

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2351 Session of  
1980

INTRODUCED BY BURNS, GALLAGHER AND HOEFFEL, MARCH 7, 1980

REFERRED TO COMMITTEE ON APPROPRIATIONS, MARCH 7, 1980

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," changing  
9 and adding certain definitions and changing provisions  
10 relating to State-aid.

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

13 Section 1. Section 302, act of June 14, 1961 (P.L.324,  
14 No.188), known as "The Library Code," is amended to read:

15 Section 302. Definitions.--As used in this article--

16 (1) "Direct Service Area." The municipality or  
17 municipalities to which the governing body of a library is  
18 responsible for extending all its library services without  
19 charge.

20 (2) "Financial Effort." The sum expended annually by a local  
21 library for the establishment, operation and maintenance of

1 library services [in its direct service area,] which derives  
2 from local taxes, gifts, endowments and other local sources, as  
3 may be provided under rules and regulations adopted by the  
4 Advisory Council on Library Development, and which is used to  
5 determine eligibility for State-aid.

6 (3) "Financial Effort Equal to One-half Mill." The financial  
7 effort equal to one-half mill times the market value of taxable  
8 property, as determined by the State Tax Equalization Board, in  
9 the municipalities for which aid is claimed or in the direct  
10 service area of a local library, whichever is applicable.

11 (4) "Financial Effort Equal to One-quarter Mill." The  
12 financial effort equal to one-quarter mill times the market  
13 value of taxable property, as determined by the State Tax  
14 Equalization Board, in the municipalities for which aid is  
15 claimed or in the direct service area of a local library,  
16 whichever is applicable.

17 (5) "Per Capita." Amounts determined on the basis of the  
18 latest official United States Census reports.

19 (6) "Surplus Financial Effort." The financial effort which  
20 is in excess of a financial effort equal to one-half mill on  
21 market value in the direct service area or two dollars (\$2) per  
22 capita for each person residing in the direct service area of  
23 the local library, whichever is less.

24 (7) "Basic Standards." The basic standards are standards  
25 promulgated by the State Librarian and approved by the Advisory  
26 Council on Library Development, in compliance with sections  
27 201(15) and 303 of this act, which must be achieved by a local  
28 library to qualify for the State-aid authorized by sections  
29 303(1) and 303(7) of this act, and by a branch library or a  
30 bookmobile to qualify for the State-aid authorized by section

1 303(7). The standards shall be those deemed essential to a  
2 library, branch or bookmobile for it to fulfill the definition  
3 of local library stated in section 102(1) of this act.

4 (8) "Minimum Standards." The standards promulgated by the  
5 State Librarian and approved by the Advisory Council on Library  
6 Development in compliance with sections 201(15) and 303 of this  
7 act, which must be achieved by a local library or a library  
8 system to qualify for the incentive aid authorized by section  
9 303(2) of this act.

10 Section 2. Section 303 of the act, amended June 24, 1968  
11 (P.L.246, No.116) and December 29, 1971 (P.L.656, No.172), is  
12 amended to read:

13 Section 303. State-aid.--State-aid shall be paid when a  
14 library achieves the applicable standards determined by  
15 counselling with the State Librarian pursuant to the advice and  
16 recommendations of the Advisory Council on Library Development,  
17 or submits plans as set forth in section 304 of this act leading  
18 to the achievement of such standards, and makes a minimum  
19 financial effort as follows, except that no library receiving  
20 State-aid prior to and at time of the approval of this act shall  
21 receive less State-aid as a result of the provisions hereof  
22 notwithstanding that such library has not accepted the  
23 provisions of this act:

24 (1) Basic Aid to Local Libraries. Twenty-five percent (25%)  
25 of the Commonwealth's total annual appropriation for the system  
26 of State-aid established by section 301 of this act, or a  
27 minimum of twenty-five cents (25¢) per capita for each person  
28 residing in the municipalities of the libraries which qualify  
29 for basic aid, shall be allocated as basic aid.

