

SB 1225

AN ACT

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

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

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

**PART VI
LIBRARIES**

Subpart

- A. Public Libraries
- B. (Reserved)

**SUBPART A
PUBLIC LIBRARIES**

Chapter

93. Public Library Code

**CHAPTER 93
PUBLIC LIBRARY CODE**

Subchapter

- A. General Provisions
- B. Public Library System
- C. State Aid to Libraries
- D. Municipal Support for Libraries
- E. Miscellaneous Provisions

**SUBCHAPTER A
GENERAL PROVISIONS**

Sec.

9301. Scope of chapter.

9302. Definitions.

§ 9301. Scope of chapter.

This chapter relates to public libraries.

§ 9302. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Serves at least 25,000 people.

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

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

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

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

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

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

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

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

"Municipal officers." Any of the following:

- (1) The mayor and council of a city.
- (2) The mayor and council of a borough or town.
- (3) The commissioners or supervisors of a township.
- (4) The commissioners of a county.
- (5) The board of school directors of a school district of the second, third or fourth class.

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

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

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

SUBCHAPTER B PUBLIC LIBRARY SYSTEM

Sec.

9311. State Library and State Librarian.

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§ 9311. State Library and State Librarian.

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

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

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

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

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

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

(i) The advisory council.

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

(5) Coordinate a Statewide system of local libraries.

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

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

(ii) Resources of books and other materials.

(iii) Hours of operation.

(iv) Continuing professional development.

(v) Collections expenditures.

(vi) Physical facilities.

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

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

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

(ii) The location of new local libraries.

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

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

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

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

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

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

(12) Collect, preserve and publish library statistics.

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

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

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

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

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

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

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

§ 9312. Advisory council.

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

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

- (1) Three trustees of local libraries.
- (2) Six professional librarians.
- (3) Three laypeople.

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

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

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

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

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

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

- (1) Advise the Governor and the Secretary of Education regarding the appointment of the State Librarian.
- (2) Advise and make recommendations to the Governor, the Secretary of Education and the State Librarian regarding the general policies and operations of the State Library and the State system of aid to libraries.
- (3) Constitute a board of appeal regarding disputes arising from decisions of the State Librarian which affect the amount of a library's State aid or a library's

eligibility for State aid. In any appeal, the ex officio members of the advisory council shall not have voting rights, and a majority of the members of the advisory council shall determine the outcome of the appeal.

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

(5) Promulgate rules and regulations for the approval of plans for the use of State funds and for the process and procedure to appeal funding and eligibility decisions.

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

§ 9313. Statewide library resource centers.

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

- (1) Free Library of Philadelphia.
- (2) Pennsylvania State Library.
- (3) Pennsylvania State University Library.
- (4) Carnegie Library of Pittsburgh.

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

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

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

§ 9314. District library centers.

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

- (1) any local library;
- (2) any State college library;
- (3) the Pennsylvania State University Library; or
- (4) any privately supported college or university library which agrees to serve as a district library center.

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

- (1) Coordinate the services of local libraries within the district library center system by contracting with a municipality or board of trustees or managers of a local library to become part of the system.
- (2) Provide direct library service without charge to all residents of the district.
- (3) Provide supplementary library services to all local libraries within the district.
- (4) Exchange or provide services with other district library centers or contract for the provision of library services with other district library centers.

§ 9315. Development of local libraries.

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

maintenance of and aid to a local library under the following procedures:

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

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

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

- (i) the date of the decision of the municipal officers to submit the question of the library tax; or
- (ii) the date of submission of the petition under paragraph (2).

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

- (i) Take the necessary steps to levy and collect the tax.
- (ii) Appoint a board of library directors to have exclusive control of the library and library tax revenue as provided in section 9318 (relating to local library governance).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 9316. Acquisition of real property for library purposes.

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

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

(2) erection of buildings; or

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

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

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

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

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

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

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

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

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

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

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

§ 9317. County libraries and library taxes.

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

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

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

(b) Use of books and other property.--Title to the books and other property of a library that is supported by a locality or any endowed library or association library in that locality that was not established under this chapter or its predecessors shall remain with locality or with the board of trustees or managers. The books and other property may be used by the county library in accordance with the terms of a written agreement between the county commissioners and the municipal officers or board of trustees or managers of the library that is supported by the locality. Title to the books and other property may be transferred to the county library.

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

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

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

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

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

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

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

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

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

§ 9318. Local library governance.

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

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

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

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

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

(i) after June 14, 1961; and

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

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

(b) Appointment; terms of office.--

(1) The municipal officers of the municipality in which the local library is established shall appoint any members

of the board and fill any vacancies on the board that they are authorized to appoint in subsection (a).

