

**THE PENNSYLVANIA PUBLIC LIBRARY CODE:  
FINDINGS AND RECOMMENDATIONS**

**December 2010**



General Assembly of the Commonwealth of Pennsylvania  
JOINT STATE GOVERNMENT COMMISSION  
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## INTRODUCTION

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“It was from my own early experience that I decided there was no use to which money could be applied so productive of good to boys and girls who have good within them and ability and ambition to develop it as the founding of a public library.”

– *Andrew Carnegie*<sup>1</sup>

“An investment in knowledge pays the best interest.” – *Benjamin Franklin*<sup>2</sup>

\* \* \*

Senate Resolution No. 343 (Printer’s No. 2041), adopted June 22, 2010, directs the Joint State Government Commission to conduct a review of The Library Code<sup>3</sup> as well as the current administrative and funding structures for Pennsylvania’s public libraries. The resolution also calls for the Commission to make recommendations for changes to and modernization of The Library Code and for an organizational and funding structure for the library system.

Commission staff reviewed The Library Code and other state laws affecting public libraries, as well as the Department of Education’s regulations governing state-aided libraries found in Title 22 of the Pennsylvania Code. The Library Code has been amended multiple times over the past 49 years, and there are inconsistencies between some of the standards established in the statute and the regulations. A proposed codification of The Library Code is included in this report,<sup>4</sup> which attempts to modernize the style and language of the law, as well as reconcile inconsistent provisions of the regulations and the statute. Where recommendations for change are included in the proposed codification, they are clearly identified and commented upon.<sup>5</sup>

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<sup>1</sup> Andrew Carnegie, ThinkExist.com.

<http://en.thinkexist.com/quotation/it-was-from-my-own-early-experience-that-i/190189.html>, accessed December 27, 2010.

<sup>2</sup> Benjamin Franklin. BrainyQuote.com, Xplore Inc, 2010.

<http://www.brainyquote.com/quotes/quotes/b/benjaminfr141119.html>, accessed October 6, 2010.

<sup>3</sup> Act of June 14, 1961 (P.L. 324, No. 188) (hereinafter referred to as “The Library Code”).

<sup>4</sup> Proposed Part VI (Libraries) of Title 24 of The Pennsylvania Consolidated Statutes (24 Pa.C.S.).

<sup>5</sup> Official comments, which may follow the proposed statutory provisions, may be used to construe the statute and determine the intent of the General Assembly. 1 Pa.C.S. § 1939.

The Commission gratefully acknowledges the advice and information received from the following organizations and individuals: former Senator Earl Baker, M. Clare Zales (Deputy Secretary for Commonwealth Libraries, Office of Commonwealth Libraries, Pennsylvania Department of Education), Alice Lubrecht (Director of the State Library), the Pennsylvania Library Association, the Pennsylvania Citizens for Better Libraries, the Free Library of Philadelphia, the Carnegie Library of Pittsburgh, the Allegheny County Library Association and the Administrators of Pennsylvania Public Library Systems.



## RECOMMENDATIONS

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Recommendations resulting from this study are divided into two categories: (1) proposed amendments to The Library Code that can be statutorily implemented with the enactment of the proposed codification found in this report and (2) recommendations that staff believe will result in improvements to the public library system in Pennsylvania, but that require further study or whose specific details or implementation timeline are matters better left to the discretion of the General Assembly. The final area of this section will include a summary of recommendations received from various interested parties that staff has determined were inadvisable, for a range of reasons that are included with the summaries.

### *Recommendations included in new 24 Pa.C.S.*

- Codify The Library Code in consolidated statute form. This codification is intended to improve the readability of the Code and reconcile conflicts between the Code and the regulations issued under it.
- Direct the State Librarian and the Advisory Council on Library Development to conduct a complete review of the regulations issued under Title 22 of the Pennsylvania Code with the goal of re-issuing the regulations to delete obsolete regulations and to recognize and reconcile them to changes to the Code that have occurred since most of the regulations were issued. A table of the regulations with notes regarding conflicts with the Code is included.
- Designate the Deputy Secretary for Libraries as the State Librarian. Within the Department of Education, the Deputy Secretary has administratively been assigned the role and duties of the State Librarian. This change merely codifies existing practice. *See* proposed § 9311(a).
- Change the composition of the Advisory Council on Library Development to include more librarians. *See* proposed § 9312(b)(2) and (3). Under current § 203 of The Library Code, the Council is comprised of three trustees of local libraries, three professional librarians and six laypeople. Section 9312 proposes to change that composition to three trustees, six professional librarians and three laypeople, in order to provide more experienced leadership.
- Provide service standards that reflect current and evolving technologies, and include staffing, collections, facilities and accessibility. *See* proposed § 9311(b)(6). Service standards that are tied to specific numbers of periodicals, titles and other library materials should take into account e-books, electronic

journal databases and other forms of media in collections, in recognition that a modern library consists of more than bound volumes. Some of these service standards are particularly antiquated. For example, a district library center must have a minimum of 300 16MM film titles “or equivalent audio-visual media” in its collection or accessible within the district for circulation.<sup>6</sup>

- Provide for more flexibility in enforcement of standards in the face of libraries having difficulty meeting criteria for funding. Currently, if a library does not meet standards, it loses all funding. Under the existing waiver provisions, the department may waive standards, but it is unclear in the statute whether the granting of a waiver relieves a library of the need to meet any standards. Under new § 9332, all libraries may apply for waivers if faced with a reduction in state funding, and the State Librarian has discretion in formulating a waiver that provides flexibility in the application of statutory and regulatory standards.
- Apply the funding formula in the Code uniformly from year to year. Since fiscal year 2003-2004, the funding formula has changed annually, making it difficult for libraries to do any long term fiscal planning. To the extent reallocations of the funding formula are deemed necessary in any given year, these amendments should be made to The Library Code, rather than the Public School Code or The Fiscal Code, where it is more difficult to identify them.
- Mandate continuing education for all librarians. Under the current law, in order for libraries to qualify for Quality Libraries Aid (the basic level of state aid) the library director must attend eight hours of continuing education each year. This requirement has been codified as § 9334(c)(5). New § 9319(c) gives the State Librarian the authority to establish continuing education requirements for library assistants, provisional librarians and professional librarians. These requirements should take into account the staffing needs of individual libraries, particularly those with very small staffs.

*Recommendations requiring further deliberation by the General Assembly*

- Regionalize and consolidate district library services. Currently, 29 district library centers serve 67 counties, ranging from one district library center (North Central) providing services to 11 counties to two district library centers (Bethlehem and Easton) serving one county (Northampton). There appears to be some redundancy of service in some counties, and in limited financial circumstances, consolidation of expenses may be advisable.<sup>7</sup>

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<sup>6</sup> 22 Pa. Code § 141.22(d)(5).

<sup>7</sup> See discussion of “District Library Centers” in the chapter entitled “Pennsylvania’s Public Library System,” at pp. 17-20.

- Mandate a minimum level of local funding, most likely at the county level. Pennsylvania’s local government support of public libraries ranks 47<sup>th</sup> nationwide, in contrast to Pennsylvania’s ranking of 4<sup>th</sup> in terms of state financial support of libraries.<sup>8</sup> It appears that one of the goals of The Library Code, to use state funding as an incentive for local governments to increase their financial support, has not been successful. While the economic burden of providing additional support for local libraries could prove overwhelming to many of the smaller, struggling municipalities in the Commonwealth, spreading the costs by mandating a minimum level of funding at the county level might prove beneficial. Pennsylvania’s ranking as 12<sup>th</sup> nationwide in terms of non-governmental (i.e., private) support of libraries may be seen as evidence that there is a willingness among the general populace to financially support local public libraries.<sup>9</sup>
- Provide a greater range of revenue raising options for local government. Currently, with the exception of Allegheny County, which has a regional sales tax that benefits various cultural entities including libraries, a municipality’s only options for providing financial support to libraries are to use general appropriations or designate real property tax revenue for the benefit of local libraries. Other states use a variety of methods to fund their local libraries, and these should be considered for Pennsylvania as well.<sup>10</sup>
- Specifically define “operating budget.” Under the statutory standards to be met by libraries to be eligible for incentive for excellence aid is a requirement that the library spend at least 12 percent of its operating budget on materials. It has been suggested that this amount should only include costs that can be controlled by library (e.g., employee health benefit costs that are not controllable by the library would be excluded from the definition).
- Provide for the ability to adjust the amount of local support required on a scheduled basis. To provide more flexibility and to recognize long-term changes in the economy, it is recommended that the minimum financial support required for libraries and library systems to be eligible for state aid should be adjusted periodically (e.g., every three or five years), and the adjustment be tied to changes in an economic indicator such as the Consumer Price Index. Under The Library Code and the proposed codification, incentive for excellence aid is based on local libraries and library systems exceeding the amount of minimum financial support needed to qualify for quality libraries aid. Proposed § 9335 converts the surplus financial effort needed to obtain incentive for excellence funding from a dollar amount (as provided in The Library Code) to a percentage increase in funding to make such potential adjustments easier to implement. This does not result in any change to the amount of surplus financial aid required.

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<sup>8</sup> Both figures from fiscal year 2007-2008, the most recent available.

<sup>9</sup> See discussion of funding disparities in the chapter entitled “Public Library Funding” at pp. 35-40.

<sup>10</sup> See discussion of “Ohio” found in the chapter entitled “Pennsylvania’s Public Library System” at pp. 29-30.

- Provide some level of financial support to local libraries providing services to residents of neighboring municipalities. Currently, state aid is based upon the population of the municipality in which the library is located. In some geographically larger counties, the nearest public library may be situated just over the border in the next county, while the library that includes the municipality in its direct service area may be many miles away. The result is that the neighboring library provides services to not only residents of its own municipalities, for which it receives funding, but also to any number of nonresidents, for which it does not receive any funding.
- Explore greater integration of the public library system with school libraries and academic libraries. Many states include all libraries within their state library system. While each type of library has a different role to fulfill and some functions may differ, the Office of Commonwealth Libraries already plays a significant role in school libraries and academic libraries. Bringing all libraries under the same umbrella may help reduce costs through elimination of duplicate services.

#### *Other recommendations*

Staff considered and rejected a number of other recommendations, a few of which merit discussion.

- Require professional librarians at every library. The suggestion has been made to mandate that at least one librarian at each public library have a Master of Library Science degree. There is much concern that there are simply not enough professional librarians willing to serve at some of the Commonwealth's smaller, more rural libraries, for multiple reasons, including the quality of a library's collections, its geographic location and the ability of the board of directors to offer competitive salaries.
- Require term limits, certification, and continuing education of library boards and trustees. This recommendation would require a complete overhaul of the structure of local library boards. Many of Pennsylvania's local libraries are organized as non-profit institutions, and are governed by their internal bylaws regarding qualifications of directors or trustees as well as terms of office. Under The Library Code, a local municipality's ability to appoint library directors ranges from a minimum of two directors to as many as the entire board, depending on when and how the library was originally organized. To statutorily change the internal governance of these boards and impose additional training requirements could easily have a chilling effect on individuals' willingness to serve in these primarily voluntary positions. However, the Department of Education could offer voluntary certification, training and continuing education to library boards and trustees. One of the current duties of district library centers is to provide orientation and training for boards of directors of local libraries, library systems and district library centers.

- Eliminate services standards from the statutory criteria for quality libraries aid and incentive for excellence aid and allow them to be set by regulation. With respect to standards regarding library hours of operation, there is a direct conflict between the hours of operation mandated in the regulations and the hours of operation required for local libraries to qualify for certain types of aid. While staff considered repealing the hours of operation standards from the statute, staff also determined that the amendments to The Library Code to establish those standards were enacted almost 20 years after the conflicting regulations were promulgated. In the interest of preserving the most current requirements, those provisions are included in the codification, with a proviso that they may be modified by regulation. *See* §§ 9334(c)(4) and 9335(b)(3).
- Remove libraries from under Department of Education jurisdiction, and create a free-standing library agency. Concerns have been expressed that the public libraries have not been considered a priority within the Department of Education. Staff surveyed other states, and a majority of states nationwide include the public library system within an administrative department. This same structure seems to work elsewhere, and staff believes that there is not sufficient justification for a complete administrative overhaul. However, historically, libraries in Pennsylvania have been supervised by independent agencies (the Free Library Commission and the Office of State Librarian), and so there is precedent for an alternative administrative structure. It was only in 1923 that libraries were brought under the jurisdiction of the executive branch, under the Department of Public Instruction (now the Department of Education). Additionally, although originally a legislative appointee, the State Librarian has been appointed by the Governor since 1854.
- Encourage consolidation of local library facilities. While there are opportunities for joint ventures and coordination of efforts as well as combined purchasing and other economies of scale, maintaining accessibility to “brick-and-mortar” library facilities, regardless of their physical size or the extent of their collections, is especially important in rural and otherwise isolated communities.



## PENNSYLVANIA'S PUBLIC LIBRARY SYSTEM

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Pennsylvania has long been a leader in the establishment and support of public libraries. "Public" libraries have developed along two tracks in the Commonwealth – one for the State Library and one for local libraries. In 1745, as Clerk of the Assembly of Pennsylvania, Benjamin Franklin acquired the first items for the Pennsylvania State Library.<sup>11</sup> The position of State Librarian was created in 1816, to be appointed by a Library Committee of the General Assembly, consisting of three members of the Senate and three members of the House of Representatives. The Librarian's salary was set at no more than \$2.00 per legislative session day, and an annual appropriation of \$600 was made to pay the librarian's salary, incidental expenses of the library and for the purchase of additional books and materials.<sup>12</sup> The early State Library was for the use of the members of the General Assembly, and while approximately one-half the collection dealt with laws and related materials, other topics included government, politics, history, science, philosophy, religion, geography, travels and fiction.<sup>13</sup>

In 1854, the appointment of the Librarian was moved from the General Assembly to the Governor, with the advice and consent of the Senate. The librarian's annual salary was set at \$800, annual reports to the legislature were mandated, and the authorization was given to bring suit against persons for failure to return borrowed books.<sup>14</sup>

Simultaneous with the evolution of the State Library, free libraries were also being developed by various charitable organizations. The efforts of these free libraries were joined under the jurisdiction of the Free Library Commission created in 1899 to "give advice and counsel to all free libraries in the State, and to all communities which may propose to establish them, as to the best means of establishing and administering such libraries, the selection of books, cataloguing, and other details of library management."<sup>15</sup> The Commission was granted the powers of general supervision and inspection and the right to require reports from libraries. The Commission was also directed to establish and maintain (to the extent funding was available) a system of traveling libraries throughout the Commonwealth.

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<sup>11</sup> Pennsylvania Department of Education, [www.portal.state.pa.us/portal.server.pt/community/commonwealth\\_libraries/7225/history\\_of\\_the\\_state\\_library\\_of\\_pennsylvania/524079](http://www.portal.state.pa.us/portal.server.pt/community/commonwealth_libraries/7225/history_of_the_state_library_of_pennsylvania/524079), accessed October 8, 2010.

