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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 658

Session of  
1983

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INTRODUCED BY HESS, REIBMAN, HOWARD, RHOADES, SHAFFER, PECORA,  
HELFRICK AND CORMAN, APRIL 20, 1983

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SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 12, 1984

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AN ACT

1 Amending the act of June 14, 1961 (P.L.324, No.188), entitled  
2 "An act relating to the establishment, operation and  
3 maintenance of the State Library and public libraries in the  
4 Commonwealth; amending, revising, consolidating and changing  
5 the laws relating thereto; imposing duties upon public  
6 officers; providing for State and local cooperation and  
7 assistance in the establishment and maintenance of libraries;  
8 prescribing penalties; and repealing existing laws," further  
9 providing for municipality powers to make appropriations and  
10 impose taxes to fund libraries; AND PROVIDING FOR THE  
11 CONFIDENTIALITY OF LIBRARY CIRCULATION RECORDS. <—

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Sections 401 and 402 of the act of June 14, 1961  
15 (P.L.324, No.188), known as The Library Code, amended April 27,  
16 1982 (P.L.348, No.96), are amended to read:

17 Section 401. Municipality Empowered to Make Appropriations  
18 for Library; Taxation.--The municipal officers of any  
19 municipality may make appropriations out of current revenue of  
20 the municipality or out of moneys raised by the levy of special  
21 taxes to establish and/or maintain a local library or to

1 maintain or aid in the maintenance of a local library  
2 established by deed, gift, or testamentary provision, for the  
3 use of the residents of such municipality. [The appropriations  
4 for maintenance shall not exceed a sum equivalent to three mills  
5 on the dollar on all taxable property of the municipality  
6 annually.] Special taxes for these purposes[, not exceeding  
7 three mills on the dollar,] may be levied on the taxable  
8 property of the municipality or the same may be levied and  
9 collected with the general taxes: Provided, That where a county  
10 levies a special tax for the support of a public library, that  
11 tax shall not be levied upon residents of municipalities which  
12 appropriate funds or levy a tax for the support of a local  
13 library that is not a part of the county library district and is  
14 located within such municipality. The provisions of this section  
15 shall not be construed to limit appropriations made for library  
16 purposes to those made from special tax levies. Wherever a  
17 special tax is levied, all income from such tax shall be used  
18 for the support and maintenance of the local library.

19 Section 402. Submission of Question to Voters.--(a) The  
20 municipal officers of any municipality may submit to the  
21 qualified voters of such municipality at a special election to  
22 be held at the time of the next general, municipal, or primary  
23 election occurring not less than sixty days therefrom, the  
24 question of establishing, maintaining and/or aiding in  
25 maintaining a local library, and must submit such question, if  
26 petitioned for by three per centum of the number voting at the  
27 last preceding general or municipal election. At such election,  
28 the question of establishing an annual tax [at a certain rate  
29 not exceeding three mills on the dollar] on all taxable property  
30 of the municipality, shall be submitted.

1       **(b)** In cases where such questions are submitted to the  
2 voters of a county, they shall not be submitted to the voters  
3 residing in cities, boroughs, towns, townships and school  
4 districts, in which there is then being maintained a local  
5 library that is not a part of the county library district  
6 whether by the city, borough, town, township, school district or  
7 otherwise, unless the municipal officers or the board of  
8 trustees or managers of any endowed library or association  
9 library in such municipality shall have, previous to such  
10 submission, signified their intent by ordinance or resolution to  
11 become part of the county library district and to merge any  
12 existing library in such municipal district with the county  
13 library, if the same may be done legally. Any city, borough,  
14 town, township, school district or any board of trustees or  
15 managers of any endowed library or association library  
16 maintaining such a local library shall have the power to  
17 contract with the county commissioners before the submission of  
18 such questions upon the terms and conditions under which it will  
19 become a part of such county library district. Title to the  
20 books and other property of said municipally supported library  
21 or other library shall remain in the said municipality or with  
22 the board of trustees or managers, but the books and other  
23 property shall be used by the county library in accordance with  
24 the terms of a written agreement between the county  
25 commissioners and the said municipal officers or board of  
26 trustees or managers of any endowed library or association  
27 library: Provided, however, That title to such books and other  
28 property may be transferred to the county library district, if  
29 the same may be done legally.

