
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1225 Session of
2011

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BAKER, VANCE, TARTAGLIONE, ALLOWAY, COSTA, MENSCH, HUGHES,
BOSCOLA, TOMLINSON AND EARLL, AUGUST 30, 2011

REFERRED TO EDUCATION, AUGUST 30, 2011

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, providing for public library code; and making
3 related repeals.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 24 of the Pennsylvania Consolidated Statutes
7 is amended by adding a part to read:

8 PART VI

9 LIBRARIES

10 Subpart

11 A. Public Libraries

12 B. (Reserved)

13 SUBPART A

14 PUBLIC LIBRARIES

15 Chapter

16 93. Public Library Code

17 CHAPTER 93

1 PUBLIC LIBRARY CODE

2 Subchapter

3 A. General Provisions

4 B. Public Library System

5 C. State Aid to Libraries

6 D. Municipal Support for Libraries

7 E. Miscellaneous Provisions

8 SUBCHAPTER A

9 GENERAL PROVISIONS

10 Sec.

11 9301. Scope of chapter.

12 9302. Definitions.

13 § 9301. Scope of chapter.

14 This chapter relates to public libraries.

15 § 9302. Definitions.

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

19 "Advisory council." The Advisory Council on Library
20 Development established in section 9312 (relating to advisory
21 council).

22 "Basic standards." Standards promulgated by the State
23 Librarian and approved by the advisory council which are
24 essential and must be achieved by:

25 (1) A local library to qualify for State aid under
26 sections 9334 (relating to quality libraries aid) and 9336
27 (relating to equal distribution grants).

28 (2) A branch library or a bookmobile to qualify for the
29 State aid under section 9336.

30 "County library." Any local library or division of a local

1 library which derives income from the commissioners of the
2 county for the express purpose of making its resources and
3 services available without charge to all county residents and
4 bringing direct library service to those residents not served by
5 other local libraries located within the same county. For the
6 purposes of this chapter, a local library operating a distinct
7 county library division shall be considered as two agencies, a
8 local library and county library, which are merged or conjoined.

9 "Department." The Department of Education of the
10 Commonwealth.

11 "Direct service area." The municipality of which the
12 governing body of a library is responsible for extending all its
13 library services without charge.

14 "Financial effort." The sum expended annually by a local
15 library for the establishment, operation and maintenance of
16 library services which:

17 (1) Derives from local taxes, gifts, endowments and
18 other local sources, as may be provided under rules and
19 regulations adopted by the advisory council.

20 (2) Is used to determine eligibility for State aid.

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

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

1 "Internet." The international nonproprietary computer
2 network of both Federal and non-Federal interoperable packet-
3 switched data networks.

4 "Library system." A county-level or multicounty-level
5 federation of at least two local libraries which:

6 (1) Serves at least 25,000 people.

7 (2) Has voluntarily agreed to participate in the
8 federation.

9 (3) Has delegated the policymaking functions to a system
10 board of directors.

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." Any 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 to:

24 (1) An organized and currently useful collection of
25 printed items and other materials, including free lending and
26 reference services.

27 (2) The services of a staff trained to recognize and
28 provide for these needs.

29 "Locality." Any city, borough, town, township or school
30 district of the second, third or fourth class.

1 "Minimum standards." Standards promulgated by the State
2 Librarian and approved by the advisory council which must be
3 achieved by a local library or library system to qualify for aid
4 under section 9335 (relating to incentive for excellence aid).

5 "Municipal officers." Any of the following:

6 (1) The mayor and council of a city.

7 (2) The mayor and council of a borough or town.

8 (3) The commissioners or supervisors of a township.

9 (4) The commissioners of a county.

10 (5) The board of school directors of a school district
11 of the second, third or fourth class.

12 "Municipality." Any county or locality which establishes or
13 maintains a local library.

14 "Per capita." Amounts determined on the basis of the most
15 recent official United States Census report for purposes of
16 calculating payment under sections 9334 (relating to quality
17 libraries aid), 9335 (relating to incentive for excellence aid),
18 9338 (relating to district library center aid) and 9340
19 (relating to equalization aid).

20 "Surplus financial effort." The financial effort which is in
21 excess of \$5 per capita for each person residing in the direct
22 service area of the local library.

23 SUBCHAPTER B

24 PUBLIC LIBRARY SYSTEM

25 Sec.

26 9311. State Library and State Librarian.

27 9312. Advisory council.

28 9313. Statewide library resource centers.

29 9314. District library centers.

30 9315. Development of local libraries.

1 9316. Acquisition of real property for library purposes.

2 9317. County libraries and library taxes.

3 9318. Local library governance.

4 9319. Certification of library personnel.

5 9320. Collaborative ventures.

6 § 9311. State Library and State Librarian.

7 (a) Appointment of State Librarian.--The department shall
8 appoint a suitably qualified State Librarian to exercise the
9 powers and duties set forth in this section, who shall also
10 serve as Deputy Secretary for Libraries.

11 (b) Powers and duties.--The State Librarian shall have the
12 power and duty to:

13 (1) Control, direct, supervise and manage the State
14 Library as an agency providing information and fostering
15 continuing education in the State education program.

16 (2) Maintain a law library as part of the State Library.

17 (3) Maintain a definitive, organized, collection of all
18 Commonwealth publications in the State Library, receive
19 copies of all publications of all agencies of the
20 Commonwealth and provide for the distribution of those
21 publications to other libraries.

22 (4) Designate selected academic or local libraries
23 within this Commonwealth as State government document
24 depository libraries under criteria and regulations approved
25 by:

26 (i) The advisory council.

27 (ii) The Joint Committee on Documents, in the case
28 of documents published under the act of July 31, 1968
29 (P.L.769, No.240), referred to as the Commonwealth
30 Documents Law.

1 (5) Coordinate a Statewide system of local libraries.

2 (6) Establish service standards for local libraries
3 applying for aid under sections 9334 (relating to quality
4 libraries aid) and 9335 (relating to incentive for excellence
5 aid), which standards shall recognize and encourage the use
6 and development of current and emerging technologies and
7 concern the following:

8 (i) Minimum standards for number and quality of
9 library staff.

10 (ii) Resources of books and other materials.

11 (iii) Hours of operation.

12 (iv) Continuing professional development.

13 (v) Collections expenditures.

14 (vi) Physical facilities.

15 (vii) Accessibility, including physical and
16 electronic access to library materials.

17 (7) Advise local libraries, district library centers,
18 Statewide library resource centers, municipalities and groups
19 regarding:

20 (i) The selection of books, cataloging and other
21 details of library management.

22 (ii) Location of new local libraries.

23 (iii) Those items listed in paragraph (6).

24 (iv) The best means of establishing and
25 administering a library.

26 (8) Inspect local libraries, district library centers
27 and Statewide library resource centers and require reports in
28 any manner that the State Librarian deems proper.

29 (9) Purchase and maintain a general collection of books,
30 periodicals, newspapers, maps, slides, films and other

1 library materials for the use of State and local governments,
2 libraries and the public generally.

3 (10) Make available all library materials of the State
4 Library for circulation to local libraries and the public
5 generally under rules and regulations promulgated by the
6 State Librarian.

7 (11) Promote and demonstrate library services throughout
8 this Commonwealth.

9 (12) Collect, preserve and publish library statistics.

10 (13) Study library problems throughout this Commonwealth
11 and make the resultant findings available to all libraries
12 within the State that request the findings.

13 (14) Conduct and arrange training programs for and
14 certify library personnel.

15 (15) Whenever necessary, for the purpose of
16 administering the library laws of this Commonwealth, act as
17 arbiter in defining the direct service area of any library.

18 (16) Receive funds allocated to the Commonwealth for
19 library purposes by the Federal Government or private
20 agencies and administer those funds in library maintenance,
21 improvement or extension programs consistent with Federal and
22 State library objectives.

23 (17) Promote and support cooperation among the various
24 types of libraries in Pennsylvania for the purpose of
25 increasing the services and resources available through
26 libraries.

27 (18) Subject to approval by the advisory council,
28 promulgate rules and regulations for the purpose of carrying
29 out the library powers and duties that are imposed by law.

30 (c) Restrictions on circulation.--The State Librarian may

1 restrict the circulation of library materials from the State
2 Library that are rare or used intensively in the State Library
3 for reference or other purposes.

4 § 9312. Advisory council.

5 (a) Creation.--The Advisory Council on Library Development
6 is established and administered by the department.

7 (b) Appointment by Governor.--The advisory council shall
8 consist of 12 members appointed by the Governor, as follows:

9 (1) Three trustees of local libraries.

10 (2) Six professional librarians.

11 (3) Three laypeople.

12 (c) Ex officio members.--The Secretary of Education and the
13 State Librarian shall be ex officio members of the advisory
14 council.

15 (d) Term of office.--Each member of the advisory council
16 shall serve for four years, from the third Tuesday of January of
17 the year in which he takes office or until his successor has
18 been appointed and qualified.

19 (e) Expenses.--Except for reimbursement for travel and other
20 actual expenses incurred in the performance of his duties, each
21 member of the advisory council shall serve without compensation.

22 (f) Chairperson.--The Governor shall designate one member of
23 the advisory council as chairperson.

24 (g) Meetings.--The advisory council shall meet at least four
25 times a year at such times and places as it shall determine.

26 (h) Powers and duties.--The advisory council shall have the
27 following powers and duties:

28 (1) Advise the Governor and the Secretary of Education
29 regarding the appointment of the State Librarian.

