

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 CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, APRIL 30, 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

1 CHAPTER 93

2 PUBLIC LIBRARY CODE

3 Subchapter

4 A. General Provisions

5 B. Public Library System

6 C. State Aid to Libraries

7 D. Municipal Support for Libraries

8 E. Miscellaneous Provisions

9 SUBCHAPTER A

10 GENERAL PROVISIONS

11 Sec.

12 9301. Scope of chapter.

13 9302. Definitions.

14 § 9301. Scope of chapter.

15 This chapter relates to public libraries.

16 § 9302. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 direct service area of a local library, whichever is applicable.

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

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

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

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

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

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

19 "Local library." Any free, public, nonsectarian library,
20 whether established and maintained by a municipality or by a
21 private association, corporation or group, which serves the
22 informational, educational and recreational needs of all the
23 residents of the area for which its governing body is
24 responsible, by providing free access to:

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

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

30 "Locality." Any city, borough, town, township or school

1 district of the second, third or fourth class.

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

6 "Municipal officers." Any of the following:

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

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

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

10 (4) The commissioners of a county.

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

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

15 "Per capita." Amounts per person residing in the direct
16 service area of the local library or library system determined
17 on the basis of the most recent official United States Census
18 report for purposes of calculating payment under sections 9334
19 (relating to quality libraries aid), 9335 (relating to incentive
20 for excellence aid), 9338 (relating to district library center
21 aid) and 9340 (relating to equalization aid).

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

25 SUBCHAPTER B

26 PUBLIC LIBRARY SYSTEM

27 Sec.

28 9311. State Library and State Librarian.

29 9312. Advisory council.

30 9313. Statewide library resource centers.

- 1 9314. District library centers.
2 9315. Development of local libraries.
3 9316. Acquisition of real property for library purposes.
4 9317. County libraries and library taxes.
5 9318. Local library governance.
6 9319. Certification of library personnel.
7 9320. Collaborative ventures.
8 § 9311. State Library and State Librarian.

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

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

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

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

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

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

28 (i) The advisory council.

29 (ii) The Joint Committee on Documents, in the case
30 of documents published under the act of July 31, 1968

1 (P.L.769, No.240), referred to as the Commonwealth
2 Documents Law.

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

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

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

12 (ii) Resources of books and other materials.

13 (iii) Hours of operation.

14 (iv) Continuing professional development.

15 (v) Collections expenditures.

16 (vi) Physical facilities.

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

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

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

24 (ii) The location of new local libraries.

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

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

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

1 (9) Purchase and maintain a general collection of books,
2 periodicals, newspapers, maps, slides, films and other
3 library materials for the use of State and local governments,
4 libraries and the public generally.

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

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

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

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

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

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

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

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

29 (18) Subject to approval by the advisory council,
30 promulgate rules and regulations for the purpose of carrying

1 out the library powers and duties that are imposed by law.

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

6 § 9312. Advisory council.

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

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

11 (1) Three trustees of local libraries.

12 (2) Six professional librarians.

13 (3) Three laypeople.

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

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

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

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

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

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

30 (1) Advise the Governor and the Secretary of Education

1 regarding the appointment of the State Librarian.

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

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

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

16 (5) Promulgate rules and regulations for the approval of
17 plans for the use of State funds AND FOR THE PROCESS AND ←
18 PROCEDURE TO APPEAL FUNDING AND ELIGIBILITY DECISIONS.

19 (6) Approve or disapprove library ~~direct~~ DISTRICT ←
20 service areas which are recommended by the State Librarian.

21 § 9313. Statewide library resource centers.

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

25 (1) Free Library of Philadelphia.

26 (2) Pennsylvania State Library.

27 (3) Pennsylvania State University Library.

28 (4) Carnegie Library of Pittsburgh.

29 (b) Powers and duties.--A Statewide library resource center
30 shall:

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

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

8 § 9314. District library centers.

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

13 (1) any local library;

14 (2) any State college library;

15 (3) the Pennsylvania State University Library; or

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

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

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

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

25 (3) Provide supplementary library services to all local
26 libraries within the district.

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

30 § 9315. Development of local libraries.

1 (a) Vote on library tax; approval.--The qualified voters of
2 a municipality shall determine at a special election whether to
3 establish an annual special library tax on all taxable property
4 of the municipality for the establishment of, maintenance of and
5 aid to a local library under the following procedures:

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

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

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

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

19 (ii) the date of submission of the petition under
20 paragraph (2).

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

25 (i) Take the necessary steps to levy and collect the
26 tax.

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

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

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

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

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

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

18 (e) Contract for library service.--The following shall
19 apply:

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

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

30 (3) If a special library tax is levied, all income from

1 the tax shall be used for the establishment of, maintenance
2 of and aid to the local library with which the municipal
3 officers have entered into contract.

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

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

9 (i) is open to the use of all the residents of the
10 municipality; and

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

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

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

24 § 9316. Acquisition of real property for library purposes.

