in the last general, municipal or primary election.

(c) Use.--Taxes collected under this section shall be used to support and maintain local libraries within the taxing district.

CHAPTER 15

LOCAL

Section 1501. Referendum.

The governing body of a municipality may and, upon petition of 3% of the number of electors at the preceding general election or municipal election, shall submit to the qualified voters of the municipality at the next general, municipal or primary election the question of establishing or maintaining a local library or a county library.

Section 1502. Organization.

There shall be at least one local library in each commercial trading zone, as designated by generally accepted national commercial mapmakers within each county. A library established and maintained by a nonprofit organization or corporation within a municipality shall qualify as a local library. A library established and maintained within a secondary school building maintained by a public school district shall qualify as a local library if it is free and open to the general public at hours beyond those of which the school library is regularly open.

Section 1503. Local library operation.

1 (a) Control.--The affairs of a county library district or a
2 local library shall be under the exclusive control of a district
3 board which shall be responsible for the administration of the
4 library district or local library. The district board shall be
5 composed of not fewer than five nor more than seven members,
6 appointed by the county or municipality, unless by law a greater
7 number is provided.

8 (b) Joint-municipal libraries.--The county library district
9 or, if there is no county library district, the commission shall
10 authorize the establishment of a joint-municipal library
11 district where existing libraries are authorized under this act
12 to serve a commercial trading zone consisting of more than one
13 municipality.

14 (c) Appointments.--

15 (1) Initial appointments shall be as follows:

16 (i) One-third for one year.

17 (ii) One-third for two years.

18 (iii) One-third for three years.

19 (2) An appointment shall be for a term of three years.

20 (3) A member shall serve until a successor is appointed.

21 (4) No member of any district board shall receive any
22 salary or compensation for services as a member of the
23 district board.

24 (d) Organization.--A district board shall organize after
25 appointment by electing a presiding officer, a secretary and a
26 treasurer from its membership and other officers and agents as
27 the district board deems necessary.

28 Section 1504. Staff.

29 The district board of the county library or local library has
30 the power to appoint a suitable librarian licensed by the

1 commission and necessary licensed library and administrative
2 assistants and fix their compensation to conduct business to
3 carry out the spirit and intent of this act in establishing and
4 maintaining county or local libraries. Compensation of staff
5 personnel must meet or exceed minimum standards established by
6 the commission under section 367(a).

7 Section 1505. Duplication.

8 If there is a local library in a municipality, no new library
9 shall be established under this act.

10 CHAPTER 17

11 LAW LIBRARIES

12 Section 1701. Maintenance of principal State law library and
13 county law libraries.

14 (a) Principal law libraries.--The State Librarian shall
15 maintain a principal law library at the main branch and at other
16 locations in the Capitol Complex as may be designated by the
17 commission for the use of the legislative, executive and
18 judicial branches by establishing and maintaining a complete and
19 comprehensive collection of the Federal, State and municipal
20 statutes, ordinances, regulations and case law, and treatises on
21 such law, by print and digital material.

22 (b) Services.--The principal law library shall also maintain
23 and provide the following services for the use of the
24 legislative, executive and judicial branches:

25 (1) Make available from time to time analysis of
26 appellate court opinions which express the necessity for
27 clarity, instruction or guidance as to legislative intent.

28 (2) Make available from time to time analysis, appraisal
29 and evaluation of new legislation from other states and from
30 Congress.

1 (3) Report all official opinions of the courts of
2 Pennsylvania, write as reference aids for the opinions
3 headnotes and syllabi and periodically compile headnotes into
4 digests by topic of law pursuant to regulations promulgated
5 by the commission.

6 (4) Report the legislative history of all acts of the
7 General Assembly and periodically compile the acts, history
8 and resulting executive regulations into annotated
9 publications pursuant to regulations promulgated by the
10 commission.

11 (5) Provide such other legal research and reference
12 services as may be requested from time to time by the
13 commission.

14 Section 1702. Access.

15 The justices, judges and officers of the unified judicial
16 system shall have free access to law libraries maintained by the
17 State Librarian. The commission may not restrict any person
18 authorized to take books from the law library from having access
19 to the law library or using the books in the same manner as they
20 may be used in the general library.

21 Section 1703. Free copies.

22 The State Librarian shall, annually and free of charge,
23 distribute to the treasurer of each bar association or nonprofit
24 corporation for the use of its library 60 copies of the Laws of
25 Pennsylvania and the official reports of the Supreme Court and
26 the Superior Court for the purpose of enabling the library to
27 exchange a copy of the laws and reports for a copy of similar
28 publications of the several states and territories of the United
29 States.