<sup>12</sup> Act of February 28, 1816 (P.L. 88, Chapter LXIV).

<sup>13</sup> *Supra*, note 11.

<sup>14</sup> Act of January 25, 1854 (P.L. 7, No. 7).

<sup>15</sup> Act of May 5, 1899 (P.L. 247, No. 142).

In 1919, the State Library and the local free libraries were brought under the umbrella of the Office of State Librarian. The functions of the State Library were divided among the General Library Division, the Law Library Division, the Library Extension Division and the Public Records Division. The functions of the Free Library Commission were transferred to the Library Extension Division.<sup>16</sup> While the Library Extension Division was given the responsibility of providing advice and guidance to local libraries, no funding flowed from the state to the local libraries, and no provision was made to enforce any recommendations of the Division.

It is important to note that many of Pennsylvania's public libraries are non-profit organizations organized and supported by local citizens and established long before the Commonwealth became involved in the development and support of local libraries. For example, the Coudersport Public Library in Potter County was formally created in May 1850, following an eight-month effort by a small women's sewing group that made and sold articles to raise enough money to purchase 50 books and a bookcase.<sup>17</sup> Efforts like these are one of the reasons Pennsylvania has the fifth largest number of library facilities nationwide, yet ranks 43<sup>rd</sup> in physical size of its libraries (based on the number of square feet per 1,000 population).<sup>18</sup> These statistics show that the map of Pennsylvania is dotted with little libraries from one end to the other. This means most Pennsylvanians have an independent public library in their community, although the size and quality of collections and services may vary greatly.

Additionally, although this proliferation of libraries would seem to indicate that accessibility is not a major issue, it has been reported that between 300,000 and 400,000 Pennsylvanians do not have access to a local public library (defined as having a library within the county, city, borough, town or township in which they live).<sup>19</sup>

The Administrative Code of 1923 placed the State Library and State Librarian under the jurisdiction of the Department of Public Instruction (now the Department of Education) in Article XIII<sup>20</sup> and listed many of the powers and duties of the State Librarian, including the duty to advise and counsel local public libraries on acquisitions and library management currently found in The Library Code.

#### *Administrative Structure of the Office of Commonwealth Libraries*

One of five offices under the Secretary of Education, the Office of Commonwealth Libraries is under the supervision of a Deputy Secretary. In recent years, the Deputy Secretary for Commonwealth Libraries has administratively been assigned the duties and functions of the State Librarian.

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<sup>16</sup> Act of May 23, 1919 (P.L. 242, No. 133).

<sup>17</sup> Coudersport Public Library, <http://coudersportlibrary.org/blog/about>, accessed November 18, 2010.

<sup>18</sup> Pennsylvania Library Association Briefing with Joint State Government Commission (JSGC) staff (October 22, 2010), PLA materials on file with the JSGC.

<sup>19</sup> Meeting of M. Clare Zales, Deputy Secretary for Libraries and JSGC staff, November 10, 2010.

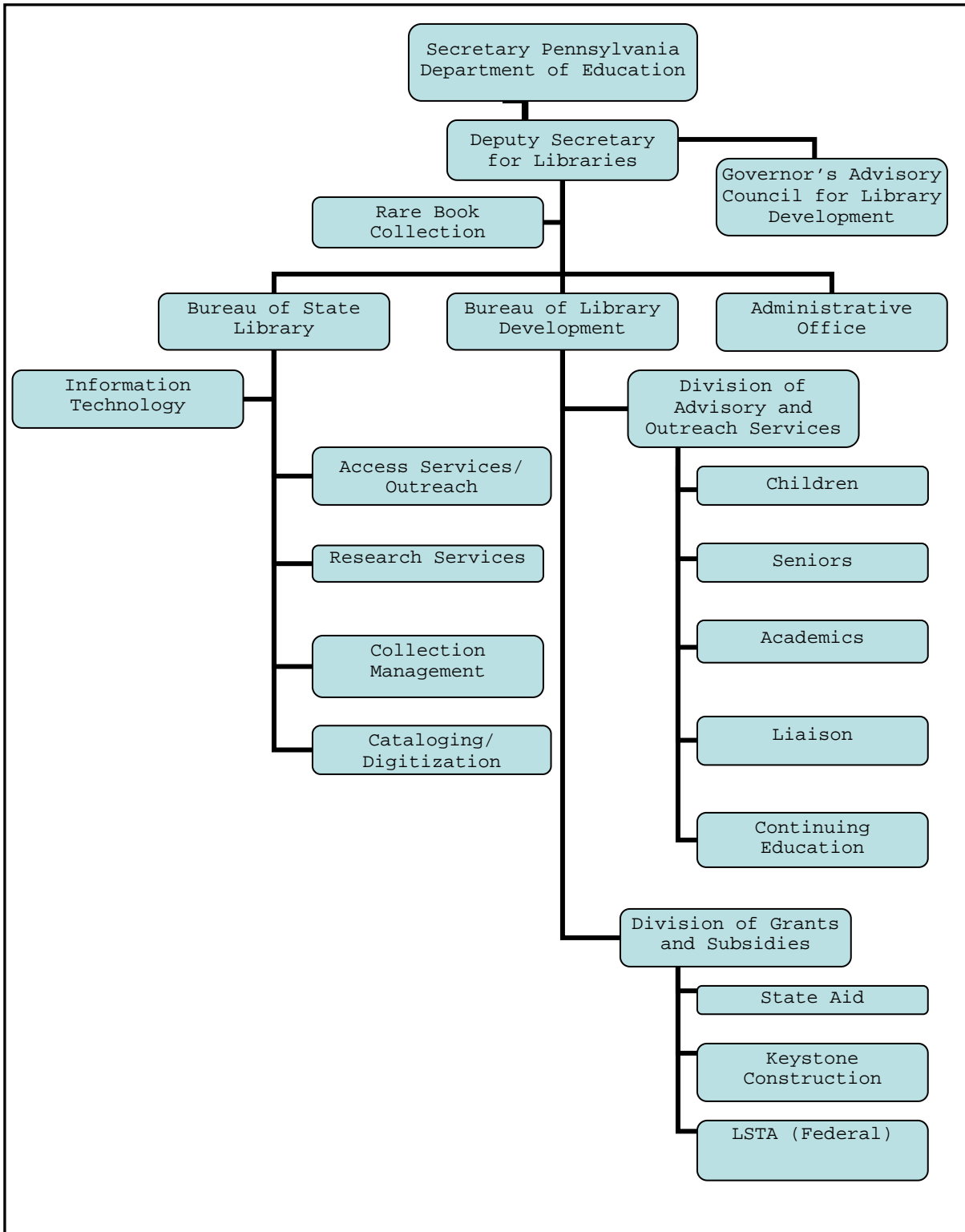
<sup>20</sup> Act of June 7, 1923 (P.L. 498, No. 274).



The Office of Commonwealth Libraries is divided into two bureaus: the Bureau of the State Library and the Bureau of Library Development. Local libraries receiving state aid are under the jurisdiction of the Bureau of Library Development, which is further split into two divisions: the Division of Grants and Subsidies and the Division of Advisory and Outreach Services. These two divisions neatly represent the two primary duties of the Department of Education with respect to local public libraries – the provision of financial aid and the provision of assistance in developing library services to meet the needs of their patrons. Under The Library Code, if local libraries desire financial assistance from the Commonwealth, they must comply with standards established by the department.

Figure A represents the current administrative structure of the Department of Education as it relates to public libraries.

**Figure A**  
**State Library Management Structure**



## *State Library of Pennsylvania*

The Library Code directs the State Library of Pennsylvania to coordinate the system of public libraries in the Commonwealth, and the State Librarian in particular is responsible for carrying out the State Library's role.<sup>21</sup> The State Librarian is appointed by the Secretary of Education, and is responsible for the operation and maintenance of the State Library. As noted earlier, the Deputy Secretary for Commonwealth Libraries has been assigned this function within the Department of Education. The State Librarian also advises and counsels local libraries, district library centers, and state-wide library resource centers, and those municipalities and groups that want to establish new public libraries.

The Library Code provides, in part, that the State Library works

[t]o promote and support cooperation among the various types of libraries in Pennsylvania for the purpose of increasing the services and resources available through libraries, and to provide financial support for the development and maintenance of cooperative programs from funds appropriated to the State Library for the purpose of supporting interlibrary cooperative programs.<sup>22</sup>

In fulfilling this mission, the Office of Commonwealth Libraries provides advice and counsel to public libraries on the number and quality of library staff as well as books and other media that are made available to the public. Local libraries' locations, facilities and hours of operation are determined in consultation with the Office of Commonwealth Libraries.

Additional services are provided to state-wide library resource centers and district library centers, as well as local libraries, in the form of book selection, cataloging and technical assistance in library management and administration. Moreover, the Office provides similar services to municipalities and groups that wish to establish public libraries.<sup>23</sup> Section 201 of The Library Code, particularly § 201(18), is an "important and valuable" section of the code, as it is where the strongest connections between the State Library and the local libraries are forged.<sup>24</sup> In fulfilling the responsibilities set forth in that section, the Bureau of Library Development staff is in daily contact with local librarians around the Commonwealth. Technical advisors from the Bureau support local libraries in their day-to-day functions and in meeting their obligations to the public. Communication is coordinated through phone conversations, teleconferences, electronic media, and face-to-face meetings. The point of contact between local libraries and the

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<sup>21</sup> The Library Code, § 201.5. In practical terms, the Deputy Secretary of Libraries and the Directors of the Bureau of State Library and the Bureau of Library Development fulfill the obligations of the State Librarian.

<sup>22</sup> The Library Code, § 201.18.

<sup>23</sup> Act of June 22, 2001 (P.L. 554, No. 36), § 201.6.

<sup>24</sup> Meeting of M. Clare Zales (Deputy Secretary for Libraries) and Alice Lubrecht (Director of the Bureau of State Library) Pennsylvania Department of Education and JSGC staff, November 24, 2010.

Bureau is, for routine matters, the local librarian. Strategic planning and executive management functions such as applications for waivers of regulations, are typically handled in conjunction with local library boards, as required under library regulations found in the Pennsylvania Code.

There are a number of significant programs and initiatives provided by the Office of Commonwealth Libraries to help coordinate libraries across the Commonwealth. For example, the “AccessPa” electronic catalog allows librarians and the public instant access to public library catalogs and holdings throughout Pennsylvania. Ongoing digitization of collections, especially of historic documents, provides ever-widening access to these media. “Ask Here PA” is a free online chat application that connects librarians and the public to a live reference service available 24 hours per day, seven days per week.<sup>25</sup> More than a reference service for library patrons, Ask Here PA is a mechanism for librarians to locate mentors and improve their reference skills, training and overall service to the public. The emerging Integrated Library System will allow public library patrons to search the entire holdings of the Commonwealth’s public library system through their home library’s online catalog. Books and other media can be seamlessly borrowed and sent, following a search and distribution model similar to that of Amazon.com.

As it has since its inception, the State Library has served as the “office” library for Commonwealth employees, greatly improving their access to national and international research materials and databases.

### *Regulation and Enforcement*

The State Library also conducts inspections of local libraries, district library centers and state-wide library resource centers. Under The Library Code, if local libraries desire financial assistance from the Commonwealth, they must comply with standards established by the department. Historically, there were instances when the State Library had the authority to withhold state aid to library districts. However, the past eight years have seen libraries’ applications for waivers from regulations being routinely granted. The result is a “generation” of local librarians and library boards that relies on waivers and have not complied with regulations.<sup>26</sup> Wide swings in library funding, notably the drastic reductions over the past several years, have placed local libraries in a position where waivers to regulations became necessities rather than exceptions. Furthermore, The Library Code’s funding formula has been inactive since the 2003-2004 budget.<sup>27</sup>

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<sup>25</sup> AskHerePA, <http://www.askherepa.org/>

<sup>26</sup> *Supra*, note 24.

<sup>27</sup> *Id.*

## *Personnel*

Under 22 Pa. Code § 133.1, the Office of Commonwealth Libraries has the authority to certify library personnel to ensure that they are able to function as intended. The regulations further state that certification of local librarians by the State Librarian is designed to facilitate the extending of services to larger service areas and when libraries enter into cooperative service arrangements.<sup>28</sup> Examinations for certification are offered at a minimum of once per year and, once certified, there is no need for renewal unless a librarian were to change to a different job classification. Presently, there are three classifications of public librarians in the Commonwealth.<sup>29</sup>

Professional Librarians hold bachelor's degrees from four-year colleges and have completed a full year of library training. Provisional Librarians also hold bachelor's degrees, and have completed at least 12 credit hours of library training. Assistant Librarians have at least two years of college education and have completed nine credit hours of library training. Although all three classifications require passing the appropriate certification test administered under the auspices of the State Librarian in the regulations, the Department of Education does not administer the tests.<sup>30</sup>

## *Governor's Advisory Council on Library Development*

The efforts of the Office of Commonwealth Libraries are guided by the Governor's Advisory Council on Library Development. The Governor appoints 12 persons to the Council, with the State Librarian and the Secretary of Education serving as ex officio members. Although the Council has a broad mandate to advise and guide the operations of the State Library and the Commonwealth's library program, there are six essential duties assigned to the Advisory Council:

- To advise the Governor and the Secretary of Education with regard to the appointment of the State Librarian.
- To give advice and make recommendations to the Governor, the Secretary of Education, and the State Librarian with respect to the general policies and operations of the State Library and the Commonwealth's library program.
- To constitute a board of appeal in regard to disputes arising from decisions of the State Librarian, which affect the amount of State aid to a library or its eligibility for State aid; in any such appeal, the ex officio members of the council shall not have voting rights and the vote of a majority of the duly appointed members of the council shall be determinative of the appeal.

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<sup>28</sup> 22 Pa. Code § 133.1.

<sup>29</sup> 22 Pa. Code §§ 133.4, 133.5, 133.6.

<sup>30</sup> *Supra*, note 24.

- To aid in increasing public understanding of, and formulating plans for, furthering the purposes of The Library Code.
- To promulgate rules and regulations for the approval of plans for the use of State funds.<sup>31</sup>
- To approve or disapprove the library district designations and alignments which are recommended by the State Librarian.<sup>32</sup>

The Council is presently organized into several committees, including the Legislative, District Library, State Library, By-Laws and Preservation Committees.<sup>33</sup> The functions of each committee are directed by the Advisory Council and focus on its objectives which range from meeting the needs of Pennsylvania's library patrons to how the State Library is integrated into the Commonwealth government. As Pennsylvanians' needs change, the Advisory Council seeks to anticipate the needs and manage the Commonwealth's library resources to meet those needs.

For example, the current organizational structure of the Commonwealth library system includes District library centers, but as needs and resources shift the role of the District library centers is being reevaluated. The Council's District Library Committee is examining District library center performance to determine what will be required of District library center resources in the coming years.