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

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

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

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

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

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

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

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

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

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

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

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

(2) The annual report shall include:

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

(ii) All expenditures.

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

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

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

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

(C) The number of materials lost or withdrawn.

(v) The number of registered borrowers and readers.

(vi) A statement of the circulation of materials.

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

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

§ 9319. Certification of library personnel.

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

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

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

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

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

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

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

§ 9320. Collaborative ventures.

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

(1) Supporting interlibrary cooperative programs.

(2) Promoting cooperation among various types of libraries.

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

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

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

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

(i) The purpose of the agreement.

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

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

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

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

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

SUBCHAPTER C

STATE AID TO LIBRARIES

Sec.

9331. Qualification in general.

9332. Waiver of standards.

9333. State system of aid to libraries.

9334. Quality libraries aid.

9335. Incentive for excellence aid.

9336. Equal distribution grants.

- 9337. County coordination aid.
- 9338. District library center aid.
- 9339. Statewide library resource center aid.
- 9340. Equalization aid.
- 9341. Transfer of funds among allocations.
- 9342. Special rules for specific fiscal years.
- 9343. Basic aid to local libraries.
- 9344. Incentive aid to local libraries.

§ 9331. Qualification in general.

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

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

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

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

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

(c) Partial State aide.--A local library may receive partial State aid under this chapter, as determined by the State Librarian, if the local library:

(1) is not able to comply with all standards under this chapter and regulations promulgated under this chapter regarding hours of operation, staffing, continuing professional development, collections, expenditures and any other standards related to library operations; and

(2) is ineligible for a waiver pursuant to section 9332 (relating to waiver of standards).

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

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

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

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

(ii) The petition is presented to the municipal officers who shall forward the petition to the county board of elections.

(iii) After determining that the petition contains a sufficient number of signatures, the county board of elections places the question of participation in the

district library center cooperative program on the ballot in the municipalities comprising the direct service area from which the petition was submitted.

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

(e) Internet access policy.--A local library that provides access to the Internet or an online service shall adopt a policy regarding access by minors to Internet and online sites that contain or make reference to explicit sexual materials as defined in 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances).

§ 9332. Waiver of standards.

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

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

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

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

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

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

(2) Specify the need for the waiver.

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

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

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

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

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

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

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

§ 9333. State system of aid to libraries.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) Thirty percent or a minimum of 25¢ per capita for each person residing in the direct service areas of

the libraries or library systems which are served by a district library center shall be allocated for district library center aid.

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

§ 9334. Quality libraries aid.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The per capita amount of quality libraries aid calculated in paragraph (1) shall be multiplied by the total population residing within the municipalities served by a library or library system which qualifies for aid.
§ 9335. Incentive for excellence aid.

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

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

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

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

(i) five percent of its operating budget; or

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

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

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

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

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

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

(c) Allocation method.--The annual allocation of funds available for incentive for excellence aid shall be allocated

proportionately to qualifying local libraries or library systems as follows:

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

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

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

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

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

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

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

§ 9336. Equal distribution grants.

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

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

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

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

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

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

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

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

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

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

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

§ 9337. County coordination aid.

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

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

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

(1) the county general fund;

(2) a special library tax;

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

(4) other sources.

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

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

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

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

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

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

(2) If the level of county support decreases from the previous fiscal year, then the amount paid under this

subsection shall be an amount equal to the percentage match in subsection (a) for the county multiplied by the reduced level of county support paid.

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

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

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

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

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

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

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

§ 9338. District library center aid.

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

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

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

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

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

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

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

(i) Continuing education for library staff.

(ii) Library services to youth.

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

(iv) Information technology and library automation.

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

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

§ 9339. Statewide library resource center aid.

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

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

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

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

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

(3) Enhancing access to specialized online reference databases.

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

§ 9340. Equalization aid.

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

(1) Achieves or exceeds applicable basic standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 9341. Transfer of funds among allocations.

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

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

§ 9342. Special rules for specific fiscal years.

