

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL**

**No. 1496** Session of  
2003

---

INTRODUCED BY T. STEVENSON, ARMSTRONG, BAKER, BARD, BROWNE,  
CAPPELLI, CAUSER, DAILEY, DALLY, DeLUCA, DERMODY, DeWEESE,  
FABRIZIO, FAIRCHILD, FEESE, GABIG, GEIST, GEORGE, GINGRICH,  
GORDNER, HENNESSEY, HERMAN, HERSHEY, HORSEY, JAMES, JOSEPHS,  
KOTIK, LAUGHLIN, LEACH, MANDERINO, MANN, MARKOSEK, MARSICO,  
McILHATTAN, MUNDY, NAILOR, O'NEILL, PETRARCA, PETRI,  
PISTELLA, REICHLEY, RUBLEY, SEMMEL, B. SMITH, R. STEVENSON  
AND ZUG, JUNE 24, 2003

---

REFERRED TO COMMITTEE ON EDUCATION, JUNE 24, 2003

---

AN ACT

1 Regulating libraries; providing for the State Librarian, for the  
2 State Library, for the State Library Commission and for  
3 library financing; establishing the Pennsylvania State  
4 Library System; providing for State aid to libraries and for  
5 the Pennsylvania Information Network (PIN); making tax  
6 exemptions and authorizing and requiring local taxation;  
7 prescribing a penalty for damaging library property; and  
8 making repeals.

9 TABLE OF CONTENTS

10 Chapter 1. Preliminary Provisions  
11 Section 101. Short title.  
12 Section 102. Declaration of policy.  
13 Section 103. Definitions.  
14 Section 104. Nondiscrimination in library services.  
15 Section 105. Confidentiality of library user records.  
16 Chapter 3. State Library Commission  
17 Section 301. State Library Commission.  
18 Section 302. Commission membership.

1 Section 303. Meetings and records.  
2 Section 304. Internal procedures.  
3 Section 305. Commission powers and duties.  
4 Section 306. Special financing report to General Assembly.  
5 Section 307. Cooperation of other agencies.  
6 Chapter 5. State Librarian  
7 Section 501. State Librarian.  
8 Section 502. Staff.  
9 Section 503. Powers and duties.  
10 Chapter 7. State Library  
11 Section 701. Establishment.  
12 Section 702. Main branch.  
13 Section 703. Public documents.  
14 Section 704. Deposits and copies of public records.  
15 Chapter 9. Pennsylvania State Library System  
16 Section 901. Establishment.  
17 Section 902. District library centers.  
18 Section 903. Statewide library resource centers.  
19 Section 904. Public library boards.  
20 Section 905. Surrogate voting.  
21 Section 906. Duties of the governing board and board members.  
22 Section 907. Organization of board and bond of treasurer.  
23 Section 908. Staff.  
24 Section 909. Merger of local libraries.  
25 Section 910. Shared services among libraries.  
26 Section 911. Statewide library card.  
27 Section 912. Noncompliance with system requirements.  
28 Chapter 11. State Aid to Libraries  
29 Section 1101. Establishment of system of State aid.  
30 Section 1102. State aid.

- 1 Section 1103. Basic aid to local libraries.
- 2 Section 1104. Quality libraries aid.
- 3 Section 1105. Quality libraries aid criteria.
- 4 Section 1106. Incentive for excellence aid.
- 5 Section 1107. Incentive for excellence aid criteria.
- 6 Section 1108. County coordination aid.
- 7 Section 1109. District library centers.
- 8 Section 1110. Statewide library resource centers.
- 9 Section 1111. Equalization aid.
- 10 Section 1112. Equal distribution grants to local libraries
- 11 and library systems.
- 12 Section 1113. Transfer of funds.
- 13 Section 1114. State Librarian to approve plans.
- 14 Section 1115. Implementation schedule.
- 15 Chapter 13. Pennsylvania Information Network
- 16 Section 1301. Computer library services.
- 17 Section 1302. User fees.
- 18 Chapter 15. Tax Exemptions and Tax Credits
- 19 Section 1501. Property, inheritance and income.
- 20 Section 1502. Tax credit.
- 21 Chapter 17. Establishment and Maintenance of Local Libraries
- 22 Section 1701. Municipal library tax and appropriations.
- 23 Section 1702. Referendum.
- 24 Section 1703. Tax-levying and restrictions to county tax.
- 25 Section 1704. Annual tax rate; levy and collection.
- 26 Section 1705. Discontinuance of county library and tax in city,
- 27 borough, town township or school district.
- 28 Section 1706. Joint action by municipalities.
- 29 Section 1707. Municipality contract for free library services.
- 30 Section 1708. Appropriation for contracted library services.

1 Section 1709. Purchase, lease lands and buildings for local  
2 library purposes.

3 Section 1710. Appropriation of private property for library  
4 purposes.

5 Section 1711. Petition for submission of bond issue.

6 Section 1712. Existing agreements not affected.

7 Section 1713. Duplication.

8 Chapter 19. Library Offenses

9 Section 1901. Damaging library property.

10 Chapter 31. Miscellaneous Provisions

11 Section 3101. Repeals.

12 Section 3102. Transfer.

13 Section 3103. Regulations.

14 Section 3104. Level of funding for 2003-2004.

15 Section 3105. Effective date.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 CHAPTER 1

19 PRELIMINARY PROVISIONS

20 Section 101. Short title.

21 This act shall be known and may be cited as the Pennsylvania  
22 Library Code.

23 Section 102. Declaration of policy.

24 Because the public library and its information are  
25 indispensable to a free and democratic people, the General  
26 Assembly declares as follows:

27 (1) Public libraries are an essential public service  
28 which provide lifelong educational benefits, enhance the  
29 economic welfare of the citizenry and improve the quality of  
30 life thus ensuring that this Commonwealth remains attractive

1 and amenable to both business and citizens.

2 (2) It is the highest priority that the State Library  
3 and all public libraries throughout this Commonwealth be  
4 properly governed, administered and funded so as to provide  
5 the citizens of this Commonwealth with the most advanced  
6 information and reference services possible.

7 (3) 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,  
11 freest, uninterrupted flow of information from the public  
12 libraries of this Commonwealth.

13 (4) The services of a public library shall be available  
14 to all citizens of this Commonwealth regardless of race,  
15 color, gender, ethnic background, sexual orientation,  
16 physical disabilities or religious or political beliefs.

17 (5) The citizens of this Commonwealth are guaranteed  
18 that their rights of free speech and to petition the  
19 government for redress of grievances are not abridged,  
20 diminished or derogated by the denial of the free and public  
21 dissemination of information.

22 (6) The State Library is an indispensable resource for  
23 the General Assembly and the executive and judicial branches  
24 of this Commonwealth and provides to all citizens of this  
25 Commonwealth the wealth of knowledge essential for democratic  
26 people.

27 (7) The librarian of any public library within this  
28 Commonwealth shall be free to exercise the best professional  
29 judgment in providing the widest possible dissemination of  
30 information to the citizens of this Commonwealth. Whatever

1 information is not locally available shall be, to the maximum  
2 extent possible, readily available from any other public  
3 library within this Commonwealth.

4 Section 103. Definitions.

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

8 "Board." The governing board of directors or board of  
9 trustees of a local library or public library system.

10 "Board member." A voting member of a board.

11 "Commission." The State Library Commission established in  
12 section 301.

13 "County library." Any local library or division of a local  
14 library, which derives income from the commissioners of the  
15 county for the express purpose of making its resources and  
16 services available to all the residents of the direct service  
17 area of that library.

18 "Direct service area." The municipality or municipalities to  
19 which the governing body of a public library is responsible for  
20 extending library services.

21 "District library center." Any public library designated as  
22 such by the State Library Commission and receiving State aid for  
23 the purpose of making its resources and services available  
24 without charge to all the residents of the district, or  
25 providing supplementary library services to local libraries  
26 within the district, or coordinating the services of all local  
27 libraries within the district which by contract become part of  
28 the district library center program and of exchanging, providing  
29 or contracting for library services with other district library  
30 centers.

1 "Economically distressed municipality." The term includes  
2 any of the following:

3 (1) A city, borough, town or township having a market  
4 value per capita below the 30th percentile of all such  
5 cities, boroughs, towns and townships, as certified annually  
6 by the State Tax Equalization Board.

7 (2) Municipalities located in a county having a personal  
8 income per capita below the 30th percentile of all counties,  
9 as certified annually by the Department of Revenue.

10 (3) Municipalities located in a county having an annual  
11 average unemployment rate above the 70th percentile of all  
12 counties, as determined annually by the Department of Labor  
13 and Industry.

14 Population data to be used for determining market value per  
15 capita and personal income per capita, as provided for in this  
16 definition, shall be the latest available data from the United  
17 States Bureau of the Census for the direct service area of the  
18 local library or public library system.

19 "Financial effort." The sum expended annually by a public  
20 library for the establishment, operation and maintenance of  
21 library services which derives from local taxes, gifts,  
22 endowments and other local sources, as may be provided under  
23 rules and regulations adopted by the State Library Commission,  
24 and which is used to determine eligibility for State aid.

25 "Financial effort equal to one-half mill." The financial  
26 effort equal to one-half mill times the market value of taxable  
27 property, as determined by the State Tax Equalization Board, in  
28 the municipalities for which aid is claimed or in the direct  
29 service area of a local library, whichever is applicable.

30 "Financial effort equal to one-quarter mill." The financial

1 effort equal to one-quarter mill times the market value of  
2 taxable property, as determined by the State Tax Equalization  
3 Board, in the municipalities for which aid is claimed or in the  
4 direct service area of a local library, whichever is applicable.

5 "Information retrieval service." A service, public or  
6 commercial, which provides computerized information retrieval  
7 services over a communications network.

