

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1225 Session of 2011

INTRODUCED BY PILEGGI, PICCOLA, SMUCKER, GREENLEAF, ERICKSON, FARNESE, YUDICHAK, D. WHITE, RAFFERTY, M. WHITE, WAUGH, BAKER, VANCE, TARTAGLIONE, ALLOWAY, COSTA, MENSCH, HUGHES, BOSCOLA, TOMLINSON, EARLL, DINNIMAN AND FERLO, AUGUST 30, 2011

SENATOR PICCOLA, EDUCATION, AS AMENDED, MARCH 27, 2012

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
7 Statutes 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 TO 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 PER PERSON RESIDING IN THE DIRECT ←  
15 SERVICE AREA OF THE LOCAL LIBRARY OR LIBRARY SYSTEM determined  
16 on the basis of the most recent official United States Census  
17 report for purposes of calculating payment under sections 9334  
18 (relating to quality libraries aid), 9335 (relating to incentive  
19 for excellence aid), 9338 (relating to district library center  
20 aid) and 9340 (relating to equalization aid).

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

24 SUBCHAPTER B

25 PUBLIC LIBRARY SYSTEM

26 Sec.

27 9311. State Library and State Librarian.

28 9312. Advisory council.

29 9313. Statewide library resource centers.

30 9314. District library centers.

1 9315. Development of local libraries.  
2 9316. Acquisition of real property for library purposes.  
3 9317. County libraries and library taxes.  
4 9318. Local library governance.  
5 9319. Certification of library personnel.  
6 9320. Collaborative ventures.  
7 § 9311. State Library and State Librarian.

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

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

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

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

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

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

27 (i) The advisory council.

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

1 Documents Law.

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

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

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

11 (ii) Resources of books and other materials.

12 (iii) Hours of operation.

13 (iv) Continuing professional development.

14 (v) Collections expenditures.

15 (vi) Physical facilities.

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

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

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

23 (ii) ~~Location~~ THE LOCATION of new local libraries. ←

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

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

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

30 (9) Purchase and maintain a general collection of books,

1 periodicals, newspapers, maps, slides, films and other  
2 library materials for the use of State and local governments,  
3 libraries and the public generally.

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

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

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

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

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

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

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

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

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



1 (c) Restrictions on circulation.--The State Librarian may  
2 restrict the circulation of library materials from the State  
3 Library that are rare or used intensively in the State Library  
4 for reference or other purposes.

5 § 9312. Advisory council.

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

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

10 (1) Three trustees of local libraries.

11 (2) Six professional librarians.

12 (3) Three laypeople.

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

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

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

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

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

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

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

1       (2) Advise and make recommendations to the Governor, the  
2 Secretary of Education and the State Librarian regarding the  
3 general policies and operations of the State Library and the  
4 State system of aid to libraries.

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

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

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

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

19 § 9313. Statewide library resource centers.

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

23           (1) Free Library of Philadelphia.

24           (2) Pennsylvania State Library.

25           (3) Pennsylvania State University Library.

26           (4) Carnegie Library of Pittsburgh.

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

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

1       (2) Make research collections available to the residents  
2 of this Commonwealth on a Statewide basis under rules and  
3 regulations promulgated by a board consisting of the head  
4 librarians of all Statewide library resource centers and  
5 under the chairmanship of the State Librarian.

6 § 9314. District library centers.

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

11           (1) any local library;

12           (2) any State college library;

13           (3) the Pennsylvania State University Library; or

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

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

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

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

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

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

28 § 9315. Development of local libraries.

29       (a) Vote on library tax; approval.--The qualified voters of  
30 a municipality shall determine at a special election whether to

1 establish an annual special library tax on all taxable property  
2 of the municipality for the establishment of, maintenance of and  
3 aid to a local library under the following procedures:

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

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

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

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

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

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

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

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

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

1       (1) Subject to paragraph (2), the library tax  
2 established under this section shall be an annual tax which  
3 shall remain in effect until another vote is taken to change  
4 it.