30 (2) Advise and make recommendations to the Governor, the

1 Secretary of Education and the State Librarian regarding the
2 general policies and operations of the State Library and the
3 State system of aid to libraries.

4 (3) Constitute a board of appeal regarding disputes
5 arising from decisions of the State Librarian which affect
6 the amount of a library's State aid or a library's
7 eligibility for State aid. In any appeal, the ex officio
8 members of the advisory council shall not have voting rights,
9 and a majority of the members of the advisory council shall
10 determine the outcome of the appeal.

11 (4) Aid in increasing public understanding of and
12 formulating plans for furthering the purposes of this
13 chapter.

14 (5) Promulgate rules and regulations for the approval of
15 plans for the use of State funds.

16 (6) Approve or disapprove library direct service areas
17 which are recommended by the State Librarian.

18 § 9313. Statewide library resource centers.

19 (a) Designation.--The State Librarian shall designate four
20 Statewide library resource centers to be located at the
21 following places:

22 (1) Free Library of Philadelphia.

23 (2) Pennsylvania State Library.

24 (3) Pennsylvania State University Library.

25 (4) Carnegie Library of Pittsburgh.

26 (b) Powers and duties.--A Statewide library resource center
27 shall:

28 (1) Have the responsibility and power to acquire major
29 research collections.

30 (2) Make research collections available to the residents

1 of this Commonwealth on a Statewide basis under rules and
2 regulations promulgated by a board consisting of the head
3 librarians of all Statewide library resource centers and
4 under the chairmanship of the State Librarian.

5 § 9314. District library centers.

6 (a) Designation.--With the approval of the advisory council,
7 the State Librarian shall designate up to 30 libraries
8 throughout this Commonwealth as district library centers which
9 may include:

10 (1) any local library;

11 (2) any State college library;

12 (3) the Pennsylvania State University Library; or

13 (4) any privately supported college or university
14 library which agrees to serve as a district library center.

15 (b) Powers and duties.--A district library center may:

16 (1) Coordinate the services of local libraries within
17 the district library center system by contracting with a
18 municipality or board of trustees or managers of a local
19 library to become part of the system.

20 (2) Provide direct library service without charge to all
21 residents of the district.

22 (3) Provide supplementary library services to all local
23 libraries within the district.

24 (4) Exchange or provide services with other district
25 library centers or contract for the provision of library
26 services with other district library centers.

27 § 9315. Development of local libraries.

28 (a) Vote on library tax; approval.--The qualified voters of
29 a municipality shall determine at a special election whether to
30 establish an annual special library tax on all taxable property

1 of the municipality for the establishment of, maintenance of and
2 aid to a local library under the following procedures:

3 (1) Subject to paragraph (2), the municipal officers of
4 a municipality may submit to the qualified voters the
5 question of the library tax at any time.

6 (2) If petitioned for by 3% of the number of individuals
7 who voted in the last preceding general or municipal
8 election, the municipal officers of a municipality shall
9 submit to the qualified voters the question of the library
10 tax.

11 (3) A special election under this subsection shall be
12 held at the time of the next general, municipal or primary
13 election that occurs not less than 60 days from:

14 (i) the date of the decision of the municipal
15 officers to submit the question of the library tax; or

16 (ii) the date of submission of the petition under
17 paragraph (2).

18 (4) If the majority of votes cast approves of the
19 library tax, at the first meeting following the official
20 announcement of the results of the election, the municipal
21 officers shall:

22 (i) Take the necessary steps to levy and collect the
23 tax.

24 (ii) Appoint a board of library directors to have
25 exclusive control of the library and library tax revenue
26 as provided in section 9318 (relating to local library
27 governance).

28 (b) Timing and amount of tax rate.--The following shall
29 apply:

30 (1) Subject to paragraph (2), the library tax

1 established under this section shall be an annual tax which
2 shall remain in effect until another vote is taken to change
3 it.

4 (2) The municipal officers of the municipality that have
5 approved the library tax may increase the rate without
6 submitting the question to the voters.

7 (c) Levy and collection.--The library tax shall be levied
8 and collected in the same manner as other taxes in the
9 municipality and shall be in addition to all other taxes, unless
10 the municipality incorporates the library tax in the general
11 levy.

12 (d) Use of tax proceeds.--The library tax may not be used
13 for any purpose other than the establishment of, maintenance of
14 and aid to a local library.

15 (e) Contract for library service.--The following shall
16 apply:

17 (1) A municipality may contract with the managers or
18 owners of an existing local library for public library
19 service to the residents of the municipality, whether the
20 library is located in the same or another municipality. The
21 contract may be renewed as permitted by the terms of the
22 contract.

23 (2) The municipal officers of a municipality may make
24 appropriations from current municipal revenue or moneys
25 raised by the library tax to pay the contractual obligations
26 under paragraph (1).

27 (3) If a special library tax is levied, all income from
28 the tax shall be used for the establishment of, maintenance
29 of and aid to the local library with which the municipal
30 officers have entered into contract.

1 (f) Limitation on establishment of new libraries.--The
2 following shall apply:

3 (1) No new library may be established under the
4 provisions of this chapter in any municipality where there is
5 a local library which:

6 (i) is open to the use of all the residents of the
7 municipality; and

8 (ii) meets the minimum standards recommended by the
9 State Librarian as conditions for participation in State
10 aid.

11 (2) All State aid authorized under this chapter shall be
12 given to an existing local library meeting the provisions of
13 paragraph (1).

14 (g) Multiple libraries in municipality.--If two or more
15 libraries receive State aid from the same municipality and were
16 established on or before July 20, 1917, any appropriation
17 authorized by this chapter shall be divided between those
18 libraries according to the terms of any agreement previously
19 entered into between those libraries and approved by the State
20 Librarian.

21 § 9316. Acquisition of real property for library purposes.

22 (a) Purchase or lease of real property.--A municipality may
23 acquire lands and buildings for local library purposes by the:

24 (1) purchase, setting apart or lease of lands and
25 buildings or parts of buildings already owned by the
26 municipality;

27 (2) erection of buildings; or

28 (3) alteration of existing buildings to make them
29 suitable for local library purposes.

30 (b) Acquisition costs.--A municipality may provide for the

1 cost of an acquisition under subsection (a) in the same manner
2 as other buildings are acquired for use for municipal purposes.

3 (c) Use of library tax proceeds.--If a municipality has
4 authorized a library tax, the directors of the library may remit
5 any funds accumulated in excess of the necessary costs of
6 establishing, maintaining or aiding the library to the municipal
7 officers of the municipality, which funds shall be used for the
8 purposes provided in subsection (a).

9 (d) Taking of private property.--A municipality may by
10 ordinance or resolution purchase, enter upon and appropriate
11 private property within its limits for the purpose of erecting
12 or enlarging public library buildings.

13 (e) Board of viewers.--The court of common pleas shall
14 appoint a board of viewers for the assessment of damages caused
15 by the taking of private property for public library purposes
16 if:

17 (1) a petition is filed by the municipal officers or any
18 interested person; and

19 (2) the municipality and the owners of the private
20 property cannot agree on the compensation to be paid for the
21 property.

22 (f) Viewing proceedings.--The proceedings before the board
23 of viewers for the allowance of damages for property taken,
24 injured or destroyed and the proceedings upon its report shall
25 be as provided in other cases where such municipality
26 appropriates private property for municipal purposes.

27 (g) Bond issue.--The qualified voters of a municipality
28 shall determine at a special election whether to execute a
29 bonded indebtedness for purchasing grounds and erecting
30 buildings for library purposes under the following procedures:

1 (1) If petitioned for by 5% of the registered voters of
2 a municipality, the municipal officers of a municipality
3 shall submit to the qualified voters the question of
4 execution of a bonded indebtedness.

5 (2) A special election under this subsection shall be
6 held at the time of the next general, municipal or primary
7 election.

8 § 9317. County libraries and library taxes.

9 (a) Establishment prohibited in certain cases.--If a
10 locality maintains a library that is not part of the direct
11 service area of a county library, no county library may be
12 established or maintained and no county library tax may be
13 imposed unless, prior to establishment of any library tax, the
14 municipal officers of that locality or the board of trustees or
15 managers of any endowed or association library in that locality
16 that was not established under this chapter or any of its
17 predecessors have:

18 (1) signified the intent by ordinance or resolution to
19 become part of the direct service area of the county library
20 and merge any existing library in the locality with the
21 county library; or

22 (2) contracted with the county commissioners as to the
23 terms and conditions under which the existing library will
24 become a part of the direct service area of the county
25 library.

26 (b) Use of books and other property.--Title to the books and
27 other property of a library that is supported by a locality or
28 any endowed library or association library in that locality that
29 was not established under this chapter or its predecessors shall
30 remain with locality or with the board of trustees or managers.

1 The books and other property may be used by the county library
2 in accordance with the terms of a written agreement between the
3 county commissioners and the municipal officers or board of
4 trustees or managers of the library that is supported by the
5 locality. Title to the books and other property may be
6 transferred to the county library.

7 (c) Merger at a later date.--If a direct service area of a
8 county library is established and a locality has not joined in
9 its establishment, the locality may join the direct service area
10 at a later date if the municipal officers or the board of
11 trustees or managers of that library enter into an agreement
12 with the county board of library directors to merge its
13 facilities with the county library.

14 (d) Imposition of county library tax restricted.--No county
15 library tax may be levied on any property in a locality that:

16 (1) Maintains a local library by public tax funds.