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

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

30 (2) erection of buildings; or

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

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

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

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

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

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

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

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

30 (g) Bond issue.--The qualified voters of a municipality

1 shall determine at a special election whether to execute a
2 bonded indebtedness for purchasing grounds and erecting
3 buildings for library purposes under the following procedures:

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

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

11 § 9317. County libraries and library taxes.

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

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

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

29 (b) Use of books and other property.--Title to the books and
30 other property of a library that is supported by a locality or

1 any endowed library or association library in that locality that
2 was not established under this chapter or its predecessors shall
3 remain with locality or with the board of trustees or managers.
4 The books and other property may be used by the county library
5 in accordance with the terms of a written agreement between the
6 county commissioners and the municipal officers or board of
7 trustees or managers of the library that is supported by the
8 locality. Title to the books and other property may be
9 transferred to the county library.

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

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

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

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

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

1 (1) If petitioned for by 3% of the number of individuals
2 voting in the last preceding general or municipal election in
3 the locality, the officers of the locality shall submit the
4 question to the qualified voters.

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

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

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

17 § 9318. Local library governance.

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

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

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

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

30 (2) The municipal officers of a municipality shall

1 appoint a majority of the members of the local library board
2 if the municipality maintains or aids a local library that is
3 established:

4 (i) after June 14, 1961; and

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

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

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

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

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

22 (3) A vacancy on the board shall be filled for the
23 unexpired term.

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

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

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

1 surety to the municipality.

2 (f) Control of all funds.--Any money appropriated for the
3 establishment or maintenance of a local library and all moneys,
4 if any, received from other sources for the use of the library
5 shall be under the exclusive control of and disbursed under the
6 direction of the board.

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

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

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

14 (i) Any moneys received by the library from the
15 municipality.

16 (ii) Any disbursements of moneys received by the
17 library from the municipality.

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

21 (2) The annual report shall include:

22 (i) An itemized statement of all receipts from all
23 sources.

24 (ii) All expenditures.

25 (iii) A description of the condition of the library
26 and any branches.

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

29 (A) The total number of materials in the
30 library's possession.

1 (B) The number of materials added by purchase,
2 gift or otherwise.

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

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

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

6 (vii) Any other information and suggestions as the
7 board desires.

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

10 § 9319. Certification of library personnel.

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

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

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

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

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

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

30 (d) Excepted personnel.--This section does not apply to

1 clerks, typists, volunteer workers or other personnel who do not
2 need special library training.

3 § 9320. Collaborative ventures.

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

8 (1) Supporting interlibrary cooperative programs.

9 (2) Promoting cooperation among various types of
10 libraries.

11 (3) Preserving the existing financial support of any
12 single type of library.

13 (b) Joint action by municipalities.--The following shall
14 apply:

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

18 (2) The agreement shall be in writing and shall set
19 forth:

20 (i) The purpose of the agreement.

21 (ii) The terms for support and control of the local
22 library.

23 (iii) The conditions under which the agreement may
24 be altered or terminated.

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

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

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

1 SUBCHAPTER C

2 STATE AID TO LIBRARIES

3 Sec.

4 9331. Qualification in general.

5 9332. Waiver of standards.

6 9333. State system of aid to libraries.

7 9334. Quality libraries aid.

8 9335. Incentive for excellence aid.

9 9336. Equal distribution grants.

10 9337. County coordination aid.

11 9338. District library center aid.

12 9339. Statewide library resource center aid.

13 9340. Equalization aid.

14 9341. Transfer of funds among allocations.

15 9342. Special rules for specific fiscal years.

16 9343. Basic aid to local libraries.

17 9344. Incentive aid to local libraries.

18 § 9331. Qualification in general.

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

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

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

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

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

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

9 (C) PARTIAL STATE AIDE.--A LOCAL LIBRARY MAY RECEIVE PARTIAL ←
10 STATE AID UNDER THIS CHAPTER, AS DETERMINED BY THE STATE
11 LIBRARIAN, IF THE LOCAL LIBRARY:

12 (1) IS NOT ABLE TO COMPLY WITH ALL STANDARDS UNDER THIS
13 CHAPTER AND REGULATIONS PROMULGATED UNDER THIS CHAPTER
14 REGARDING HOURS OF OPERATION, STAFFING, CONTINUING
15 PROFESSIONAL DEVELOPMENT, COLLECTIONS, EXPENDITURES AND ANY
16 OTHER STANDARDS RELATED TO LIBRARY OPERATIONS; AND

17 (2) IS INELIGIBLE FOR A WAIVER PURSUANT TO SECTION 9332.

18 ~~(e) (D) Participation in district library center cooperative~~ ←
19 ~~program; referendum.--No State aid shall be given to a local~~
20 ~~library until the library participates in the district library~~
21 ~~center cooperative program through either of the following~~
22 ~~procedures:~~

23 (1) The local library board shall commit the library to
24 participate in the district library center cooperative
25 program, including attendance at district meetings and the
26 use of interlibrary loans and interlibrary references.

27 (2) If the local library board does not act to
28 participate in the district library center cooperative
29 program:

30 (i) A petition regarding participation is circulated

1 within the direct service area of the library and signed
2 by at least 3% of the total number of persons voting in
3 the last preceding general or municipal election.