8 "Internet." The international nonproprietary computer  
9 network of both Federal and non-Federal interoperable packet-  
10 switched data networks.

11 "Local government support." Support from a municipality  
12 within a direct service area for the normal, recurring operating  
13 costs of a library or a library system serving that direct  
14 service area from appropriations, general purpose taxes, special  
15 library taxes or direct payment of any library expense. The term  
16 shall not include costs of shared services, in-kind costs or  
17 employment program costs.

18 "Local library." A free, public, nonsectarian library  
19 whether established and maintained by a municipality, or by a  
20 private association, corporation or group, which serves the  
21 informational, educational and recreational needs of all the  
22 residents of the area for which its governing body is  
23 responsible, by providing free access, including free lending  
24 and reference services to an organized and currently useful  
25 collection of printed items and other materials and to the  
26 services of a staff trained to recognize and provide for these  
27 needs. The term includes a public library with multiple outlets  
28 which is governed by a single board.

29 "Merger." The union or joinder of two or more local  
30 libraries pursuant to the provisions of section 909.

1 "Minimum standards." Threshold levels of service related to  
2 performance, services, materials and staffing which must be  
3 achieved for a public library or public library system to  
4 qualify for State aid.

5 "Municipal officer." The mayor and council of any city, the  
6 mayor and council of any borough, town or home rule  
7 municipality, the commissioners or supervisors of any township,  
8 the commissioners of any county or the board of school directors  
9 of any school district of the second, third or fourth class.

10 "Municipality." Any county, city, borough, town, township,  
11 home rule municipality or any school district of the second,  
12 third or fourth class, which establishes or aids in the  
13 maintenance of a local library or public library system.

14 "Pennsylvania Information Network." Pennsylvanians' medium  
15 for public dissemination and distribution of digital material  
16 operated by the State Library Commission.

17 "Pennsylvania State Library System." A unified system of  
18 public libraries within this Commonwealth which qualify for and  
19 accept State aid.

20 "Pennsylvania State Library System member." A public library  
21 which qualifies and elects to become a member of the  
22 Pennsylvania State Library System.

23 "Per capita." A number of persons determined on the basis of  
24 the latest official United States census report.

25 "Public library." A public nonsectarian library, whether  
26 established and maintained by a governmental body or as a  
27 charitable organization under section 501(c)(3) of the Internal  
28 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)),  
29 which serves the informational, educational and recreational  
30 needs of all the residents of a politically defined

1 jurisdiction, by providing free access to services and a  
2 collection of currently useful materials. The term includes  
3 local libraries, county libraries, public library systems and  
4 district library centers.

5 "Public library system." A county-based or multicounty-based  
6 administrative unit composed of two or more local libraries  
7 serving not less than 25,000 people established in accordance  
8 with this act which is responsible for the provision and  
9 development of public library services within the geographic  
10 boundaries of the county or multicounty area. The term includes  
11 township-based public library systems in existence prior to the  
12 effective date of this act.

13 "Qualified library." Any public library, academic library,  
14 special library or school library regardless of organization or  
15 ownership, entitled by this act to access the computer library  
16 services of the Pennsylvania Information Network.

17 "School library." A library, whether established and  
18 maintained by a public school district or a private school,  
19 which primarily serves the informational, educational and  
20 recreational needs of the student body, faculty and staff of the  
21 school through an organized and currently useful collection of  
22 printed items and other materials. The term does not include an  
23 academic library.

24 "Special library." Any library or organized collection of  
25 information which meets the following criteria:

26 (1) Is established and maintained by any Commonwealth  
27 agency, county, municipal or government agency, commercial  
28 enterprise or nonprofit organization.

29 (2) Serves the informational, educational and  
30 professional needs of the entity with which the library is

1 affiliated.

2 (3) Provides free and reasonable access to or has  
3 possession of unique material of interest to educators,  
4 professionals, scholars and students. For purposes of this  
5 definition, "reasonable access" means access during regular  
6 business hours without disruption of ongoing functions or  
7 services of the business, institution or organization.

8 "State aid." Designation of financial assistance under  
9 Chapter 11.

10 "State Librarian." The chief executive officer of the State  
11 Library Commission and the Pennsylvania State Library System.

12 "State Library." The principal agency providing library  
13 service to this Commonwealth.

14 "Statewide library resource center." Any library designated  
15 as such by the State Library Commission and receiving State aid  
16 for the purpose of acquiring major research collections.

17 "Surplus financial effort." The financial effort which is in  
18 excess of a financial effort equal to one-half mill on market  
19 value in the direct service area or \$2 per capita for each  
20 person residing in the direct service area of the local library,  
21 whichever is less.

22 Section 104. Nondiscrimination in library services.

23 Libraries which obtain and receive assistance under this act  
24 shall provide their library services on a nondiscriminatory  
25 basis without regard to race, gender, color, creed, ethnic  
26 background, political or religious beliefs or affiliation,  
27 sexual orientation or physical disability.

28 Section 105. Confidentiality of library user records.

29 Records related to the circulation of library materials or  
30 any other user records which contain the names or other

1 personally identifying details regarding the users of a library  
2 shall be confidential and shall not be made available to anyone  
3 except by a court order.

4 CHAPTER 3

5 STATE LIBRARY COMMISSION

6 Section 301. State Library Commission.

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

16 Section 302. Commission membership.

17 The commission shall consist of 11 members, seven of whom  
18 shall be appointed by the Governor, three of whom shall be  
19 librarians, two of whom shall be library board members, and two  
20 of whom shall be residents of this Commonwealth. The President  
21 pro tempore and the Minority Leader of the Senate and the  
22 Speaker and Minority Leader of the House of Representatives  
23 shall each appoint one of the remaining four members, whom shall  
24 be constitutionally elected members of the General Assembly. The  
25 State Librarian shall serve as an ex officio member of the  
26 commission. The term of office of the members appointed by the  
27 Governor shall be four years from the third Tuesday of January  
28 of the year which the member takes office, or until a successor  
29 has been appointed, except that upon initial appointment, one  
30 member shall be appointed for one year, two members shall be

1 appointed for two years, two members shall be appointed for  
2 three years, and two members shall be appointed for four years.  
3 The members appointed by the legislative leaders shall serve  
4 terms concurrent with their respective legislative terms of  
5 office. The members shall serve without compensation other than  
6 reimbursement for travel and other actual expenses incurred in  
7 the performance of their duties. The commission shall elect one  
8 member as the chairman of the commission. The commission shall  
9 meet at least six times per year at the places and times as it  
10 deems necessary.

11 Section 303. Meetings and records.

12 (1) The meetings of the commission shall be open to the  
13 public and meet the requirements of 65 Pa.C.S. Ch. 7  
14 (relating to open meetings).

15 (2) The records of the commission shall be open to the  
16 public. The minutes of the commission meetings shall be  
17 preserved as permanent records.

18 Section 304. Internal procedures.

19 The commission shall make necessary rules for its own  
20 operation. The commission may do all of the following:

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

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

25 Section 305. Commission powers and duties.

26 The commission has the following powers and duties:

27 (1) To employ a State Librarian as its chief executive  
28 officer.

29 (2) To propose annually to the General Assembly and the  
30 Governor the appropriation required for the operation of the

1 State Library, for financial assistance to Pennsylvania State  
2 Library System members and for financial assistance required  
3 by the commission to carry out the powers and duties outlined  
4 under this act.

5 (3) To operate the Pennsylvania State Library System and  
6 the Pennsylvania Information Network.

7 (4) To provide for the certification of professional  
8 librarians.

9 (5) To provide for grants and other programs to  
10 Pennsylvania State Library System members to aid in the  
11 operation, maintenance and construction of library facilities  
12 and to facilitate mergers and shared services as set forth  
13 under this act.

14 (6) To designate Statewide resource centers.

15 (7) To determine minimum standards and other standards  
16 for public libraries.

17 (8) To accept, on behalf of the Commonwealth, gifts and  
18 bequests, for the endowment of its work in accordance with  
19 the instructions of the donors and in conjunction with the  
20 Governor and State Treasurer, who shall together with the  
21 members of the commission, constitute a body of trustees for  
22 the care of these funds. The trustees shall invest the funds  
23 and employ the income and increase in value to the  
24 investments for the purposes of the commission or apply the  
25 funds to the uses specified by the respective donors.

26 (9) To receive all funds allocated to the Commonwealth  
27 for library purposes by the Federal Government or by private  
28 agencies and to administer those funds in library  
29 maintenance, improvement or extension programs consistent  
30 with Federal and State library goals and policies.

1           (10) To coordinate literacy programs in conjunction with  
2 other State agencies.

3           (11) To designate libraries within this Commonwealth to  
4 be State depository libraries under criteria established by  
5 the commission and, in the case of documents published  
6 pursuant to the act of July 31, 1968 (P.L.769, No.240),  
7 referred to as the Commonwealth Documents Law, by the Joint  
8 Committee on Documents.

9           (12) To collect, preserve and publish appropriate  
10 statistics on the libraries located within this Commonwealth.

11           (13) To constitute a board of appeal for Pennsylvania  
12 State Library System members with regard to disputes arising  
13 from decisions of the State Librarian.

14           (14) To require annual reports by all Pennsylvania State  
15 Library System members regarding the state of the member  
16 library, its service to the general public and forecasts for  
17 library development. The report shall include, but not be  
18 limited to, the annual expenditures of the member library,  
19 the number of patrons, borrowings, visitations and inquiries,  
20 the number of print, audio-visual and digital materials on  
21 hand, including additions and matter missing, and the general  
22 character of books, with other statistics, information and  
23 suggestions as may be deemed of general interest. All reports  
24 filed with the commission shall be subject to the provisions  
25 of 18 Pa.C.S. § 4902 (relating to perjury).