17 (2) Prior to the levy of the county library tax, has not
18 elected to join the direct service area of the county
19 library.

20 (e) Referendum to separate from county library.--If a
21 locality has established and maintained a separate local library
22 and a county library also exists at that time, the qualified
23 voters of the locality shall determine at a special election
24 whether the locality shall be a part of the direct service area
25 of the county library and be subject to any tax for the
26 establishment of, maintenance of and aid to the county library
27 under the following procedures:

28 (1) If petitioned for by 3% of the number of individuals
29 voting in the last preceding general or municipal election in
30 the locality, the officers of the locality shall submit the

1 question to the qualified voters.

2 (2) A special election under this subsection shall be
3 held at the time of the next general, primary or municipal
4 election that occurs not less than 60 days from the date of
5 the submission of the petition.

6 (3) A special election under this subsection shall be
7 held no more than once in five years.

8 (4) If the majority of votes cast approves the removal
9 of the locality from the direct service area of the county
10 library and the imposition of the county library tax, the
11 locality shall no longer be a part of the direct service area
12 of the county library and shall not be subject to the levy
13 and payment of any county library tax.

14 § 9318. Local library governance.

15 (a) Board of library directors.--The following shall apply:

16 (1) A local library established under this chapter or
17 the act of June 14, 1961 (P.L.324, No.188), known as The
18 Library Code, shall be governed exclusively by a board of
19 library directors as follows:

20 (i) Except as provided in subparagraph (ii), the
21 board shall be composed of not fewer than five nor more
22 than seven members.

23 (ii) If two or more municipalities contribute to the
24 establishment of, maintenance of and aid to a local
25 library, the municipalities may appoint a maximum of nine
26 members to serve on the board as they mutually agree.

27 (2) The municipal officers of a municipality shall
28 appoint a majority of the members of the local library board
29 if the municipality maintains or aids a local library that is
30 established:

1 (i) after June 14, 1961; and

2 (ii) by deed, gift or testamentary provision or in
3 any manner other than under section 9351 (relating to
4 financial support for libraries authorized) or 9352
5 (relating to popular subscription).

6 (3) The municipal officers of a municipality shall not
7 appoint more than two members of the local library board if
8 the municipality maintains or aids a local library that was
9 established prior to June 14, 1961, by deed, gift or
10 testamentary provision or by any association, corporation or
11 group.

12 (b) Appointment; terms of office.--

13 (1) The municipal officers of the municipality in which
14 the local library is established shall appoint any members of
15 the board and fill any vacancies on the board that they are
16 authorized to appoint in subsection (a).

17 (2) A library director shall serve for a term of three
18 years or until a successor is appointed.

19 (3) A vacancy on the board shall be filled for the
20 unexpired term.

21 (c) Compensation.--No member of the board shall receive any
22 salary for service as a director.

23 (d) Officers and agents.--The board shall elect a president,
24 secretary and treasurer from its membership and any other
25 officers and agents that the board deems necessary.

26 (e) Bond.--The treasurer of the board shall obtain a bond in
27 an amount to be determined by the board to provide satisfactory
28 surety to the municipality.

29 (f) Control of all funds.--Any money appropriated for the
30 establishment or maintenance of a local library and all moneys,

1 if any, received from other sources for the use of the library
2 shall be under the exclusive control of and disbursed under the
3 direction of the board.

4 (g) Cooperative plans.--The board may contract with the
5 board of directors of another library to establish a cooperative
6 plan for improving library services.

7 (h) Annual report.--The following shall apply:

8 (1) The board and any library receiving municipal
9 appropriations shall make an annual report to the proper
10 municipal authorities of:

11 (i) Any moneys received by the library from the
12 municipality.

13 (ii) Any disbursements of moneys received by the
14 library from the municipality.

15 (iii) The accounts of the treasurer of the board,
16 which shall be audited in the same manner as other
17 municipal expenditures.

18 (2) The annual report shall include:

19 (i) An itemized statement of all receipts from all
20 sources.

21 (ii) All expenditures.

22 (iii) A description of the condition of the library
23 and any branches.

24 (iv) An accounting of the volumes, maps, pamphlets
25 and other materials of the library, including:

26 (A) The total number of materials in the
27 library's possession.

28 (B) The number of materials added by purchase,
29 gift or otherwise.

30 (C) The number of materials lost or withdrawn.

1 (v) The number of registered borrowers and readers.

2 (vi) A statement of the circulation of materials.

3 (vii) Any other information and suggestions as the
4 board desires.

5 (3) A copy of each annual report shall be sent to the
6 State Library.

7 § 9319. Certification of library personnel.

8 (a) Categories of personnel.--The State Librarian shall
9 certify library personnel according to the following categories
10 and with the following qualifications:

11 (1) Library assistants shall have two years of college
12 education in addition to in-service library training.

13 (2) Provisional librarians shall have a college degree
14 and introductory education in library service.

15 (3) Professional librarians shall have a college degree
16 in addition to one or more academic years of professional
17 library education.

18 (b) Equivalent experience.--The State Librarian may
19 promulgate rules and regulations providing for the certification
20 of persons in the categories set forth in subsection (a) based
21 on actual library experience as equivalent to the minimum
22 educational requirements under subsection (a).

23 (c) Continuing education.--The State Librarian may
24 promulgate rules and regulations relating to continuing
25 education requirements for library assistants, provisional
26 librarians and professional librarians.

27 (d) Excepted personnel.--This section does not apply to
28 clerks, typists, volunteer workers or other personnel who do not
29 need special library training.

30 § 9320. Collaborative ventures.

1 (a) Interlibrary cooperative programs.--The State Librarian
2 shall provide financial support for the development and
3 maintenance of cooperative programs from funds appropriated to
4 the State Library for the purpose of:

5 (1) Supporting interlibrary cooperative programs.

6 (2) Promoting cooperation among various types of
7 libraries.

8 (3) Preserving the existing financial support of any
9 single type of library.

10 (b) Joint action by municipalities.--The following shall
11 apply:

12 (1) Two or more municipalities may unite in establishing
13 and maintaining a local library under the terms of an
14 agreement entered into between them.

15 (2) The agreement shall be in writing and shall set
16 forth:

17 (i) The purpose of the agreement.

18 (ii) The terms for support and control of the local
19 library.

20 (iii) The conditions under which the agreement may
21 be altered or terminated.

22 (3) The agreement is not valid until it is:

23 (i) Accepted by a majority vote of the municipal
24 officers of each municipality that is a party to the
25 agreement.

26 (ii) Signed by the proper officer of each
27 municipality that is a party to the agreement.

28 SUBCHAPTER C

29 STATE AID TO LIBRARIES

30 Sec.

- 1 9331. Qualification in general.
2 9332. Waiver of standards.
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13 9343. Basic aid to local libraries.
14 9344. Incentive aid to local libraries.
15 § 9331. Qualification in general.

16 (a) General rule.--A local library shall comply with
17 standards under this chapter and regulations promulgated under
18 this chapter regarding hours of operation, staffing, continuing
19 professional development, collections expenditures and any other
20 standards related to library operations.

21 (b) Submission of plan.--The following shall apply:

22 (1) Any local library desiring to receive State aid
23 under this chapter shall submit a plan for the use of the
24 funds to the State Librarian.

25 (2) No payments shall be made until the plan is approved
26 by the State Librarian in accordance with rules and
27 regulations approved by the advisory council.

28 (3) Subsequent changes and modifications in a library
29 plan may be submitted at any time for approval by the State
30 Librarian.

1 (4) Libraries qualifying for State aid shall have five
2 years to achieve applicable standards. Further extensions of
3 time may be permitted with the approval of the State
4 Librarian acting under rules and regulations made by the
5 advisory council.

6 (c) Participation in district library center cooperative
7 program; referendum.--No State aid shall be given to a local
8 library until the library participates in the district library
9 center cooperative program through either of the following
10 procedures:

11 (1) The local library board shall commit the library to
12 participate in the district library center cooperative
13 program, including attendance at district meetings and the
14 use of interlibrary loans and interlibrary references.

15 (2) If the local library board does not act to
16 participate in the district library center cooperative
17 program:

18 (i) A petition regarding participation is circulated
19 within the direct service area of the library and signed
20 by at least 3% of the total number of persons voting in
21 the last preceding general or municipal election.

22 (ii) The petition is presented to the municipal
23 officers who shall forward the petition to the County
24 Board of Elections.

25 (iii) After determining that the petition contains a
26 sufficient number of signatures, the County Board of
27 Elections places the question of participation in the
28 district library center cooperative program on the ballot
29 in the municipalities comprising the direct service area
30 from which the petition was submitted.

1 (iv) A majority of the persons vote on the question
2 in the affirmative.

3 (d) Internet access policy.--A local library that provides
4 access to the Internet or an online service shall adopt a policy
5 regarding access by minors to Internet and online sites that
6 contain or make reference to explicit sexual materials as
7 defined in 18 Pa.C.S. § 5903 (relating to obscene and other
8 sexual materials and performances).
9 § 9332. Waiver of standards.

10 (a) Triggering event.--If the Commonwealth appropriation for
11 libraries in any fiscal year is less than that provided in the
12 immediately preceding fiscal year, upon application by the board
13 of directors of the local library, the State Librarian may waive
14 standards under this chapter and regulations promulgated under
15 this chapter regarding hours of operation, staffing, continuing
16 professional development, collections expenditures and any other
17 standards related to library operations.