4 (ii) The petition is presented to the municipal
5 officers who shall forward the petition to the County
6 Board of Elections.

7 (iii) After determining that the petition contains a
8 sufficient number of signatures, the County Board of
9 Elections places the question of participation in the
10 district library center cooperative program on the ballot
11 in the municipalities comprising the direct service area
12 from which the petition was submitted.

13 (iv) A majority of the persons vote on the question
14 in the affirmative.

15 ~~(d)~~ (E) Internet access policy.--A local library that ←
16 provides access to the Internet or an online service shall adopt
17 a policy regarding access by minors to Internet and online sites
18 that contain or make reference to explicit sexual materials as
19 defined in 18 Pa.C.S. § 5903 (relating to obscene and other
20 sexual materials and performances).
21 § 9332. Waiver of standards.

22 (a) Triggering event.--If the Commonwealth appropriation for
23 libraries in any fiscal year is less than that provided in the
24 immediately preceding fiscal year, upon application by the board
25 of directors of the local library, the State Librarian may waive
26 standards under this chapter and regulations promulgated under
27 this chapter regarding hours of operation, staffing, continuing
28 professional development, collections expenditures and any other
29 standards related to library operations.

30 (b) Board of directors resolution.--The following shall

1 apply:

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

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

10 (c) Application form and contents.--The application for
11 waiver shall:

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

14 (2) Specify the need for the waiver.

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

17 (d) Review of waiver application.--The State Librarian shall
18 have 30 days from receipt of an application submitted under this
19 section to approve, disapprove or request modifications to the
20 application.

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

24 (f) Effect of disapproval.--If the State Librarian
25 disapproves the application for waiver, he shall transmit the
26 basis for disapproval to the board of directors of the local
27 library.

28 (g) Reapplication.--The board of directors of a local
29 library may submit a revised application for waiver to the State
30 Librarian.

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

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

8 § 9333. State system of aid to libraries.

9 (a) Establishment.--A system of State aid to assist in the
10 support and maintenance of local libraries, county libraries,
11 library systems, district library centers and Statewide library
12 resource centers is established.

13 (b) Aid available to any local library or library system.--
14 Subject to the standards and eligibility requirements under this
15 chapter, the following categories of aid are available to any
16 local library or library system:

17 (1) Quality libraries aid under section 9334 (relating
18 to quality libraries aid).

19 (2) Incentive for excellence aid under section 9335
20 (relating to incentive for excellence aid).

21 (3) Equal distribution grants under section 9336
22 (relating to equal distribution grants).

23 (4) Equalization aid under section 9340 (relating to
24 equalization aid).

25 (c) County libraries.--Subject to the provisions of section
26 9337 (relating to county coordination aid), a county library or
27 library system may receive county coordination aid.

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

30 (1) Section 9338 (relating to district library center

1 aid).

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

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

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

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

16 (i) Twenty-five percent or a minimum of 25¢ per
17 capita for each person residing in the direct service
18 areas of the libraries or library systems which qualify
19 for quality libraries aid shall be allocated as quality
20 libraries aid.

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

26 (iii) Five percent shall be allocated for equal
27 distribution grants.

28 (iv) Ten percent shall be allocated for county
29 coordination aid.

30 (v) Thirty percent or a minimum of 25¢ per capita

1 for each person residing in the direct service areas of
2 the libraries or library systems which are served by a
3 district library center shall be allocated for district
4 library center aid.

5 (vi) Five percent shall be allocated for Statewide
6 library resource center aid.

7 § 9334. Quality libraries aid.

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

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

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

22 (1) The local library or library system shall
23 participate in the Access Pennsylvania Statewide Library Card
24 Program, as provided by rules and regulations promulgated
25 under this chapter.

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

29 (3) The local library or library system shall provide
30 interlibrary loans free of charge to residents of the

1 library's direct service area.

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

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

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

14 (5) The library director of the local library or library
15 system shall annually attend at least eight hours of
16 continuing education programs approved by the Office of
17 Commonwealth Libraries.

18 (6) The local library or library system shall
19 participate in the county library plan for the coordination
20 of countywide services. In the absence of a county library,
21 the local library or library system shall participate in the
22 development of a coordinated county services plan with the
23 district library center serving the municipalities in which
24 the local library or library system is located. The State
25 Librarian may on a case-by-case basis grant a waiver of
26 participation in certain provisions of the plan.

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

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

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

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

8 § 9335. Incentive for excellence aid.

9 (a) Regular financial effort required.--To qualify for
10 incentive for excellence aid, a local library or library system
11 shall make a financial effort greater than \$5 per capita for
12 each person residing in the municipalities that will be part of
13 the direct service area in which the library is applying for
14 aid.

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

18 (1) The local library or library system shall qualify
19 for quality libraries aid under section 9334 (relating to
20 quality libraries aid).

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

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

29 (ii) the percentage increase in the appropriation
30 for improvement of library services.

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

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

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

13 (iii) A local library or member library within a
14 library system may reduce total weekly hours by three
15 hours per week during the ten-week period of reduced
16 Saturday and Sunday hours if approved by the State
17 Librarian.