26           (15) To make recommendations to the Governor and the  
27 General Assembly on matters of general policy concerning the  
28 State Library and the Pennsylvania State Library System.

29           (16) To engage in interstate library compacts.

30           (17) To establish the location of district library

1 centers and thereafter to change the location of the same as  
2 the commission deems appropriate, or to concur with any  
3 requested change in location pursuant to section 904(3).

4 (18) To require all public libraries to conduct an audit  
5 in accordance with regulations as may be determined from time  
6 to time by the commission.

7 Section 306. Special financing report to General Assembly.

8 The commission shall report to the General Assembly and make  
9 recommendations every three years from the effective date of  
10 this act on funding for the Pennsylvania State Library System.  
11 The report shall take into consideration infrastructure,  
12 technological and staffing needs of the Pennsylvania State  
13 Library System.

14 Section 307. Cooperation of other agencies.

15 The commission may request from Commonwealth agencies and  
16 authorities and from political subdivisions and their agencies  
17 and authorities available information required in its work.  
18 Required information shall be furnished to the commission within  
19 a reasonable time.

20 CHAPTER 5

21 STATE LIBRARIAN

22 Section 501. State Librarian.

23 (a) State Librarian.--The commission shall appoint a  
24 professional librarian as the State Librarian of the  
25 Commonwealth.

26 (b) Compensation.--The compensation of the State Librarian  
27 shall be set by the commission.

28 (c) Qualifications.--The State Librarian must have a  
29 master's degree in library science from an accredited school of  
30 library science.

1 Section 502. Staff.

2 (a) General rule.--The State Librarian may employ other  
3 employees as necessary for the care and management of the State  
4 Library as required to fulfill the requirements of this act in  
5 accordance with the act of August 5, 1941 (P.L.752, No.286),  
6 known as the Civil Service Act.

7 (b) Civil service status of existing employees.--The civil  
8 service status of employees of the State Library employed on the  
9 effective date of this act shall not be affected by this act.

10 (c) Existing labor agreements.--The provisions of this act  
11 shall not abrogate labor agreements in existence on the  
12 effective date of this act.

13 Section 503. Powers and duties.

14 The State Librarian has the following powers and duties:

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

17 (2) To receive copies of all publications of all  
18 agencies of the Commonwealth in order to maintain a  
19 definitive, organized collection of all these publications by  
20 the State Library and to provide for the distribution of  
21 these publications to other libraries.

22 (3) To coordinate the services and programs of the  
23 Pennsylvania State Library System and to aid and assist the  
24 libraries in the Pennsylvania State Library System in  
25 complying with the regulations of the commission.

26 (4) To purchase and maintain the collections of the  
27 State Library.

28 (5) To transfer unneeded duplicate books or books which  
29 are superseded or have been replaced with microfilm to other  
30 libraries or to historical societies where they will be

1 accessible to scholars or to members of the public and to  
2 sell at public auction such books if the State Librarian  
3 determines that the transfer of the books by other means  
4 would not be feasible and that the books are not needed by  
5 the library. Sales shall be conducted by the Department of  
6 General Services. Income produced through these sales shall  
7 be paid into the State Treasury through the Department of  
8 Revenue and credited to the State Library for the purchase of  
9 library materials. No unique book, article, manuscript,  
10 document or other material which is of special significance  
11 to the history of this Commonwealth shall be sold.

12 (6) To make available materials of the State Library for  
13 circulation to the members of the Pennsylvania State Library  
14 System and to the citizens of this Commonwealth. The State  
15 Librarian may, after consultation with the commission,  
16 restrict the circulation of certain materials because they  
17 are rare or used intensively in the State Library for  
18 reference or other purposes.

19 (7) To establish and conduct continuing professional  
20 educational programs for personnel of the State Library and  
21 all of the Pennsylvania State Library System members.

22 (8) To further the development of effective Statewide  
23 school library services by offering consultation and  
24 assistance to the Department of Education and school  
25 libraries.

26 (9) To promote and advance the library science of this  
27 Commonwealth.

28 (10) To otherwise coordinate the affairs and activities  
29 of the State Library with the commission.

30 (11) To send documents to the Library of Congress as

1 deemed necessary.

2 (12) To prepare and issue quarterly a complete index of  
3 public documents deposited under this act during the  
4 immediately preceding quarter. The index shall be cumulated  
5 at the end of each calendar year. These sections shall be  
6 made available in digital format.

7 (13) To establish a document exchange system with  
8 agencies in the several states to make available selected  
9 documents as deemed necessary.

10 (14) To exchange the judicial decisions, statutes,  
11 journals, legislative and executive documents of this  
12 Commonwealth and other books placed in the care of the State  
13 Library with other libraries of the several states, the  
14 Federal Government, foreign countries, societies and  
15 institutions as deemed necessary.

16 (15) To name, after consultation with the commission,  
17 members to advisory panels for each section of the State  
18 Library to advise and consult on the establishment and  
19 maintenance of materials for the sections.

20 (16) To act as arbiter in defining the direct service  
21 area of any public library.

22 (17) To make recommendations to the commission with  
23 regard to standards, regulations and policies the State  
24 Librarian deems appropriate.

25 (18) To determine disputes among local libraries,  
26 district library centers, public library systems and the  
27 State Library. The determination shall be subject to review  
28 by the commission as set forth in section 305(13).

29 (19) To counsel public libraries on minimum standards as  
30 promulgated by the commission and to advise and encourage

1 libraries to exceed those standards. Nothing contained in  
2 this act shall restrict or limit public libraries in the  
3 selection of resources of books and other materials as  
4 appropriate for their communities.

5 (20) To give advice and counsel to all public libraries  
6 and Statewide resource centers and to all municipalities and  
7 groups, which may propose to establish public libraries, in  
8 the requirements necessary to provide adequate, modern  
9 library service, and on the administration of public  
10 libraries.

11 (21) To inspect public libraries, and Statewide resource  
12 centers and require reports as deemed appropriate.

13 (22) To study library issues throughout this  
14 Commonwealth and make the findings available as determined by  
15 the commission.

16 (23) To administer a cooperative program among all types  
17 of libraries to increase services and availability of  
18 resources throughout this Commonwealth.

19 (24) To certify library personnel as required by the  
20 commission.

21 (25) The State Librarian shall establish policies for  
22 the preservation of historical materials in the State  
23 Library's collection.

## 24 CHAPTER 7

### 25 STATE LIBRARY

26 Section 701. Establishment.

27 The State Library is established by the commission as the  
28 principal agency for providing library service to this  
29 Commonwealth.

30 Section 702. Main branch.

1 (a) General rule.--The State Library shall coordinate public  
2 access to information and records contained within the State  
3 Library's collection.

4 (b) Collections.--The State Library and the designated  
5 Statewide resource centers shall maintain the following  
6 collections separately or collectively:

7 (1) A general library consisting of reference,  
8 nonfiction and fiction material.

9 (2) A newspaper and periodical library consisting of  
10 daily and weekly newspapers published within principal cities  
11 of the world, the United States and this Commonwealth,  
12 magazines and periodicals.

13 (3) A historical and genealogical library, consisting of  
14 volumes relating to the history of Pennsylvania and of the  
15 several counties and to American and international history.

16 (4) An agricultural library consisting of reference and  
17 nonfiction material relating to agriculture and farming and  
18 allied fields.

19 (5) A business and mercantile library consisting of  
20 reference and nonfiction material relating to business,  
21 commerce, industry, labor and technology.

22 (6) A science and technology library consisting of  
23 reference and nonfiction material relating to natural and  
24 applied sciences and technology.

25 (7) A communications and media library consisting of  
26 reference and nonfiction material relating to communications  
27 and media.

28 (8) A government and political science library  
29 consisting of reference and nonfiction material relating to  
30 Federal, State and local government.

1 (9) A law library.

2 (10) Other materials as appropriate.

3 Section 703. Public documents

4 It is the policy of this Commonwealth that its citizens have  
5 convenient access to the information collected and disseminated  
6 by government agencies. It is the purpose of this act to ensure  
7 this access through well-organized collections of State  
8 government publications in the State Library and in depository  
9 collections in libraries throughout this Commonwealth.

10 Section 704. Deposits and copies of public records.

11 The State Library shall maintain copies of all publications  
12 of all agencies and provide for distribution of these  
13 publications to academic and public libraries, and may serve as  
14 a depository of the Federal Government.

15 CHAPTER 9

16 PENNSYLVANIA STATE LIBRARY SYSTEM

17 Section 901. Establishment.

18 There is hereby established the Pennsylvania State Library  
19 System which shall consist of a unified system of all public  
20 libraries within this Commonwealth which qualify for and apply  
21 for State aid under this act. The commission shall promulgate  
22 regulations governing the Pennsylvania State Library System and  
23 minimum standards for public libraries to qualify for State aid  
24 and grants.

25 Section 902. District library centers.

26 (a) General rule.--The commission shall designate up to 30  
27 libraries throughout this Commonwealth as district library  
28 centers which may include any public library or public library  
29 system. A district library center shall provide library services  
30 within the district which it serves as may be determined from

1 time to time by the commission, shall provide additional  
2 services as deemed appropriate by the governing board of the  
3 district library center and shall otherwise exchange or provide  
4 services either by contract or otherwise with other district  
5 library centers.

6 (b) Funding.--Those funds received by the district library  
7 center under section 1104(c)(5) shall be used by the district  
8 library center for the services it provides as a district  
9 library center and shall be segregated from the other funds  
10 administered by the governing board of the district library  
11 center.

12 Section 903. Statewide library resource centers.

13 The commission shall designate four Statewide library  
14 resource centers to be located at the following places:

- 15 (1) The Free Library of Philadelphia.
- 16 (2) The State Library.
- 17 (3) The Pennsylvania State University Library.
- 18 (4) The Carnegie Library of Pittsburgh.