In many respects, the Council is a leading advocate for the public library system in Pennsylvania and the library public. The Council strives to advise the Commonwealth on how to most effectively and efficiently deliver library services to all residents, regardless of their geographic location or socio-economic status.

#### *State-wide Library Resource Centers*

The holdings, collections, and resources of local libraries are limited by a number of factors. Physical space, financial considerations, and the interests of the community served are just three of the parameters that determine the size and scope of a local public library. Because of the importance of providing access to the most comprehensive collections available, the Commonwealth created State-wide library resource centers in 1961 (formerly known as regional library resource centers). It is the responsibility of the resource centers to acquire major research collections and make them available to all Pennsylvania residents. They are overseen by a board consisting of the head librarians of the state-wide library resource centers and the State Librarian.

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<sup>31</sup> This responsibility of the Council was originally mandated under the federal Library Services Act of 1956, Act of June 19, 1956, ch. 407, 70 Stat. 293 (repealed by Act of September 30, 1996, Pub. L. 104-208, 110 Stat. 3009-312).

<sup>32</sup> The Library Code, § 204. The sixth duty of the Advisory Council was added by the Act of December 1, 1971 (P.L. 578, No. 150).

<sup>33</sup> Governor's Advisory Council on Library Development, "Minutes," (June 8, 2010). [www.portal.state.pa.us/portal/server.pt/community/governor%27s\\_advisory\\_council/8737](http://www.portal.state.pa.us/portal/server.pt/community/governor%27s_advisory_council/8737).

The State Librarian designates the four state-wide library resource centers. By statute, these resource centers are located at the following:

- Free Library of Philadelphia.
- Pennsylvania State Library.
- Pennsylvania State University Library.
- Carnegie Library of Pittsburgh.<sup>34</sup>

Each resource center has specific types of collections for which they are known:

The Free Library of Philadelphia (at the Parkway Central Library) houses Children's Literature, Classic and Modern Literature, Philosophy, Religion, Criminology, Philately, Folklore, Anthropology, Music, Art, Sports, Geography, Automobiles and World History collections, as well as specialized databases and downloadable books, music and streaming media.

The State Library of Pennsylvania houses Library Science, Journalism, Sociology, Statistics, Political Science, Economics, Law, Public Administration, Government Documents, US and State History, Biography and Genealogy, as well as a collection of Pennsylvania newspapers, state publications and federal documents dating back to the 17<sup>th</sup> and 18<sup>th</sup> centuries.

The Pennsylvania State University Libraries house Agriculture, Archaeology, Behavioral Sciences, Classics, Engineering, Life Sciences, Maps, Meteorology, Pennsylvania German History and Culture collections.

The Carnegie Library of Pittsburgh houses History of Science, Astronomy, Physics, Chemistry, Earth Science, Paleontology, Biology, Botany, Technology, Engineering, Business, Manufacturing, Western Pennsylvania History and Genealogy, as well as specialized databases and downloadable books, music and streaming media.<sup>35</sup>

#### *District Library Centers*

District library centers were created in 1962 to coordinate and supplement library services and assist local libraries within their specified districts. Pennsylvania's geography placed the widely scattered rural libraries beyond the resources of urban and metropolitan areas. The creation of district library centers was a move to open the doors of public library services to the entire Commonwealth. District library centers also provide direct services to residents living within their districts. They may coordinate their activities with other District library centers. District library centers may be located at any of the following:

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<sup>34</sup> Act of June 22, 2001 (P.L. 554, No. 36), § 209.

<sup>35</sup> "Open Access to Pennsylvania's In-Depth Library Collection," Pennsylvania State-wide Library Resource Centers, Collections and Services brochure (on file with the JSGC).

- Local libraries.
- A state college or university library.
- The Pennsylvania State University Library.
- Any privately supported college or university library that agrees to serve as a district library center.

District library centers can enter into contracts with any municipality, county, school district, or local library within their districts. Each local library that belongs to a district library center negotiates a separate agreement for the type and number of services that will be provided through the center. Observers from the State Library are present during the negotiation process to ensure that each party's interests are equitably represented, and the observers are signatories to each agreement.

In some ways, the value of the district library centers is increasing as the role of local libraries evolves with the growth of electronic media. Local libraries are shifting toward a bookstore model, where services and holdings are being closely tailored to serve their public. Yet the local library, nonetheless, needs access to deep collections that might no longer be housed at its facility. The local libraries are more reliant on the centers than they had been for such reasons. Conversely, in some districts local library resources and abilities have outgrown the need for the centers, while at the same time scarce funding needs to be reallocated. Anecdotally, it has been reported that the designation of district library center can be a mixed blessing for some libraries. Although there is some cache attached to being considered "first among equals," apparently some libraries struggle financially to provide the extra services required of a district library center. Additionally, it has been reported that some district library centers are having trouble meeting their contractual obligations to local libraries.

There may be up to 30 district library centers designated by the State Librarian in consultation with the Advisory Council on Library Development. Currently, there are 29 operating in Pennsylvania. Table 1 shows each district library center and the names and total number of counties included in each center's service area.



**Table 1**  
**Pennsylvania District Library Centers by County Affiliation**

District Library Center	Number of Counties	County Names
Aliquippa	1	Beaver
Allentown	2	Carbon, Lehigh
Altoona	3	Bedford, Blair, Huntingdon
Bethlehem	1	Part of Northampton
Capital Area	3	Cumberland, Dauphin, Perry
Central Pennsylvania	4	Centre, Clearfield, Juniata, Mifflin
Chambersburg	2	Franklin, Fulton
Chester	1	Chester
Delaware	1	Delaware
Doylestown	1	Bucks
Easton	2	Monroe, part of Northampton
Erie	2	Erie, Crawford
Johnstown	3	Cambria, Indiana, Somerset
Lancaster	1	Lancaster
Lebanon	1	Lebanon
Monessen	2	Fayette, Westmoreland
Montgomery County	1	Montgomery
New Castle	4	Armstrong, Butler, Lawrence, Mercer
North Central	11	Bradford, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union
Oil Creek	3	Clarion, Jefferson, Venango
Philadelphia	1	Philadelphia
Pittsburgh	1	Allegheny
Pottsville	1	Schuylkill
Reading	1	Berks
Scranton/Northeast	5	Lackawanna, Pike, Susquehanna, Wayne, Wyoming
Seneca	5	Cameron, Elk, Forest, McKean, Warren
Washington	2	Greene, Washington
Wilkes-Barre	1	Luzerne
York	2	Adams, York

SOURCE: Pennsylvania Department of Education. 2008 Pennsylvania Library Statistics (April 2010).

With 29 district library centers in a 67-county state, there is an average of one district library center for every 2.3 counties. Twelve counties have their own district library centers. Northampton County has two district library centers serving the county. Another six district library centers have two-county service areas. At the other extreme, the North Central District Center covers 11 counties. The next closest sets are Scranton/Northeast and Seneca, covering five counties each.

If the goal of the centers is to promote economies of scale and the consolidation of resources, that ratio does not appear to be the optimum amount, and greater efficiency could be achieved by the creation of 7 or 8 regional centers to perform the functions of

the district library centers. It may be in the interest of the overall public library system to consolidate select district library centers to cover larger geographic areas. Administratively, the Office of Commonwealth Libraries has already divided the state into eight regions, which could become the new consolidated district library centers. Table 2 shows each administrative region, the names and total number of district library centers in each region and the names and total number of counties covered by each region.

**Table 2**  
**Administrative Regions, by District Library Center**

<b>Region</b>	<b>District Library Center(s)</b>	<b>Counties included</b>
Region 1	Erie, Oil Creek, New Castle, Seneca (4)	Armstrong, Butler, Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren (14 counties)
Region 2	North Central (1)	Bradford, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union (11 counties)
Region 3	Aliquippa, Monessen, Pittsburgh, Washington (4)	Allegheny, Beaver, Greene, Fayette, Washington, Westmoreland (6 counties)
Region 4	Altoona, Central Pennsylvania, Johnstown (3)	Bedford, Blair, Cambria, Centre, Clearfield, Huntingdon, Indiana, Juniata, Mifflin, Somerset (10 counties)
Region 5	Capital Area, Chambersburg, Lancaster, Lebanon, York (5)	Adams, Cumberland, Dauphin, Fulton, Franklin, Lancaster, Lebanon, Perry, York (9 counties)
Region 6	Allentown, Bethlehem, Easton, Reading (4)	Berks, Carbon, Lehigh, Monroe, Northampton (5 counties)
Region 7	Pottsville, Scranton/Northeast, Wilkes-Barre (3)	Lackawanna, Luzerne, Pike, Schuylkill, Susquehanna, Wayne, Wyoming (7 counties)
Region 8	Chester, Delaware, Doylestown, Montgomery County, Philadelphia (5)	Bucks, Chester, Delaware, Montgomery, Philadelphia (5 counties)

SOURCE: Pennsylvania Department of Education. 2008 Pennsylvania Library Statistics (April 2010), and map of Pennsylvania Public Library Regions prepared by Office of Commonwealth Libraries, Bureau of Library Development (2010) on file at the JSGC.

## *Local Public Libraries*

Local public libraries have been a part of Pennsylvania's culture from its earliest days. The Darby Free Library, now part of the Delaware County Library System, claims to be America's oldest public library, in continuous service since 1743.<sup>36</sup> Scattered across the Commonwealth, the state-aided public libraries serve populations as large as the 1.5 million people served by the Free Library of Philadelphia, with its 54 branches throughout Philadelphia County, to the 792 persons covered by the Tidioute Public Library in Warren County.<sup>37</sup> Public libraries have been housed in anything from the specifically constructed massive city public libraries of the late 1800s, such as the Carnegie Public Library – Main, located in the Oakland neighborhood of Pittsburgh,<sup>38</sup> to the former homes of library supporters, such as the modest one-story rancher currently housing the Montgomery House Warrior Run Area Public Library in McEwensville, Northumberland County. Dedicated in 1967, that property was a gift from the estates of sisters Jane and Margaret Montgomery.<sup>39</sup>

There is no mandate for a local library to participate in the state library system, and at least 63 public library outlets in Pennsylvania currently are either not eligible or have chosen not to apply for state aid.<sup>40</sup> The Department of Education's ability to regulate public libraries currently rests solely on a local library's desire for state funding. New local libraries may be created by a municipality by popular subscription, purchase or lease of buildings, or eminent domain under The Library Code. However, no new libraries may be created under those provisions if the municipality is already served by a state aided public library.

Libraries designated by statute as local libraries are the type most familiar to the general public. Local libraries are open to the residents of the designated area they serve, and provide free access to an "organized and currently useful collection" of materials and resources. A local library provides staff services free of charge to the public. Pennsylvania's 471 public libraries are the primary point of contact patrons have with the Commonwealth Library system, and thus provide residents with everything from toddler story time to access to employment resources to specialized research.<sup>41</sup> Local libraries may be operated by municipalities, private associations, or corporations. By definition, a local library is:

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<sup>36</sup> Darby Free Library, [www.darbylibrary.org/history.html](http://www.darbylibrary.org/history.html).

<sup>37</sup> Summary of State Aid to Public Libraries, 2008-2009, Office of Commonwealth Libraries, Pennsylvania Department of Education. [www.portal.state.pa.us/portal/server.pt/community/library\\_funding/8702/projections\\_and\\_summaries\\_of\\_state\\_aid\\_to\\_Pennsylvania\\_public\\_libraries](http://www.portal.state.pa.us/portal/server.pt/community/library_funding/8702/projections_and_summaries_of_state_aid_to_Pennsylvania_public_libraries).

<sup>38</sup> Carnegie Library of Pittsburgh, [www.clpgh.org](http://www.clpgh.org).

<sup>39</sup> Montgomery House Warrior Run Area Public Library, [www.montgomeryhouselibrary.org](http://www.montgomeryhouselibrary.org).

<sup>40</sup> Email from M. Clare Zales dated October 7, 2010.

<sup>41</sup> 2008 Pennsylvania Library Statistics, Office of Commonwealth Libraries, Pennsylvania Department of Education (April 2010) p. 65.

a 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 (including free lending and reference services) to an organized and currently useful collection of printed items and other materials and to the services of a staff trained to recognize and provide for these needs.<sup>42</sup>

“Municipality,” by definition, also includes school districts of the second, third and fourth class. Most school districts that contribute to local libraries make an allocation of the collected school tax. Allentown School District adds a designated millage for the library to its school tax. Approximately \$9 million is given to local libraries from school districts state-wide annually, representing approximately 2.5 percent of their total income.<sup>43</sup>

Each local library is assigned a geographic area as its direct service area, which is the municipality in which the library’s governing body is responsible for providing free services.<sup>44</sup> A local library may extend the borders of its direct service area provided that it is able to meet the local financial effort required and that it meets the following conditions:

- The municipality or municipalities for which State aid is sought are contiguous to the existing service area.
- No other library has a prior claim to the municipality or municipalities in its own direct service area.
- All the municipal authorities affected agree to the inclusion of the municipality in the direct service area of the library.<sup>45</sup>

Whether or not a local library is meeting the minimum standards set forth in statute and regulations is judged by the authority of the State Librarian. The library is governed, however, by a local library board of directors. The functions of the board and of the library staff are clearly differentiated in a written statement. The board is composed of members who are appointed by each municipality that is served by the library, where each municipality provides at least 15 percent of the library’s annual income.<sup>46</sup> If a library was established prior to the enactment of The Library Code, the local municipality need only appoint two members of the board of directors, and if the library was established after enactment of The Library Code, but under some means outside the provisions of The Library Code, the local municipality need only appoint a majority of the board of directors. In some instances, libraries are governed by other arrangements when the Home Rule Charter and Optional Plans Law apply.<sup>47</sup> The board is responsible

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<sup>42</sup> 22 Pa. Code § 131.1.

<sup>43</sup> Email from M. Clare Zales dated December 22, 2010.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* § 131.42.

<sup>46</sup> The Library Code, § 411.

<sup>47</sup> 53 P.S. §§ 1-101 through 1-1309.

for deciding whether or not to commit its library to participate in the district library center cooperative program.

Under the regulations, local library hours of service, which are established to provide a regular schedule allowing residents easy access, are determined according to the population of its service area. During the hours of operation, it must have a reference service available and the staff must be ready to communicate with its district library center. Currently, the regulations and The Library Code are in conflict with regard to the minimum hours of operation per week for local libraries.

Pa. Code §§ 141.25(b)(4), 141.26(b)(3)(i), 141.27(c)(2)(i) and 141.28(b)(4)(i), all adopted May 22, 1981, established a 20-hour minimum number of hours of operation each week for local libraries, local library members of a library system, branch libraries and bookmobiles. Section 141.21(2)(ii)(C) mandates that a local library's hours of operation are to be based on the population of the direct service area of the library, as set forth in Table 3.

**Table 3**  
**Library Hours of Operation per Week**  
**Based on Population of Direct Service Area**

Population	Hours per Week <sup>a</sup>
Less than 25,000	35
25,000-49,999	50
50,000 and more	65

SOURCE: 22 Pa. Code § 141.21(2)(ii)(C).