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

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

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

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

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

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

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

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

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

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

(6) Equalization aid shall be allocated from of a hold-harmless amount to equal that amount allocated for equalization aid for fiscal year 1998-1999 from the amount allocated from the Commonwealth's annual appropriation for grants to local libraries and library systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Any library that receives funding under paragraph (4) shall receive an additional amount as calculated below:
(i) The amount calculated by adding paragraphs (1), (2), (3) and (4) shall be subtracted from the amount of the total appropriation available for the improvement of library services in fiscal year 2004-2005.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) An equal distribution grant supplement to be provided to each local library, qualifying branch library and bookmobile, determined by dividing \$250,000 by the

total number of all local libraries, branch libraries and bookmobiles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) Fiscal year 2013-2014.--Each library subject to this part shall be eligible for State aid for fiscal year 2013-2014 as follows:

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

(i) Divide the amount of funding that the library received in fiscal year 2012-2013 under section 2319 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, by the total State-aid subsidy for fiscal year 2012-2013.

(ii) Multiply the quotient under subparagraph (i) by the total State-aid subsidy for 2013-2014.

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

(3) If funds appropriated for State aid to libraries in fiscal year 2013-2014 are less than funds appropriated in fiscal year 2002-2003, the State Librarian may waive standards as prescribed under section 9332.

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

(ii) In the case of a library system that contains a library operating in a city of the second class, changes to the distribution of State aid to the library shall be made by mutual agreement between the library and the library system.

(5) In the event of a change in district library center population prior to the effective date of this section as a result of:

(i) a city, borough, town, township, school district or county moving from one library center to another; or

(ii) a transfer of district library center status to a county library system, funding of district library center aid shall be paid based on the population of the newly established or reconfigured district library center.

§ 9343. Basic aid to local libraries.

(a) Allocation.--For eligible fiscal years up to and through the 1998-1999 fiscal year, 25% of the Commonwealth's total annual appropriation for the system of State aid

established under section 9333 (relating to State system of aid to libraries), or a minimum of 25¢ per capita for each person residing in the municipalities of the libraries which qualify for basic aid, shall be allocated as basic aid.

(b) Minimum financial effort.--

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

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

(c) Qualification.--

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

- 1st succeeding year-20%;
- 2nd succeeding year-40%;
- 3rd succeeding year-60%;
- 4th succeeding year-80%; and
- 5th succeeding year-100%.

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

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

§ 9344. Incentive aid to local libraries.

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

(b) Incentive aid.--

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

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

SUBCHAPTER D

MUNICIPAL SUPPORT FOR LIBRARIES

Sec.

9351. Financial support for libraries authorized.

9352. Popular subscription.

9353. Gifts and donations.

§ 9351. Financial support for libraries authorized.

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

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

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

(b) Special library tax.--

(1) A special library tax may be:

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

(ii) levied and collected with the general taxes.

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

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

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

§ 9352. Popular subscription.

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

(b) Acceptance by municipality.--If the fund raised by popular subscription is offered to the municipality for the

purpose of establishing a local library, the municipal officers of the municipality shall accept the fund and use it for the sole purpose of establishing a local library.

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

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

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

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

§ 9353. Gifts and donations.

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

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

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

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

SUBCHAPTER E

MISCELLANEOUS PROVISIONS

Sec.

9371. Free use of libraries.

9372. Tax exempt status.

9373. Commonwealth publications.

9374. Selection of materials.

9375. Privacy of circulation records.

9376. Damage to library materials.

§ 9371. Free use of libraries.

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

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

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

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

§ 9372. Tax exempt status.

(a) Exemption from local taxes.--

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

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

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

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

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

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

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

§ 9373. Commonwealth publications.

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

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

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

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

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

§ 9374. Selection of materials.

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

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

§ 9375. Privacy of circulation records.

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

- (1) The State Library.
- (2) A local library established or maintained under the provisions of this chapter.
- (3) The library of a university, college or educational institution chartered by the Commonwealth.
- (4) The library of a public school.
- (5) A library established and maintained under a law of this Commonwealth.
- (6) A branch reading room, deposit station or agency operated in connection with a library described in this section.

§ 9376. Damage to library materials.

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

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

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

- (1) The State Library.
- (2) A local library established or maintained under this chapter.
- (3) The library of a university, college or educational institution chartered by the Commonwealth.
- (4) The library of a public school.
- (5) A library established and maintained under a law of this Commonwealth.
- (6) A branch reading room, deposit station or agency operated in connection with a library described in this section.

SUBPART B
(RESERVED)

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

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

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

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

(4) Except where specifically commented upon in the report of the Joint State Government Commission, entitled "The Pennsylvania Public Library Code: Findings and Recommendations" (December 2010), any difference in language between 24 Pa.C.S. Ch. 93 and The Library Code is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of The Library Code.

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

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

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

Section 3. Repeals are as follows:

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

(2) The following are repealed:

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

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

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

Section 4. This act shall take effect immediately.

APPROVED--The 1st day of November, A.D. 2012.

TOM CORBETT