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

22 (c) Allocation method.--The annual allocation of funds
23 available for incentive for excellence aid shall be allocated
24 proportionately to qualifying local libraries or library systems
25 as follows:

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

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

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

8 (1) Unless the State Librarian accepts evidence of
9 substantial curtailment of financial ability of the
10 community, a local library or library system may not use
11 incentive for excellence aid to reduce its financial effort
12 for normal and recurring operating costs.

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

18 (i) directly attributable to a gift or endowment to
19 a local library; or

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

23 § 9336. Equal distribution grants.

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

26 (1) Each district library center which, in its capacity
27 as a local or county library, has a population in its local
28 or county direct service area that is 12% or less of the
29 population of the designated direct service area of the
30 entire district library center.

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

4 (b) Additional funding.--After all eligible county libraries
5 have been paid the total amounts for which they qualify under
6 section 9337 (relating to county coordination aid) for the
7 fiscal year, any funds remaining from the allocation for county
8 coordination aid under section 9333(e)(2)(iv) (relating to State
9 system of aid to libraries) shall be transferred and made a part
10 of the allocation for equal distribution grants.

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

12 (1) Each eligible district library center shall receive
13 5¢ per capita for each person residing in the entire
14 district.

15 (2) The balance of the funds available for equal
16 distribution grants shall be divided equally among local
17 libraries and library systems as determined in subsection
18 (d).

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

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

26 (2) Each library system shall receive an equal grant for
27 each qualifying member local library, branch library and
28 bookmobile.

29 (3) Each local library shall receive an equal grant for
30 the central library and each qualifying branch library and

1 bookmobile.

2 § 9337. County coordination aid.

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

<u>Class of County</u>	<u>Percentage Match</u>
9 <u>2</u>	<u>5%</u>
10 <u>2A and 3</u>	<u>30%</u>
11 <u>4</u>	<u>50%</u>
12 <u>5</u>	<u>50%</u>
13 <u>6</u>	<u>100%</u>
14 <u>7</u>	<u>100%</u>
15 <u>8</u>	<u>100%</u>

16 (b) Source of county moneys.--County moneys appropriated by
17 the county government to the county library or library system
18 may consist of funds from:

19 (1) the county general fund;

20 (2) a special library tax;

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

25 (4) other sources.

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

29 (1) A county library or library system in a county of
30 the second through eighth class shall be paid the greater of

1 either:

2 (i) an amount equal to the percentage match in
3 subsection (a) multiplied by the level of county support
4 paid; or

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

8 (A) the amount paid under section 9342(b)(1) was
9 10% above the amount of county coordination aid
10 received by the county in fiscal year 1999-2000; and

11 (B) the level of county support paid is
12 maintained.

13 (2) If the level of county support decreases from the
14 previous fiscal year, then the amount paid under this
15 subsection shall be an amount equal to the percentage match
16 in subsection (a) for the county multiplied by the reduced
17 level of county support paid.

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

19 (1) Payments to a county library or library system in a
20 county of the second through seventh class shall be made from
21 the funds remaining after payments have first been made to
22 all county libraries or library systems in counties of the
23 eighth class as provided in subsection (c) and shall be an
24 amount equal to the level of county support as calculated
25 under subsection (c) for each class of county.

26 (2) If the funds remaining after payments are made to
27 counties of the eighth class as provided in subsection (c)
28 are insufficient to pay the total amount for which each
29 county library and library system in counties of the second
30 through seventh class qualifies, then each shall be paid

1 proportionately from the funds remaining.

2 (e) Use of funds.--A county library or library system shall
3 expend funds received under this section to implement a
4 countywide cooperative plan to improve and extend service. The
5 plan shall coordinate areas of library service and
6 administration, including library resources and collections,
7 technology, personnel, services to children, adults and special
8 populations.

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

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

16 (h) Eligibility for other types of State aid.--Library
17 systems may apply for additional amounts of State aid under
18 sections 9334 (relating to quality libraries aid), 9335
19 (relating to incentive for excellence aid), and 9336 (relating
20 to equal distribution grants).

21 § 9338. District library center aid.

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

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

26 (1) The amount of aid to be paid to each district
27 library center shall be determined by multiplying the annual
28 per capita rate set by the department by the number of
29 persons residing in the district.

30 (2) No district library center shall receive less than

1 \$200,000.

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

4 (1) A district library center shall implement a program
5 of service to local libraries through an agreement negotiated
6 by representatives from the district library center, local
7 libraries, library systems and the State Library. The program
8 shall be implemented in accordance with district library
9 center rules and regulations issued by the State Librarian.

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

13 (i) Continuing education for library staff.

14 (ii) Library services to youth.

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

19 (iv) Information technology and library automation.

20 (v) Orientation and training for boards of directors
21 of local libraries, library systems and district library
22 centers.

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

28 § 9339. Statewide library resource center aid.

29 (a) Eligibility.--Any library designated by the State
30 Librarian to serve as a Statewide library resource center shall

1 qualify for additional State aid under this section.