However, an amendment to The Library Code in 2001<sup>48</sup> mandated that in order for a local library or a library system to be eligible for quality libraries aid, it must be open at least 26 hours per week, including a least six hours during the weekend. This weekend coverage may be reduced to four hours for ten weeks per year as community-use patterns warrant.<sup>49</sup> Similarly, an amendment to The Library Code in 2000<sup>50</sup> mandated that in order for a local library or a member of a library system to be eligible for incentive for excellence aid, a local library or a member library of a library system must be open at least 45 hours per week (35 if the population of the service area is less than 7,000), including at least seven hours during the weekend. Weekend coverage may be reduced to four hours for ten weeks per year as community-use patterns warrant (three hours with the approval of the State Librarian).<sup>51</sup>

<sup>48</sup> Act of June 22, 2001 (P.L. 554, No. 36).

<sup>49</sup> The Library Code, § 303.3(5).

<sup>50</sup> Act of June 22, 2000 (P.L. 404, No. 57).

<sup>51</sup> The Library Code, § 303.6(2).

In addition to hours of operation, local libraries are also subject to Commonwealth regulations regarding the materials they hold in their collections. First, they must have a written statement of policy on the selection and maintenance of their collections. Second, they must provide a well-balanced minimum collection of 1½ “currently useful” catalogued and classified items per person in their service areas, to include at least 15,000 items.<sup>52</sup> 22 Pa. Code § 141.25(c)(5)(i) states that a local library must have at least 6,000 items organized by subject matter and presented in a manner that makes them “easily accessible” to the public. This regulation is not entirely consistent with 22 Pa. Code § 141.21(2)(iii)(b), which requires at least 15,000 items. The number of periodicals is also regulated according to the population of the libraries’ service areas. Further, at least ten of these periodicals must be listed in the *Readers Guide to Periodical Literature* or other recognized index.<sup>53</sup>

**Table 4**  
**Periodicals Held in Collection**  
**Based on Population of Direct Service Area**

Population	Minimum Titles of Periodicals
Less than 10,000	30
10,000–24, 999	50
25,000–49,999	75
50,000 and more	125

SOURCE: 22 Pa. Code § 141.21 (2)(iii)(C).

Library staffs are regulated by the Commonwealth based on population, as are the collections and hours. Each library must have a head librarian, whose academic qualifications are based on the population size of the service area.

**Table 5**  
**Certification of Head Librarian**  
**Based on Population of Direct Service Area**

Population	Required Certification of Head Librarian
0-9,999	Library Assistant
10,000-19,999	Provisional Librarian
20,000 and more	Professional Librarian

SOURCE: 22 Pa. Code § 141.21 (2)(iv)(C).

<sup>52</sup> 22 Pa. Code § 141.21(2)(iii)(B).

<sup>53</sup> *Id.*, § 141.25(C)(5)(iv).

All libraries must have at least one full time or full time equivalent staff member for each 3,500 persons in its service area. If there is only one full time staff member that person must be at least a certified library assistant.<sup>54</sup>

Libraries may expand or reduce their service areas in accordance with provisions in the regulations. Municipalities that agree to join an expanded service area may do so provided they agree to maintain their membership in the service area for at least ten years. Libraries may reduce their service area after notifying the affected municipalities of the changes.<sup>55</sup>

A county library is a local library or a division of a local library that receives funding from a county for the purpose of making its resources and services available free of charge to all the residents of the county. More specifically, a county library is intended to provide services for county residents who would not otherwise be served by a local library. Some local libraries have branches that are operating as county libraries, in which case the local library and its county branch are considered conjoined.<sup>56</sup> If a new local library is established within the service area of a county library, that part of the service area is subtracted from the county library and given to the new local library. Conversely, if a local library ceases to offer services to a portion of its service area, the county library picks up the area along with the funding associated with it.<sup>57</sup>

### *Library Systems*

Local libraries may join together to form library systems, which is a county or multicounty-level federation of at least two libraries that serve at least 25,000 people. The system consists of units, including a headquarters, which is the central administrative and resource unit, and non-headquarters units, including the following:

- Federated or associated local libraries.
- Branches.
- Reading stations or centers.
- Deposit stations.
- Bookmobiles.

A federated or associated local library consists of local libraries that have agreed to participate in a library system and some of their funding, materials, personnel or services come from that system. A branch is a separate, permanent basic collection of books. It has a separate staff, a regular schedule and is administered by the headquarters unit. A reading station or center has limited services, a minimum basic collection that is rotated, a permanent staff and is administered from a central unit. A deposit station is an outlet, usually housed in shared quarters, and has no permanent collection or staff. It is

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<sup>54</sup> *I.*, § 141.21(2)(iv)(D).

<sup>55</sup> *Id.* § 141.21(6) and (7).

<sup>56</sup> *Id.* § 131.1.

<sup>57</sup> *Id.* § 131.45.

administered by the central unit. A bookmobile is a vehicle specially designed to carry books and library materials. Bookmobiles serve a range of population sizes and maintain a regular system of stops throughout the community; they may also serve as guides for the location of future branches and reading stations.<sup>58</sup>

The service area of a library system is the geographic area in which at least 60 percent of the systems patrons reside.<sup>59</sup> The staffing qualifications and certifications are similar to those of a local library. System board members are appointed by the municipalities in the service area, unless there is no municipal support. In the latter case, the member libraries appoint between five and nine individuals to serve on the board.<sup>60</sup> There currently are 34 library systems throughout the Commonwealth. While the library systems bear the name of the county or counties in which they operate, and are frequently referred to a “county library systems,” they do not necessarily represent all the libraries in each county.

Library systems are open for services according to Commonwealth regulations similar to those governing local libraries, and are similarly in conflict with the provisions of The Library Code regarding minimum hours of operation required for eligibility for quality libraries aid and incentive for excellence aid.

**Table 6**  
**Library System Hours of Operation per Week**  
**Based on Population of Direct Service Area**

Type of Unit/Population	Hours per Week
<b>Headquarters Unit</b>	
25,000-49,999	50
50,000 and over	65
<b>Non-headquarters Unit</b>	
0-4,999	10
5,000-9,999	20
10,000-24,999	25
25,000 and over	40

SOURCE: 22 Pa. Code § 141.24(d)(3).

<sup>58</sup> *Id.* § 141.24(b)(2)(ii).

<sup>59</sup> *Id.* § 141.24(b)(4).

<sup>60</sup> *Id.* § 141.24(c)(2).



Periodical collections for library systems are also similar to those for local libraries.

**Table 7**  
**Library System Periodicals Held in Collection**  
**Based on Population of Direct Service Area**

Population	Minimum Titles of Periodicals
25,000–49,999	75
50,000 and more	125

SOURCE: 22 Pa. Code § 141.24 (e)(4).

The staffing of a library system requires a certified professional librarian with at least two years public library experience. Each unit within the library system must have a head librarian with certification determined by the size of the population served.

**Table 8**  
**Library System Certification of Unit Head Librarian**  
**Based on Population of Service Area**

Population	Certification
Up to 5,000	System certified, with in-service training
5,000-14,999	Library Assistant
15,000-19,999	Provisional Librarian
20,000 and above	Professional Librarian

SOURCE: 22 Pa. Code § 141.24 (f)(2).

Staffing requirements are that a library system must have a qualified full time (or full time equivalent) staff member for each 4,500 people in the service area. At least 22 staff members are required for a service area of 100,000 or more people. One-fifth of the staff must be certified professional librarians.

*Other States - Administrative Structure*

With few exceptions, state library agencies are primarily divided into two categories. They are either independent agencies or they are part of larger executive agencies. The following table shows the number of state library agencies nationwide (50 states and the District of Columbia), by location in state government. As the table below indicates, 32 state library agencies function under the direction of a larger executive department, 17 are independent agencies, and two are under the jurisdiction of the state legislature.

**Table 9**  
**Number of State Library Agencies,**  
**By Location in State Government (Fall 2008)**

Type of Agency	Number	States
Independent Agency: Reporting to Governor	2	California, Kansas
Independent Agency: Reporting to Board/Commission	15	Alabama, Connecticut, DC, Indiana, Maine, Massachusetts, Mississippi, Montana, Nebraska, Ohio, Oklahoma, Oregon, South Carolina, Texas, West Virginia
Part of Larger Agency: Department of Education	13	Pennsylvania, Alaska, Arkansas, Colorado, Hawaii, Iowa, Maryland, Minnesota, New York, North Dakota, South Dakota, Virginia, Wisconsin
Part of Larger Agency: Department of Cultural Resources	5	Louisiana, New Hampshire, New Mexico, North Carolina, Utah
Part of Larger Agency: Department of State	5	Delaware, Florida, Illinois, Missouri, Washington
Part of Larger Agency: Other Agency	9	Georgia, Idaho, Kentucky, Michigan, Nevada, New Jersey, Rhode Island, Vermont, Wyoming
Under Legislative Branch	2	Arizona, Tennessee

SOURCE: Institute of Museum and Library Services, State Library Agency Survey, Fiscal Year 2008, p. 20-21, Table 1 (December 2009).

Commission staff members were informed that Ohio has a model state public library system. In addition to the Ohio system, staff reviewed the systems in New York, Maryland and Massachusetts.

New York. New York State has 755 local libraries, plus 314 branches and 144 bookmobiles. Local libraries consist of 400 public libraries (created by various municipalities) and 355 association libraries (privately organized). Public libraries are funded through municipal or school district initiatives. The state is divided into 23 public library systems. These systems are divided into three types – consolidated, federated and cooperative.

All systems share resources and receive varying degrees of state aid. There are three consolidated library systems, each a single entity in Brooklyn, New York City and Queens. Most of their funding support is local government support. There are four federated library systems, created by counties, with each member library retaining its

own charter. Most of the funding for these systems is derived from state aid, although some municipal aid is also available. There are 16 cooperative library systems, created by agreement among the member libraries, each of which retains its individual autonomy. Cooperative library systems receive all their funding from state aid.<sup>61</sup> The New York Board of Regents is encouraging its local libraries to become special legislative district public libraries, in which the board of trustees is elected by a public vote, and at least 60 percent of its funding is obtained through a direct public vote. Use of library districts also ensures that all communities have library services available. Another of the advantages touted for public library districts is their ability to issue bonds to fund capital expenditures. In order to become a public library district, enabling legislation must be passed, after which the new library district is chartered and the old library is dissolved and its assets transferred to the new.

Ohio. Ohio law authorizes seven types of public libraries:

- School district libraries (149) are governed by a board appointed by the school district board, and the taxing authority rests with the school district board of education.
- County district libraries (57) are governed by a board that is appointed by county officials, and the taxing authority rests with the county commissioners.
- County extension libraries (28) are county libraries providing service beyond their geographic boundaries, but not in another library's service area.
- Municipal libraries (19) are governed by a board that is appointed by the municipality's mayor and the taxing authority rests with the city council.
- Association libraries (19) are private libraries governed by their articles of incorporation and have no taxing authority.
- Township libraries (4) are governed by a board appointed by the township trustees, and the taxing authority rests with the township trustees.
- County libraries (3) are governed by a board appointed by the judges of the county court and their taxing authority rests with the county commissioners.
- Regional library districts are authorized by law, but none have ever been formed in Ohio.<sup>62</sup>

Ohio ranks 1<sup>st</sup> nationwide in terms of per capita state support for libraries, but similarly to Pennsylvania,<sup>63</sup> ranks 45<sup>th</sup> in terms of per capita local government support.<sup>64</sup> While Pennsylvania's state funding is a pure appropriation that may fluctuate from year to year based upon that fiscal year's budget, Ohio's state support was based on an allocation of 5.7 percent of the state's personal income tax until January 2008, when it was switched to 2.22 percent of the state's total general tax revenue. In light of the

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<sup>61</sup> [www.nysl.nysed.gov/libdev/libs/profile.htm](http://www.nysl.nysed.gov/libdev/libs/profile.htm) and [www.nysl.nysed.gov/libtypes.htm](http://www.nysl.nysed.gov/libtypes.htm) , websites visited November 23, 2010.

<sup>62</sup> [www.library.ohio.gov/Marketing/Libraries/LibraryLaw](http://www.library.ohio.gov/Marketing/Libraries/LibraryLaw), website visited October 8, 2010.

<sup>63</sup> Ranked 4<sup>th</sup> and 47<sup>th</sup>, respectively.

<sup>64</sup> "Public Libraries Survey, Fiscal Year 2008," Institute of Museum and Library Services (June 2010), Tables A8 and A9, pp. 165-166.

economic situation nationwide during the past two years, Ohio has seen a nearly 30 percent decrease in state funding for public libraries.<sup>65</sup> However, historically, Ohio has expended considerably more money on public libraries than most other states, most likely due to the larger, relatively stable tax base that generates Ohio's state library funds. In terms of total operating revenue, Ohio's public libraries received \$63.47 per capita in 2008. Only the District of Columbia ranked higher, at \$77.91 per capita. Pennsylvania's total operating revenue per capita that year was \$28.87, ranked at 39<sup>th</sup>. State operating revenue per capita was \$39.08 in Ohio (ranked 1<sup>st</sup> place), versus \$7.07 in Pennsylvania, in 4<sup>th</sup> place. The state of Ohio spent considerably more than any other state per capita in 2008. Ohio's next closest competitor in terms of per capita spending was Hawaii at \$24.43, followed by Rhode Island at \$8.26 per capita. Local operating revenue per capita was much closer, \$17.74 in Ohio (45<sup>th</sup> place), \$17.27 in Pennsylvania (47<sup>th</sup> place).<sup>66</sup>

In 2008, Ohio ranked first in number of library visits, reference transactions, circulation transactions, number of video materials, current print serial subscriptions, number of paid full-time equivalent staff, and collection expenditures per capita. Ohio was also ranked in the top ten states in terms of interlibrary loans received, average number of public use internet computers per stationary outlet and number of audio materials. In comparison, Pennsylvania did not rise above 30<sup>th</sup> place in any areas except as 9<sup>th</sup> in interlibrary loans received, 19<sup>th</sup> in number of audio materials and 25<sup>th</sup> in number of paid full-time equivalent staff with ALA-MLS degrees.<sup>67</sup> A correlation can easily be drawn between the higher levels of funding in Ohio and its higher ranking in the provision of services.

Maryland. Maryland has 24 public library systems, with 183 branch libraries, plus three regional libraries. The Maryland Education Code establishes the county public library system, and each county that participates in the county-state minimum library program receives state aid. Counties, through local taxes, are responsible for providing approximately 60 percent of the total operating and capital expenses of the library system. The state share of this funding is approximately 40 percent, but may not be less than 20 percent in any county. Each county is required to fund, through the county and state shares, \$14.00 per capita for each resident of the county, through 2011. Thereafter, the minimum per capita support is \$15.00.<sup>68</sup>

Massachusetts. Pennsylvania's public library system is difficult to compare to other states – its geographic size, rural/urban demographics, layers of local government and the early development of its public libraries make it unique in many ways. In an effort to find a state that has a colonial history of library development similar to Pennsylvania's, staff reviewed the public library system in Massachusetts. Massachusetts has 370 independent libraries. They are in 348 of 351 municipalities, the smallest reporting square footage of 361 square feet. Eighty-seven percent of public library funding in

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<sup>65</sup> [www.olc.org/pdf/LibraryFundingHistory.pdf](http://www.olc.org/pdf/LibraryFundingHistory.pdf), website visited December 20, 2010.