30 Section 1704. Sharing.

1 The State Librarian shall make available to each county law
2 library and to each law library in a State or county
3 correctional facility, at no cost, a complete and comprehensive
4 collection of Federal and State statutes, regulations and case
5 law, and treatises on such law, by print and digital material.
6 Section 1705. Subscription.

7 Any attorney at law and a law school established and
8 operating in this Commonwealth may subscribe to the computerized
9 information retrieval services obtained by the State Library
10 under a master license contract at cost. Subscribers under this
11 section shall be responsible for costs associated with the
12 acquisition and maintenance of computer equipment and
13 telecommunication.

14 Section 1706. Law library fees.

15 (a) Assessment.--

16 (1) Except as set forth in paragraph (2), in each
17 judicial district, the clerk of courts shall assess and
18 collect a surcharge in the amount of 20% of each filing fee.

19 (2) Paragraph (1) does not apply to a county where the
20 law library is:

21 (i) maintained by a State or county bar association
22 or by other private funding; and

23 (ii) not a system member.

24 (b) Remittance.--The amount of the surcharge under
25 subsection (a) shall be remitted to the fund each year.

26 CHAPTER 19

27 INTERSTATE LIBRARY COMPACT

28 Section 1901. Compact.

29 The Interstate Library Compact is enacted into law and
30 entered into by the Commonwealth with all states legally joining

1 therein in the form substantially as follows:

2 INTERSTATE LIBRARY COMPACT

3 The contracting states solemnly agree that:

4 Article I

5 Because the desire for the services provided by libraries
6 transcends governmental boundaries and can most effectively be
7 satisfied by giving such services to communities and people
8 regardless of jurisdictional lines, it is the policy of the
9 states party to this compact to cooperate and share their
10 responsibilities; to authorize cooperation and sharing with
11 respect to those types of library facilities and services which
12 can be more economically or efficiently developed and maintained
13 on a cooperative basis; and to authorize cooperation and sharing
14 among localities, states and others in providing joint or
15 cooperative library services in areas where the distribution of
16 population or of existing and potential library resources make
17 the provision of library service on an interstate basis the most
18 effective way of providing adequate and efficient service.

19 Article II

20 As used in this compact:

21 (a) "Public library agency" means any unit or agency of a
22 local or state government operating or having power to operate a
23 library.

24 (b) "Private library agency" means any nongovernmental
25 entity which operates or assumes a legal obligation to operate a
26 library.

27 (c) "Library agreement" means a contract establishing an
28 interstate library district pursuant to this compact or
29 providing for the joint or cooperative furnishing of library
30 services.

Article III

(a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have the power to do any one or more of the following in accordance with such library agreement:

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing of books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the

1 dissemination of information about libraries, the value and
2 significance of particular items therein, and the use thereof.

3 2. Accept for any of its purposes under this compact any and
4 all donations, and grants of money, equipment, supplies,
5 materials, and services, (conditional or otherwise), from any
6 state or the United States or any subdivision or agency thereof,
7 or interstate agency, or from any institution, person, firm or
8 corporation, and receive, utilize and dispose of the same.

9 3. Operate mobile library units or equipment for the purpose
10 of rendering bookmobile service within the district.

11 4. Employ professional, technical, clerical and other
12 personnel and fix terms of employment, compensation, and other
13 appropriate benefits; and where desirable, provide for the
14 inservice training of such personnel.

15 5. Sue and be sued in any court of competent jurisdiction.

16 6. Acquire, hold, and dispose of any real or personal
17 property or any interest or interests therein as may be
18 appropriate to the rendering of library service.

19 7. Construct, maintain and operate a library, including any
20 appropriate branches thereof.

21 8. Do such other things as may be incidental to or
22 appropriate for the carrying out of any of the foregoing powers.

23 Article IV

24 (a) An interstate library district which establishes,
25 maintains or operates any facilities or services in its own
26 right shall have a governing board which shall direct the
27 affairs of the district and act for it in all matters relating
28 to its business. Each participating public library agency in the
29 district shall be represented on the governing board which shall
30 be organized and conduct its business in accordance with

1 provision therefor in the library agreement. But in no event
2 shall a governing board meet less often than twice a year.

3 (b) Any private library agency or agencies party to a
4 library agreement establishing an interstate library district
5 may be represented on or advise with the governing board of the
6 district in such manner as the library agreement may provide.