30 [In the case of a] Any local library which makes a minimum

1 financial effort equal to one-half mill for the municipalities  
2 on behalf of which it applies for aid, or two dollars (\$2) per  
3 capita for each person residing in [its direct service area,]  
4 those municipalities, whichever is less, [it] and achieves the  
5 basic standards, shall [receive in] qualify for basic State-aid  
6 [an amount not exceeding]. Such aid shall not be less than  
7 twenty-five cents (25¢) for each person residing in [its direct  
8 service area:] the municipalities. However, when the allocation  
9 for basic aid exceeds the amount necessary to pay the minimum  
10 rate, the entire allocation shall be distributed at a per capita  
11 rate which shall be determined by dividing the allocation by the  
12 number of persons in the Commonwealth on behalf of which local  
13 libraries and library systems apply and qualify for basic aid:  
14 Provided, That in the first year in which a library applies for  
15 State-aid it shall qualify [therefor] by making a minimum  
16 financial effort equal to one-quarter mill, or one dollar (\$1)  
17 per capita for each person residing in [its direct service  
18 area,] the municipalities, whichever is less.

19 In each of the succeeding five years, such library shall  
20 qualify for maximum State-aid only when it increases its  
21 financial effort by the following scale of percentages of the  
22 difference between the financial effort with which such library  
23 initially qualified for State-aid and a financial effort equal  
24 to one-half mill, or two dollars (\$2) per capita for each person  
25 residing in [its direct service area,] the municipalities for  
26 which it applies for aid, whichever is less:

27 1st succeeding year--20 percent,  
28 2nd succeeding year--40 percent,  
29 3rd succeeding year--60 percent,  
30 4th succeeding year--80 percent,

1 5th succeeding year--100 percent.

2 But where the increase in any year is less than the percentage  
3 specified above, the amount of State-aid shall be reduced by a  
4 percentage equal to one-fifth of the percentage which the  
5 difference between the required increase and the actual increase  
6 bears to the required increase multiplied by the number of years  
7 of participation in State-aid beyond the first year.

8 After the fifth succeeding year, a local library shall not be  
9 eligible for further State-aid unless it makes a financial  
10 effort equal to one-half mill for the municipalities on behalf  
11 of which it applies for aid, or two dollars (\$2) per capita for  
12 each person residing in [its direct service area,] those  
13 municipalities, whichever is less. [A local library shall not be  
14 eligible for any State-aid unless it makes a financial effort  
15 equal to one-quarter mill or one dollar (\$1) per capita for each  
16 person residing in its direct service area, whichever is less.]

17 (2) Incentive Aid to Local Libraries. Twenty-five percent  
18 (25%) of the Commonwealth's total annual appropriation for the  
19 system of State-aid established by section 301 of this act, or a  
20 minimum of twenty-five cents (25¢) per capita for each person  
21 residing in the direct service areas of the libraries which  
22 qualify for incentive aid, shall be allocated as incentive aid.

23 [In the case of a] Any local library or library system which  
24 makes a minimum financial effort equal to one-half mill, or two  
25 dollars (\$2) per capita for each person residing in [the] its  
26 direct service area, whichever is less, and fulfills the minimum  
27 standards for local libraries or the minimum standards for  
28 library systems, whichever is applicable, [it] shall [receive,]  
29 qualify for incentive aid, which shall be in addition to all  
30 other amounts of aid provided [for herein,] in this section.

1 Each qualifying library or library system shall receive  
2 incentive aid up to fifty cents (50¢) for each one dollar (\$1)  
3 of surplus financial effort, [expended by the local library in  
4 excess of the one-half mill or two dollars (\$2) per capita  
5 whichever is less,] but [this total additional State-aid shall  
6 not exceed] when fifty cents (50¢) per dollar of surplus  
7 financial effort is more than twenty-five cents (25¢) per capita  
8 the minimum incentive aid shall be twenty-five cents (25¢) per  
9 capita for each person residing in the direct service area.  
10 However, if after paying the minimum amount set forth in this  
11 subsection there is a balance in the allocation, the balance  
12 shall be prorated among the libraries and library systems which  
13 qualify for a larger amount of aid at the rate of fifty cents  
14 (50¢) for each one dollar (\$1) of surplus financial effort  
15 rather than at the rate of twenty-five cents (25¢) per capita.