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

4 (c) Powers and duties.--Statewide library resource centers
5 shall disseminate information to Pennsylvanians to augment the
6 collections and services of local libraries and district library
7 centers through:

8 (1) Digitizing Pennsylvania resources from their
9 extensive collections for Statewide accessibility and use via
10 the Internet.

11 (2) Implementing for use by all Pennsylvanians an online
12 reference service based on the specialized resources and
13 staff expertise of the four Statewide library resource
14 centers.

15 (3) Enhancing access to specialized online reference
16 databases.

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

21 § 9340. Equalization aid.

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

24 (1) Achieves or exceeds applicable basic standards.

25 (2) Maintains or exceeds its financial effort of the
26 preceding year.

27 (3) Is supported by a municipality that is economically
28 distressed.

29 (b) Economically distressed municipality.--A municipality
30 shall be deemed economically distressed if it meets any one or

1 more of the following criteria:

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

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

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

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

18 (d) Failure to meet certain eligibility requirements.--If a
19 library or library system that is supported by an economically
20 distressed municipality fails to maintain or exceed its
21 financial effort of the preceding year, the library may still
22 qualify for equalization aid if the State Librarian accepts
23 evidence that the library or municipality did not attempt to
24 substitute State funds for local effort.

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

26 (1) Twenty percent of the annual allocation for
27 equalization aid shall first be distributed in equal amounts
28 to all local libraries and members of library systems which
29 qualify for equalization aid.

30 (2) The remainder of the annual allocation shall be

1 distributed on a per capita basis to each local library and
2 library system which qualifies for equalization aid, by
3 dividing the number of persons residing in the direct service
4 area of each such local library or library system by the
5 total number of such persons residing in the direct service
6 areas of all qualifying local libraries or library systems,
7 and multiplying the result by the amount of the allocation to
8 be distributed on a per capita basis.

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

13 (g) Minimum allotment.--For each fiscal year that the
14 Commonwealth's total annual appropriation for the system of
15 State aid to libraries exceeds \$17,500,000, no local library or
16 library system shall receive less equalization aid as a result
17 of the provisions of this section than that local library or
18 library system received for equalization aid during the
19 1984-1985 fiscal year.

20 § 9341. Transfer of funds among allocations.

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

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

27 § 9342. Special rules for specific fiscal years.

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

30 (1) Quality libraries aid shall be allocated from the

1 amount resulting from the addition of the following:

2 (i) A hold-harmless amount equal to the amount
3 allocated under section 303.1 of the act of June 14, 1961
4 (P.L.324, No.188), known as 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) Forty-seven 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 (2) Incentive for excellence aid shall be allocated from
13 the amount resulting from the addition of the following:

14 (i) A hold-harmless amount equal to the amount
15 allocated under section 303.4 of The Library Code for the
16 fiscal year 1998-1999 from the Commonwealth's annual
17 appropriation for grants to local libraries and library
18 systems.

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

23 (3) County coordination aid shall be allocated from a
24 hold-harmless amount equal to the amount allocated for aid to
25 county libraries for fiscal year 1998-1999 from the
26 Commonwealth's annual appropriation for grants to local
27 libraries and library systems.

28 (4) District library center aid shall be allocated from
29 a hold-harmless amount to equal that amount allocated for aid
30 to district library centers for fiscal year 1998-1999 from

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

4 (5) Statewide library resource center aid shall be
5 allocated from a hold-harmless amount to equal that amount
6 allocated for aid to Statewide library resource centers for
7 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 (6) Equalization aid shall be allocated from of a hold-
11 harmless amount to equal that amount allocated for
12 equalization aid for fiscal year 1998-1999 from the amount
13 allocated from the Commonwealth's annual appropriation for
14 grants to local libraries and library systems.

15 (7) Equal distribution grants shall be allocated from a
16 hold-harmless amount to equal that amount allocated for equal
17 distribution grants to local libraries and library systems
18 for fiscal year 1998-1999 from the amount allocated from the
19 Commonwealth's annual appropriation for grants to local
20 libraries and library systems.

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

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

26 (i) The percentage match in section 9337(a)
27 (relating to county coordination aid) multiplied by the
28 level of county support paid.

29 (ii) Ten percent above the amount paid under section
30 303.7(c)(1) of The Library Code in fiscal year 1999-2000.

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

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

9 (1) The amount of district library center aid that the
10 library received in fiscal year 2002-2003 divided by
11 \$13,018,810 and multiplied by \$6,509,405.

12 (2) The sum of the amount of quality libraries aid,
13 incentive for excellence aid, county coordination aid,
14 Statewide library resource center aid, equalization aid and
15 equal distribution grants that the library received in fiscal
16 year 2002-2003 divided by \$62,270,190 and multiplied by
17 \$41,279,595.

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

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

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

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

29 (4) Any library that received funding in fiscal year
30 2003-2004 under subsection (c)(2) shall receive that same

1 amount in fiscal year 2004-2005.

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

4 (i) The amount calculated by adding paragraphs (1),
5 (2), (3) and (4) shall be subtracted from the amount of
6 the total appropriation available for the improvement of
7 library services in fiscal year 2004-2005.