7 Article V

8 Any two or more state library agencies of two or more of the
9 party states may undertake and conduct joint or cooperative
10 library programs, render joint or cooperative library services,
11 and enter into and perform arrangements for the cooperative or
12 joint acquisition, use, housing and disposition of items or
13 collections of materials which, by reason of expense, rarity,
14 specialized nature, or infrequency of demand therefor would be
15 appropriated for central collection and shared use. Any such
16 programs, services or arrangements may include provision for the
17 exercise on a cooperative or joint basis of any power
18 exercisable by an interstate library district and an agreement
19 embodying any such program, service, or arrangement shall
20 contain provisions covering the subjects detailed in Article VI
21 of this compact for interstate library agreements.

22 Article VI

23 (a) In order to provide for any joint or cooperative
24 undertaking pursuant to this compact, public and private library
25 agencies may enter into library agreements. Any agreement
26 executed pursuant to the provisions of this compact shall, as
27 among the parties to the agreement:

28 1. Detail the specific nature of the services, programs,
29 facilities, arrangements or properties to which it is
30 applicable.

2. Provide for the allocation of costs and other financial responsibilities.

3. Specify the respective rights, duties, obligations and liabilities of the parties.

4. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

Article VII

(a) Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his or her state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.

1 (b) In the event that a library agreement made pursuant to
2 this compact shall deal in whole or in part with the provision
3 of services or facilities with regard to which an officer or
4 agency of the state government has constitutional or statutory
5 powers of control, the agreement shall, as a condition precedent
6 to its entry into force, be submitted to the state officer or
7 agency having such power of control and shall be approved or
8 disapproved by the officer or agency as to all matters within
9 the jurisdiction of the state officer or agency in the same
10 manner and subject to the same requirements governing the action
11 of the attorneys general pursuant to paragraph (a) of this
12 article. This requirement of submission and approval shall be in
13 addition to and not in substitution for the requirement of
14 submission to an approval by the attorneys general.

15 Article VIII

16 Nothing in this compact or in any library agreement shall be
17 construed to supersede, alter or otherwise impair any obligation
18 imposed on any library by otherwise applicable law, nor to
19 authorize the transfer or disposition of any property held in
20 trust by a library agency in a manner contrary to the terms of
21 such trust.

22 Article IX

23 (a) Any public library agency party to a library agreement
24 may appropriate funds to the interstate library district
25 established thereby in the same manner and to the same extent as
26 to a library wholly maintained by it and, subject to the laws of
27 the state in which such public library agency is situated, may
28 pledge its credit in support of an interstate library district
29 established by the agreement.

30 (b) Subject to the provisions of the library agreement

1 pursuant to which it functions and the laws of the states in
2 which such district is situated, an interstate library district
3 may claim and receive any state and Federal aid which may be
4 available to library agencies.

5 Article X

6 Each state shall designate a compact administrator with whom
7 copies of all library agreements to which the administrator's
8 state or any public library agency thereof is party shall be
9 filed. The administrator shall have such other powers as may be
10 conferred upon him or her by the laws of his or her state and
11 may consult and cooperate with the compact administrators of
12 other party states and take such steps as may effectuate the
13 purposes of this compact. If the laws of a party state so
14 provide, such state may designate one or more deputy compact
15 administrators in addition to its compact administrator.

16 Article XI

17 (a) This compact shall enter into force and effect
18 immediately upon its enactment into law by any two states.
19 Thereafter, it shall enter into force and effect as to any other
20 state upon the enactment thereof by such state.

21 (b) This compact shall continue in force with respect to a
22 party state and remain binding upon such state until six months
23 after such state has given notice to each other party state of
24 the repeal thereof. Such withdrawals shall not be construed to
25 relieve any party to a library agreement entered into pursuant
26 to this compact from any obligation of that agreement prior to
27 the end of its duration as provided therein.

28 Article XII

29 This compact shall be liberally construed so as to effectuate
30 the purposes thereof. The provisions of this compact shall be

1 severable and if any phrase, clause, sentence or provision of
2 this compact is declared to be contrary to the constitution of
3 any party state or of the United States or the applicability
4 thereof to any government, agency, person or circumstance is
5 held invalid, the validity of the remainder of this compact and
6 the applicability thereof to any government, agency, person or
7 circumstance shall not be affected thereby. If this compact
8 shall be held contrary to the constitution of any state party
9 thereto, the compact shall remain in full force and effect as to
10 the remaining states and in full force and effect as to the
11 state affected as to all severable matters.

12 CHAPTER 51

13 MISCELLANEOUS PROVISIONS

14 Section 5101. Repeals.

15 (a) Absolute.--The act of June 14, 1961 (P.L.324, No.188),
16 known as The Library Code, is repealed.

17 (b) General.--All other acts and parts of acts are repealed
18 insofar as they are inconsistent with this act.

19 Section 5102. Effective date.

20 This act shall take effect immediately.