18 (b) Board of directors resolution.--The following shall
19 apply:

20 (1) The board of directors of a local library may adopt
21 a resolution at a regularly scheduled meeting of the board to
22 apply for a waiver of any standards as provided in subsection
23 (a) if meeting those standards places an economic hardship on
24 the library's operating budget.

25 (2) Prior to the adoption of policies or procedures for
26 which a waiver is being sought under paragraph (1), the
27 department shall approve the policies or procedures.

28 (c) Application form and contents.--The application for
29 waiver shall:

30 (1) Be in a manner and in a form developed by the State

1 Librarian.

2 (2) Specify the need for the waiver.

3 (3) Provide supporting data and information to explain
4 the benefits to be obtained by the waiver.

5 (d) Review of waiver application.--The State Librarian shall
6 have 30 days from receipt of an application submitted under this
7 section to approve, disapprove or request modifications to the
8 application.

9 (e) Deemed approval.--If the State Librarian fails to act
10 within the time period allotted under subsection (d), the waiver
11 shall be deemed approved.

12 (f) Effect of disapproval.--If the State Librarian
13 disapproves the application for waiver, he shall transmit the
14 basis for disapproval to the board of directors of the local
15 library.

16 (g) Reapplication.--The board of directors of a local
17 library may submit a revised application for waiver to the State
18 Librarian.

19 (h) Contents of approval.--The State Librarian may approve a
20 waiver application in whole or in part. As to any part of an
21 approved waiver application, the approval shall detail the
22 extent to which each affected standard, policy or procedure may
23 be revised by the board of directors.

24 (i) Duration of waiver.--Each waiver shall be effective for
25 the duration of the fiscal year for which it was requested.

26 § 9333. State system of aid to libraries.

27 (a) Establishment.--A system of State aid to assist in the
28 support and maintenance of local libraries, county libraries,
29 library systems, district library centers and Statewide library
30 resource centers is established.

1 (b) Aid available to any local library or library system.--
2 Subject to the standards and eligibility requirements under this
3 chapter, the following categories of aid are available to any
4 local library or library system:

5 (1) Quality libraries aid under section 9334 (relating
6 to quality libraries aid).

7 (2) Incentive for excellence aid under section 9335
8 (relating to incentive for excellence aid).

9 (3) Equal distribution grants under section 9336
10 (relating to equal distribution grants).

11 (4) Equalization aid under section 9340 (relating to
12 equalization aid).

13 (c) County libraries.--Subject to the provisions of section
14 9337 (relating to county coordination aid), a county library or
15 library system may receive county coordination aid.

16 (d) Library centers.--A district library center or Statewide
17 library resource center shall receive state aid subject to:

18 (1) Section 9338 (relating to district library center
19 aid).

20 (2) Section 9339 (relating to Statewide library resource
21 center aid).

22 (e) Allocation of annual appropriation.--Except as provided
23 in section 9342 (relating to special rules for specific fiscal
24 years), the Commonwealth's total annual appropriation for the
25 system of State aid established by this chapter shall be
26 allocated as follows:

27 (1) In each year that the Commonwealth's appropriation
28 under this chapter equals or exceeds \$17,500,000, 2.75% shall
29 be allocated first for equalization aid.

30 (2) If paragraph (1) applies, the remainder of the

1 appropriation and the entire appropriation in fiscal years in
2 which paragraph (1) does not apply shall be allocated as
3 follows:

4 (i) Twenty-five percent or a minimum of 25¢ per
5 capita for each person residing in the direct service
6 areas of the libraries or library systems which qualify
7 for quality libraries aid shall be allocated as quality
8 libraries aid.

9 (ii) Twenty-five percent or a minimum of 25¢ per
10 capita for each person residing in the direct service
11 areas of the libraries or library systems which qualify
12 for incentive for excellence aid shall be allocated as
13 incentive for excellence aid.

14 (iii) Five percent shall be allocated for equal
15 distribution grants.

16 (iv) Ten percent shall be allocated for county
17 coordination aid.

18 (v) Thirty percent or a minimum of 25¢ per capita
19 for each person residing in the direct service areas of
20 the libraries or library systems which are served by a
21 district library center shall be allocated for district
22 library center aid.

23 (vi) Five percent shall be allocated for Statewide
24 library resource center aid.

25 § 9334. Quality libraries aid.

26 (a) Regular financial effort required.--To qualify for
27 quality libraries aid, a local library or library system shall
28 make a minimum financial effort of \$5 per capita for each person
29 residing in the municipalities that will be part of the direct
30 service area in which the library is applying for aid.

1 (b) Exception for economically distressed municipalities.--A
2 local library or library system which applies for State aid on
3 behalf of an economically distressed municipality, as defined in
4 section 9340(b) (relating to equalization aid), shall expend a
5 minimum of \$2 per capita for each person residing in the
6 municipality.

7 (c) Standards.--To receive aid under this section, a local
8 library or library system shall meet the following basic
9 standards:

10 (1) The local library or library system shall
11 participate in the Access Pennsylvania Statewide Library Card
12 Program, as provided by rules and regulations promulgated
13 under this chapter.

14 (2) The local library or library system shall lend
15 materials free of charge on a reciprocal basis to all types
16 of libraries in this Commonwealth.

17 (3) The local library or library system shall provide
18 interlibrary loans free of charge to residents of the
19 library's direct service area.

20 (4) Unless the State Librarian promulgates rules and
21 regulations after the effective date of this section that
22 require different hours of operation, the local library or
23 library system shall be open for service for the following
24 minimum number of hours:

25 (i) At least 26 hours per week during those times
26 best suited to the needs of residents of its service
27 area, including at least six hours during the weekend
28 period beginning on Saturday and ending on Sunday.

29 (ii) Weekend hours may be reduced to four hours
30 during time periods as community-use patterns warrant,

1 for a maximum of ten weeks per year.

2 (5) The library director of the local library or library
3 system shall annually attend at least eight hours of
4 continuing education programs approved by the Office of
5 Commonwealth Libraries.

6 (6) The local library or library system shall
7 participate in the county library plan for the coordination
8 of countywide services. In the absence of a county library,
9 the local library or library system shall participate in the
10 development of a coordinated county services plan with the
11 district library center serving the municipalities in which
12 the local library or library system is located. The State
13 Librarian may on a case-by-case basis grant a waiver of
14 participation in certain provisions of the plan.

15 (d) Allocation method.--Quality libraries aid shall be
16 allocated to qualifying local libraries and library systems on a
17 per capita basis in the following manner:

18 (1) The annual allocation of funds available for quality
19 libraries aid shall be divided by the total population on
20 which all libraries and library systems qualify for State aid
21 to yield a per capita amount of quality libraries aid.

22 (2) The per capita amount of quality libraries aid
23 calculated in paragraph (1) shall be multiplied by the total
24 population residing within the municipalities served by a
25 library or library system which qualifies for aid.

26 § 9335. Incentive for excellence aid.

27 (a) Regular financial effort required.--To qualify for
28 incentive for excellence aid, a local library or library system
29 shall make a financial effort greater than \$5 per capita for
30 each person residing in the municipalities that will be part of

1 the direct service area in which the library is applying for
2 aid.

3 (b) Standards.--To receive aid under this section, a local
4 library or library system shall meet the following minimum
5 standards:

6 (1) The local library or library system shall qualify
7 for quality libraries aid under section 9334 (relating to
8 quality libraries aid).

9 (2) The local library or library system shall annually
10 spend not less than 12% of its operating budget, excluding
11 costs of an unusual, emergency or nonrecurring nature. A
12 local library or library system that spends more than 12% in
13 the year in which it qualified for incentive for excellence
14 aid shall increase the total amount spent on collections each
15 succeeding year by the lesser of:

16 (i) five percent of its operating budget; or

17 (ii) the percentage increase in the appropriation
18 for improvement of library services.

19 (3) Unless the State Librarian promulgates rules and
20 regulations after the effective date of this section that
21 require different hours of operation, the local library or a
22 member library within a library system shall be open for full
23 services for the following minimum number of hours:

24 (i) At least 45 hours per week during those times
25 best suited to the needs of residents of its service
26 area, including at least seven hours during the weekend
27 period beginning on Saturday and ending on Sunday.

28 (ii) Weekend hours may be reduced to four hours
29 during time periods as community-use patterns warrant,
30 for a maximum of ten weeks per year.

1 (iii) A local library or member library within a
2 library system may reduce total weekly hours by three
3 hours per week during the ten-week period of reduced
4 Saturday and Sunday hours if approved by the State
5 Librarian.

6 (4) The local library or member library within a library
7 system shall require at least six hours of continuing
8 education every two years for paid staff working at least 20
9 hours per week in direct support of the library service.

10 (c) Allocation method.--The annual allocation of funds
11 available for incentive for excellence aid shall be allocated
12 proportionately to qualifying local libraries or library systems
13 as follows:

14 (1) Tier 1 funding, which is up to 80¢ for each \$1 per
15 capita or portion thereof of surplus financial effort that a
16 local library or library system shows that exceeds 100%, but
17 does not exceed 150%, of the minimum financial effort
18 required to receive quality libraries aid.

19 (2) Tier 2 funding, which is up to 10¢ for each \$1 per
20 capita or portion thereof of surplus financial effort that a
21 local library or library system shows that exceeds 150%, but
22 does not exceed 300%, of the minimum financial effort
23 required to receive quality libraries aid. Eligibility for
24 Tier 2 funding does not preclude receipt of Tier 1 funding.