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

11 (iii) The result obtained in subparagraph (ii) shall
12 be divided by the sum of the amount of funding provided
13 to all libraries under subsection (c)(2) in fiscal year
14 2003-2004.

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

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

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

23 (2) An aid to local libraries supplement to be
24 calculated as follows:

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

28 (ii) The result obtained under subparagraph (i)
29 shall be divided by the sum of the amount of funding
30 provided to all libraries under subsection (d)(4) and (5)

1 in fiscal year 2004-2005.

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

4 (i) The total amount of funding that the library
5 received in fiscal year 2004-2005 under subsection (d)
6 (1), (2) and (3) shall be multiplied by \$1,696,000; and

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

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

13 (1) A library that received quality libraries aid,
14 incentive for excellence aid, county coordination aid,
15 Statewide library resource center aid, equalization aid and
16 equal distribution grants in fiscal year 2002-2003 shall
17 receive the same amount the library received in fiscal year
18 2002-2003.

19 (2) A district library center that received district
20 library center aid in fiscal year 2002-2003 shall receive the
21 same amount the library received in fiscal year 2002-2003,
22 except as follows:

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

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

27 (3) At the discretion of the State Librarian, the sum of
28 \$126,141 shall be made available as State aid to be paid to a
29 library that has become eligible to receive State aid but did
30 not receive funding under paragraphs (1) or (2).

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

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

6 (g) Fiscal year 2007-2008.--Each library that received a
7 State aid allocation for fiscal year 2006-2007 that complies
8 with the standards under this chapter relating to hours of
9 operation, continuing professional development, collections
10 expenditures and any other standards related to library
11 operations shall be eligible for State aid in fiscal year
12 2007-2008, calculated by adding the following:

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

15 (2) An equal distribution grant supplement to be
16 provided to each local library, qualifying branch library and
17 bookmobile, determined by dividing \$250,000 by the total
18 number of all local libraries, branch libraries and
19 bookmobiles.

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

23 (h) Fiscal year 2008-2009.--Each library that received a
24 State aid allocation for fiscal year 2007-2008 under subsection
25 (g) and which complies with the standards contained under this
26 chapter relating to hours of operation, continuing professional
27 development, collections expenditures and any other standards
28 related to library operations shall be eligible for State aid in
29 fiscal year 2008-2009, calculated as follows:

30 (1) The total amount of funding that the library

1 received in fiscal year 2007-2008 under subsection (g) shall
2 be:

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

5 (ii) the result obtained in subparagraph (i)
6 multiplied by the total State aid subsidy for fiscal year
7 2008-2009.

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

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

13 (1) The sum of the amount of funding that the library
14 received in fiscal year 2007-2008 under subsection (g) shall
15 be divided by the total State aid subsidy for fiscal year
16 2007-2008.

17 (2) The result obtained under paragraph (1) shall be
18 multiplied by the total State aid subsidy for fiscal year
19 2009-2010.

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

23 (4) If funds appropriated for State aid to libraries in
24 fiscal year 2009-2010 are less than funds appropriated in
25 fiscal year 2002-2003, the State Librarian may waive
26 standards as prescribed in section 9332 (relating to waiver
27 of standards).

28 (5) Each library system receiving State aid under this
29 subsection may distribute the local library share of that aid
30 in a manner as determined by the board of directors of the

1 library system, except that this paragraph shall not apply to
2 a library system operating in a county of the second class.

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

5 (1) The sum of the amount of funding that the library
6 received in fiscal year 2009-2010 under subsection (i)
7 divided by the total State-aid subsidy for fiscal year
8 2009-2010.

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

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

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

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

23 (k) Fiscal year 2012-2013.--Each library subject to this
24 part shall be eligible for State aid for fiscal year 2012-2013
25 as follows:

26 (1) Funds appropriated for libraries shall be
27 distributed to each library under the following formula:

28 (i) Divide the amount of funding that the library
29 received in fiscal year 2011-2012 under section 2318 of
30 the act of March 10, 1949 (P.L.30, No.14), known as the

1 Public School Code of 1949, by the total State-aid
2 subsidy for fiscal year 2011-2012.

3 (ii) Multiply the quotient under subparagraph (i) by
4 the total State-aid subsidy for 2012-2013.

5 (2) Following distribution of funds appropriated for
6 State aid to libraries under paragraph (1), any remaining
7 funds may be distributed to libraries at the discretion of
8 the State Librarian.

9 (3) If funds appropriated for State aid to libraries in
10 fiscal year 2012-2013 are less than funds appropriated in
11 fiscal year 2002-2003, the State Librarian may waive
12 standards as prescribed under section 9332 (relating to
13 waiver of standards).

14 (4) (i) Each library system receiving State aid under
15 this section may distribute the local library share of
16 that aid in a manner as determined by the board of
17 directors of the library system.

18 (ii) This paragraph shall not apply to a library
19 system operating in a county of the second class.