<sup>66</sup> *Supra* note 64.

<sup>67</sup> *Id.* pp. 158-164.

<sup>68</sup> Md. Code Ann. (Education) §§ 23-401, 23-502 and 23-503.

Massachusetts is from municipal government. The state is also divided into nine Automated Resource Sharing Networks (ARSN), which include school, special, academic and public libraries. The bulk of the ARSN membership (80 percent) is from public libraries.

Until recently, six regional library systems provided summer reading programs, interlibrary loans, delivery, electronic resources and cooperative purchasing. Due to significant financial difficulties in the state, the six regions have been consolidated in order to remove an administrative layer, prevent duplication of services and avoid the closure of any individual library. Instead, the Massachusetts Board of Library Commissioners has been designated as the administrative agency responsible for providing these regional services, effective July 1, 2010.<sup>69</sup>

### *Library Services*

Public libraries provide a range of services beyond the traditional book-lending and reference resources traditionally associated with libraries. The American Library Association (ALA) conducted a study and issued a report in April 2010 reviewing the state of America's libraries, and is particularly instructive in its description of the growing demand for non-traditional services at public libraries nationwide.<sup>70</sup> The report cites increases in job-seeking activities as a result of the current economic recession, including:

- Completion of online job applications.
- Access to job databases and other online resources.
- Access to civil service exam materials.
- Resume writing assistance.
- Career counseling.
- Job training and continuing education.
- Internet access.
- Formal training or information-technology assistance in using computers and online resources.<sup>71</sup>

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<sup>69</sup> "Funding Massachusetts Public Libraries", Public Libraries Fact Newsletter (March 2009), vol.12, n. 3, [www.mblc.stat.ma.us/advisory/statistics/plf\\_newsletter/plf\\_v12\\_n3.php](http://www.mblc.stat.ma.us/advisory/statistics/plf_newsletter/plf_v12_n3.php). Website visited November 23, 2010.

<sup>70</sup> "The State of American's Libraries: A Report from the American Library Association," American Library Association Public Information Office (April 2010).

<sup>71</sup> *Id.* at p. 3.

As part of the ALA survey, respondents listed the following services used during the past year:

1. Taking out books (77 percent of households).
2. Consulting a librarian (67 percent of households).
3. Connecting to the Internet (41 percent of households).
4. Checking email (25 percent of households).<sup>72</sup>

Phone or computer use of public libraries also increased. Households reported renewing library materials and checking the library catalog as their two principal uses of phone or computer services.<sup>73</sup>

Respondents listed the following as the purposes for which they used a public library in the past year (in order of frequency of usage):

1. Education (homework or to take a class).
2. To use a computer.
3. To write a paper or resume.
4. Entertainment.
5. Obtain national or local news or information.<sup>74</sup>

Services for children were also cited as important services sought by families. Checking out books, movies and music for free was the most important reason cited for going to the library, and the following children's programs were cited as important (in order of importance):

1. Summer reading programs.
2. Homework help.
3. After-school activities.
4. Story Hour.
5. Computer classes.
6. Teen programs.<sup>75</sup>

Outreach to specific populations is another growing service of libraries. These include providing access to copyrighted materials to persons with visual disabilities, specially formatted textbooks for students with disabilities and literacy efforts for adult English-language learners.<sup>76</sup>

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<sup>72</sup> *Id.* at p. 9.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.* at p. 10.

<sup>75</sup> *Id.* at p. 11.

<sup>76</sup> *Id.* at 32.

## PUBLIC LIBRARY FUNDING

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Funding for Pennsylvania's public libraries comes from four sources: federal government aid, State government aid, municipal government aid and private gifts, donations and other miscellaneous income raised directly by the library. As with the growth and development of the administrative structure of the public library system, financial aid to public libraries has developed over time in a fragmented, overlapping manner that has led to a multi-layered funding system that is confusing to the uninitiated. Pennsylvania's local libraries have been struggling financially in light of state budget cuts in the past two years, as a recent sampling of Internet headlines across the state attests.

*City wants to cut library funding in half*, WGAL.com, December 9, 2010.<sup>77</sup>

*Two groups plead for no cuts in Montco funding*, msnbc.com, December 9, 2010<sup>78</sup>

*Library system given a shake-up: Administrator out and 14-member board will be disbanded*, Intelligencer Journal, December 3, 2010<sup>79</sup>

*More budget cuts for West Norriton*, Montgomery News, December 2, 2010<sup>80</sup>

*Middletown library is in a bind*, The Patriot-News, December 2, 2010<sup>81</sup>

*Franklin Public Library looks for public support*, Titusville Herald, December 1, 2010<sup>82</sup>

*Library needs volunteers, donations*, WNEP-TV, September 3, 2010<sup>83</sup>

*Libraries lament loss of funding for databases*, Pittsburgh Tribune-Review, January 24, 2010<sup>84</sup>

*Three Cumberland County libraries announce program, service cuts* The Patriot-News, December 18, 2009<sup>85</sup>

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<sup>77</sup> [www.wgal.com/print/26075921/detail.html](http://www.wgal.com/print/26075921/detail.html) .

<sup>78</sup> [www.msnbc.com/cleanprint/CleanPrintProxy.aspx?12924225784171](http://www.msnbc.com/cleanprint/CleanPrintProxy.aspx?12924225784171) .

<sup>79</sup> <http://articles.lancasteronline.com/local/4/320594> .

<sup>80</sup> [www.montgomerynews.com/articles/2010/12/07/montgomery\\_life/news/doc4cf7b5357a436520726939.prt](http://www.montgomerynews.com/articles/2010/12/07/montgomery_life/news/doc4cf7b5357a436520726939.prt) .

<sup>81</sup> [www.pennlive.com/printer/printer.ssf?/base/news/129125850861100.xml&coll=1](http://www.pennlive.com/printer/printer.ssf?/base/news/129125850861100.xml&coll=1) .

<sup>82</sup> [www.titusvilleherald.com/articles/2010/12/01/country\\_letters/doc4cf5c28036ebc17](http://www.titusvilleherald.com/articles/2010/12/01/country_letters/doc4cf5c28036ebc17) .

<sup>83</sup> [www.wnep.com/news/countybycounty/wnep-carb-panther-valley-library-donations-volunteers,0,4473948.story](http://www.wnep.com/news/countybycounty/wnep-carb-panther-valley-library-donations-volunteers,0,4473948.story) .

<sup>84</sup> [www.pittsburghlive.com/x/pittsburghtrib/news/pittsburgh/print\\_663801.html](http://www.pittsburghlive.com/x/pittsburghtrib/news/pittsburgh/print_663801.html) .

<sup>85</sup> [http://blog.pennlive.com/midstate\\_impact/print.html?entry=/2009/12/three\\_cumberland\\_county](http://blog.pennlive.com/midstate_impact/print.html?entry=/2009/12/three_cumberland_county) .

*Warren library cuts hours*, Times-Observer, December 15, 2009<sup>86</sup>

*Cuts prompt Bedford library to reduce hours*, Altoona Mirror, December 13, 2009<sup>87</sup>

*Lackawanna County libraries face budget cuts*, The Times-Tribune, September 16, 2009<sup>88</sup>

Across the Commonwealth, public libraries are struggling to maintain services in the face of decreasing government funding and increasing demand for their services. West Norriton Township in Montgomery County has reduced its discretionary contribution to its local public library from \$5,000 to \$500 in its proposed 2011 budget. Lancaster City wants to cut its contribution to its local library in half, from \$100,000 to \$50,000. The Panther Valley Public Library in Lansford, Carbon County, is only open for three hours on Tuesdays, and is struggling to maintain that level of service. As local priest Father Ronald Hatton stated, “I know a lot of school children used it and others. You need to have some kind of library.”<sup>89</sup> Pennsylvania has experienced decreases in state funding for public libraries over the last two fiscal years, and local funding has been cut even more sharply in some communities. Twenty municipalities (two townships, six boroughs and 12 cities) have been declared economically distressed under the Municipalities Financial Recovery Act (“Act 47”<sup>90</sup>).<sup>91</sup> Appeals for private and corporate donations, increasing fees for services, slashing services and staff, freezing or reducing payroll and employee benefits are all being proposed by public libraries state-wide to try to bridge the gap between community demands for services and falling governmental support. This section will discuss the state of library funding in Pennsylvania in an attempt to determine where the shortfalls are originating.

Overall aid to public libraries in Pennsylvania has experienced modest growth during most of the past decade. The table below charts library revenue by type from fiscal year 2000-2001 through 2007-2008 and shows an overall increase in total funding, including a gradual rise in federal and local funding, with a fluctuating amount of state aid.

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<sup>86</sup> [www.timesobserver.com/page/content.detail/id/525379.html?nav=5006](http://www.timesobserver.com/page/content.detail/id/525379.html?nav=5006) .

<sup>87</sup> [www.altoonamirror.com/page/content.detail/id/525107.html?nav=742](http://www.altoonamirror.com/page/content.detail/id/525107.html?nav=742) .

<sup>88</sup> [www.allbusiness.com/print/12965136-1-22eeq.html](http://www.allbusiness.com/print/12965136-1-22eeq.html) .

<sup>89</sup> *Supra* note 83.

<sup>90</sup> Act of July 10, 1987 (P.L. 246, No. 47).

<sup>91</sup> [www.newpa.com/get-local-gov-support/technical-assistance/request-assistance/act-47](http://www.newpa.com/get-local-gov-support/technical-assistance/request-assistance/act-47) .



**Table 10**  
**State-wide State-Aided Library Population Served and Revenue by Type**  
**Fiscal Years 2000-01 through 2007-08**

Fiscal Years	Population Served	Revenue in millions of dollars (\$)				
		Local	State	Federal	Other	Total Revenue
2000-01	11,942,656	\$154.2	\$61.0	\$3.4	\$42.0	\$260.6
2001-02	11,944,551	160.1	76.2	2.6	43.3	282.2
2002-03	11,950,784	169.5	79.3	2.7	46.2	297.6
2003-04	11,950,784	184.2	59.2	4.0	44.8	292.1
2004-05	11,968,157	188.0	69.5	3.7	45.0	306.1
2005-06	11,968,157	194.3	75.3	3.6	56.7	330.0
2006-07	11,968,157	203.0	84.9	4.2	49.1	341.2
2007-08	11,971,243	208.7	86.6	4.2	49.7	349.3

SOURCE: Pennsylvania Department of Education. Library Statistics.  
[http://www.pde.state.pa.us/portal/server.pt/community/library\\_statistics/8696](http://www.pde.state.pa.us/portal/server.pt/community/library_statistics/8696) (last visited September 29, 2010).

Budgetary constraints during the past two years have led to a reduction in state aid to local libraries. For fiscal year 2008-2009, the public library subsidy was reduced to \$75.1 million, and in fiscal year 2009-2010, that amount was further reduced to \$60 million. With the exception of fiscal year 2003-2004, when state aid totaled \$59.2 million, this is the lowest aid has been in 10 years.

At first glance, the public library system’s financial woes seem to lie squarely with state budget cuts that, in the current economic environment, are not likely to be reversed any time soon. However, prior to those budget cuts, Pennsylvania ranked 4<sup>th</sup> nationally in the amount of local library operating revenue per capita from state support, 12<sup>th</sup> for “other,” i.e., nongovernmental community, support per capita, and 47<sup>th</sup> for local government support per capita. This range of support resulted in Pennsylvania’s total operating revenue per capita for local libraries to be ranked 39<sup>th</sup> nationwide in 2008.<sup>92</sup> This ranking exists despite the fact that Pennsylvania is the 6<sup>th</sup> largest state in terms of population.<sup>93</sup> Even with the state budget cuts experienced in the last two years, the gap in funding between state and local government is remarkable. It will be important for anyone considering changes to the way public libraries are funded in Pennsylvania to review the most recent statistics to determine how the past two years of State budget cuts have affected Pennsylvania’s ranking in these categories.

<sup>92</sup> “Public Libraries Survey, Fiscal Year 2008,” Institute of Museum and Library Services (June 2010), Tables A8 and A9, pp. 165-166.

<sup>93</sup> U.S. Census Bureau, Cumulative Estimates of Resident Population Change for the United States, Regions, States and Puerto Rico and Region and State Rankings: April 1, 2000 to July 1, 2009 (NST-EST2009-02); (22 December 2009) Located at <<http://www.census.gov/popest/states/NST-pop-chg.html>>. See Table 12, Statistical Abstract of the United States, 2010. <http://www.census.gov/compendia/statab/rankings.html> (website visited November 19, 2010).

Additionally, the increase in local government funding is misleading. While overall local government spending has increased, it has varied wildly from county to county, and in some instances, has actually fallen from fiscal year 2003-2004 to fiscal year 2007-2008. Table 11 reflects these fluctuations in terms of overall dollars spent.