19 Statewide library resource centers shall have the responsibility  
20 and power to acquire major resource collections and, under the  
21 rules and regulations as are promulgated by a board consisting  
22 of the head librarians of all State library resource centers and  
23 under the chairmanship of the State Librarian, to make them  
24 available to the residents of this Commonwealth on a Statewide  
25 basis.

26 Section 904. Public library boards.

27 The affairs of public libraries shall be under the exclusive  
28 control of the board of each local library, as follows:

- 29 (1) For local libraries and public library systems  
30 established after June 14, 1961, the board shall be composed

1 of not fewer than five nor more than 11 members. The  
2 municipal officers of the municipality which establishes the  
3 local library shall appoint the board members and fill any  
4 vacancies occurring from any cause. However, if two or more  
5 municipalities contribute to the support and maintenance of a  
6 local library or public library system, they shall each  
7 appoint that number of board members as is mutually agreed  
8 upon by the municipalities, the total number not to exceed 11  
9 members. When a municipality maintains or aids in the  
10 maintenance of a local library which is established by deed,  
11 gift or testamentary provisions, or in any manner other than  
12 the specific provisions of this act, it shall be sufficient  
13 if the municipal officers appoint the majority of the board  
14 members. Initially, the board members shall be appointed as  
15 nearly as possible, one-third for one year, one-third for two  
16 years and one-third for three years, with all subsequent  
17 appointments to be of three-year duration. All members shall  
18 serve until their successors have been appointed. No board  
19 member shall receive any salary for service as a board  
20 member.

21 (2) In the case of a local library established by deed,  
22 gift or testamentary provision, by any association,  
23 corporation or group, prior to June 14, 1961, this section  
24 shall not be construed to require the municipal officers of  
25 each municipality aiding in the maintenance of a local  
26 library to appoint more than two of the board members of that  
27 local library.

28 (3) The board of a district library center shall be the  
29 board of the local library in which the district library  
30 center is located. In the event a district library center

1 serves local libraries which are outside of the public  
2 library system in which the library is situate, and  
3 thereafter the public library system determines to move its  
4 system headquarters to another local library within the  
5 public library system, then the district library center shall  
6 not be moved unless and until approval of the commission is  
7 obtained. Each district shall also have a district advisory  
8 council which shall also have the duties and responsibilities  
9 as may be determined hereafter by the commission.

10 Section 905. Surrogate voting.

11 In the event that a municipal officer is a board member of a  
12 public library, whether by virtue of appointment, election,  
13 charter designation or otherwise, by reason of the individual  
14 holding the municipal office, then the designated municipal  
15 officer may appoint a surrogate whose attendance at a board  
16 meeting shall be deemed appropriate for the purpose of forming a  
17 quorum of the board, and who shall be entitled to cast the vote  
18 of that municipal officer on any board matter. The following  
19 shall also apply:

20 (1) The municipal officer shall have submitted a written  
21 authorization designating the surrogate prior to any meeting  
22 in which the surrogate is present and votes on any board  
23 matter.

24 (2) The authority of the surrogate shall continue until  
25 the authorization is revoked in writing by the appointing  
26 municipal officer or the municipal officer's authority to act  
27 as a board member is otherwise terminated for any reason.

28 Section 906. Duties of the governing board and board members.

29 The board and the board members of public libraries shall  
30 have the following duties and responsibilities:

1           (1) To define and keep current the statement of the  
2 public library's mission and goals, which statement shall be  
3 in conformity with section 102.

4           (2) To provide library services which serve the  
5 informational, educational and recreational needs of the  
6 residents of the direct service area for which the board is  
7 responsible as a member of the Pennsylvania State Library  
8 System, by providing free access to those residents,  
9 including free lending and reference services to an organized  
10 and currently useful collection of printed items and other  
11 materials, and to the services of a staff trained to  
12 recognize and provide for these needs.

13           (3) To adopt policies with regard to staffing,  
14 materials, library administration, services, access and  
15 facilities, provided that the same are in accordance with  
16 this act. In the case of public library system boards, the  
17 policies shall be with regard to library services under the  
18 direct administration of the public library system and  
19 systemwide services.

20           (4) To receive and control all funds appropriated for  
21 the establishment or maintenance of the public library and  
22 any funds from other sources for library use.

23           (5) To adopt an annual budget, and to cause an audit to  
24 be conducted of all funds within its control, in accordance  
25 with regulations adopted from time to time by the commission.

26           (6) To hire and evaluate on a regular basis a qualified  
27 librarian.

28           (7) To determine the salary and wages of all library  
29 employees not covered by governmental regulations or  
30 collective bargaining agreements.

1           (8) To receive all property of whatsoever kind or  
2 nature, together with any materials donated or appropriated  
3 to the public library according to the terms of transfer of  
4 that property by deed, gift, devise, bequest or otherwise. In  
5 the absence of restrictions, the property shall be controlled  
6 and administered as is other public library material or  
7 property, provided that the use of the property shall be  
8 limited and used only for public library purposes. The board  
9 shall have the right and discretion to refuse any gifts  
10 deemed or determined inappropriate by the board.

11           (9) To determine the location of the library facilities,  
12 approve construction of new facilities in the expansion or  
13 remodeling of existing facilities, approve improvements and  
14 expansion of technological resources and maintaining library  
15 facilities, if the same is in accordance with this act.  
16 Public library system boards shall coordinate planning for  
17 the location of local library facilities within the public  
18 library system's direct service area, approve construction of  
19 new facilities and expansion or remodeling of existing  
20 facilities and coordinate improvements and expansion of  
21 technological resources and maintenance of those library  
22 facilities through which the public library system provides  
23 service directly, with the intended purpose being that the  
24 service shall be consistent throughout the direct service  
25 area of the public library system.

26           (10) To purchase, lease, sell or otherwise dispose of  
27 the property of the library which is governed by the board.  
28 In the event that the board administers a capital fund for  
29 endowment purposes, the board shall have the power to  
30 transfer the fund to a separate nonprofit corporation which

1 has received a designation as a section 501(c)(3)  
2 organization under the Internal Revenue Code of 1986 (Public  
3 Law 99-514, 26 U.S.C. § 1 et seq.), without the requirement  
4 of obtaining an order of court, if the transfer does not  
5 abrogate any restrictions otherwise placed on the funds by  
6 the donor of the funds or by the board of the transferring  
7 local library, and the funds are thereafter used for public  
8 library purposes.

9 (11) To cooperate with the friends of a library group or  
10 other library advocacy group or groups as may be active in  
11 the direct service area of the local library.

12 (12) To submit the annual report required under section  
13 305(14).

14 (13) To forward a copy of any required audit to each  
15 municipality from which funds are received by the local  
16 library, no later than 60 days from the date of receipt of  
17 the audit.

18 (14) Except as otherwise provided in this act, to assume  
19 those liabilities provided for in 15 Pa.C.S. § 5712 (relating  
20 to standard of care and justifiable reliance) and 42 Pa.C.S.  
21 § 8332.2 (relating to officer, director or trustee of  
22 nonprofit organization negligence standard).

23 (15) To comply with all provisions of the charter  
24 establishing the local library and, in the event of nonprofit  
25 corporations, to comply with the provisions of 15 Pa.C.S. Pt.  
26 II Subpt. C (relating to nonprofit corporations).

27 (16) To adopt bylaws which provide for the organization  
28 and governance of the board.

29 (17) Notwithstanding any other provision of this  
30 section, in the event that a board member misses three

1 consecutive meetings of the board, the absence shall be  
2 deemed sufficient cause for the removal of the board member  
3 from the board. In the event the board member holds  
4 membership by virtue of being appointed by a municipality or  
5 by reason of holding a particular office or position, then  
6 the absence shall be reported by the board to the appointing  
7 organization or municipality, along with a copy of this  
8 provision, and the appointing organization or municipality  
9 may deem the absence as sufficient cause to revoke the  
10 appointment.

11 Section 907. Organization of board and bond of treasurer.

12 The board shall organize as soon as may be possible after  
13 appointments by electing a president, secretary and treasurer  
14 from its membership and other officers and agents as the board  
15 may deem necessary. The treasurer shall give bond to the  
16 municipality with satisfactory surety in the amount as the board  
17 may determine.

18 Section 908. Staff.

19 (a) Appointment of librarian.--The public library board has  
20 the power to appoint a suitable librarian.

21 (b) Existing labor agreements.--This act shall not abrogate  
22 labor agreements in existence on the effective date of this act.

23 Section 909. Merger of local libraries.

24 (a) Preparation and submission of plan of merger.--Subject  
25 to approval by the commission, two or more local libraries may  
26 accomplish a merger. A plan of merger shall be prepared and  
27 submitted to the commission for approval, which shall have  
28 attached to it at the time of submission:

29 (1) written approval of each of the boards of the  
30 merging local libraries; and

1 (2) written approval of each of the municipalities in  
2 the designated direct service area of the merging local  
3 libraries which aid in the maintenance of that local library.

4 (b) Determination to be made by commission.--In determining  
5 whether or not the merger shall be permitted the commission  
6 shall determine whether the merger is in accordance with the  
7 standards developed by the commission pursuant to the powers  
8 granted to the commission in section 305(7). No merger shall be  
9 permitted unless the commission makes a determination that the  
10 library services proposed after the merger pursuant to the plan  
11 of merger submitted are equitable throughout the resulting local  
12 library's direct service area and that the resulting local  
13 library will provide more efficient library services to the  
14 residents of the direct service area than the predecessor local  
15 libraries.