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

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

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

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

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

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

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

1 officers have entered into contract.

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

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

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

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

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

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

22 § 9316. Acquisition of real property for library purposes.

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

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

28 (2) erection of buildings; or

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

1 (b) Acquisition costs.--A municipality may provide for the  
2 cost of an acquisition under subsection (a) in the same manner  
3 as other buildings are acquired for use for municipal purposes.

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

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

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

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

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

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

28 (g) Bond issue.--The qualified voters of a municipality  
29 shall determine at a special election whether to execute a  
30 bonded indebtedness for purchasing grounds and erecting

1 buildings for library purposes under the following procedures:

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

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

9 § 9317. County libraries and library taxes.

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

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

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

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



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

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

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

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

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

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

29 (1) If petitioned for by 3% of the number of individuals  
30 voting in the last preceding general or municipal election in

1 the locality, the officers of the locality shall submit the  
2 question to the qualified voters.

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

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

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

15 § 9318. Local library governance.

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

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

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

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

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

1 established:

2 (i) after June 14, 1961; and

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

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

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

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

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

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

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

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

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

30 (f) Control of all funds.--Any money appropriated for the

1 establishment or maintenance of a local library and all moneys,  
2 if any, received from other sources for the use of the library  
3 shall be under the exclusive control of and disbursed under the  
4 direction of the board.

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

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

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

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

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

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

19 (2) The annual report shall include:

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

22 (ii) All expenditures.

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

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

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

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

- 1                   (C) The number of materials lost or withdrawn.  
2                   (v) The number of registered borrowers and readers.  
3                   (vi) A statement of the circulation of materials.  
4                   (vii) Any other information and suggestions as the  
5                   board desires.

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

8 § 9319. Certification of library personnel.

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

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

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

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

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

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

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

1 § 9320. Collaborative ventures.

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

6 (1) Supporting interlibrary cooperative programs.

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

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

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

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

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

18 (i) The purpose of the agreement.

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

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

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

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

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

29 SUBCHAPTER C

30 STATE AID TO LIBRARIES

1 Sec.  
2 9331. Qualification in general.  
3 9332. Waiver of standards.  
4 9333. State system of aid to libraries.  
5 9334. Quality libraries aid.  
6 9335. Incentive for excellence aid.  
7 9336. Equal distribution grants.  
8 9337. County coordination aid.  
9 9338. District library center aid.  
10 9339. Statewide library resource center aid.  
11 9340. Equalization aid.  
12 9341. Transfer of funds among allocations.  
13 9342. Special rules for specific fiscal years.  
14 9343. Basic aid to local libraries.  
15 9344. Incentive aid to local libraries.

16 § 9331. Qualification in general.

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

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

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

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

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

1 Librarian.

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

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

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

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

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

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

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



1 from which the petition was submitted.

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

4 (d) Internet access policy.--A local library that provides  
5 access to the Internet or an online service shall adopt a policy  
6 regarding access by minors to Internet and online sites that  
7 contain or make reference to explicit sexual materials as  
8 defined in 18 Pa.C.S. § 5903 (relating to obscene and other  
9 sexual materials and performances).  
10 § 9332. Waiver of standards.

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

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

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

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

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

1           (1) Be in a manner and in a form developed by the State  
2           Librarian.

3           (2) Specify the need for the waiver.

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

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

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

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

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

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

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

27          § 9333. State system of aid to libraries.

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

1 resource centers is established.

2 (b) Aid available to any local library or library system.--

3 Subject to the standards and eligibility requirements under this

4 chapter, the following categories of aid are available to any

5 local library or library system:

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

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

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

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

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

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

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

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

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

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

1       (2) If paragraph (1) applies, the remainder of the  
2 appropriation and the entire appropriation in fiscal years in  
3 which paragraph (1) does not apply shall be allocated as  
4 follows:

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

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

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

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

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

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

26 § 9334. Quality libraries aid.