**Table 11**  
**Local Government Spending**  
**Fiscal Years 2003-04 Through 2007-08**

County Class/County	Population Served in 2007-08	Local government spending in thousands of dollars (\$)				
		2003-04	2004-05	2005-06	2006-07	2007-08
<b>First Class Counties</b>						
Philadelphia	1,517,550	\$63,082	\$61,448	\$63,247	\$69,370	\$69,636
<b>First Class Total</b>	<b>1,517,550</b>	<b>63,082</b>	<b>61,448</b>	<b>63,247</b>	<b>69,370</b>	<b>69,636</b>
<b>Second Class Counties (Population 800,000 - 1,499,999)</b>						
Allegheny	1,281,220	34,003	33,949	34,280	35,250	36,742
<b>Second Class Total</b>	<b>1,281,220</b>	<b>34,003</b>	<b>33,949</b>	<b>34,280</b>	<b>35,250</b>	<b>36,742</b>
<b>Second Class A (Population 500,000 – 799,999)</b>						
Bucks	595,424	6,614	6,787	7,481	7,450	7,739
Delaware	551,974	7,272	7,397	7,647	7,902	8,175
Montgomery	751,198	14,365	16,666	17,459	17,993	18,836
<b>Second Class A Total</b>	<b>1,898,596</b>	<b>28,250</b>	<b>30,850</b>	<b>32,587</b>	<b>33,345</b>	<b>34,751</b>
<b>Third Class (Population 210,000 - 499,999)</b>						
Berks	373,636	3,949	4,044	4,315	4,467	4,679
Chester	433,501	8,683	9,366	9,029	8,884	9,556
Cumberland	221,162	2,773	2,863	2,921	3,061	3,075
Dauphin	251,798	4,732	4,979	5,093	5,317	5,448
Erie	284,967	3,701	3,485	3,851	3,963	3,955
Lackawanna	213,295	2,873	3,698	3,845	3,743	3,923
Lancaster	470,660	3,237	2,888	3,369	3,445	3,604
Lehigh	293,304	2,872	3,040	2,983	3,076	3,179
Luzerne	328,086	1,454	2,125	2,238	2,224	2,475
Northampton	275,269	3,440	3,509	3,587	3,653	3,739
Westmoreland	379,496	1,404	1,416	1,440	1,474	1,555
York	381,751	2,469	2,711	3,187	3,281	3,478
<b>Third Class Total</b>	<b>3,906,925</b>	<b>41,586</b>	<b>44,123</b>	<b>45,860</b>	<b>46,588</b>	<b>48,664</b>
<b>Fourth Class (Population 145,000 - 209,999)</b>						
Beaver	180,680	1,083	1,036	1,086	1,076	1,019
Butler	174,083	738	668	698	756	740
Cambria	152,716	750	768	765	747	795
Washington	202,237	1,114	1,168	1,253	1,256	1,523
<b>Fourth Class Total</b>	<b>709,716</b>	<b>3,685</b>	<b>3,641</b>	<b>3,803</b>	<b>3,836</b>	<b>4,077</b>

**Table 11 (continued...)**

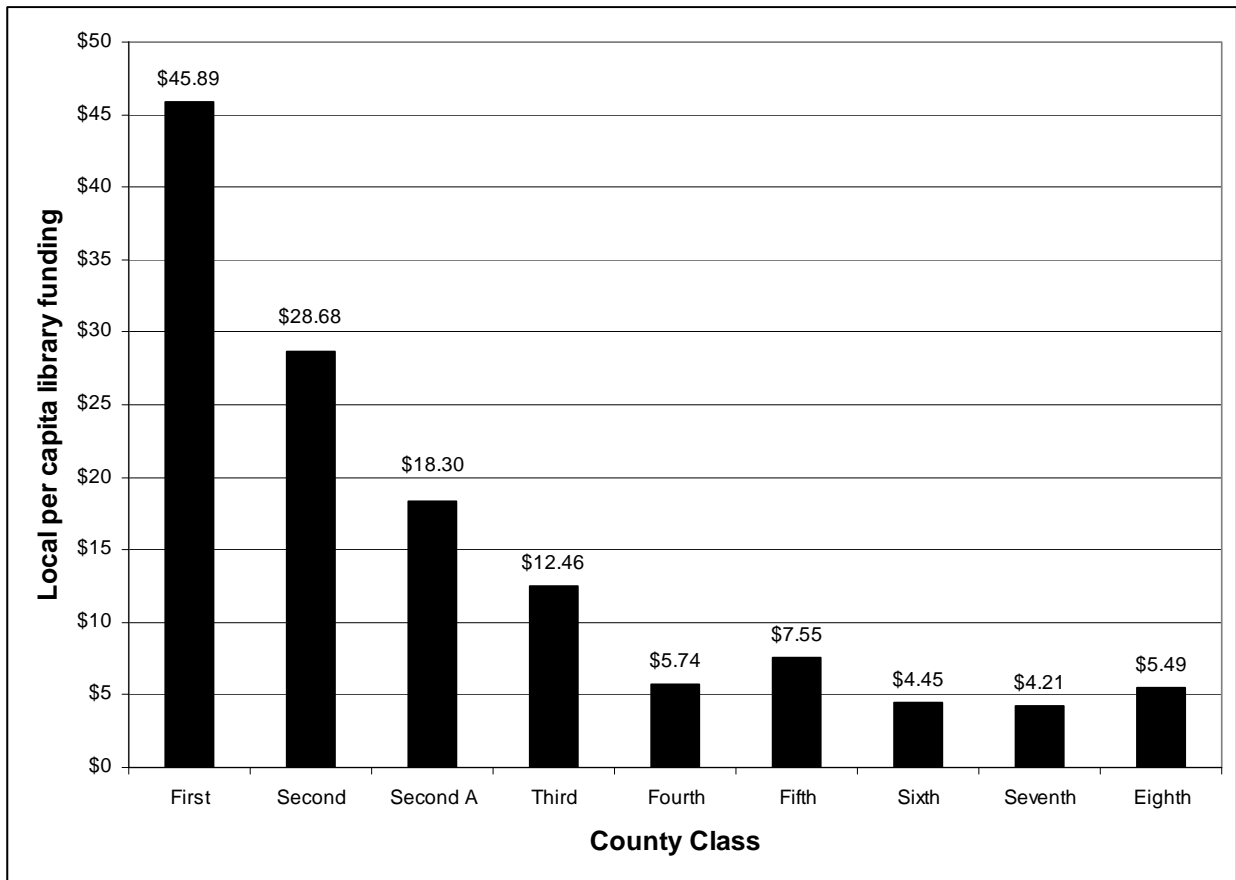
County Class/County	Population Served in 2007-08	Local government spending in thousands of dollars (\$)				
		2003-04	2004-05	2005-06	2006-07	2007-08
<b>Fifth Class (Population 95,000 - 144,999)</b>						
Blair	129,026	608	616	606	622	631
Centre	135,758	1,294	1,340	1,427	1,495	1,544
Franklin	121,825	643	671	709	726	976
Lawrence	95,375	497	505	459	469	473
Lebanon	120,327	264	291	307	312	310
Lycoming	120,044	1,008	1,065	1,197	1,206	1,217
Monroe	138,687	2,047	2,095	2,156	2,168	2,114
Schuylkill	144,619	338	323	320	343	328
<b>Fifth Class Total</b>	<b>1,005,661</b>	<b>6,699</b>	<b>6,905</b>	<b>7,180</b>	<b>7,340</b>	<b>7,594</b>
<b>Sixth Class (Population 45,000 - 94,999)</b>						
Adams	91,292	906	928	965	998	1,015
Bedford	49,984	149	151	159	145	138
Bradford	62,761	281	289	298	297	312
Clarion	49,159	108	109	115	101	112
Clearfield	83,382	254	249	231	242	249
Crawford	88,696	650	640	747	719	659
Fayette	76,689	173	173	178	175	185
Huntingdon	45,586	72	74	78	77	76
Jefferson	45,932	114	127	123	129	132
Mercer	75,450	448	501	500	332	314
Mifflin	46,486	207	210	221	220	230
Northumberland	85,660	117	100	112	130	110
Pike	46,302	255	253	271	263	261
Somerset	80,024	267	297	310	324	308
Wayne	47,722	201	211	219	232	236
<b>Sixth Class Total</b>	<b>975,125</b>	<b>4,202</b>	<b>4,313</b>	<b>4,528</b>	<b>4,384</b>	<b>4,336</b>
<b>Seventh Class (Population 20,000 - 44,999)</b>						
Carbon	44,638	81	61	61	74	68
Clinton	37,914	98	97	100	99	99
Columbia	33,503	110	113	113	121	118
Elk	28,453	171	178	211	192	193
Greene	40,672	94	94	104	97	99
Indiana	39,499	127	121	114	132	130
Juniata	22,821	85	84	90	90	90
McKean	44,296	135	134	136	137	142
Montour	21,286	20	23	25	21	23
Perry	20,091	13	10	11	11	10
Snyder	37,546	107	113	118	129	124
Susquehanna	42,238	229	234	240	236	267
Tioga	41,373	73	81	82	90	98
Union	41,624	275	282	305	285	314

**Table 11 (Continued...)**

County Class/County	Population Served in 2007-08	Local government spending in thousands of dollars (\$)				
		2003-04	2004-05	2005-06	2006-07	2007-08
Venango	42,036	333	343	362	369	364
Warren	43,863	345	348	377	381	380
Wyoming	28,080	51	53	55	55	54
<b>Seventh Class Total</b>	<b>609,933</b>	<b>2,348</b>	<b>2,367</b>	<b>2,504</b>	<b>2,518</b>	<b>2,571</b>
<b>Eighth Class Counties (Population less than 20,000)</b>						
Armstrong	15,697	97	115	104	107	90
Cameron	5,974	65	66	63	68	66
Forest	4,946	41	42	42	42	42
Fulton	14,261	12	12	12	16	20
Potter	19,083	84	121	105	121	116
Sullivan	6,556	27	27	27	30	30
<b>Eighth Class Total</b>	<b>66,517</b>	<b>326</b>	<b>383</b>	<b>353</b>	<b>384</b>	<b>365</b>
<b>State-wide</b>	<b>11,971,243</b>	<b>184,182</b>	<b>187,980</b>	<b>194,341</b>	<b>203,015</b>	<b>208,735</b>

Only 18 counties have had sustained increases in local funding across the five fiscal years examined - Adams, Allegheny, Delaware, Montgomery, Centre, Cumberland, Dauphin, Franklin, Fulton, Lycoming, Northampton, Philadelphia, Sullivan, Tioga, Washington, Wayne, Westmoreland and York. Figure A shows the range of per capita local library funding by county class, ranging from a high of \$45.89 for first class counties to \$4.21 for seventh class counties.

**Figure B**  
**Local Per Capita Library Funding by County Class**  
**Fiscal Year 2007-2008**



Among individual counties, the range is even greater. Philadelphia County provided \$45.89 per capita to its local libraries in fiscal year 2007-2008. In 32 of the State's 67 counties, local governments provide less than \$5 per capita support, which is the threshold amount of local support (local government expenditures plus library fundraising efforts, fines, etc.) required to be eligible for minimum state aid. Currently, 12 county governments do not provide any financial support to their local libraries, although some individual municipalities within the county do so.<sup>94</sup> For example, Perry County does not provide local library support, although local governments in Perry County provided 51 cents per capita in 2007-2008, the lowest amount of local financial support in the Commonwealth. *See* Table 12.

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<sup>94</sup> Armstrong, Carbon, Elk, Fayette, Indiana, Lehigh, McKean, Mercer, Northampton, Northumberland, Perry and Venango Counties. Email from M. Clare Zales dated December 6, 2010.

**Table 12**  
**Local Per Capita Government Spending**  
**and Population Served in 2007-08**

<b>County</b>	<b>Population served</b>	<b>Local per capita funding</b>	<b>County</b>	<b>Population served</b>	<b>Local per capita funding</b>
Philadelphia	1,517,550	\$45.89	Bradford	62,761	\$4.97
Allegheny	1,281,220	28.68	Lawrence	95,375	4.96
Montgomery	751,198	25.08	Mifflin	46,486	4.95
Chester	433,501	22.04	Wayne	47,722	4.94
Dauphin	251,798	21.64	Blair	129,026	4.89
Lackawanna	213,295	18.39	Sullivan	6,556	4.58
Monroe	138,687	15.24	Butler	174,083	4.25
Delaware	551,974	14.81	Mercer	75,450	4.16
Cumberland	221,162	13.90	Westmoreland	379,496	4.10
Erie	284,967	13.88	Juniata	22,821	3.93
Northampton	275,269	13.58	Somerset	80,024	3.85
Bucks	595,424	13.00	Columbia	33,503	3.52
Berks	373,636	12.52	Snyder	37,546	3.31
Centre	135,758	11.37	Indiana	39,499	3.28
Adams	91,292	11.12	McKean	44,296	3.20
Cameron	5,974	11.08	Clearfield	83,382	2.99
Lehigh	293,304	10.84	Jefferson	45,932	2.87
Lycoming	120,044	10.14	Bedford	49,984	2.76
York	381,751	9.11	Clinton	37,914	2.60
Warren	43,863	8.66	Lebanon	120,327	2.57
Venango	42,036	8.65	Greene	40,672	2.43
Forest	4,946	8.54	Fayette	76,689	2.41
Franklin	121,825	8.01	Tioga	41,373	2.36
Lancaster	470,660	7.66	Clarion	49,159	2.28
Luzerne	328,086	7.54	Schuylkill	144,619	2.27
Union	41,624	7.54	Wyoming	28,080	1.91
Washington	202,237	7.53	Huntingdon	45,586	1.66
Crawford	88,696	7.43	Carbon	44,638	1.53
Elk	28,453	6.78	Fulton	14,261	1.42
Susquehanna	42,238	6.33	Northumberland	85,660	1.28
Potter	19,083	6.08	Montour	21,286	1.07
Armstrong	15,697	5.75	Perry	20,091	0.51
Beaver	180,680	5.64			
Pike	46,302	5.64	<b>State-wide</b>	<b>11,971,243</b>	<b>17.44</b>
Cambria	152,716	5.20			

## *Federal Aid*

Federal aid to public libraries has unfolded in a straightforward way. The Library Services Act of 1956<sup>95</sup> was passed “to promote the further extension by the several States of public library services to rural areas without such services or with inadequate services.”<sup>96</sup> Funding could not be used for purchase of land or buildings, or new construction of libraries. States desiring funds were required to submit a state plan for the use of these funds, and the state library agency was required to have supervision over local governmental units that were part of the plan. The 1956 Act contained a provision that required states desiring assistance under the act to have in effect a state plan, submit annual programs and establish a State Advisory Council on Libraries.<sup>97</sup> Pennsylvania did not qualify for federal funding the first year allotments became available because the state did not have the staff available to formulate a plan, the result of not having a State Librarian for several years.<sup>98</sup> Efforts to qualify for this federal funding were undoubtedly the genesis of Pennsylvania’s enactment of The Library Code and the creation of the Advisory Council on Library Development. The 1956 Act was amended several years later in 1964 to become the “Library Services and Construction Act,” to authorize use of federal funds for library construction.<sup>99</sup>

Federal grants are currently provided under The Library Services and Technology Act of 1996, the latest incarnation of the federal library grant program.<sup>100</sup> Use of funding under this program is restricted, with an emphasis on technology services.<sup>101</sup> As shown

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<sup>95</sup> Act of June 19, 1956, ch. 407, 70 Stat. 293 (repealed by Act of September 30, 1996, Pub. L. 104-208, 110 Stat. 3009-312).

<sup>96</sup> Loleta D. Fyan, “Progress and Policies under the Library Services Act,” *The Library Quarterly*, Vol. 27, No.4 (October 1957), 235-248, 235.

<sup>97</sup> West United States Code Annotated, 20 U.S.C.A. §§ 351-351g Historical and Statutory Notes to Section 351d.

<sup>98</sup> *Supra* note 89, at 238.

<sup>99</sup> Act of February 11, 1964, Pub.L. 88-269, 78 Stat. 16.

<sup>100</sup> Pub. L.104-208, 20 U.S.C. § 9101 et seq.