16 (c) Availability of incentive grants.--The resulting local  
17 library after merger shall be entitled to receive incentive  
18 grants as may be available and as are otherwise permitted in  
19 section 305(5), and which shall be in addition to the State aid  
20 to which the resulting local library is entitled under Chapter  
21 11.

22 (d) Effect.--After completion of the merger, the resulting  
23 local library shall have one board. In the event that all of the  
24 parties to a proposed merger are separate nonprofit  
25 corporations, then 15 Pa.C.S. Pt. II Subpt. C (relating to  
26 nonprofit corporations) shall be complied with in addition to  
27 the provisions of this act. Notwithstanding, the merger shall  
28 not be deemed defective in the event that one or more of the  
29 merging local libraries is other than a nonprofit corporation.  
30 Section 910. Shared services among libraries.

1 (a) General rule.--Public libraries desiring to share  
2 services with other libraries, whether or not they are public  
3 libraries, shall do so by contract.

4 (b) Permitted shared services.--Permitted shared services  
5 shall include:

- 6 (1) shared administration;
- 7 (2) shared automation services;
- 8 (3) shared technical services;
- 9 (4) shared programming;
- 10 (5) shared collections and collection development;
- 11 (6) shared staffing;
- 12 (7) shared union catalog;
- 13 (8) shared ownership and cost of a bookmobile;
- 14 (9) shared cost and ownership of outreach services;
- 15 (10) shared purchasing arrangements;
- 16 (11) shared library facilities; and
- 17 (12) other services as are approved by the commission.

18 (c) Availability of additional funding.--In the event that a  
19 contract approved by the commission is entered into for shared  
20 services under this section, then additional funding may be made  
21 available under section 305(5), which shall include either or  
22 both of the following:

- 23 (1) Capital or other grants to aid in the initial  
24 funding requirements of the shared service.
- 25 (2) Incentive funding as may be determined in accordance  
26 with standards established by the commission.

27 (d) Exception.--Notwithstanding the provisions of subsection  
28 (c), approval of the commission for shared services contemplated  
29 shall not be required in the event that no additional funding is  
30 requested from the Commonwealth for the shared services.

1 Section 911. Statewide library card.

2 (a) Establishment of library card program.--The commission  
3 shall establish, maintain and operate a Statewide library card  
4 program to provide access to public libraries and other  
5 libraries, as deemed appropriate by the commission, for all  
6 citizens of this Commonwealth.

7 (b) Access to automated library cards.--The commission shall  
8 coordinate access to the many automated library catalogs in this  
9 Commonwealth, including that of the State Library and the  
10 Statewide resource centers, as part of the Pennsylvania  
11 Information Network established in section 1101.

12 Section 912. Noncompliance with system requirements.

13 Any Pennsylvania State Library System member which fails to  
14 comply with the minimum standards shall not be eligible for any  
15 State funding.

16 CHAPTER 11

17 STATE AID TO LIBRARIES

18 Section 1101. Establishment of system of State aid.

19 A system of State aid to assist in the support and  
20 maintenance of local libraries, county libraries, library  
21 systems, district library centers and Statewide library resource  
22 centers is hereby established.

23 Section 1102. State aid.

24 State aid shall be paid when a library achieves the  
25 applicable standards determined by counseling with the State  
26 Librarian pursuant to the advice and recommendations of the  
27 commission, or submits plans as set forth in section 1114  
28 leading to the achievement of such standard and makes a minimum  
29 financial effort, except that no library receiving State aid  
30 prior to and at time of the approval of this act shall receive

1 less State aid as a result of the provisions of this act  
2 notwithstanding that such library has not accepted the  
3 provisions of this act.

4 Section 1103. Basic aid to local libraries.

5 (a) Initial eligibility.--

6 (1) A local library which makes a minimum financial  
7 effort equal to one-half mill for the municipalities on  
8 behalf of which it applies for aid or \$2 per capita for each  
9 person residing in those municipalities, whichever is less,  
10 and achieves the basic standards shall qualify for basic  
11 State aid. Such aid shall not be less than 25¢ for each  
12 person residing in those municipalities.

13 (2) Subject to paragraph (3), when the allocation for  
14 basic aid exceeds the amount necessary to pay the minimum  
15 rate, the entire allocation shall be distributed at a per  
16 capita rate which shall be determined by dividing the  
17 allocation by the number of persons in this Commonwealth on  
18 behalf of which local libraries and library systems apply and  
19 qualify for basic aid.

20 (3) In the first year in which a library applies for  
21 State aid, it shall qualify by making a minimum financial  
22 effort equal to one-quarter mill, or \$1 per capita for each  
23 person residing in the municipalities, whichever is less.

24 (b) Continued eligibility.--

25 (1) In each of the succeeding five years, such library  
26 shall qualify for maximum State aid only when it increases  
27 its financial effort by the following scale of percentages of  
28 the difference between the financial effort with which such  
29 library initially qualified for State aid and a financial  
30 effort equal to one-half mill or \$2 per capita for each

1 person residing in the municipalities for which it applies  
2 for aid, whichever is less:

3 1st succeeding year - 20%.

4 2nd succeeding year - 40%.

5 3rd succeeding year - 60%.

6 4th succeeding year - 80%.

7 5th succeeding year - 100%.

8 (2) Where the increase in any year is less than the  
9 percentage specified in paragraph (1), the amount of State  
10 aid shall be reduced by a percentage equal to one-fifth of  
11 the percentage which the difference between the required  
12 increase and the actual increase bears to the required  
13 increase multiplied by the number of years of participation  
14 in State aid beyond the first year.

15 (c) Subsequent eligibility.--After the fifth succeeding  
16 year, a local library shall not be eligible for further State  
17 aid unless it makes a financial effort equal to one-half mill  
18 for the municipalities on behalf of which it applies for aid or  
19 \$2 per capita for each person residing in those municipalities,  
20 whichever is less.

21 Section 1104. Quality libraries aid.

22 (a) General rule.--For fiscal year 2002-2003 and each fiscal  
23 year thereafter, the amount allocated for quality libraries aid  
24 shall be specified in the Commonwealth's annual appropriation  
25 for grants to local libraries and library systems within the  
26 General Appropriation Act for that fiscal year.

27 (b) Allocation formula.--Quality libraries aid shall be  
28 allocated to qualifying local libraries and library systems on a  
29 per capita basis in the following manner:

30 (1) the annual allocation of funds available for quality

1 libraries aid shall be divided by the total population on  
2 which all libraries and library systems qualify for State aid  
3 to yield a per capita amount of quality libraries aid; and

4 (2) the per capita amount of quality libraries aid shall  
5 then be multiplied by the total population residing within  
6 the municipalities served by a library or library system  
7 which qualifies for aid.

8 (c) Initial eligibility.--To qualify, a local library or  
9 library system must make a minimum financial effort of \$5 per  
10 capita for each person residing in the municipalities based on  
11 which it qualifies for aid.

12 (d) Subsequent eligibility.--

13 (1) Any local library or library system which applies  
14 for State aid on behalf of an economically distressed  
15 municipality under section 1111 must expend a minimum of \$2  
16 per capita for the residents of the municipality.

17 (2) Except for the population of municipalities  
18 considered economically distressed, beginning with fiscal  
19 year 2002-2003, all libraries and library systems which  
20 received State aid in fiscal year 1998-1999 must make a  
21 minimum financial effort of \$5 per capita to qualify for  
22 quality libraries aid.

23 Section 1105. Quality libraries aid criteria.

24 To receive aid under section 1104, a local library or library  
25 system must meet the following minimum standards:

26 (1) Participate in the Access Pennsylvania Statewide  
27 Library Card Program.

28 (2) Lend materials free of charge on a reciprocal basis  
29 to all types of libraries in this Commonwealth.

30 (3) Provide interlibrary loans to residents of the

1 library's direct service area free of charge.

2 (4) Be open for service at least 26 hours per week  
3 during hours best suited to the needs of residents of its  
4 service area, to include at least six hours during the  
5 weekend period beginning on Saturday and ending on Sunday.  
6 Weekend hours may be reduced to four hours during time  
7 periods as community-use patterns warrant for ten weeks per  
8 year.

9 (5) The library director must annually attend at least  
10 eight hours of continuing education programs approved by the  
11 Office of Commonwealth Libraries.

12 (6) Participate in the county library plan for the  
13 coordination of countywide services or in the absence of a  
14 county library, participate in the development of a  
15 coordinated county services plan developed with the district.  
16 The State Librarian may, on a case-by-case basis, grant a  
17 waiver of participation in certain provisions of the plan  
18 under this paragraph.

19 Section 1106. Incentive for excellence aid.

20 (a) General rule.--For fiscal year 2002-2003 and each fiscal  
21 year thereafter, the amount allocated for incentive for  
22 excellence aid shall be specified in the Commonwealth's annual  
23 appropriation for grants to local libraries and library systems  
24 within the General Appropriation Act for that fiscal year.

25 (b) Eligibility.--To qualify, a local library or library  
26 system must make a financial effort greater than \$5 per capita  
27 for each person residing in the municipalities on behalf of  
28 which it applies for aid and meet the minimum standards for  
29 local libraries or library systems standards.

30 (c) Allocation.--The annual distribution of funds available

1 for incentive for excellence aid shall be allocated  
2 proportionately to qualifying local libraries or library systems  
3 as follows:

4 (1) Tier 1 funding shall be an amount equal to 80% of  
5 each \$1 per capita or portion thereof a local library or  
6 library system shows in financial effort between \$5 and \$7.50  
7 per capita.

8 (2) Tier 2 funding shall be an amount up to 10% of each  
9 \$1 per capita or portion thereof a local library or library  
10 system shows in financial effort between \$7.51 and \$15 per  
11 capita. Eligibility for Tier 2 funding does not preclude  
12 receipt of Tier 1 funding.