20 (5) IN THE EVENT OF A CHANGE IN DISTRICT LIBRARY CENTER
21 POPULATION PRIOR TO THE EFFECTIVE DATE OF THIS SECTION AS A
22 RESULT OF:

23 (I) A CITY, BOROUGH, TOWN, TOWNSHIP, SCHOOL DISTRICT
24 OR COUNTY MOVING FROM ONE LIBRARY CENTER TO ANOTHER; OR

25 (II) A TRANSFER OF DISTRICT LIBRARY CENTER STATUS TO
26 A COUNTY LIBRARY SYSTEM,

27 FUNDING OF DISTRICT LIBRARY CENTER AID SHALL BE PAID BASED ON
28 THE POPULATION OF THE NEWLY ESTABLISHED OR RECONFIGURED
29 DISTRICT LIBRARY CENTER.

30 § 9343. Basic aid to local libraries.



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

8 (b) Minimum financial effort.--

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

16 (2) If the allocation for basic aid exceeds the amount
17 necessary to pay the minimum rate, the entire allocation
18 shall be distributed at a per capita rate which shall be
19 determined by dividing the allocation by the number of
20 persons in this Commonwealth on behalf of which local
21 libraries and library systems apply and qualify for basic
22 aid. In the first year in which a library applies for State
23 aid it shall qualify by making a minimum financial effort
24 equal to one-quarter mill, or \$1 per capita for each person
25 residing in the municipalities, whichever is less.

26 (c) Qualification.--

27 (1) In each of the succeeding five years, the library
28 shall qualify for maximum State aid only when it increases
29 its financial effort by the following scale of percentages of
30 the difference between the financial effort with which the

1 library initially qualified for State-aid and a financial
2 effort equal to one-half mill, or \$2 per capita for each
3 person residing in the municipalities for which it applies
4 for aid, whichever is less:

5 1st succeeding year-20%

6 2nd succeeding year-40%

7 3rd succeeding year-60%

8 4th succeeding year-80%

9 5th succeeding year-100%.

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

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

23 § 9344. Incentive aid to local libraries.

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

1 (b) Incentive aid.--

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

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

21 SUBCHAPTER D

22 MUNICIPAL SUPPORT FOR LIBRARIES

23 Sec.

24 9351. Financial support for libraries authorized.

25 9352. Popular subscription.

26 9353. Gifts and donations.

27 § 9351. Financial support for libraries authorized.

28 (a) Municipalities empowered to support libraries.--The
29 municipal officers of a municipality may establish a local
30 library or aid in the maintenance of a local library established

1 by deed, gift or testamentary provision for the use of the
2 residents of the municipality through:

3 (1) Appropriations out of current revenue of the
4 municipality.

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

6 (b) Special library tax.--

7 (1) A special library tax may be:

8 (i) levied on the taxable property of the
9 municipality; or

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

11 (2) A special library tax may not be levied on residents
12 of a municipality which appropriates funds or levies a tax
13 for the support of a local library that is located within the
14 municipality but is not a part of the direct service area of
15 a county library.

16 (3) Imposition of a special library tax shall not
17 prevent a municipality from also making appropriations for
18 library purposes.

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

21 § 9352. Popular subscription.

22 (a) Authorization.--The residents of a municipality may
23 raise a fund equal to or exceeding the gross amount of a three-
24 mill tax on taxable property in the municipality by popular
25 subscription.

26 (b) Acceptance by municipality.--If the fund raised by
27 popular subscription is offered to the municipality for the
28 purpose of establishing a local library, the municipal officers
29 of the municipality shall accept the fund and use it for the
30 sole purpose of establishing a local library.

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

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

7 (e) Control of fund.--Upon receipt of the fund authorized
8 under subsection (a), the municipal officers shall immediately
9 place the fund under the control of a board of library directors
10 appointed under section 9318 (relating to local library
11 governance).

12 (f) Library tax.--The municipal officers shall levy and
13 collect a tax at the annual rate of not less than one and one-
14 half mills annually on taxable property in the municipality for
15 the purpose of maintaining a library established under the
16 provisions of this section.
17 § 9353. Gifts and donations.

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

21 (b) Transfer of title.--A person wishing to donate books,
22 money or real or personal property for the benefit of a local
23 library may vest the title to that property in the municipality
24 or corporation having control of the affairs of the library, to
25 be held and controlled by the municipality or corporation
26 according to the terms of the deed, gift, devise or bequest.

27 (c) Fiduciary capacity.--The municipality or corporation
28 shall perform its duties under this section in a fiduciary
29 manner.

30 (d) Control of property.--Unless the terms of the donation,

1 deed, gift, devise or bequest specify otherwise, the board of
2 library directors or the corporation shall control and
3 administer the property received under this section.

4 SUBCHAPTER E

5 MISCELLANEOUS PROVISIONS

6 Sec.

7 9371. Free use of libraries.

8 9372. Tax exempt status.

9 9373. Commonwealth publications.

10 9374. Selection of materials.

11 9375. Privacy of circulation records.

12 9376. Damage to library materials.

13 § 9371. Free use of libraries.

14 (a) Residents and taxpayers.--Each library established or
15 maintained under this chapter shall be free for the use of the
16 residents and taxpayers of the municipality in which it is
17 located.