16 [(2)] (3) County Libraries. Ten percent (10%) of the  
17 Commonwealth's total annual appropriation for the system of  
18 State-aid established by section 301 of this act shall be  
19 allocated as aid to county libraries.

20 In the case of a county library of a second, second A, third,  
21 fourth, fifth, sixth, seventh or eighth class county, State-aid  
22 shall be given in an amount measured by the amount appropriated  
23 by the county [commissioners] government from county moneys,  
24 either from the General Fund or a special library tax or other  
25 sources, for the support and maintenance of the county library,  
26 and shall be determined as follows:

27		Percentage of Aid Calculated
28	Class of County	on County Appropriation
29	<u>2</u>	<u>15%</u>
30	2A and 3	20%

1	4	25%
2	5	33%
3	6	50%
4	7	75%
5	8	125%

6       The amount to be paid by the Commonwealth for the maintenance  
 7 of any county library that qualifies under this subsection shall  
 8 [not], in any year, [exceed] be not less than eight thousand  
 9 dollars (\$8,000), [and such payment shall be made to the board  
 10 of trustees in charge of the county library.] whenever the  
 11 applicable percentage of aid calculated on the county  
 12 government's appropriation amounts to more than eight thousand  
 13 dollars (\$8,000). If the applicable percentage of aid calculated  
 14 on the county government's appropriation amounts to less than  
 15 eight thousand dollars (\$8,000), then the county shall receive  
 16 such lesser amount. If the allocation for this category of aid  
 17 is less than the total amount for which all county libraries  
 18 qualify, the libraries shall be paid the minimum amount of eight  
 19 thousand dollars (\$8,000) or such lesser amount as may be  
 20 necessary. The portion remaining in the allocation after the  
 21 minimum rates have been paid shall then be prorated among the  
 22 county libraries which qualify for more than the minimum amount  
 23 of aid. If the allocation is greater than the total amount of  
 24 aid for which county libraries qualify, the balance shall be  
 25 added to the amount of aid to be distributed under subsection  
 26 (7) of this section. A report of the expenditure of such State  
 27 moneys shall be made annually to the county [commissioners]  
 28 government and the State Librarian in such form as may be  
 29 required. County libraries may also apply for additional amounts  
 30 of State-aid under [subsection] subsections (1) and (2) above,

1 [or] and subsection [(3)] (7) following.

2 Payment of aid to county libraries shall be made to the board  
3 of library directors in charge of each qualifying library.

4 [(3) County Libraries Merged or Conjoined with Local  
5 Libraries.--In the case of a county library which is merged or  
6 operating in conjunction with another local library, it shall  
7 receive in State-aid an amount not exceeding twenty-five cents  
8 (25¢) for each person residing in its direct service area, if,  
9 in the first year, the merged or conjoint libraries in the  
10 aggregate make a financial effort equal to one-quarter mill, or  
11 one dollar (\$1) per capita for each person residing in the  
12 direct service area of the county library, whichever is less.

13 In each of the succeeding five years, such county library  
14 shall receive the maximum amount of State-aid only when it  
15 increases its financial effort, exclusive of the amount expended  
16 by the library with which it is merged or conjoined, by the same  
17 scale of percentages stated for local libraries in subsection  
18 (1) above, but based upon the difference between the financial  
19 effort with which such county library initially qualified for  
20 State-aid, exclusive of the amount expended by the library with  
21 which it is merged or conjoined, and a financial effort equal to  
22 one-quarter mill, or one dollar (\$1) per capita for each person  
23 residing in the direct service area of such county library,  
24 whichever is less; and where the increase is less than that  
25 specified, the amount of State-aid shall be reduced in like  
26 manner as that stated for local libraries in subsection (1)  
27 above.