13 (d) Prohibition.--No local library or library system may use  
14 incentive for excellence funds to reduce its financial effort  
15 for normal, recurring operating costs from a previous level  
16 unless evidence of substantial curtailment of financial ability  
17 of the community is accepted by the State Librarian.

18 Section 1107. Incentive for excellence aid criteria.

19 Beginning with fiscal year 2002-2003 and each fiscal year  
20 thereafter, to qualify for aid under section 1106:

21 (1) A local library or a library system must expend no  
22 less than 12% of its operating budget, excluding costs of an  
23 unusual, emergency or nonrecurring nature, on materials. A  
24 local library or a library system that expends more than 12%  
25 in the year in which it qualified for incentive for  
26 excellence aid must increase the total amount expended on  
27 collection each succeeding year by no less than 5% or the  
28 percentage increase in the appropriation for improvement of  
29 library services, whichever is less.

30 (2) A local library or a member library within a library

1 system must be open for full services at least 45 hours per  
2 week with at least seven of these hours during the weekend  
3 period beginning on Saturday and ending on Sunday. A local  
4 library or member library within a library system serving a  
5 population of less than 7,000 must be open at least 35 hours  
6 per week with at least seven of these hours during the  
7 weekend period beginning on Saturday and ending on Sunday.  
8 Libraries may reduce weekend hours to four hours for ten  
9 weeks per year during periods when community-use patterns  
10 warrant. A local library or member library within a library  
11 system may reduce total weekly hours by three hours per week  
12 during the ten-week period of reduced Saturday and Sunday  
13 hours if approved by the State Librarian.

14 (3) A local library or a member library within the  
15 library system must require at least six hours of continuing  
16 education every two years for paid staff working at least 20  
17 hours per week in direct support of the library service.

18 Section 1108. County coordination aid.

19 (a) General rule.--For fiscal year 2002-2003 and each fiscal  
20 year thereafter, the amount allocated for county coordination  
21 aid shall be specified in the Commonwealth's annual  
22 appropriation for grants to local libraries and library systems  
23 within the General Appropriation Act for that fiscal year.

24 (b) County matching.--In the case of a county library or a  
25 county library system in counties of the second through eighth  
26 class, State aid shall be given in an amount measured by the  
27 amount appropriated by the county government from county moneys,  
28 either from the General Fund or a special library tax or other  
29 sources and from a district established pursuant to section  
30 3110-B of the act of July 28, 1953 (P.L.723, No.230), known as

1 the Second Class County Code, for the support and maintenance of  
2 the county library, and shall be determined as follows:

3	Class of County	Percentage Match
4	2	5%
5	2A and 3	30%
6	4	50%
7	5	50%
8	6	100%
9	7	100%
10	8	100%

11 (c) Calculation of payment.--County coordination aid shall  
12 be paid as follows:

13 (1) For fiscal year 2002-2003 and each fiscal year  
14 thereafter, a county library or county library system in a  
15 county of the eighth class shall be paid the greater of  
16 either an amount equal to the percentage match in subsection  
17 (b) times the level of county support paid, or an amount  
18 equal to the 2000-2001 payment providing the 2000-2001  
19 payment was 10% above the 1999-2000 payment and the level of  
20 county support paid is maintained. If the level of county  
21 support from its county decreases from the previous fiscal  
22 year, then the amount paid under this paragraph shall be an  
23 amount equal to the percentage match in subsection (b) for  
24 eighth class counties times the reduced level of county  
25 support paid.

26 (2) (i) Payments to a county library or a county  
27 library system in counties of the second through seventh  
28 class shall be made from the funds remaining after  
29 payments have been made to a county library or county  
30 library system in counties of the eighth class as

1 provided in paragraph (1) and shall be an amount equal to  
2 the level of county support paid times the percentage  
3 match in subsection (b) for its county. If the funds  
4 remaining are insufficient to pay the total amount for  
5 which each county library and county library system in  
6 counties of the second through seventh class qualifies,  
7 then each shall be paid proportionately from the funds  
8 remaining.

9 (ii) For fiscal year 2002-2003 and each fiscal year  
10 thereafter, a county library or county library system in  
11 counties of the second through seventh class shall be  
12 paid an amount equal to the greater of either the  
13 percentage match in subsection (b) for its county times  
14 the level of county support paid, or an amount equal to  
15 the 2000-2001 payment it received, provided the 2000-2001  
16 payment was 10% above the 1999-2000 payment and the level  
17 of county support paid is maintained. If the level of  
18 county support paid decreases from the previous fiscal  
19 year, then the amount paid under this paragraph shall be  
20 an amount equal to the percentage match in subsection (b)  
21 for its county times the reduced level of county support  
22 paid.

23 (3) A county library or county library system shall  
24 expend funds received under this subsection to implement a  
25 countywide cooperative plan to improve and extend service.  
26 The plans shall coordinate areas of library service and  
27 administration, including library resources and collections,  
28 technology, personnel, services to children, adults and  
29 special populations. If there is no county library or county  
30 library system, the district library center shall coordinate

1 a countywide plan for services.

2 (d) Annual reporting required.--A report of the expenditure  
3 of such State moneys shall be made annually to the county  
4 government and the State Librarian in such form as may be  
5 required. County libraries and county library systems may also  
6 apply for additional amounts of State aid under sections 1104,  
7 1106 and 1112. County coordination aid shall be paid to the  
8 board of library directors in charge of each qualifying county  
9 library or county library system.

10 Section 1109. District library centers.

11 (a) General rule.--For fiscal year 2002-2003 and each fiscal  
12 year thereafter, the amount allocated for district library  
13 centers shall be specified in the Commonwealth's annual  
14 appropriation for grants to local libraries and library systems  
15 within the General Appropriation Act for that fiscal year. Funds  
16 allocated for district library centers shall be distributed  
17 according to the provisions of this section.

18 (b) Calculation of payment.--Any library designated by the  
19 State Librarian to serve as a district library center shall  
20 qualify for an additional amount of State aid. For fiscal year  
21 2002-2003 and each year thereafter, the amount of aid to be paid  
22 each district library center shall be determined by multiplying  
23 the annual per capita rate set by the department by the number  
24 of persons residing in the district; but in no case shall a  
25 district library center receive less than \$200,000.

26 (c) Standards for eligibility.--For fiscal year 2002-2003  
27 and each fiscal year thereafter, a district library center must  
28 meet the following standards to qualify for aid under this  
29 section:

30 (1) A district library center must implement a program

1 of service to local libraries through an agreement negotiated  
2 by representatives from the district library center, local  
3 libraries, library systems and the State Library. The program  
4 must be implemented in accordance with district library  
5 center standards and guidelines issued by the State  
6 Librarian.

7 (2) As part of the negotiated agreement, the district  
8 library center must provide leadership, coordination and  
9 consultation to local libraries in the following areas:

10 (i) Continuing education for library staff.

11 (ii) Library services to youth.

12 (iii) Library services to special populations,  
13 including, but not limited to, individuals with  
14 disabilities, homebound individuals, the elderly and  
15 individuals who are deficient in basic literacy skills.

16 (iv) Information technology and library automation.

17 (v) Orientation and training for boards of directors  
18 of local libraries, library systems and district library  
19 centers.

20 Section 1110. Statewide library resource centers.

21 (a) General rule.--Any library designated by the State  
22 Librarian to serve as a Statewide library resource center shall  
23 qualify for additional State aid. The allocation shall be  
24 divided equally among the libraries so designated. For fiscal  
25 year 2000-2001 and each fiscal year thereafter, the amount  
26 allocated for Statewide library resource centers shall be  
27 specified in the Commonwealth's annual appropriation for grants  
28 to local libraries and library systems within the General  
29 Appropriation Act for that fiscal year. Funds allocated for  
30 Statewide library resource centers shall be distributed

1 according to the provisions of this section.

2 (b) Dissemination of information.--Statewide library  
3 resource centers shall disseminate information to Commonwealth  
4 residents to augment the collections and services of local  
5 libraries and district library centers through means such as:

6 (1) Digitizing Commonwealth resources from their  
7 extensive collections for Statewide accessibility and use via  
8 the Internet.

9 (2) Implementing, for use by all Commonwealth residents,  
10 an on-line reference service based on the specialized  
11 resources and staff expertise of the four Statewide library  
12 resource centers.

13 (3) Enhancing access to specialized on-line reference  
14 databases.

15 (4) Building major research collections and making them  
16 available to all Commonwealth residents on a Statewide basis  
17 via direct borrowing, interlibrary loan or onsite use.

18 Section 1111. Equalization aid.

19 (a) General rule.--Any local library or library system which  
20 achieves or exceeds applicable basic standards, maintains or  
21 exceeds its financial effort of the preceding year and is  
22 supported by a municipality that is economically distressed by  
23 any one or more of the following criteria shall qualify for  
24 equalization aid. For purposes of determining eligibility for  
25 equalization aid, an economically distressed municipality shall  
26 be:

27 (1) a city, borough, town or township having a market  
28 value per capita below the fifth percentile of all such  
29 cities, boroughs, towns and townships, as certified annually  
30 by the State Tax Equalization Board;

1 (2) located in a county having a personal income per  
2 capita below the 15th percentile of all counties as certified  
3 annually by the Department of Revenue; or

4 (3) located in a county having an annual average  
5 unemployment rate above the 70th percentile of all counties,  
6 as determined annually by the Department of Labor and  
7 Industry.

8 (b) Census data to be used.--Population data to be used for  
9 determining market value per capita and personal income per  
10 capita as provided for in this section shall be the latest  
11 available data from the United States decennial census for the  
12 direct service area of the local library or library system.