25 (d) Offsets prohibited.--The following shall apply:

26 (1) Unless the State Librarian accepts evidence of
27 substantial curtailment of financial ability of the
28 community, a local library or library system may not use
29 incentive for excellence aid to reduce its financial effort
30 for normal and recurring operating costs.

1 (2) A plan for the use of incentive for excellence aid
2 by a local library or library system may not be approved if
3 the plan projects a decrease in local government support for
4 normal and recurring operating costs from a previous level
5 unless the State Librarian determines that the decrease is:

6 (i) directly attributable to a gift or endowment to
7 a local library; or

8 (ii) there is a substantial decrease in the
9 financial ability of the municipality on behalf of which
10 the library or library system applied for aid.

11 § 9336. Equal distribution grants.

12 (a) Eligibility.--The following libraries shall be eligible
13 for equal distribution grants:

14 (1) Each district library center which, in its capacity
15 as a local or county library, has a population in its local
16 or county direct service area that is 12% or less of the
17 population of the designated direct service area of the
18 entire district library center.

19 (2) Any local libraries and library systems that meet
20 the eligibility requirements for quality libraries aid under
21 section 9334 (relating to quality libraries aid).

22 (b) Additional funding.--After all eligible county libraries
23 have been paid the total amounts for which they qualify under
24 section 9337 (relating to county coordination aid) for the
25 fiscal year, any funds remaining from the allocation for county
26 coordination aid under section 9333(e)(2)(iv) (relating to State
27 system of aid to libraries) shall be transferred and made a part
28 of the allocation for equal distribution grants.

29 (c) Allocation method.--The following shall apply:

30 (1) Each eligible district library center shall receive

1 5¢ per capita for each person residing in the entire
2 district.

3 (2) The balance of the funds available for equal
4 distribution grants shall be divided equally among local
5 libraries and library systems as determined in subsection
6 (d).

7 (d) Calculation of grants to local libraries and library
8 systems.--A local library and library system shall receive equal
9 distribution grants determined as follows:

10 (1) The total amount of money allocated shall be divided
11 by the number of local libraries, branch libraries and
12 bookmobiles in this Commonwealth which achieve or exceed the
13 applicable basic standards.

14 (2) Each library system shall receive an equal grant for
15 each qualifying member local library, branch library and
16 bookmobile.

17 (3) Each local library shall receive an equal grant for
18 the central library and each qualifying branch library and
19 bookmobile.

20 § 9337. County coordination aid.

21 (a) General matching rule.--In the case of a county library
22 or library system in a county of the second through eighth
23 class, State aid shall be given in an amount measured by the
24 amount appropriated by the county government from county moneys
25 and shall be determined as follows:

<u>Class of County</u>	<u>Percentage Match</u>
27 <u>2</u>	<u>5%</u>
28 <u>2A and 3</u>	<u>30%</u>
29 <u>4</u>	<u>50%</u>
30 <u>5</u>	<u>50%</u>

1 6 100%

2 7 100%

3 8 100%

4 (b) Source of county moneys.--County moneys appropriated by
5 the county government to the county library or library system
6 may consist of funds from:

7 (1) the county general fund;

8 (2) a special library tax;

9 (3) a district established under section 3110-B of the
10 act of July 28, 1953 (P.L.723, No.230), known as the Second
11 Class County Code, for the support and maintenance of the
12 county library; or

13 (4) other sources.

14 (c) Payments to county libraries or library systems in
15 counties of the second through eighth class.--The following
16 shall apply:

17 (1) A county library or library system in a county of
18 the second through eighth class shall be paid the greater of
19 either:

20 (i) an amount equal to the percentage match in
21 subsection (a) multiplied by the level of county support
22 paid; or

23 (ii) an amount equal to the amount paid under
24 section 9342(b)(1) (relating to special rules for
25 specific fiscal years) provided that:

26 (A) the amount paid under section 9342(b)(1) was
27 10% above the amount of county coordination aid
28 received by the county in fiscal year 1999-2000; and

29 (B) the level of county support paid is
30 maintained.

1 (2) If the level of county support decreases from the
2 previous fiscal year, then the amount paid under this
3 subsection shall be an amount equal to the percentage match
4 in subsection (a) for the county multiplied by the reduced
5 level of county support paid.

6 (d) Priority of payments.--The following shall apply:

7 (1) Payments to a county library or library system in a
8 county of the second through seventh class shall be made from
9 the funds remaining after payments have first been made to
10 all county libraries or library systems in counties of the
11 eighth class as provided in subsection (c) and shall be an
12 amount equal to the level of county support as calculated
13 under subsection (c) for each class of county.

14 (2) If the funds remaining after payments are made to
15 counties of the eighth class as provided in subsection (c)
16 are insufficient to pay the total amount for which each
17 county library and library system in counties of the second
18 through seventh class qualifies, then each shall be paid
19 proportionately from the funds remaining.

20 (e) Use of funds.--A county library or library system shall
21 expend funds received under this section to implement a
22 countywide cooperative plan to improve and extend service. The
23 plan shall coordinate areas of library service and
24 administration, including library resources and collections,
25 technology, personnel, services to children, adults and special
26 populations.

27 (f) Recipients of payments.--County coordination aid shall
28 be paid to the board of library directors in charge of each
29 qualifying county library or library system.

30 (g) Annual report.--A report of the expenditure of State

1 moneys received under this section shall be made annually to the
2 county government and the State Librarian in such form as may be
3 required by the State Librarian.

4 (h) Eligibility for other types of State aid.--Library
5 systems may apply for additional amounts of State aid under
6 sections 9334 (relating to quality libraries aid), 9335
7 (relating to incentive for excellence aid), and 9336 (relating
8 to equal distribution grants).

9 § 9338. District library center aid.

10 (a) Eligibility.--Any library designated by the State
11 Librarian to serve as a district library center shall qualify
12 for an additional amount of State aid under this section.

13 (b) Allocation method.--The following shall apply:

14 (1) The amount of aid to be paid to each district
15 library center shall be determined by multiplying the annual
16 per capita rate set by the department by the number of
17 persons residing in the district.

18 (2) No district library center shall receive less than
19 \$200,000.

20 (c) Standards.--A district library center shall meet the
21 following standards to qualify for aid under this section:

22 (1) A district library center shall implement a program
23 of service to local libraries through an agreement negotiated
24 by representatives from the district library center, local
25 libraries, library systems and the State Library. The program
26 shall be implemented in accordance with district library
27 center rules and regulations issued by the State Librarian.

28 (2) As part of the negotiated agreement, the district
29 library center shall provide leadership, coordination and
30 consultation to local libraries in the following areas:

1 (i) Continuing education for library staff.
2 (ii) Library services to youth.
3 (iii) Library services to special populations,
4 including, but not limited to, individuals with
5 disabilities, homebound individuals, the elderly and
6 individuals who are deficient in basic literacy skills.
7 (iv) Information technology and library automation.
8 (v) Orientation and training for boards of directors
9 of local libraries, library systems and district library
10 centers.
11 (d) Countywide cooperative plan.--If there is no county
12 library or library system in a county of the second through
13 eighth class, the district library center shall coordinate the
14 countywide plan for services described in section 9337(e)
15 (relating to county coordination aid).
16 § 9339. Statewide library resource center aid.
17 (a) Eligibility.--Any library designated by the State
18 Librarian to serve as a Statewide library resource center shall
19 qualify for additional State aid under this section.
20 (b) Allocation method.--The allocation shall be divided
21 equally among the libraries so designated.
22 (c) Powers and duties.--Statewide library resource centers
23 shall disseminate information to Pennsylvanians to augment the
24 collections and services of local libraries and district library
25 centers through:
26 (1) Digitizing Pennsylvania resources from their
27 extensive collections for Statewide accessibility and use via
28 the Internet.
29 (2) Implementing for use by all Pennsylvanians an online
30 reference service based on the specialized resources and

1 staff expertise of the four Statewide library resource
2 centers.

3 (3) Enhancing access to specialized online reference
4 databases.

5 (4) Building major research collections and making them
6 available to all residents of this Commonwealth on a
7 Statewide basis via direct borrowing, interlibrary loan or
8 onsite use.

9 § 9340. Equalization aid.

10 (a) Eligibility.--A local library or library system shall
11 qualify for equalization aid if it:

12 (1) Achieves or exceeds applicable basic standards.

13 (2) Maintains or exceeds its financial effort of the
14 preceding year.

15 (3) Is supported by a municipality that is economically
16 distressed.

17 (b) Economically distressed municipality.--A municipality
18 shall be deemed economically distressed if it meets any one or
19 more of the following criteria:

20 (1) It is a city, borough, town or township with a
21 market value per capita below the fifth percentile of all
22 such cities, boroughs, towns and townships, as certified
23 annually by the State Tax Equalization Board.

24 (2) It is located in a county having a personal income
25 per capita below the 15th percentile of all counties, as
26 certified annually by the Department of Revenue.

27 (3) It is located in a county having an annual average
28 unemployment rate above the 70th percentile of all counties,
29 as determined annually by the Department of Labor and
30 Industry.

1 (c) Per capita determination.--Population data to be used
2 for determining market value per capita and personal income per
3 capita, as provided for in this section, shall be the latest
4 available data from the Federal Census Bureau for the direct
5 service area of the local library or library system.