30       **(c)** But where a county library district is established and a

1 municipality has not joined in said establishment, it may,  
2 nevertheless, thereafter, join said county library district, if  
3 the municipal officers or the board of trustees or managers of  
4 any endowed library or association library in such municipality  
5 enter into an agreement with the county board of library  
6 directors to merge its facilities with the county library in the  
7 manner herein provided.

8 Section 2. Sections 404, 407 and 410 of the act are amended  
9 to read:

10 Section 404. Annual Tax Rate; Levy and Collection.--The rate  
11 of tax so voted shall be an annual tax rate until another vote  
12 is taken changing the same: Provided, That the municipal  
13 officers may increase said rate[, the total tax rate not to  
14 exceed three mills on the dollar on all taxable property of the  
15 municipality,] without submitting the question to the voters.  
16 The tax shall be levied and collected in like manner as other  
17 taxes in the municipality, and shall be in addition to all other  
18 taxes, except where included within the general levy, and shall  
19 be used for no other purpose than that of establishing and/or  
20 maintaining a local library. The money so raised shall be under  
21 the exclusive control of the board of library directors provided  
22 in section 411 of this act.

23 Section 407. Control of Popular Subscription Fund;  
24 Maintenance Tax.--In case of the establishment of a local  
25 library under the provisions of section 406 of this act, the  
26 municipal officers shall immediately place the sum so subscribed  
27 under the control of a board of library directors appointed as  
28 provided in section 411 of this act, and proceed to levy and  
29 collect a tax at the annual rate of not less than one and one-  
30 half mills [nor more than three mills], annually, on the dollar

1 on all taxable property in the municipality for the purpose of  
2 maintaining the library so established.

3 Section 410. Appropriation for Contracted Library Service.--  
4 The municipal officers of any municipality may make  
5 appropriations out of current revenue of the municipality or out  
6 of moneys raised by the levy of special taxes [in an amount not  
7 to exceed three mills, annually,] on the dollar on all taxable  
8 property in the municipality for the purpose specified in  
9 section 409 of this act. Whenever a special tax is levied, all  
10 income from such tax shall be used for the support and  
11 maintenance of the local library with which the municipal  
12 officers have entered into contract.

13 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

14 SECTION 428. LIBRARY CIRCULATION RECORDS.--RECORDS RELATED  
15 TO THE CIRCULATION OF LIBRARY MATERIALS WHICH CONTAIN THE NAMES  
16 OR OTHER PERSONALLY IDENTIFYING DETAILS REGARDING THE USERS OF  
17 THE STATE LIBRARY OR ANY LOCAL LIBRARY WHICH IS ESTABLISHED OR  
18 MAINTAINED UNDER ANY LAW OF THE COMMONWEALTH OR THE LIBRARY OF  
19 ANY UNIVERSITY, COLLEGE OR EDUCATIONAL INSTITUTION CHARTERED BY  
20 THE COMMONWEALTH OR THE LIBRARY OF ANY PUBLIC SCHOOL OR BRANCH  
21 READING ROOM, DEPOSIT STATION OR AGENCY OPERATED IN CONNECTION  
22 THEREWITH, SHALL BE CONFIDENTIAL AND SHALL NOT BE MADE AVAILABLE  
23 TO ANYONE EXCEPT BY A COURT ORDER IN A CRIMINAL PROCEEDING.

24 Section 3.—~~This~~ 4. SECTIONS 1 AND 2 OF THIS act shall be <—  
25 retroactive to January 1, 1984.

26 Section 4 5. This act shall take effect immediately. <—