13 (c) Libraries supported by economically distressed  
14 municipalities.--In the case of a library or library system that  
15 is supported by an economically distressed municipality but that  
16 fails to maintain or exceed its financial effort of the  
17 preceding year, the library may still qualify for equalization  
18 aid if the State Librarian accepts evidence that the library or  
19 municipality did not attempt to substitute State funds for local  
20 effort.

21 (d) Allocation.--Beginning in the 2002-2003 fiscal year, 20%  
22 of the annual allocation for equalization aid shall first be  
23 distributed in equal amounts to all local libraries and members  
24 of library systems which qualify for such aid, as determined in  
25 accordance with the provisions of this section. The remainder of  
26 the annual allocation shall be distributed on a per capita basis  
27 to each local library and library system which qualifies for  
28 such aid, as determined in accordance with the provisions of  
29 this section, by dividing the number of persons residing in the  
30 direct service area of each such local library or library system

1 by the total number of such persons residing in the direct  
2 service areas of all qualifying local libraries or library  
3 systems and multiplying the result by the amount of the  
4 allocation to be distributed on a per capita basis.

5 (e) Limitation.--No local library or library system shall,  
6 as a result of the provisions of this section, receive in any  
7 year more than one-third of the total annual appropriation for  
8 equalization aid.

9 (f) Specification in General Appropriation Act.--For fiscal  
10 year 2002-2003 and each fiscal year thereafter, the amount  
11 allocated for equalization aid shall be specified in the  
12 Commonwealth's annual appropriation for grants to local  
13 libraries and library systems within the General Appropriation  
14 Act for that fiscal year. Funds allocated for equalization aid  
15 shall be distributed according to the provisions of this  
16 section.

17 Section 1112. Equal distribution grants to local libraries and  
18 library systems.

19 For the fiscal year 2002-2003 and each fiscal year  
20 thereafter, the amount allocated for equal distribution grants  
21 to local libraries and library systems shall be specified in the  
22 Commonwealth's annual appropriation for grants to local  
23 libraries and library systems within the General Appropriation  
24 Act for that fiscal year. Funds allocated for equal distribution  
25 grants to local libraries and library systems shall be  
26 distributed according to the provisions of this section.

27 Section 1113. Transfer of funds.

28 If necessary, the commission may transfer funds among the  
29 allocations listed in sections 1104, 1106, 1108, 1109, 1110,  
30 1111 and 1112, provided that the aggregate amount transferred

1 into or out of each allocation during a fiscal year shall not  
2 exceed 5% of the amount specifically allocated for that section.  
3 Section 1114. State Librarian to approve plans.

4 (a) General rule.--Each library desiring to receive State  
5 aid under this act shall submit to the State Librarian a plan  
6 for the use of the funds and no payments of State aid shall be  
7 made until such plan is approved by the State Librarian in  
8 accordance with rules and regulations approved by the  
9 commission. Subsequent changes and modifications in a library  
10 plan may be submitted at any time for approval by the State  
11 Librarian. Libraries qualifying for aid must achieve applicable  
12 standards within five years. Further extensions of time may be  
13 permitted with the approval of the State Librarian acting under  
14 regulations made by the advisory council.

15 (b) District Library Center Cooperative Program.--No State  
16 aid shall be given to any library unless:

17 (1) The local library board commits the library to  
18 participation in the District Library Center Cooperative  
19 Program including attendance at district meetings and the use  
20 of interlibrary loans and interlibrary references.

21 (2) If the library provides access to the Internet or an  
22 on-line service, it has adopted a policy regarding access by  
23 minors to Internet and on-line sites that contain or make  
24 reference to explicit sexual materials as defined in 18  
25 Pa.C.S. § 5903 (relating to obscene and other sexual  
26 materials and performances).

27 (c) Referendum.--

28 (1) If the board does not act to participate in the  
29 District Library Center Cooperative Program, upon petition of  
30 3% of the total number of persons voting in the last

1 preceding general or municipal election, the question of  
2 participation shall be submitted to the qualified electors of  
3 the municipalities in the direct service area.

4 (2) The petition shall be circulated within and signed  
5 by a sufficient number of electors in the direct service  
6 area. The persons circulating the petition shall present it  
7 to the municipal officers who shall forward the petition to  
8 the county board of elections.

9 (3) The county board of elections shall, after  
10 determining that the petition contains a sufficient number of  
11 signatures, place the question of participation in the  
12 District Library Center Cooperative Program on the ballot in  
13 the municipalities comprising the direct service area from  
14 which the petition was submitted. If a majority of the  
15 persons voting on the question vote in the affirmative, the  
16 board shall participate in the District Library Center  
17 Cooperative Program.

18 (d) Disapproval of plan for decrease in local government  
19 support.--No local library or library system plan for the use of  
20 incentive for excellence funds shall be approved if it projects  
21 a decrease in local government support for normal, recurring  
22 operating costs from a previous level, unless the State  
23 Librarian determines that the decrease is directly attributable  
24 to a gift or endowment to a library or that there is a  
25 substantial decrease in the financial ability of the  
26 municipality on behalf of which the library or library system  
27 applied for aid.

28 Section 1115. Implementation schedule.

29 (a) General rule.--If a library or library system applying  
30 for State aid in 2002-2003 fails to comply with the standards

1 under any section of this chapter, the library or library system  
2 shall not be eligible for funds under that section.

3 (b) Extensions.--

4 (1) The State Librarian may grant an extension of time  
5 to meet the standards under sections 1105 and 1107 if:

6 (i) the library or library system is financially  
7 unable to comply at the time of payment; or

8 (ii) a plan is accepted by the State Librarian  
9 indicating how the library or library system will comply,  
10 to include specifics regarding budget, timeline and how  
11 the library is working in good faith to achieve the  
12 standards.

13 (2) An extension by the State Librarian shall continue  
14 until the time of the submission of the 2002-2003 plan for  
15 use of State funds under this act.

16 CHAPTER 13

17 PENNSYLVANIA INFORMATION NETWORK

18 Section 1301. Computer library services.

19 (a) Pennsylvania Information Network (PIN).--The  
20 Pennsylvania Information Network is established as a computer  
21 library network that shall connect the following:

22 (1) Pennsylvania State Library System members.

23 (2) The legislative, executive and judicial branches.

24 (3) Municipal and county governments.

25 (4) Qualified libraries.

26 The Pennsylvania Information Network shall be available to the  
27 general public without cost or fee via Internet access.

28 (b) Information to be made available.--Public information  
29 generally made available by the legislative, executive and  
30 judicial branches and municipal and county governments may be

1 made available in electronic format by the Pennsylvania  
2 Information Network. Materials owned by the State Library and  
3 all Pennsylvania State Library System members may be made  
4 available over the Pennsylvania Information Network unless  
5 dissemination is prohibited by Federal or international  
6 copyright laws.

7 Section 1302. User fees.

8 The commission shall set user fees for access to information  
9 retrieval services.

## 10 CHAPTER 15

### 11 TAX EXEMPTIONS AND TAX CREDITS

12 Section 1501. Property, inheritance and income.

13 (a) Property.--Any building owned and occupied by a public  
14 library, public library system or foundation established by a  
15 public library or public library system and the land on which it  
16 stands shall be exempt from local tax, notwithstanding the fact  
17 that some portion of the building or land may be yielding  
18 rentals to the corporation or association managing the library.  
19 To qualify for exemption under this subsection, the net receipts  
20 of the corporation or association from rentals must be used  
21 solely for the purpose of maintaining the library.

22 (b) Inheritance and income.--Gifts, bequests, devises,  
23 grants or endowments made to a public library shall be free from  
24 inheritance tax. The income from such gifts, bequests, devises,  
25 grants or endowments used solely for the purposes of maintaining  
26 the libraries shall be exempt from State income tax.

27 Section 1502. Tax credit.

28 (a) General rule.--Any business which makes a donation to a  
29 local library shall receive a tax credit as provided in  
30 subsection (b) if the receiving library and the State Librarian

1 annually approve the proposal of the business firm. The proposal  
2 shall set forth:

3 (1) The donation to be made.

4 (2) The receiving library.

5 (3) The estimated market value of the donation to the  
6 library.

7 (4) The plans for providing the donation.

8 (b) Tax credits.--The Department of Revenue shall grant a  
9 tax credit against any tax due under Article IV, VI, VII, VII-A,  
10 VIII, VIII-A, IX or XV of the act of March 4, 1971 (P.L.6,  
11 No.2), known as the Tax Reform Code of 1971, or any tax  
12 substituted in lieu thereof in an amount which shall not exceed  
13 100% of the total market value of a qualified donation that  
14 occurs during the taxable year by the business. No tax credit  
15 shall be granted under this subsection to any business for  
16 activities that are part of its normal course of business. Any  
17 tax credit under this subsection that is not used in the period  
18 the qualified donation was given may be carried over for the  
19 next five succeeding taxable years until full credit has been  
20 allowed.

21 (c) Regulations.--The State Librarian is hereby authorized  
22 to promulgate rules and regulations for the approval or  
23 disapproval of qualified donations and shall provide a listing  
24 of all applications received and their disposition to the  
25 General Assembly by October 1 of the following fiscal year.

26 (d) Limitation.--The total amount of all tax credits under  
27 this chapter may not exceed \$10,000,000 in any fiscal year.

28 CHAPTER 17

29 ESTABLISHMENT AND MAINTENANCE OF LOCAL LIBRARIES

30 Section 1701. Municipal library tax and appropriations.

1       The municipal officers of any municipality may make  
2 appropriations out of current revenue of the municipality or out  
3 of moneys raised by the levy of special taxes to establish,  
4 maintain or aid in the maintenance of a local library  
5 established by deed, gift or testamentary provision, for the use  
6 of the residents of the municipality. Special taxes for these  
7 purposes may be levied on the taxable property of the  
8 municipality or the same may be levied and collected with the  
9 general taxes. If the county levies a special tax for the  
10 support of a public library, that tax shall not be levied upon  
11 residents of municipalities which appropriate funds or levy a  
12 tax for the support of a local library that is not a part of the  
13 county library district and is located within the municipality.  
14 This section shall not be construed to limit appropriations made  
15 for library purposes to those made from special tax levies.  
16 Wherever a special tax is levied, all income from the tax shall  
17 be used for the support and maintenance of the local library.  
18 Section 1702. Referendum.