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

21 (c) Terms of usage.--Usage of the library shall be subject
22 to reasonable rules and regulations adopted by the board of
23 library directors.

24 (d) Loss of privileges.--The board of library directors may
25 exclude from the use of the library a person who willfully
26 violates the rules and regulations adopted under subsection (c).

27 § 9372. Tax exempt status.

28 (a) Exemption from local taxes.--

29 (1) Subject to paragraph (2), the following shall be
30 exempt from county, city, borough, town, township, school,

1 bounty, poor or head taxes:

2 (i) A building owned and occupied by a local
3 library.

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

5 (iii) Land that is immediately and necessarily
6 appurtenant to a local library.

7 (2) Paragraph (1) applies even if some portion of the
8 building or land yields rental income to the corporation or
9 association managing the library, if the net rental receipts
10 of the corporation or association are used solely to maintain
11 the library.

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

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

20 § 9373. Commonwealth publications.

21 (a) Documents depository libraries.--The State Librarian
22 shall designate State document depository libraries to receive
23 Commonwealth publications.

24 (b) Collection and distribution.--The Department of General
25 Services shall direct each department, board, commission or
26 agency of the Commonwealth to supply it with copies of each
27 publication remaining after regular distribution according to
28 existing allocations, up to a maximum of 250 copies. The
29 Department of General Services shall forward, as soon as
30 practicable, a copy of each publication to those libraries

1 designated by the State Librarian under subsection (a).

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

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

8 (e) Documents published under the Commonwealth Documents
9 Law.--This section shall not apply to the distribution of
10 documents published under the act of July 31, 1968 (P.L.769,
11 No.240), referred to as the Commonwealth Documents Law. With the
12 approval of the advisory council, the State Librarian shall make
13 recommendations from time to time to the Joint Committee on
14 Documents concerning criteria for the distribution to libraries
15 of documents published under the Commonwealth Documents Law.
16 § 9374. Selection of materials.

17 (a) Counseling by State Librarian.--The powers and duties of
18 the State Librarian relating to counseling local libraries in
19 the selection of resources of books and other materials
20 contained in section 9311(b)(6)(ii) (relating to State Library
21 and State Librarian) shall not restrict or limit local libraries
22 in their choice of resources that have not been determined as a
23 result of counseling.

24 (b) Rules and regulations restricted.--No rule or regulation
25 promulgated under the authority of this chapter shall directly
26 or indirectly prohibit the inclusion in a library's collections
27 of a particular book, periodical, material, the works of a
28 particular author or the expression of a particular point of
29 view.

30 § 9375. Privacy of circulation records.

1 Records of the following institutions which relate to the
2 circulation of library materials and contain the names or other
3 personally identifying information of users of the materials
4 shall be confidential and may not be made available to anyone
5 except by a court order in a criminal proceeding:

6 (1) The State Library.

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

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

11 (4) The library of a public school.

12 (5) A library established and maintained under a law of
13 this Commonwealth.

14 (6) A branch reading room, deposit station or agency
15 operated in connection with a library described in this
16 section.

17 § 9376. Damage to library materials.

18 (a) Offenses defined.--A person who willfully cuts,
19 mutilates, marks or otherwise injures a book, pamphlet,
20 magazine, newspaper, manuscript, map or other property of, or on
21 deposit with, any of the institutions under subsection (c) shall
22 upon conviction, be subject to the same penalties as provided
23 for in 18 Pa.C.S. § 6708 (relating to retention of library
24 property after notice to return).

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

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

30 (1) The State Library.

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

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

5 (4) The library of a public school.

6 (5) A library established and maintained under a law of
7 this Commonwealth.

8 (6) A branch reading room, deposit station or agency
9 operated in connection with a library described in this
10 section.

11 SUBPART B

12 (RESERVED)

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

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

19 (2) A resolution, order, regulation, rule or decision
20 made under The Library Code and in effect on the effective
21 date of this section shall remain in full force and effect
22 until revoked, vacated or modified under 24 Pa.C.S. Ch. 93.

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

26 (4) Except where specifically commented upon, any
27 difference in language between 24 Pa.C.S. Ch. 93 and The
28 Library Code is intended only to conform to the style of the
29 Pennsylvania Consolidated Statutes and is not intended to
30 change or affect the legislative intent, judicial

1 construction or administration and implementation of The
2 Library Code.

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

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

11 (ii) Until the distribution of membership under 24
12 Pa.C.S. § 9312 has been met, if a vacancy occurs in the
13 membership of the advisory council after the effective
14 date of this section and the vacated position was held by
15 a layperson, the position shall be filled by a
16 professional librarian until the distribution of
17 membership under 24 Pa.C.S. § 9312 has been met.

18 Section 3. Repeals are as follows:

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

22 (2) The following are repealed:

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

25 (ii) Sections 2316 and 2317 of the act of March 10,
26 1949 (P.L.30, No.14), known as the Public School Code of
27 1949.

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

1 Section 4. This act shall take effect ~~in 180 days~~



2 IMMEDIATELY.