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

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

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

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

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

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

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

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

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

30 (ii) Weekend hours may be reduced to four hours

1 during time periods as community-use patterns warrant,  
2 for a maximum of ten weeks per year.

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

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

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

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

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

27 § 9335. Incentive for excellence aid.

28 (a) Regular financial effort required.--To qualify for  
29 incentive for excellence aid, a local library or library system  
30 shall make a financial effort greater than \$5 per capita for

1 each person residing in the municipalities that will be part of  
2 the direct service area in which the library is applying for  
3 aid.

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

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

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

17 (i) five percent of its operating budget; or  
18 (ii) the percentage increase in the appropriation  
19 for improvement of library services.

20 (3) 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 a  
23 member library within a library system shall be open for full  
24 services for the following minimum number of hours:

25 (i) At least 45 hours per week during those times  
26 best suited to the needs of residents of its service  
27 area, including at least seven 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 (iii) A local library or member library within a  
3 library system may reduce total weekly hours by three  
4 hours per week during the ten-week period of reduced  
5 Saturday and Sunday hours if approved by the State  
6 Librarian.

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

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

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

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

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

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



1 for normal and recurring operating costs.

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

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

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

12 § 9336. Equal distribution grants.

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

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

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

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

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

1       (1) Each eligible district library center shall receive  
2       5¢ per capita for each person residing in the entire  
3       district.

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

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

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

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

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

21       § 9337. County coordination aid.

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

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

1 5 50%  
2 6 100%  
3 7 100%  
4 8 100%

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

8 (1) the county general fund;

9 (2) a special library tax;

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

14 (4) other sources.

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

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

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

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

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

30 (B) the level of county support paid is

1 maintained.

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

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

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

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

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

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

1 (g) Annual report.--A report of the expenditure of State  
2 moneys received under this section shall be made annually to the  
3 county government and the State Librarian in such form as may be  
4 required by the State Librarian.

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

10 § 9338. District library center aid.

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

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

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

19 (2) No district library center shall receive less than  
20 \$200,000.

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

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

29 (2) As part of the negotiated agreement, the district  
30 library center shall provide leadership, coordination and

1 consultation to local libraries in the following areas:

2 (i) Continuing education for library staff.

3 (ii) Library services to youth.

4 (iii) Library services to special populations,  
5 including, but not limited to, individuals with  
6 disabilities, homebound individuals, the elderly and  
7 individuals who are deficient in basic literacy skills.

8 (iv) Information technology and library automation.

9 (v) Orientation and training for boards of directors  
10 of local libraries, library systems and district library  
11 centers.

12 (d) Countywide cooperative plan.--If there is no county  
13 library or library system in a county of the second through  
14 eighth class, the district library center shall coordinate the  
15 countywide plan for services described in section 9337(e)  
16 (relating to county coordination aid).

17 § 9339. Statewide library resource center aid.

18 (a) Eligibility.--Any library designated by the State  
19 Librarian to serve as a Statewide library resource center shall  
20 qualify for additional State aid under this section.

21 (b) Allocation method.--The allocation shall be divided  
22 equally among the libraries so designated.

23 (c) Powers and duties.--Statewide library resource centers  
24 shall disseminate information to Pennsylvanians to augment the  
25 collections and services of local libraries and district library  
26 centers through:

27 (1) Digitizing Pennsylvania resources from their  
28 extensive collections for Statewide accessibility and use via  
29 the Internet.

30 (2) Implementing for use by all Pennsylvanians an online

1 reference service based on the specialized resources and  
2 staff expertise of the four Statewide library resource  
3 centers.

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

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

10 § 9340. Equalization aid.

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

13 (1) Achieves or exceeds applicable basic standards.

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

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

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

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

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

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

1 Industry.

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

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

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

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

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

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



1 equalization aid in any year.