19       (a) Referendum question.--The municipal officers of any  
20 municipality may submit to the qualified voters of the  
21 municipality at a special election to be held at the time of the  
22 next general, municipal or primary election occurring not less  
23 than 60 days therefrom the question of establishing, maintaining  
24 or aiding in maintaining a local library, and must submit the  
25 questions if petitioned for by 3% of the number voting at the  
26 last preceding general or municipal election. At the election  
27 the question of estimating an annual tax on all taxable property  
28 of the municipality shall be submitted.

29       (b) Conditions to be met.--In cases where questions under  
30 subsection (a) are submitted to the voters of the county, they

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

27 (c) Merger of facilities.--Where a county library district  
28 is established and a municipality has not joined in the  
29 establishment, it may, nevertheless, thereafter join the county  
30 library district if the municipal officers or the board of

1 trustees or managers of any endowed library or association  
2 library in the municipality enter into an agreement with the  
3 county board of library directors to merge its facilities with  
4 the county library in the manner provided under this act.

5 Section 1703. Tax-levying; restrictions to county tax.

6 If the majority of votes cast on the question under section  
7 1702 are in favor of establishing the tax rate, the municipal  
8 officers, at the first meeting following the official  
9 announcement of the results of the election, shall take the  
10 necessary steps to levy and collect the tax so levied and shall  
11 appoint a board of library directors. The board shall have  
12 exclusive control of the library so established and/or  
13 maintained and shall be governed as provided elsewhere in this  
14 act. In the case of a county tax, no tax shall be levied on any  
15 property in cities, boroughs, towns, townships or school  
16 districts where local libraries are being maintained by public  
17 tax funds and which have not elected up to the time of the levy  
18 to join the county library district.

19 Section 1704. Annual tax rate; levy and collection.

20 The rate of tax so voted shall be an annual rate until  
21 another vote is taken changing the same. The municipal officers  
22 may increase the rate without submitting the question to the  
23 voters. The tax shall be levied and collected in like manner as  
24 other taxes in the municipality, and shall be in addition to all  
25 other taxes, except where included within the general levy, and  
26 shall be used for no other purpose than that of establishing  
27 and/or maintaining a local library.

28 Section 1705. Discontinuance of county library and tax in city,  
29 borough, town, township or school district.

30 Wherever in a city, borough, town, township or school

1 district there has been or may be established and maintained a  
2 separate local library and there is at the time a county library  
3 in existence, 3% of the number voting at the last preceding  
4 general or municipal election in the city, borough, town,  
5 township or school district may petition the county  
6 commissioners to place on the ballot the question of whether or  
7 not the city, borough, town, township or school district shall  
8 be a part of the county library district and be subject to levy  
9 and payment of any taxes levied for the purpose of maintaining  
10 or aiding in the maintenance of any county library. At the next  
11 general or municipal election occurring at least 60 days after  
12 the filing of the petition, but not more often than once in five  
13 years, the question shall be placed upon the ballots and  
14 submitted to the electors of the city, borough, town, township  
15 or school district, as provided by the election laws. If a  
16 majority of those voting on the question vote in favor of the  
17 discontinuance of the county library and tax in the city,  
18 borough, town, township or school district, then the city,  
19 borough, town, township or school district shall not thereafter  
20 be a part of the county library district and shall not be  
21 subject to the levy and payment of any taxes levied for the  
22 purpose of maintaining or aiding in the maintenance of any  
23 county library. When a vote to discontinue a library tax is  
24 presented to the voters, as a result of successful petition to  
25 the county commissioners as described, the vote to discontinue  
26 the tax must be inclusive of the municipality or group of  
27 municipalities which, as a whole, originally voted the tax into  
28 existence. Individual municipalities may not, separately,  
29 petition to have the discontinuance of the tax put on the ballot  
30 in cases where the tax was instituted by majority vote of a

1 large group of municipalities.

2 Section 1706. Joint action by municipalities.

3 Two or more municipalities may unite in establishing and/or  
4 maintaining a local library under the terms of an agreement  
5 entered into between them. The agreements shall be in writing  
6 and shall set forth the purpose, the terms as to support and  
7 control and the conditions under which the agreement shall be  
8 altered or terminated. The agreement shall not be valid until it  
9 has been accepted by a majority vote of the municipal officers  
10 of each of the municipalities agreeing thereto and signed by the  
11 proper officer of each of the municipalities.

12 Section 1707. Municipality contract for free library services.

13 Any municipality may contract with the managers or owners of  
14 any existing local library for public library service to the  
15 residents of the municipality, whether the library is located in  
16 the same or in another municipality. The contract shall be  
17 renewable as provided in the contract.

18 Section 1708. Appropriation for contracted library services.

19 The municipal officers of any municipality may make  
20 appropriations out of current revenue of the municipality or out  
21 of the moneys raised by the levy of special taxes on the dollar  
22 on all taxable property in the municipality for the purpose  
23 specified in section 1707. Whenever a special tax is levied, all  
24 income from the tax shall be used for the support and  
25 maintenance of the local library with which the municipal  
26 officers have entered into contract.

27 Section 1709. Purchase, lease lands and buildings for local  
28 library purposes.

29 A municipality is authorized to purchase, set apart or lease  
30 lands and buildings, or parts of buildings already owned by it,

1 or both, or to erect buildings, to be used for local library  
2 purposes, or to alter buildings already erected so as to make  
3 them suitable for that use, and it is authorized to provide for  
4 the cost of the same as in the case of other buildings to be  
5 used for municipal purposes. Whenever, in a municipality, a tax  
6 levy has been or may hereafter be authorized for the purpose of  
7 maintaining a local library therein as provided by this act,  
8 and, out of moneys raised from the levy, a surplus or excess has  
9 been or may hereafter be accumulated above the necessary cost of  
10 maintaining the library, it shall and may be lawful for the  
11 directors of the library to pay over the excess or surplus to  
12 the municipal officers of the municipality, to be used by them  
13 for any of the purposes provided in this section.

14 Section 1710. Appropriation of private property for library  
15 purposes.

16 A municipality may by ordinance or resolution purchase, enter  
17 upon and appropriate private property within its limits for the  
18 purpose of library facilities, utilizing the procedures of the  
19 act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the  
20 Eminent Domain Code.

21 Section 1711. Petition for submission of bond issue.

22 If 5% of the registered voters of any municipality shall  
23 petition the municipal officers to submit the question of  
24 executing a bonded indebtedness for purchasing grounds and/or  
25 erecting buildings for library purposes, the officers must  
26 submit the question at the next ensuing election.

27 Section 1712. Existing agreements not affected.

28 This act shall not in any way affect any agreement or  
29 agreements heretofore made by a municipality under any prior act  
30 relating to local libraries but all these agreements are hereby

1 ratified and are to continue as binding contracts between the  
2 parties.

3 Section 1713. Duplication.

4 Whenever there is in any municipality a local library which  
5 is open to the use of all the residents thereof and which meets  
6 the minimum standards recommended by the State Librarian as  
7 conditions for participation in State aid, no new library shall  
8 be established there, under this act, but all public aid  
9 authorized shall be given to the existing library to enable it  
10 to meet as far as possible the needs of the residents. However,  
11 if on or before July 20, 1917, two or more libraries have been  
12 receiving aid from the same municipality, the appropriation  
13 authorized by this act shall be divided between the libraries  
14 according to the terms of an agreement previously entered  
15 between the libraries and approved by the State Librarian.

16 CHAPTER 19

17 LIBRARY OFFENSES

18 Section 1901. Damaging library property.

19 (a) Offense defined.--A person commits a misdemeanor of the  
20 third degree if he willfully cuts, mutilates, marks or otherwise  
21 injures any book, pamphlet, magazine, newspaper, manuscript, map  
22 or other property belonging in, or to, or on deposit with, any  
23 library open to the public or any part thereof or the library of  
24 any university, college or educational institution chartered by  
25 the Commonwealth.

26 (b) Disposition of fine.--Any fine imposed under this  
27 section shall be paid over by the court imposing the fine to the  
28 library against which the offense was committed.

29 CHAPTER 31

30 MISCELLANEOUS PROVISIONS

1 Section 3101. Repeals.

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

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

6 Section 3102. Transfer.

7 All personnel, allocations, appropriations, equipment, files,  
8 records, contracts, agreements, obligations and other materials  
9 which are used, employed or expended by the Department of  
10 Education in connection with the powers, duties or functions  
11 exercised under this act by the commission are hereby  
12 transferred to the commission with the same force and effect as  
13 if the appropriations had been made to and the items had been  
14 the property of the commission in the first instance and as if  
15 said contracts, agreements and obligations had been incurred or  
16 entered into by the commission.

17 Section 3103. Regulations.

18 The commission shall promulgate regulations relative to the  
19 implementation of this act.

20 Section 3104. Level of funding for 2003-2004.

21 For fiscal year 2003-2004 the amount allocated for State aid  
22 to libraries shall be equal to what was received in fiscal year  
23 2002-2003 and local libraries, county libraries, library  
24 systems, district library centers and Statewide library resource  
25 centers that received State funding in fiscal year 2002-2003  
26 shall receive at least the same amount of funding in fiscal year  
27 2003-2004.

28 Section 3105. Effective date.

29 This act shall take effect immediately.