28 In each of the next succeeding five years, where such county  
29 library has achieved a minimum financial effort equal to one-  
30 quarter mill, or one dollar (\$1) per capita for each person



1 residing in its direct service area, whichever is less, it shall  
2 continue to qualify for maximum State-aid only when it increases  
3 its minimum financial effort to a financial effort equal to one-  
4 half mill, or two dollars (\$2) per capita for each person  
5 residing in its direct service area, whichever is less, in like  
6 manner as that specified for local libraries in subsection (1)  
7 above, and it shall also be subject to the same formula of  
8 decrease of State-aid if it fails to achieve this prescribed  
9 rate of increase of financial effort.

10 After the tenth succeeding year, a county library shall not  
11 be eligible for further State-aid under this subsection unless  
12 it makes a financial effort equal to one-half mill or two  
13 dollars (\$2) per capita for each person residing in the county  
14 library service area, whichever is less. During the second five-  
15 year period of participation, a county library shall not be  
16 eligible for any State-aid under this subsection in any year in  
17 which it makes a financial effort less than a financial effort  
18 equal to one-quarter mill, or one dollar (\$1) per capita for  
19 each person residing in such county library's direct service  
20 area, whichever is less.

21 Any local library which is providing the sole, direct, free  
22 library service in a county, and any county division of a local  
23 library operating under a written agreement with a board of  
24 county commissioners, shall qualify for State-aid on the same  
25 terms and conditions set forth in this subsection for merged or  
26 conjoint libraries.

27 After the first six years of participation in State-aid, such  
28 merged or conjoint libraries shall not qualify for State-aid  
29 unless such libraries are governed by a common board of library  
30 directors, and when such merged or conjoint libraries receive

1 public funds from any municipality, said municipality shall be  
2 represented on such board of directors. However, a written  
3 agreement between a single board of library directors and the  
4 municipal officers of a county, city, borough, town, township or  
5 school district, shall be equivalent to such common board of  
6 library directors and such representation.

7        Provided, however, that the local library which merged with  
8 or conjoined a county library shall, in the first year in which  
9 it applies for State-aid, include within its financial effort  
10 the amount expended by the county library with which it is  
11 merged or conjoined and shall qualify for State-aid if the  
12 merged or conjoint libraries in the aggregate make a financial  
13 effort equal to one-quarter mill, or one dollar (\$1) per capita  
14 for each person residing in its own direct service area  
15 (exclusive of the service area of the county library with which  
16 it is merged or conjoined), whichever is less. In each of the  
17 succeeding ten years, such local library shall receive the  
18 maximum amount of State-aid only when it increases its financial  
19 effort, exclusive of the amount expended by the county library  
20 with which it is merged or conjoined, by the following scale of  
21 percentages of the difference between the financial effort used  
22 in combination with the financial effort of the county library  
23 with which it is merged or conjoined to qualify initially for  
24 State-aid and a financial effort equal to one-half mill, or two  
25 dollars (\$2) per capita for each person residing in such direct  
26 service area, whichever is less:

27        1st succeeding year--10 percent,  
28        2nd succeeding year--20 percent,  
29        3rd succeeding year--30 percent,  
30        4th succeeding year--40 percent,

1 5th succeeding year--50 percent,  
2 6th succeeding year--60 percent,  
3 7th succeeding year--70 percent,  
4 8th succeeding year--80 percent,  
5 9th succeeding year--90 percent,  
6 10th succeeding year--100 percent.

7 But where the increase is less than that specified above, the  
8 amount of State-aid shall be reduced by a percentage equal to  
9 one-tenth of the percentage which the difference between the  
10 required increase and the actual increase bears to the required  
11 increase, multiplied by the number of years of participation in  
12 State-aid beyond the first year.