2 (g) Minimum allotment.--For each fiscal year that the  
3 Commonwealth's total annual appropriation for the system of  
4 State aid to libraries exceeds \$17,500,000, no local library or  
5 library system shall receive less equalization aid as a result  
6 of the provisions of this section than that local library or  
7 library system received for equalization aid during the  
8 1984-1985 fiscal year.

9 § 9341. Transfer of funds among allocations.

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

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

16 § 9342. Special rules for specific fiscal years.

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

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

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

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

1           (2) Incentive for excellence aid shall be allocated from  
2 the amount resulting from the addition of the following:

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

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

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

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

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

29           (6) Equalization aid shall be allocated from of a hold-  
30 harmless amount to equal that amount allocated for

1 equalization aid for fiscal year 1998-1999 from the amount  
2 allocated from the Commonwealth's annual appropriation for  
3 grants to local libraries and library systems.

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

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

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

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

18 (ii) Ten percent above the amount paid under section  
19 303.7(c)(1) of The Library Code in fiscal year 1999-2000.

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

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

28 (1) The amount of district library center aid that the  
29 library received in fiscal year 2002-2003 divided by  
30 \$13,018,810 and multiplied by \$6,509,405.

1       (2) The sum of the amount of quality libraries aid,  
2 incentive for excellence aid, county coordination aid,  
3 Statewide library resource center aid, equalization aid and  
4 equal distribution grants that the library received in fiscal  
5 year 2002-2003 divided by \$62,270,190 and multiplied by  
6 \$41,279,595.

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

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

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

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

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

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

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

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

30       (iii) The result obtained in subparagraph (ii) shall

1 be divided by the sum of the amount of funding provided  
2 to all libraries under subsection (c)(2) in fiscal year  
3 2003-2004.

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

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

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

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

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

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

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

23 (i) The total amount of funding that the library  
24 received in fiscal year 2004-2005 under subsection (d)  
25 (1), (2) and (3) shall be multiplied by \$1,696,000; and

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

30 (f) Fiscal year 2006-2007.--State aid to libraries for

1 fiscal year 2006-2007 shall be calculated as follows:

2 (1) A library that received quality libraries aid,  
3 incentive for excellence aid, county coordination aid,  
4 Statewide library resource center aid, equalization aid and  
5 equal distribution grants in fiscal year 2002-2003 shall  
6 receive the same amount the library received in fiscal year  
7 2002-2003.

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

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

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

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

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

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

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

1 2007-2008, calculated by adding the following:

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

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

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

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

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

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

24 (ii) the result obtained in subparagraph (i)  
25 multiplied by the total State aid subsidy for fiscal year  
26 2008-2009.

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

30 (i) Fiscal year 2009-2010.--State aid to libraries for

1 fiscal year 2009-2010 shall be calculated as follows:

2 (1) The sum of the amount of funding that the library  
3 received in fiscal year 2007-2008 under subsection (g) shall  
4 be divided by the total State aid subsidy for fiscal year  
5 2007-2008.

6 (2) The result obtained under paragraph (1) shall be  
7 multiplied by the total State aid subsidy for fiscal year  
8 2009-2010.

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

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

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

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

24 (1) The sum of the amount of funding that the library  
25 received in fiscal year 2009-2010 under subsection (i)  
26 divided by the total State-aid subsidy for fiscal year  
27 2009-2010.

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

30 (3) Following distribution of funds appropriated for



1 State aid to libraries, any remaining funds may be  
2 distributed at the discretion of the State Librarian.

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

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

12 (K) FISCAL YEAR 2012-2013.--EACH LIBRARY SUBJECT TO THIS  
13 PART SHALL BE ELIGIBLE FOR STATE AID FOR FISCAL YEAR 2012-2013  
14 AS FOLLOWS:

15 (1) FUNDS APPROPRIATED FOR LIBRARIES SHALL BE  
16 DISTRIBUTED TO EACH LIBRARY UNDER THE FOLLOWING FORMULA:

17 (I) DIVIDE THE AMOUNT OF FUNDING THAT THE LIBRARY  
18 RECEIVED IN FISCAL YEAR 2011-2012 UNDER SECTION 2318 OF  
19 THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE  
20 PUBLIC SCHOOL CODE OF 1949, BY THE TOTAL STATE-AID  
21 SUBSIDY FOR FISCAL YEAR 2011-2012.