<sup>101</sup> 20 U.S.C. § 9141, which provides the following:

(a) In general. Of the funds provided to a State library administrative agency under section 9123 of this title, such agency shall expend, either directly or through subgrants or cooperative agreements, at least 96 percent of such funds for –

- (1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;
- (2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks;
- (3) providing electronic and other linkages among and between all types of libraries;
- (4) developing public and private partnerships with other agencies and community-based organizations;
- (5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and
- (6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved.

in Table 13, Pennsylvania ranks 6<sup>th</sup> nationwide in the amount of federal aid received in fiscal year 2010 (\$6,197,247),<sup>102</sup> which is consistent with its ranking of the 6<sup>th</sup> largest state in terms of population.<sup>103</sup>

**Table 13**  
**State Allotments of Federal Library Aid, Ranked by Amount of Aid**  
**Fiscal Year 2010**

<b>Rank/State</b>	<b>Federal Library Aid (in Dollars)</b>	<b>Rank/State</b>	<b>Federal Library Aid (in Dollars)</b>
1. California	\$16,971,056	27. Oregon	\$2,359,806
2. Texas	11,462,047	28. Oklahoma	2,294,344
3. New York	9,318,366	29. Connecticut	2,231,803
4. Florida	8,803,371	30. Iowa	2,010,733
5. Illinois	6,398,149	31. Mississippi	1,982,436
6. Pennsylvania	6,197,247	32. Arkansas	1,945,548
7. Ohio	5,770,712	33. Kansas	1,921,944
8. Michigan	5,113,653	34. Utah	1,892,820
9. Georgia	4,972,854	35. Nevada	1,832,430
10. North Carolina	4,767,500	36. New Mexico	1,559,494
11. New Jersey	4,528,274	37. West Virginia	1,484,197
12. Virginia	4,123,366	38. Nebraska	1,470,441
13. Washington	3,582,706	39. Idaho	1,355,376
14. Arizona	3,560,969	40. Maine	1,263,471
15. Massachusetts	3,559,988	41. New Hampshire	1,263,185
16. Indiana	3,506,281	42. Hawaii	1,250,947
17. Tennessee	3,434,523	43. Rhode Island	1,145,724
18. Missouri	3,300,104	44. Montana	1,108,783
19. Maryland	3,176,887	45. Delaware	1,066,966
20. Wisconsin	3,174,392	46. South Dakota	1,036,430
21. Minnesota	2,993,749	47. Alaska	984,174
22. Colorado	2,869,234	48. North Dakota	964,313
23. Alabama	2,746,218	49. Vermont	955,355
24. South Carolina	2,665,509	50. District of Columbia	942,308
25. Louisiana	2,634,925	51. Wyoming	916,086
26. Kentucky	2,572,188		

SOURCE: State Allotments for Fiscal Years 2006-2010, Institute of Museum and Library Services.

(b) Special rule. Each State library administrative agency receiving funds under this part may apportion the funds available for the purposes described in subsection (a) of this section among such purposes, as appropriate, to meet the needs of the individual State.

<sup>102</sup> “State Allotments for Fiscal Years 2006-2010,” Institute of Museum and Library Services, <http://www.ims.gov/programs/allotments.shtm> (website visited October 8, 2010).

<sup>103</sup> *Supra* note 86.



## *State Aid*

State aid is received by 165 libraries and library systems throughout the Commonwealth, providing benefits to 608 libraries and branches.<sup>104</sup> This aid comes in a variety of forms. The Library Code of 1961 established seven categories of state aid to public libraries: quality libraries aid, incentive for excellence aid, county coordination aid, district library center aid, State-wide library resource center aid, equalization aid and equal distribution grants.

Not all libraries are eligible for all levels of aid. Libraries may qualify for aid as a stand-alone entity, or as part of a library system (a federation of two or more local libraries at a county or multi-county level). Libraries and library systems may apply for three categories of aid: (1) quality libraries aid, (2) incentives for excellence aid and (3) equal distribution grants. Equalization aid is available only to libraries in economically distressed communities. The remaining three categories of aid are self-descriptive: county coordination aid, district library center aid and State-wide library resource center aid. Prior to 1998, all local libraries and library systems could receive basic aid. Basic aid became quality libraries aid in FY 1999-2000. Additionally, local libraries and library systems that made a financial effort above that required for quality libraries aid could be eligible for incentive for excellence aid. All local libraries and library systems receiving quality libraries aid can also receive equal distribution grants.

The formulas set forth under The Library Code have a twofold effect: quality libraries aid and equal distribution grants provide subsidies for all libraries that meet a minimum set of standards, while equalization aid provides additional support to libraries in economically distressed municipalities. Incentive for excellence aid, on the other hand, provides an incentive for competition among libraries to provide a wider range of services. The Library Code was intended to promote local government support of library funding by requiring a minimum amount of local aid in order to qualify for state aid.

Under The Library Code, the annual appropriation for local libraries and library systems is allocated on what is essentially a percentage basis, with some minimum funding standards for some categories of aid. Although some mild adjustments were made in fiscal years 1998 through 2003, the wholesale abandonment of the statutory funding formula began in fiscal year 2003-2004. Amendments to re-allocate funding were made to The Library Code in fiscal years 2003 through 2007; for fiscal years 2007-2008 and 2008-2009, amendments were made to the Public School Code of 1949<sup>105</sup> to adjust the formula. For fiscal years 2009-2010 and 2010-2011, amendments to the Fiscal Code<sup>106</sup> changed the formula. Using fiscal year 2008-2009 as an example, Table 14 shows the statutory formula for each category of aid, and the actual amount allocated that fiscal year, under the Fiscal Code amendment.

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<sup>104</sup> *Supra* note 37. Six hundred thirty-six libraries, branches and bookmobiles received equal distribution grants in 2008-2009.

<sup>105</sup> Act of March 10, 1949 (P.L. 30, No. 14) §§ 2316 and 2317.

<sup>106</sup> Act of April 9, 1929 (P.L. 343, No. 176) §§ 1722-J(a)(12) and 1722-L(a)(12).

**Table 14**  
**Allocations of State Aid, by Category, under The Library Code and as Allocated**  
**Fiscal Year 2008-2009**

Category of Aid	Original Statutory Mandate	FY 2008-2009 Allocation
Quality libraries aid	25% of the annual appropriation for libraries, min. 25¢ per capita	29%, \$1.803 per capita
Incentive for excellence aid	25% of the annual appropriation for libraries, min. 25¢ per capita	34%
Equal distribution grants	5% of the annual appropriation for libraries	2%, \$2,634.03 to 636 libraries, branches and bookmobiles
county coordination aid	10% of the annual appropriation for libraries	12%
District library center aid	30% of the annual appropriation for libraries, min. 25¢ per capita	17%, \$1.04 per capita
State-wide library resource center aid	5% of the annual appropriation for libraries	5%
Equalization aid	2.75% of the annual appropriation for libraries	1%

SOURCE: Fiscal Year 2008-2009 Allocation derived from Summary of State Aid to Public Libraries, 2008-2009, Commonwealth of Pennsylvania, Office of Commonwealth Libraries.

For fiscal year 2009-2010, quality libraries aid amounted to \$1.442 per capita. Equal distribution grants of \$2,106.98 were granted to 636 libraries, branches and bookmobiles. District library center aid was \$0.824 per capita.<sup>107</sup>

*State Aid for All Qualifying Libraries:*

Any local library or library system may apply for these three categories of state aid:

Quality Libraries Aid. Until fiscal year 1998-1999, local libraries desiring financial assistance from the state were required to meet basic standards or submit a plan for the use of funding. By doing so, they became eligible to receive a per capita portion of 25 percent of the annual appropriation for total library aid, or a minimum of 25 cents per capita. Any appropriation remaining after the minimum allocation was then allocated per capita. This was referred to as “basic aid.”

<sup>107</sup> Summary of State Aid to Public Libraries, 2009-2010, Commonwealth of Pennsylvania, Office of Commonwealth Libraries.

[www.portal.state.pa.us/portal/service.pt/community/library\\_funding/8702/projections\\_and\\_summaries\\_of\\_state\\_aid\\_to\\_public\\_libraries](http://www.portal.state.pa.us/portal/service.pt/community/library_funding/8702/projections_and_summaries_of_state_aid_to_public_libraries), website visited December 27, 2010.

“Basic aid” was replaced with “quality libraries aid,” beginning in FY 1999-2000. Any local library that made a minimum financial effort of \$5 per capita for each person residing in municipalities based on which it qualifies for aid and which met quality libraries aid criteria could receive State aid.

The amount of quality libraries aid is distributed on a per capita basis by the following formula: the annual allocation for quality libraries aid is divided by the total population of all libraries that qualify for quality libraries aid and then the per capita amount is multiplied by the population residing within the municipalities served by the qualifying library.

Incentive for Excellence Aid. Incentive for excellence aid is available to any library or library system that is qualified for quality libraries aid, makes more than the minimum amount of financial support and attains a higher level of standards. A two-tier funding allocation method is used. The annual allocation for incentive for excellence aid is allocated proportionately among eligible libraries. Libraries that exceed 100 percent minimum financial support, but do not exceed 150 percent can receive Tier 1 funding of up to 80 cents for each \$1 per capita of surplus financial support. Libraries that exceed 150 percent minimum financial support, but do not exceed 300 percent can receive Tier 2 funding of up to 10 cents for each \$1 per capita of surplus financial support.

Equal Distribution Grants. Five percent of the total allocation for state aid is set aside for equal distribution grants, as well as any funds remaining from the county library allocation after all eligible county libraries have received the maximum of county coordination aid, all of which is to be distributed on a per library basis.

#### *State Aid for Specific Libraries*

In addition to state aid that is available to all local libraries, there are four categories of aid that are available on the basis of the *status* of the library:

County Coordination Aid. County coordination aid is a simple matching aid program, with a graduated percentage match tied to the county class, ranging from a five percent match for second class counties to a 100 percent match for 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> class counties. Any excess annual appropriation that remains after payment of these matches is to be added to the funds allocated for equal distribution grants.

District Library Center Aid. The 29 district library centers in Pennsylvania divide the annual allocation for this type of aid equally.

State-wide Library Resource Center Aid. The four state-wide library resource centers divide the allocation for this type of aid equally.

Equalization Aid. This category of aid is available to economically distressed municipalities only. Any year the total annual appropriation for the system of State aid equals or exceeds \$17.5 million, 2.75 percent of that aid is to be allocated as equalization aid. Twenty percent of that allocation is to be divided equally among all qualifying libraries, and then the balance shared per capita. No library may receive more than one-third of the total equalization aid appropriation.

### *Restricted Funds*

Grants can be obtained from the Department of Education for construction and rehabilitation of physical facilities from bond revenues generated under the Keystone Recreation, Park and Conservation Fund Act.<sup>108</sup> The Library Facilities Grant Program monies may be used by municipalities to pay up to 50 percent of eligible project costs for planning, acquisition, development and rehabilitation of public libraries.

Local libraries can serve as adult basic literacy education (ABLE) providers and receive grants under the provisions of the Pennsylvania Adult and Family Literacy Education Act.<sup>109</sup>

Libraries may also be eligible for grants under other programs that are not specifically education-oriented. For example, recently the Milton Public Library in Northumberland County received a \$575,000 Keystone grant and a \$500,000 Growing Greener II grant to renovate an historic mansion recently purchased by the library to serve as its new home<sup>110</sup>. Growing Greener II grants are Main Street and Downtown Redevelopment Grants to municipalities and nonprofits to help a community's downtown redevelopment effort, focusing on the improvement of downtown sites and buildings.

### *Economic Benefit of State Expenditures on Libraries*

In 2006, the Office of Commonwealth Libraries, in collaboration with the Pennsylvania Library Association, commissioned a study to determine Pennsylvania's libraries return-on-investment value. The study, conducted by the University of North Carolina's School of Information and Library Science, concluded that for every \$1 of tax dollars spent on libraries in Pennsylvania, the state experienced an economic benefit of \$5.50. This number was determined by calculating the economic loss if public libraries ceased operations. The bulk of that loss was attributed to the higher costs of finding and using alternative sources of information. Losses would also be experienced in library jobs, library purchases and revenue from library-related businesses.<sup>111</sup>

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<sup>108</sup> Act of July 2, 1993 (P.L. 359, No. 50), § 8(d).

<sup>109</sup> Act of Oct. 22, 1986 (P.L. 1452, No. 143).

<sup>110</sup> [www.earthtimes.org/articles/press/rose-hill-mansion.1349757.html](http://www.earthtimes.org/articles/press/rose-hill-mansion.1349757.html).

<sup>111</sup> Jose-Marie Griffiths, Donald W. King and Sarah E. Aerni, "Taxpayer Return-on-Investment (ROI) in Pennsylvania Public Libraries," UNC School of Information and Library Science (September 2006) (On file at the Joint State Government Commission).

## *Municipal Aid*

Support of local libraries from a municipal standpoint has been a hodgepodge of assorted authorizing statutes. The Library Code authorizes municipalities to make appropriations to support public libraries, or to impose a special library tax, which is a real property tax, to provide financial support for local libraries. The statute also authorizes the use of eminent domain to acquire property for library use. Additionally, the various municipal codes provide for an array of property acquisition and financial support laws.

In two instances, The Library Code is specifically cited in a municipal code. The Borough Code specifically authorizes boroughs to levy a tax to support local libraries in accordance with The Library Code.<sup>112</sup> Under the Second Class Township Code, the board of supervisors may, in accordance with The Library Code, appropriate moneys toward any nonprofit association or corporation which operates or conducts a library or contract with or make grants to counties or municipal corporations for the furnishing of library service to the township.<sup>113</sup>

A second class township, first class township, incorporated town, borough, third through eighth class county, third class city or second class county and city is authorized to sell municipal property to nonprofit organizations that are organized as public libraries for the exclusive use as a library for a nominal amount and without advertising for bids or sale to the highest bidder.<sup>114</sup>

A first class township, borough, third through eighth class county, second class county or any city may acquire private property through eminent domain to provide for local libraries.<sup>115</sup> Cities and counties that are authorized to use eminent domain to acquire property to build libraries are authorized do so jointly and to jointly appropriation money for construction, operation and maintenance of the joint library.<sup>116</sup>

Abandoned or neglected burial grounds may be taken and interred bodies removed and relocated for construction of free public library buildings in boroughs and second class counties.<sup>117</sup>

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<sup>112</sup> Borough Code, Act of February 1, (1966) 1965 (P.L. 1656, No. 581) § 1301(a)(8).

<sup>113</sup> Second Class Township Code, Act of May 1, 1933 (P.L. 103, No. 69)§1539.

<sup>114</sup> Second Class Township Code, § 1503(c) and (d); First Class Township Code, Act of June 24, 1931 (P.L. 1206, No. 331) § 1501; Incorporated Towns law regarding contracts, Act of May 27, 1953 (P.L. 244, No. 34) § 1.1(d); the Borough Code, § 1201(4)(iv)(E) and (v); the County Code, Act of August 9, 1955 (P.L. 323, No.130) § 2306(b)(5); the Third Class City Code, Act of June 23, 1931 (P.L. 932, No. 317) § 1919; the Second Class County Code, Act of July 28, 1953 (P.L. 723, No. 230) § 2506(a.1)(1)(v) and (2).