6 (d) Failure to meet certain eligibility requirements.--If a
7 library or library system that is supported by an economically
8 distressed municipality fails to maintain or exceed its
9 financial effort of the preceding year, the library may still
10 qualify for equalization aid if the State Librarian accepts
11 evidence that the library or municipality did not attempt to
12 substitute State funds for local effort.

13 (e) Allocation method.--The following shall apply:

14 (1) Twenty percent of the annual allocation for
15 equalization aid shall first be distributed in equal amounts
16 to all local libraries and members of library systems which
17 qualify for equalization aid.

18 (2) The remainder of the annual allocation shall be
19 distributed on a per capita basis to each local library and
20 library system which qualifies for equalization aid, by
21 dividing the number of persons residing in the direct service
22 area of each such local library or library system by the
23 total number of such persons residing in the direct service
24 areas of all qualifying local libraries or library systems,
25 and multiplying the result by the amount of the allocation to
26 be distributed on a per capita basis.

27 (f) Maximum allotment.--As a result of the provisions of
28 this section, no local library or library system shall receive
29 more than one-third of the total annual appropriation for
30 equalization aid in any year.

1 (g) Minimum allotment.--For each fiscal year that the
2 Commonwealth's total annual appropriation for the system of
3 State aid to libraries exceeds \$17,500,000, no local library or
4 library system shall receive less equalization aid as a result
5 of the provisions of this section than that local library or
6 library system received for equalization aid during the
7 1984-1985 fiscal year.

8 § 9341. Transfer of funds among allocations.

9 (a) General rule.--If necessary, the department may transfer
10 funds among the allocations found in section 9333(e) (relating
11 to State system of aid to libraries).

12 (b) Exception.--The aggregate amount transferred into or out
13 of each allocation during a fiscal year shall not exceed 5% of
14 the amount specifically allocated for any specific type of aid.

15 § 9342. Special rules for specific fiscal years.

16 (a) Fiscal year 1999-2000.--State aid to libraries for
17 fiscal year 1999-2000 shall be calculated as follows:

18 (1) Quality libraries aid shall be allocated from the
19 amount resulting from the addition of the following:

20 (i) A hold-harmless amount equal to the amount
21 allocated under section 303.1 of the act of June 14, 1961
22 (P.L.324, No.188), known as The Library Code, for the
23 fiscal year 1998-1999 from the Commonwealth's annual
24 appropriation for grants to local libraries and library
25 systems.

26 (ii) Forty-seven percent of any increase in the
27 Commonwealth's annual appropriation for grants to local
28 libraries and library systems above the amount
29 appropriated for fiscal year 1998-1999.

30 (2) Incentive for excellence aid shall be allocated from

1 the amount resulting from the addition of the following:

2 (i) A hold-harmless amount equal to the amount
3 allocated under section 303.4 of The Library Code for the
4 fiscal year 1998-1999 from the Commonwealth's annual
5 appropriation for grants to local libraries and library
6 systems.

7 (ii) Fifty-three percent of any increase in the
8 Commonwealth's annual appropriation for grants to local
9 libraries and library systems above the amount
10 appropriated for fiscal year 1998-1999.

11 (3) County coordination aid shall be allocated from a
12 hold-harmless amount equal to the amount allocated for aid to
13 county libraries for fiscal year 1998-1999 from the
14 Commonwealth's annual appropriation for grants to local
15 libraries and library systems.

16 (4) District library center aid shall be allocated from
17 a hold-harmless amount to equal that amount allocated for aid
18 to district library centers for fiscal year 1998-1999 from
19 the amount allocated from the Commonwealth's annual
20 appropriation for grants to local libraries and library
21 systems.

22 (5) Statewide library resource center aid shall be
23 allocated from a hold-harmless amount to equal that amount
24 allocated for aid to Statewide library resource centers for
25 fiscal year 1998-1999 from the amount allocated from the
26 Commonwealth's annual appropriation for grants to local
27 libraries and library systems.

28 (6) Equalization aid shall be allocated from of a hold-
29 harmless amount to equal that amount allocated for
30 equalization aid for fiscal year 1998-1999 from the amount

1 allocated from the Commonwealth's annual appropriation for
2 grants to local libraries and library systems.

3 (7) Equal distribution grants shall be allocated from a
4 hold-harmless amount to equal that amount allocated for equal
5 distribution grants to local libraries and library systems
6 for fiscal year 1998-1999 from the amount allocated from the
7 Commonwealth's annual appropriation for grants to local
8 libraries and library systems.

9 (b) Fiscal year 2000-2001.--State aid to libraries for
10 fiscal year 2000-2001 shall be calculated as follows:

11 (1) County coordination aid to a county library or
12 library system in counties of the eighth class shall consist
13 of an amount equal to the greater of:

14 (i) The percentage match in section 9337(a)
15 (relating to county coordination aid) multiplied by the
16 level of county support paid.

17 (ii) Ten percent above the amount paid under section
18 303.7(c)(1) of The Library Code in fiscal year 1999-2000.

19 (2) County coordination aid to a county library or
20 library system in counties of the second through seventh
21 class shall not be less than ten percent above the amount
22 paid to it under section 303.7(c)(2) of The Library Code in
23 fiscal year 1999-2000.

24 (c) Fiscal year 2003-2004.--State aid to libraries for
25 fiscal year 2003-2004 shall be calculated as follows by adding
26 the amounts calculated under paragraphs (1) and (2):

27 (1) The amount of district library center aid that the
28 library received in fiscal year 2002-2003 divided by
29 \$13,018,810 and multiplied by \$6,509,405.

30 (2) The sum of the amount of quality libraries aid,

1 incentive for excellence aid, county coordination aid,
2 Statewide library resource center aid, equalization aid and
3 equal distribution grants that the library received in fiscal
4 year 2002-2003 divided by \$62,270,190 and multiplied by
5 \$41,279,595.

6 (d) Fiscal year 2004-2005.--State aid to libraries for
7 fiscal year 2004-2005 shall be calculated as follows:

8 (1) Any district library center established during
9 fiscal year 2003-2004 shall receive \$126,000.

10 (2) Any district library center from whose service area
11 a new district library center was established during fiscal
12 year 2003-2004 shall receive \$317,662.

13 (3) Any district library center not qualifying for
14 funding under paragraph (1) or (2) shall receive the amount
15 the library received in fiscal year 2003-2004 under
16 subsection (c)(1) multiplied by 120%.

17 (4) Any library that received funding in fiscal year
18 2003-2004 under subsection (c)(2) shall receive that same
19 amount in fiscal year 2004-2005.

20 (5) Any library that receives funding under paragraph
21 (4) shall receive an additional amount as calculated below:

22 (i) The amount calculated by adding paragraphs (1),
23 (2), (3) and (4) shall be subtracted from the amount of
24 the total appropriation available for the improvement of
25 library services in fiscal year 2004-2005.

26 (ii) The amount of funding that the library received
27 in fiscal year 2003-2004 under subsection (c)(2) shall be
28 multiplied by the result obtained in subparagraph (i).

29 (iii) The result obtained in subparagraph (ii) shall
30 be divided by the sum of the amount of funding provided

1 to all libraries under subsection (c)(2) in fiscal year
2 2003-2004.

3 (6) The total amount of funding under this subsection
4 shall be determined by adding paragraphs (1), (2), (3), (4)
5 and (5).

6 (e) Fiscal year 2005-2006.--State aid to libraries for
7 fiscal year 2005-2006 shall be the total of the results
8 calculated under paragraphs (1), (2) and (3) as follows:

9 (1) An amount equal to the State aid allocation for
10 fiscal year 2004-2005 under subsection (d).

11 (2) An aid to local libraries supplement to be
12 calculated as follows:

13 (i) The amount of funding that the library received
14 in fiscal year 2004-2005 under subsection (d)(4) and (5)
15 shall be multiplied by \$1,752,000; and

16 (ii) The result obtained under subparagraph (i)
17 shall be divided by the sum of the amount of funding
18 provided to all libraries under subsection (d)(4) and (5)
19 in fiscal year 2004-2005.

20 (3) A district center restoration supplement to be
21 calculated as follows:

22 (i) The total amount of funding that the library
23 received in fiscal year 2004-2005 under subsection (d)
24 (1), (2) and (3) shall be multiplied by \$1,696,000; and

25 (ii) The result obtained under subparagraph (i)
26 shall be divided by the sum of the amount of funding
27 provided to all libraries under subsection (d)(1), (2)
28 and (3) in fiscal year 2004-2005.

29 (f) Fiscal year 2006-2007.--State aid to libraries for
30 fiscal year 2006-2007 shall be calculated as follows:

1 (1) A library that received quality libraries aid,
2 incentive for excellence aid, county coordination aid,
3 Statewide library resource center aid, equalization aid and
4 equal distribution grants in fiscal year 2002-2003 shall
5 receive the same amount the library received in fiscal year
6 2002-2003.

7 (2) A district library center that received district
8 library center aid in fiscal year 2002-2003 shall receive the
9 same amount the library received in fiscal year 2002-2003,
10 except as follows:

11 (i) A district library center receiving funding
12 under subsection (d)(1) shall receive \$210,000.

13 (ii) A district library center receiving funding
14 under subsection (d)(2) shall receive \$529,437.

15 (3) At the discretion of the State Librarian, the sum of
16 \$126,141 shall be made available as State aid to be paid to a
17 library that has become eligible to receive State aid but did
18 not receive funding under paragraphs (1) or (2).

19 (4) The total amount of funding under this subsection
20 shall be determined by adding paragraphs (1), (2) and (3).