22 (II) MULTIPLY THE QUOTIENT UNDER SUBPARAGRAPH (I) BY  
23 THE TOTAL STATE-AID SUBSIDY FOR 2012-2013.

24 (2) FOLLOWING DISTRIBUTION OF FUNDS APPROPRIATED FOR  
25 STATE AID TO LIBRARIES UNDER PARAGRAPH (1), ANY REMAINING  
26 FUNDS MAY BE DISTRIBUTED TO LIBRARIES AT THE DISCRETION OF  
27 THE STATE LIBRARIAN.

28 (3) IF FUNDS APPROPRIATED FOR STATE AID TO LIBRARIES IN  
29 FISCAL YEAR 2012-2013 ARE LESS THAN FUNDS APPROPRIATED IN  
30 FISCAL YEAR 2002-2003, THE STATE LIBRARIAN MAY WAIVE

1 STANDARDS AS PRESCRIBED UNDER SECTION 9332 (RELATING TO  
2 WAIVER OF STANDARDS).

3 (4) (I) EACH LIBRARY SYSTEM RECEIVING STATE AID UNDER  
4 THIS SECTION MAY DISTRIBUTE THE LOCAL LIBRARY SHARE OF  
5 THAT AID IN A MANNER AS DETERMINED BY THE BOARD OF  
6 DIRECTORS OF THE LIBRARY SYSTEM.

7 (II) THIS PARAGRAPH SHALL NOT APPLY TO A LIBRARY  
8 SYSTEM OPERATING IN A COUNTY OF THE SECOND CLASS.

9 § 9343. Basic aid to local libraries.

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

17 (b) Minimum financial effort.--

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

25 (2) If the allocation for basic aid exceeds the amount  
26 necessary to pay the minimum rate, the entire allocation  
27 shall be distributed at a per capita rate which shall be  
28 determined by dividing the allocation by the number of  
29 persons in this Commonwealth on behalf of which local  
30 libraries and library systems apply and qualify for basic

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

5 (c) Qualification.--

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

14 1st succeeding year-20%

15 2nd succeeding year-40%

16 3rd succeeding year-60%

17 4th succeeding year-80%

18 5th succeeding year-100%.

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

26 (d) Ineligibility.--After the fifth succeeding year, a local  
27 library shall not be eligible for further State aid unless it  
28 makes a financial effort equal to one-half mill for the  
29 municipalities on behalf of which it applies for aid, or \$2 per  
30 capita for each person residing in those municipalities,

1 whichever is less.

2 § 9344. Incentive aid to local libraries.

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

10 (b) Incentive aid.--

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

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

30

SUBCHAPTER D

1                                    MUNICIPAL SUPPORT FOR LIBRARIES

2   Sec.

3   9351. Financial support for libraries authorized.

4   9352. Popular subscription.

5   9353. Gifts and donations.

6   § 9351. Financial support for libraries authorized.

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

12            (1) Appropriations out of current revenue of the  
13 municipality.

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

15        (b) Special library tax.--

16            (1) A special library tax may be:

17                (i) levied on the taxable property of the  
18 municipality; or

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

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

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

28            (4) Income from a special library tax shall be used for  
29 the support and maintenance of the local library.

30   § 9352. Popular subscription.

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

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

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

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

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

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

26 § 9353. Gifts and donations.

27 (a) Power to hold property.--A municipality or corporation  
28 that owns or manages a local library may take and hold real or  
29 personal property for library purposes.