13 The provisions of the foregoing paragraph relating to local  
14 libraries merged or conjoined with county libraries shall also  
15 apply to local libraries which operate a county division under a  
16 written agreement with a board of county commissioners.

17 This subsection shall not be construed to prohibit any county  
18 library from receiving an additional or substitute amount of  
19 State-aid, if it qualifies under the provisions of the preceding  
20 subsection (2) as a county library. However, a local library  
21 which is merged or conjoined with a county library may apply for  
22 State-aid either under subsections (1) or (3) but shall not be  
23 eligible for State-aid under both these subsections.]

24 (4) District Library Centers. Thirty percent (30%) of the  
25 Commonwealth's total annual appropriation for the system of  
26 State-aid established by section 301 of this act or a minimum of  
27 twenty-five (25¢) per capita, shall be allocated as aid for  
28 district library centers.

29 [In the case of a] Any library designated by the State  
30 Librarian to serve as a district library center shall qualify

1 for an additional [sum] amount of State-aid. [shall be given in  
2 an amount not exceeding twenty-five cents (25¢) for each person  
3 residing in the entire district except that in the case of any  
4 State College library, the Pennsylvania State University Library  
5 and any privately supported college or university library  
6 designated as a district library center, the amount of State-aid  
7 shall not exceed twelve and one-half cents (12 1/2¢) for each  
8 person residing in the entire district.] The rate of aid shall  
9 be determined by dividing the total amount allocated for  
10 district library centers by the total population of the State,  
11 but in no year shall that rate be less than twenty-five cents  
12 (25¢) per capita. The amount of aid to be paid each district  
13 library center shall be determined by multiplying the per capita  
14 rate by the number of persons residing in the district.

15 (5) Regional Library Resource Centers. Five percent (5%) of  
16 the Commonwealth's annual appropriation for the system of State-  
17 aid established by section 301 of this act shall be allocated  
18 for aid to regional library resource centers.

19 [In the case of a] Any library designated by the State  
20 Librarian to serve as a regional library resource center shall  
21 qualify for additional [annual] State-aid. [in an amount not to  
22 exceed one hundred thousand dollars (\$100,000) shall be paid to  
23 such library.] The allocation shall be divided equally among the  
24 libraries so designated, but in no year shall the amount be less  
25 than one hundred thousand dollars (\$100,000) per designated  
26 library.

27 (6) Equalization Aid. [Where] If a library qualifies for  
28 State-aid established by section 301 of this act with a  
29 financial effort of less than one dollar and twenty-five cents  
30 (\$1.25) per capita for each person residing in the direct

1 service area of such library, additional State-aid shall be  
2 given such library in an amount which shall equal the difference  
3 between the per capita value of one-half mill times the market  
4 value of taxable property, as determined by the State Tax  
5 Equalization Board, in the direct service area of such library  
6 and one dollar and twenty-five cents (\$1.25) per capita for each  
7 person residing in its direct service area.

8 (7) Equal Distribution Grants to Local Libraries and Library  
9 Systems. After the amounts of aid have been paid as specified in  
10 the preceding subsections of this section, the remainder of the  
11 Commonwealth's annual appropriation for the system of State-aid  
12 established by section 301 of this act and all funds transferred  
13 from the county library allocation, shall be allocated as equal  
14 grants to local libraries and library systems which qualify for  
15 aid under subsection (1) of this section. These grants shall be  
16 determined by dividing the total amount of money allocated by  
17 the number of local libraries, branch libraries and bookmobiles  
18 in the Commonwealth which achieve or exceed the applicable basic  
19 standards. Each library system shall receive an equal grant for  
20 each qualifying member local library, branch library and  
21 bookmobile. Each local library shall receive an equal grant for  
22 the central library and each qualifying branch library and  
23 bookmobile.

24 Section 3. This act shall take effect in 60 days.