21 (5) After distribution of funds calculated under
22 paragraph (4), any remaining unallocated funds may be
23 distributed at the discretion of the State Librarian.

24 (g) Fiscal year 2007-2008.--Each library that received a
25 State aid allocation for fiscal year 2006-2007 that complies
26 with the standards under this chapter relating to hours of
27 operation, continuing professional development, collections
28 expenditures and any other standards related to library
29 operations shall be eligible for State aid in fiscal year
30 2007-2008, calculated by adding the following:

1 (1) An amount equal to the State aid allocation for
2 fiscal year 2006-2007 pursuant to subsection (f).

3 (2) An equal distribution grant supplement to be
4 provided to each local library, qualifying branch library and
5 bookmobile, determined by dividing \$250,000 by the total
6 number of all local libraries, branch libraries and
7 bookmobiles.

8 (3) After distribution of State aid to libraries under
9 this subsection, any remaining unallocated funds may be
10 distributed at the discretion of the State Librarian.

11 (h) Fiscal year 2008-2009.--Each library that received a
12 State aid allocation for fiscal year 2007-2008 under subsection
13 (g) and which complies with the standards contained under this
14 chapter relating to hours of operation, continuing professional
15 development, collections expenditures and any other standards
16 related to library operations shall be eligible for State aid in
17 fiscal year 2008-2009, calculated as follows:

18 (1) The total amount of funding that the library
19 received in fiscal year 2007-2008 under subsection (g) shall
20 be:

21 (i) divided by the total State aid subsidy for
22 fiscal year 2007-2008; and

23 (ii) the result obtained in subparagraph (i)
24 multiplied by the total State aid subsidy for fiscal year
25 2008-2009.

26 (2) After distribution of State aid to libraries under
27 paragraph (1), any remaining unallocated funds may be
28 distributed at the discretion of the State Librarian.

29 (i) Fiscal year 2009-2010.--State aid to libraries for
30 fiscal year 2009-2010 shall be calculated as follows:

1 (1) The sum of the amount of funding that the library
2 received in fiscal year 2007-2008 under subsection (g) shall
3 be divided by the total State aid subsidy for fiscal year
4 2007-2008.

5 (2) The result obtained under paragraph (1) shall be
6 multiplied by the total State aid subsidy for fiscal year
7 2009-2010.

8 (3) Following distribution of funds appropriated for
9 State aid to libraries, any remaining funds may be
10 distributed at the discretion of the State Librarian.

11 (4) If funds appropriated for State aid to libraries in
12 fiscal year 2009-2010 are less than funds appropriated in
13 fiscal year 2002-2003, the State Librarian may waive
14 standards as prescribed in section 9332 (relating to waiver
15 of standards).

16 (5) Each library system receiving State aid under this
17 subsection may distribute the local library share of that aid
18 in a manner as determined by the board of directors of the
19 library system, except that this paragraph shall not apply to
20 a library system operating in a county of the second class.

21 (j) Fiscal year 2010-2011.--State aid to libraries for
22 fiscal year 2010-2011 shall be calculated as follows:

23 (1) The sum of the amount of funding that the library
24 received in fiscal year 2009-2010 under subsection (i)
25 divided by the total State-aid subsidy for fiscal year
26 2009-2010.

27 (2) The result obtained under paragraph (1) multiplied
28 by the total State-aid subsidy for 2010-2011.

29 (3) Following distribution of funds appropriated for
30 State aid to libraries, any remaining funds may be

1 distributed at the discretion of the State Librarian.

2 (4) If funds appropriated for State aid to libraries in
3 fiscal year 2010-2011 are less than funds appropriated in
4 fiscal year 2002-2003, the State Librarian may waive
5 standards as prescribed under section 9332.

6 (5) Each library system receiving State aid under this
7 subsection may distribute the local library share of that aid
8 in a manner as determined by the board of directors of the
9 library system, except that this paragraph shall not apply to
10 a library system operating in a county of the second class.
11 § 9343. Basic aid to local libraries.

12 (a) Allocation.--For eligible fiscal years up to and
13 through the 1998-1999 fiscal year, 25% of the Commonwealth's
14 total annual appropriation for the system of State aid
15 established under section 9333 (relating to State system of aid
16 to libraries), or a minimum of 25¢ per capita for each person
17 residing in the municipalities of the libraries which qualify
18 for basic aid, shall be allocated as basic aid.

19 (b) Minimum financial effort.--

20 (1) Any local library which makes a minimum financial
21 effort equal to one-half mill, for the municipalities on
22 behalf of which it applies for aid, or \$2 per capita for each
23 person residing in those municipalities, whichever is less
24 and achieves the basic standards, shall qualify for basic
25 State aid. The aid shall not be less than 25¢ for each person
26 residing in the municipalities.

27 (2) If the allocation for basic aid exceeds the amount
28 necessary to pay the minimum rate, the entire allocation
29 shall be distributed at a per capita rate which shall be
30 determined by dividing the allocation by the number of

1 persons in this Commonwealth on behalf of which local
2 libraries and library systems apply and qualify for basic
3 aid. In the first year in which a library applies for State
4 aid it shall qualify by making a minimum financial effort
5 equal to one-quarter mill, or \$1 per capita for each person
6 residing in the municipalities, whichever is less.

7 (c) Qualification.--

8 (1) In each of the succeeding five years, the library
9 shall qualify for maximum State aid only when it increases
10 its financial effort by the following scale of percentages of
11 the difference between the financial effort with which the
12 library initially qualified for State-aid and a financial
13 effort equal to one-half mill, or \$2 per capita for each
14 person residing in the municipalities for which it applies
15 for aid, whichever is less:

16 1st succeeding year-20%

17 2nd succeeding year-40%

18 3rd succeeding year-60%

19 4th succeeding year-80%

20 5th succeeding year-100%.

21 (2) If the increase in any year is less than the
22 percentage specified under paragraph (1), the amount of State
23 aid shall be reduced by a percentage equal to one-fifth of
24 the percentage which the difference between the required
25 increase and the actual increase bears to the required
26 increase multiplied by the number of years of participation
27 in State aid beyond the first year.

28 (d) Ineligibility.--After the fifth succeeding year, a local
29 library shall not be eligible for further State aid unless it
30 makes a financial effort equal to one-half mill for the

1 municipalities on behalf of which it applies for aid, or \$2 per
2 capita for each person residing in those municipalities,
3 whichever is less.

4 § 9344. Incentive aid to local libraries.

5 (a) Allocation.--For eligible fiscal years up to and through
6 the 1998-1999 fiscal year, 25% of the Commonwealth's total
7 annual appropriation for the system of State aid established
8 under section 9333 (relating to State system of aid to
9 libraries), or a minimum of 25¢ per capita for each person
10 residing in the direct service areas of the libraries which
11 qualify for incentive aid, shall be allocated as incentive aid.

12 (b) Incentive aid.--

13 (1) Any local library or library system which makes a
14 minimum financial effort equal to one-half mill, or \$2 per
15 capita for each person residing in its direct service area,
16 whichever is less, and fulfills the minimum standards for
17 local libraries or the minimum standards for library systems,
18 whichever is applicable, shall qualify for incentive aid,
19 which shall be in addition to all other amounts of aid
20 provided under this section.

21 (2) Each qualifying library or library system shall
22 receive incentive aid up to 50¢ for each \$1 of surplus
23 financial effort but if 50¢ per \$1 of surplus financial
24 effort is more than 25¢ per capita, the minimum incentive aid
25 shall be 25¢ per capita for each person residing in the
26 direct service area. If, after paying the minimum amount set
27 forth under this section, there is a balance in the
28 allocation, the balance shall be prorated among the libraries
29 and library systems which qualify for a larger amount of aid
30 at the rate of 50¢ for each \$1 of surplus financial effort

1 rather than at the rate of 25¢ per capita.

2 SUBCHAPTER D

3 MUNICIPAL SUPPORT FOR LIBRARIES

4 Sec.

5 9351. Financial support for libraries authorized.

6 9352. Popular subscription.

7 9353. Gifts and donations.

8 § 9351. Financial support for libraries authorized.

9 (a) Municipalities empowered to support libraries.--The
10 municipal officers of a municipality may establish a local
11 library or aid in the maintenance of a local library established
12 by deed, gift or testamentary provision for the use of the
13 residents of the municipality through:

14 (1) Appropriations out of current revenue of the
15 municipality.

16 (2) Money raised by the levy of a special library tax.

17 (b) Special library tax.--

18 (1) A special library tax may be:

19 (i) levied on the taxable property of the
20 municipality; or

21 (ii) levied and collected with the general taxes.

22 (2) A special library tax may not be levied on residents
23 of a municipality which appropriates funds or levies a tax
24 for the support of a local library that is located within the
25 municipality but is not a part of the direct service area of
26 a county library.

27 (3) Imposition of a special library tax shall not
28 prevent a municipality from also making appropriations for
29 library purposes.

30 (4) Income from a special library tax shall be used for

1 the support and maintenance of the local library.

2 § 9352. Popular subscription.

3 (a) Authorization.--The residents of a municipality may
4 raise a fund equal to or exceeding the gross amount of a three-
5 mill tax on taxable property in the municipality by popular
6 subscription.

7 (b) Acceptance by municipality.--If the fund raised by
8 popular subscription is offered to the municipality for the
9 purpose of establishing a local library, the municipal officers
10 of the municipality shall accept the fund and use it for the
11 sole purpose of establishing a local library.