30 (b) Transfer of title.--A person wishing to donate books,

1 money or real or personal property for the benefit of a local  
2 library may vest the title to that property in the municipality  
3 or corporation having control of the affairs of the library, to  
4 be held and controlled by the municipality or corporation  
5 according to the terms of the deed, gift, devise or bequest.

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

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

13 SUBCHAPTER E

14 MISCELLANEOUS PROVISIONS

15 Sec.

16 9371. Free use of libraries.

17 9372. Tax exempt status.

18 9373. Commonwealth publications.

19 9374. Selection of materials.

20 9375. Privacy of circulation records.

21 9376. Damage to library materials.

22 § 9371. Free use of libraries.

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

27 (b) Nonresidents.--The board of library directors may extend  
28 library privileges to persons not residing in the municipality  
29 upon the terms and conditions that the board prescribes.

30 (c) Terms of usage.--Usage of the library shall be subject

1 to reasonable rules and regulations adopted by the board of  
2 library directors.

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

7 (a) Exemption from local taxes.--

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

11 (i) A building owned and occupied by a local  
12 library.

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

14 (iii) Land that is immediately and necessarily  
15 appurtenant to a local library.

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

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

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

29 § 9373. Commonwealth publications.

30 (a) Documents depository libraries.--The State Librarian



1 shall designate State document depository libraries to receive  
2 Commonwealth publications.

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

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

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

17 (e) Documents published under the Commonwealth Documents  
18 Law.--This section shall not apply to the distribution of  
19 documents published under the act of July 31, 1968 (P.L.769,  
20 No.240), referred to as the Commonwealth Documents Law. With the  
21 approval of the advisory council, the State Librarian shall make  
22 recommendations from time to time to the Joint Committee on  
23 Documents concerning criteria for the distribution to libraries  
24 of documents published under the Commonwealth Documents Law.  
25 § 9374. Selection of materials.

26 (a) Counseling by State Librarian.--The powers and duties of  
27 the State Librarian relating to counseling local libraries in  
28 the selection of resources of books and other materials  
29 contained in section 9311(b)(6)(ii) (relating to State Library  
30 and State Librarian) shall not restrict or limit local libraries

1 in their choice of resources that have not been determined as a  
2 result of counseling.

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

9 § 9375. Privacy of circulation records.

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

15 (1) The State Library.

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

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

20 (4) The library of a public school.

21 (5) A library established and maintained under a law of  
22 this Commonwealth.

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

26 § 9376. Damage to library materials.

27 (a) Offenses defined.--A person who willfully cuts,  
28 mutilates, marks or otherwise injures a book, pamphlet,  
29 magazine, newspaper, manuscript, map or other property of, or on  
30 deposit with, any of the institutions under subsection (c) shall

1 upon conviction, be subject to the same penalties as provided  
2 for in 18 Pa.C.S. § 6708 (relating to retention of library  
3 property after notice to return).

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

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

9 (1) The State Library.

10 (2) A local library established or maintained under this  
11 chapter.

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

14 (4) The library of a public school.

15 (5) A library established and maintained under a law of  
16 this Commonwealth.

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

20 SUBPART B

21 (RESERVED)

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

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

28 (2) A resolution, order, regulation, rule or decision  
29 made under The Library Code and in effect on the effective  
30 date of this section shall remain in full force and effect

1 until revoked, vacated or modified under 24 Pa.C.S. Ch. 93.

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

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

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

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

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

27 Section 3. Repeals are as follows:

28 (1) The General Assembly declares that the repeals under  
29 paragraph (2) are necessary to effectuate the addition of 24  
30 Pa.C.S. Ch. 93.

1           (2) The following are repealed:

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

4           (ii) Sections 2316 and 2317 of the act of March 10,  
5 1949 (P.L.30, No.14), known as the Public School Code of  
6 1949.

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

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