12 (c) Limitation on subscribers.--No more than 2% of the fund
13 raised by popular subscription may be subscribed by one
14 individual or organization.

15 (d) Payment of subscription.--The subscription may be made
16 payable in four quarterly payments and shall be in a form that
17 is collectible by legal process if necessary.

18 (e) Control of fund.--Upon receipt of the fund authorized
19 under subsection (a), the municipal officers shall immediately
20 place the fund under the control of a board of library directors
21 appointed under section 9318 (relating to local library
22 governance).

23 (f) Library tax.--The municipal officers shall levy and
24 collect a tax at the annual rate of not less than one and one-
25 half mills annually on taxable property in the municipality for
26 the purpose of maintaining a library established under the
27 provisions of this section.

28 § 9353. Gifts and donations.

29 (a) Power to hold property.--A municipality or corporation
30 that owns or manages a local library may take and hold real or

1 personal property for library purposes.

2 (b) Transfer of title.--A person wishing to donate books,
3 money or real or personal property for the benefit of a local
4 library may vest the title to that property in the municipality
5 or corporation having control of the affairs of the library, to
6 be held and controlled by the municipality or corporation
7 according to the terms of the deed, gift, devise or bequest.

8 (c) Fiduciary capacity.--The municipality or corporation
9 shall perform its duties under this section in a fiduciary
10 manner.

11 (d) Control of property.--Unless the terms of the donation,
12 deed, gift, devise or bequest specify otherwise, the board of
13 library directors or the corporation shall control and
14 administer the property received under this section.

15 SUBCHAPTER E

16 MISCELLANEOUS PROVISIONS

17 Sec.

18 9371. Free use of libraries.

19 9372. Tax exempt status.

20 9373. Commonwealth publications.

21 9374. Selection of materials.

22 9375. Privacy of circulation records.

23 9376. Damage to library materials.

24 § 9371. Free use of libraries.

25 (a) Residents and taxpayers.--Each library established or
26 maintained under this chapter shall be free for the use of the
27 residents and taxpayers of the municipality in which it is
28 located.

29 (b) Nonresidents.--The board of library directors may extend
30 library privileges to persons not residing in the municipality

1 upon the terms and conditions that the board prescribes.

2 (c) Terms of usage.--Usage of the library shall be subject
3 to reasonable rules and regulations adopted by the board of
4 library directors.

5 (d) Loss of privileges.--The board of library directors may
6 exclude from the use of the library a person who willfully
7 violates the rules and regulations adopted under subsection (c).
8 § 9372. Tax exempt status.

9 (a) Exemption from local taxes.--

10 (1) Subject to paragraph (2), the following shall be
11 exempt from county, city, borough, town, township, school,
12 bounty, poor or head taxes:

13 (i) A building owned and occupied by a local
14 library.

15 (ii) The land on which a local library stands.

16 (iii) Land that is immediately and necessarily
17 appurtenant to a local library.

18 (2) Paragraph (1) applies even if some portion of the
19 building or land yields rental income to the corporation or
20 association managing the library, if the net rental receipts
21 of the corporation or association are used solely to maintain
22 the library.

23 (b) Exemption from inheritance taxes.--A gift, devise, grant
24 or endowment made to a local or national library shall be free
25 from collateral inheritance tax.

26 (c) Exemption for investment interest.--A gift, endowment or
27 fund of a local library which is invested in an interest-bearing
28 security shall be exempt from State tax on money at interest, if
29 that income is used solely for the purchase of books or the
30 maintenance of the library.

1 § 9373. Commonwealth publications.

2 (a) Documents depository libraries.--The State Librarian
3 shall designate State document depository libraries to receive
4 Commonwealth publications.

5 (b) Collection and distribution.--The Department of General
6 Services shall direct each department, board, commission or
7 agency of the Commonwealth to supply it with copies of each
8 publication remaining after regular distribution according to
9 existing allocations, up to a maximum of 250 copies. The
10 Department of General Services shall forward, as soon as
11 practicable, a copy of each publication to those libraries
12 designated by the State Librarian under subsection (a).

13 (c) Eligible libraries.--A public library, school library,
14 junior college or community college library, university library
15 or historical society library in this Commonwealth shall be
16 eligible to receive free copies of the publications.

17 (d) Recall of publications.--The Commonwealth may recall a
18 publication if its copy is destroyed, damaged or lost.

19 (e) Documents published under the Commonwealth Documents
20 Law.--This section shall not apply to the distribution of
21 documents published under the act of July 31, 1968 (P.L.769,
22 No.240), referred to as the Commonwealth Documents Law. With the
23 approval of the advisory council, the State Librarian shall make
24 recommendations from time to time to the Joint Committee on
25 Documents concerning criteria for the distribution to libraries
26 of documents published under the Commonwealth Documents Law.

27 § 9374. Selection of materials.

28 (a) Counseling by State Librarian.--The powers and duties of
29 the State Librarian relating to counseling local libraries in
30 the selection of resources of books and other materials

1 contained in section 9311(b)(6)(ii) (relating to State Library
2 and State Librarian) shall not restrict or limit local libraries
3 in their choice of resources that have not been determined as a
4 result of counseling.

5 (b) Rules and regulations restricted.--No rule or regulation
6 promulgated under the authority of this chapter shall directly
7 or indirectly prohibit the inclusion in a library's collections
8 of a particular book, periodical, material, the works of a
9 particular author or the expression of a particular point of
10 view.

11 § 9375. Privacy of circulation records.

12 Records of the following institutions which relate to the
13 circulation of library materials and contain the names or other
14 personally identifying information of users of the materials
15 shall be confidential and may not be made available to anyone
16 except by a court order in a criminal proceeding:

17 (1) The State Library.

18 (2) A local library established or maintained under the
19 provisions of this chapter.

20 (3) The library of a university, college or educational
21 institution chartered by the Commonwealth.

22 (4) The library of a public school.

23 (5) A library established and maintained under a law of
24 this Commonwealth.

25 (6) A branch reading room, deposit station or agency
26 operated in connection with a library described in this
27 section.

28 § 9376. Damage to library materials.

29 (a) Offenses defined.--A person who willfully cuts,
30 mutilates, marks or otherwise injures a book, pamphlet,

1 magazine, newspaper, manuscript, map or other property of, or on
2 deposit with, any of the institutions under subsection (c) shall
3 upon conviction, be subject to the same penalties as provided
4 for in 18 Pa.C.S. § 6708 (relating to retention of library
5 property after notice to return).

6 (b) Disposition of fines.--Fines collected under a
7 conviction under this section shall be distributed for the use
8 of the library against which the offense was committed.

9 (c) Applicability.--This section applies to materials from
10 any of the following institutions:

11 (1) The State Library.

12 (2) A local library established or maintained under this
13 chapter.

14 (3) The library of a university, college or educational
15 institution chartered by the Commonwealth.

16 (4) The library of a public school.

17 (5) A library established and maintained under a law of
18 this Commonwealth.

19 (6) A branch reading room, deposit station or agency
20 operated in connection with a library described in this
21 section.

22 SUBPART B

23 (RESERVED)

24 Section 2. The addition of 24 Pa.C.S. Ch. 93 is a
25 continuation of the act of June 14, 1961 (P.L.324, No.188),
26 known as The Library Code. The following apply:

27 (1) Activities initiated under The Library Code shall
28 continue and remain in full force and effect and may be
29 completed under 24 Pa.C.S. Ch. 93.

30 (2) A resolution, order, regulation, rule or decision

1 made under The Library Code and in effect on the effective
2 date of this section shall remain in full force and effect
3 until revoked, vacated or modified under 24 Pa.C.S. Ch. 93.

4 (3) A contract, obligation or agreement entered into
5 under The Library Code shall not be affected or impaired by
6 the repeal of The Library Code.

7 (4) Except where specifically commented upon, any
8 difference in language between 24 Pa.C.S. Ch. 93 and The
9 Library Code is intended only to conform to the style of the
10 Pennsylvania Consolidated Statutes and is not intended to
11 change or affect the legislative intent, judicial
12 construction or administration and implementation of The
13 Library Code.

14 (5) The provisions of 24 Pa.C.S. § 9312 that relate to
15 the composition of the advisory council and require a
16 different composition from that required under The Library
17 Code are not intended to affect the existing membership of
18 the advisory council. As the terms of the existing advisory
19 council members expire, the following shall apply:

20 (i) The appointment of new members shall conform
21 with the requirements of 24 Pa.C.S. § 9312.

22 (ii) Until the distribution of membership under 24
23 Pa.C.S. § 9312 has been met, if a vacancy occurs in the
24 membership of the advisory council after the effective
25 date of this section and the vacated position was held by
26 a layperson, the position shall be filled by a
27 professional librarian until the distribution of
28 membership under 24 Pa.C.S. § 9312 has been met.

29 Section 3. Repeals are as follows:

30 (1) The General Assembly declares that the repeals under

1 paragraph (2) are necessary to effectuate the addition of 24
2 Pa.C.S. Ch. 93.

3 (2) The following are repealed:

4 (i) The act of June 14, 1961 (P.L.324, No.188),
5 known as The Library Code.

6 (ii) Sections 2316 and 2317 of the act of March 10,
7 1949 (P.L.30, No.14), known as the Public School Code of
8 1949.

9 (iii) Sections 1722-J(14) and 1722-L(a)(12) of the
10 act of April 9, 1929 (P.L.343, No.176), known as The
11 Fiscal Code.

12 Section 4. This act shall take effect in 180 days.