<sup>115</sup> Act of Act of July 8, 1919 (P.L. 783, No. 320) (relating to cities, except those of the 3<sup>rd</sup> class); First Class Township Code, § 1901; Borough Code, §§ 1501 and 2501; the County Code, § 2368(a); the Third Class City Code, §§ 2801, 3602 and 3604; and the Second Class County Code, § 2577(a).

<sup>116</sup> Act of April 27, 1925 (P.L. 342, No.198).

<sup>117</sup> The Borough Code, § 2809 and the Act of May 12, 1887 (P.L. 96, No. 47).

Other property acquisition methods available are gift, purchase or issuance of bonds for construction (third through eighth class counties)<sup>118</sup> and appropriation of money or issuance of bonds for construction (cities and second class counties).<sup>119</sup> Another bonding option for a county, city, town, borough or township is under the Economic Development Financing Law. The law recognizes the ongoing need to build, improve and finance the operations of facilities owned by municipalities, including library facilities and that the cost of obtaining the financing for building and improving these public facilities may be reduced through the issuance of bonds through the Pennsylvania Economic Development Financing Authority.<sup>120</sup>

A city may donate land to a library association for library construction, but the association must pay for the costs of the construction and put back surplus earnings into operations. The city may contribute up to 50% of annual operating and maintenance expenses. There is no cap on the contribution for annual operating and maintenance expenses for third class cities.<sup>121</sup>

Funds for the operation and maintenance of public libraries may be raised by appropriations or the issuance of bonds in third through eighth class counties by specific statutory provision,<sup>122</sup> and cities, excluding those of the third class, may appropriate money for operating and maintenance of public libraries under a specific statute.<sup>123</sup>

Second class counties and cities have two unique funding options not currently available to any other municipalities in the Commonwealth. The statutorily created Allegheny Regional Asset District is authorized to impose a sales and use tax to be used to assume the financial functions of second class cities and counties for regional assets, including regional libraries. In order to obtain this financial support, a local library must serve as a regional library resource center, a district library center or be part of a library system serving multiple municipalities.<sup>124</sup> The legislation that authorized table games in Pennsylvania casinos, enacted January 7, 2010, provides for a local assessment to be paid by casinos to counties and cities of the second class for library purposes. This allocation is in addition to any funding received under The Fiscal Code, the Public School Code of 1949 and The Library Code.<sup>125</sup>

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<sup>118</sup> The County Code, § 2368(a).

<sup>119</sup> The Third Class City Code, § 3603, Act of July 8, 1919 (P.L. 783, No. 320) (relating to cities, except those of the 3<sup>rd</sup> class), the Second Class County Code, § 2577(b).

<sup>120</sup> Act of August 23, 1967 (P.L. 251, No. 102).

<sup>121</sup> The Third Class City Code, § 3605 and the Act of July 8, 1919 (P.L. 783, No. 320) (relating to cities, except those of the 3<sup>rd</sup> class).

<sup>122</sup> The County Code, §2368(b).

<sup>123</sup> Act of July 8, 1919 ((P.L. 783, No. 320) (relating to cities, except those of the 3<sup>rd</sup> class).

<sup>124</sup> The Second Class County Code, § 3110-B.

<sup>125</sup> 4 Pa.C.S. §13A63(b)(3)(ii) and (c)(1); added by the act of Jan. 7, 2010 (P.L. 1, No. 1) .

### *Funding in Other States*

A 2007 study of local and state sources of funding for public libraries asserted that public libraries do not have secure funding at any level of government.<sup>126</sup> Although today's libraries continue to be funded by private donations, the majority of the funding comes from government sources. Nationwide, only one percent of the operating revenue of public libraries is derived from federal sources, 10 percent from state sources, and the majority of the funding, 82 percent, from local government sources. The remaining 8 percent comes from monetary gifts and donations, grants, interest, library fines and fees for library services.<sup>127</sup>

At the local level, the most common source of funding for public libraries is the property tax. Local sales tax is a much less common source; in Pennsylvania, only one of the 67 counties (Allegheny) uses it. Nationwide, there are some additional sources of local revenue that are used to fund public library operations.<sup>128</sup> Twenty-eight states have legislation allowing for formation of library taxing districts, in which a number of regional entities join together to support public libraries, in much the same way as regional entities form school districts. The districts are funded primarily via excise, income, sales, and, less often, property taxes.<sup>129</sup> Some states allow for the formation of regional asset districts – special taxing districts whose purpose is to support and finance regional assets including libraries, museums, historical societies, parks, recreation, cultural, sports and civic facilities and programs. Allegheny County is such a district that funds various cultural institutions and programs with the proceeds of a one percent sales tax.

A study of state funding patterns over the period of 10 years (1995-2005) makes it clear that state funding is a very important source of revenue for public libraries, but for the libraries in many states it is not a reliable source.<sup>130</sup> On a year-to-year basis, many states have seen their level of state funding increase or decrease by more than 10 percent; some changes were even more significant.

### Comparison of Types of Funding

- Above the national average in the amount of federal Library Services and Technology Act (LSTA) funding, but below average in the amount of E-rate funding and other federal funding.
- Below average in the number of libraries having independent taxing authority (16 percent PA versus 24 percent nationally).

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<sup>126</sup> *Local and State Sources of Funding for Public Libraries: The National Picture*, report prepared by RPA, Inc. (Williamsport, PA) for The Pennsylvania Library Association and Pennsylvania Citizens for Public Libraries (October 2007)

<sup>127</sup> *Id.* at p. 3.

<sup>128</sup> *Id.* at p. 9.

<sup>129</sup> *Id.* at p. 4.

<sup>130</sup> *Id.* at p. 5.

- Close to the top in the amount of state library aid, but lower than average in other state funding.
- Below average in regional funding.
- Significantly below average in county and city or municipal funding.
- By the reporting libraries own assessment, slightly below average in the ability to raise monies from alternative funding sources.
- Close to the national average in library foundations' capital amount.
- Above average in the amount of fees and fines collected by libraries.
- Above average in revenue from Pennsylvania's Friends of the Library Groups.
- Below average in donations from groups and individuals.
- Significantly below average in gifts and donations from corporate sources.
- Significantly above average in revenue realized for retail outlet sales.
- Above average in income from vending.<sup>131</sup>

### Types of State Aid to Public Libraries

The most common program for funding financial assistance to public libraries is direct state aid; only eight out of 50 states use an alternative method

The Ohio State Department of Taxation distributes funds to each county based on a formula. County budget commissioners then distribute the funding to the individual libraries within each county using various methods.

In addition to state aid, states have a variety of programs to provide additional aid, including competitive grants, grants for Internet connectivity and grants for computer upgrades. States often fund cooperative projects such as interlibrary loan and reciprocal borrowing as well as certain categories of libraries such as tribal libraries or library services to county jails and state correctional facilities.

### Sources of Local Revenue

A number of different local funding mechanisms are used nationwide, although the majority are property tax based.

- Property taxes (43 states)
- Local sales taxes (19 states)
- Local government fees (13 states)
- Bonds, impact fees, millage, penal fines, replacement income tax and state gross receipts tax
- State income tax checkoff donation (Hawaii)
- State sales tax receipts (Idaho)

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<sup>131</sup> *Id.* at p. 6.



## REVIEW OF REGULATIONS

The following table reflects the results of comparing the regulations found in Title 22 of the Pennsylvania Code in Part IX, State Library and Advisory Council on Library Development, against the provisions of The Library Code. Where inconsistencies and inaccuracies were found, they are noted below.

22 Pa. Code Section	Title/Purpose	Analysis
	<i>Subpart A: State Library Chapter 131. General Provisions; State Aid Preliminary Provisions</i>	
131.1	Definitions	Generally mirror the statutory definitions. Exceptions: “additional state aid,” all but the first sentence of “financial effort” and all of “financial effort equal to one-half mill” and “financial effort equal to one-quarter mill” – are obsolete, in that the statute no longer uses market value of property as a measure
131.2	Purpose of State aid	Consistent
	<i>Eligibility for State aid</i>	
131.11	Local libraries	Obsolete – These regulations relate to qualification for Basic Aid, which was changed to Quality libraries aid in 2000. A transition period to change the local support requirement to a flat \$5 per capita has long since expired. Additionally, § 303.2(e) of The Library Code required all libraries that had not received library aid in fiscal year 1998-1999 to meet the \$5 minimum at initial application, so no further transition language is necessary.
131.12	Percentage State aid to county libraries	Refers to § 303(2) of The Library Code relating to county library aid. County coordination aid is currently found in § 303.7 and is inconsistent with this provision.
131.13	Per capita State aid to county libraries	Obsolete – Refers to § 303(1) of The Library Code, relating to Basic Aid. <i>See</i> discussion at § 131.11 above.
131.14	Per capita State aid to county libraries merged or conjoined with local libraries	Obsolete – Refers to § 303(3) of The Library Code, relating to county libraries merged or conjoined with local libraries. This section no longer exists in The Library Code, although some aspects are covered in §§ 402, 403 and 405. To the extent they cover the same topic, the statute and regulations are inconsistent.
131.15	Per capita State aid to a county library system	<i>See</i> discussion at §131.14, above.

<b>22 Pa. Code Section</b>	<b>Title/Purpose</b>	<b>Analysis</b>
131.16	Per capita State aid to a county library and local library which agree to merge or conjoin	<i>See</i> discussion at §131.14, above.
131.17	District library centers	Consistent
131.18	Regional library resource centers	Consistent; however, the reference to § 303(5) of The Library Code is incorrect; the topic is currently covered in §303.9.
131.19	Ineligibility for state aid	Consistent; however, the references to § 303(4) and (5) in § 131.19(d)(1) and (2) are incorrect. The topic is currently covered in §§ 303.8 and 303.9.
131.20	Additional State aid	Obsolete – appears to apply to incentive aid, which has been changed to Incentive for Excellence Aid and which requires a greater minimum financial effort that set forth in this regulation
	<i>Application for and payment of State aid</i>	
131.31	Application – general	Consistent
131.32	Proof of eligibility	Generally consistent; question as to whether the dollar amounts that trigger different audit levels are still appropriate or if they need to be adjusted
131.33	Plan for use of State aid	Consistent
131.34	Payment of State aid	Consistent
131.35	Sharing by two or more libraries	Consistent
131.36	Reduction of state aid	Consistent, but not enforced most of the past decade
131.37	Change of fiscal year	Consistent
	<i>Determination of Service Area</i>	
131.41	Local library	Consistent
131.42	Expansion of service area	Consistent, except that reference to minimum local financial effort is inaccurate
131.43	Reduction of service area	Consistent
131.44	Plans for expansion or reduction	Consistent
131.45	County library	Consistent
131.46	Controversies over service areas	Consistent
131.47	Contracts for free library services	Consistent
	<i>Authorized components of local financial effort</i>	
131.51	General	Consistent
131.52	Tax funds	Consistent
131.53	Gifts	Consistent
131.54	Volunteer labor	Consistent

<b>22 Pa. Code Section</b>	<b>Title/Purpose</b>	<b>Analysis</b>
131.55	Endowment and investment income	Consistent
131.56	Rental fees	Consistent
131.57	Nonresident fees	Consistent
131.58	Rented quarters	Consistent
131.59	Shared utilities; janitorial and other services	Consistent
131.60	Capital expenditures	Consistent
131.61	Investments	Consistent
131.62	Repayment of loans	Consistent
131.63	Income from contracts	Consistent
131.64	Cost of raising money	Consistent
	<i>Termination or Reduction of State Aid</i>	
131.71	Termination of aid to a local library	Consistent; except that reference to minimum local financial effort in §131.71(1) is inaccurate
131.72	Termination of aid to a county library merged or conjoined with a local library	Reference to minimum local financial effort in § 131.72(2) is inaccurate; also, <i>see</i> discussion at §§ 131.11 and 131.14 above.
131.73	Reduction of aid to a local library	<i>See</i> discussion at § 131.11 above.
131.74	Reduction of aid to a county library merged or conjoined with a local library	<i>See</i> discussion at § 131.14 above.
	<i>Chapter 133. Certification of Library Personnel</i>	
133.1	Purpose of certification	Consistent
133.2	Procedure for certification	Consistent, except that the Department of Education does not give examinations as called for in § 133.2(b)
133.3	Certification committee	Consistent
133.4	Professional librarian	<i>See</i> comment to § 133.2 above with reference to §133.2(b)
133.5	Provisional librarian	<i>See</i> comment to § 133.2 above with reference to § 133.5(2)
133.6	Library assistant	<i>See</i> comment to § 133.2 above with reference to § 133.6(3)
133.7	Reciprocity with other states	Consistent
133.8	In-service training programs	Consistent
	<i>Chapter 135. Library Traineeships</i>	
135.1	Definitions	Consistent
135.2	Applications	Consistent

<b>22 Pa. Code Section</b>	<b>Title/Purpose</b>	<b>Analysis</b>
135.3	Eligibility	Consistent
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135.5	Selection	Consistent
135.6	Contract for employment by State Library	Consistent
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	<i>Subpart B. Advisory Council on Library Development Chapter 141. Plans for the Use of State Aid Purpose; Requirement for Plan</i>	
141.1	Local libraries	Consistent
141.2	District library centers	Consistent
141.3	Regional library resources centers	Consistent, except that they are now referred to as State-wide library resource centers
	<i>Procedure</i>	
141.11	Submission of plan	Consistent
141.12	Prohibited expenditures of state funds	Consistent
141.13	Unexpended balances	Consistent
141.14	Amendments to plan	Consistent
141.15	General nature of plan	Consistent
	<i>Criteria for Approval</i>	
141.21	Local libraries	§ 141.21(2)(ii)(C) provides for hours of operation of all libraries. Inconsistent with The Library Code §§ 303.3(4) and 303.6(1) and (2). § 141.21(5) reference to minimum local financial support is inaccurate.
141.22	District library centers	Consistent
141.23	Regional library resource centers.	Consistent, but <i>see</i> discussion at § 141.3 above
141.24	Library systems	§ 141.24(d)(3) - <i>See</i> discussion at § 141.21(2)(ii)(C)
141.25	Basic standards for local libraries	§ 141.25(b)(4) - <i>See</i> discussion at § 141.21(2)(ii)(C)

<b>22 Pa. Code Section</b>	<b>Title/Purpose</b>	<b>Analysis</b>
141.26	Basic standards for local library members of a library system	§ 141.26(b)(3)(i) - <i>See</i> discussion at § 141.21(2)(ii)(C)
141.27	Basic standards for branch libraries	§ 141.27(c)(2)(i) - <i>See</i> discussion at § 141.21(2)(ii)(C)
141.28	Basic standards for bookmobiles	§ 141.28(b)(4)(i) - <i>See</i> discussion at § 141.21(2)(ii)(C)
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<b>22 Pa. Code Section</b>	<b>Title/Purpose</b>	<b>Analysis</b>
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# **PUBLIC LIBRARY CODE**

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## TITLE 24 EDUCATION

### PART VI LIBRARIES

#### SUBPART A PUBLIC LIBRARIES

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#### CHAPTER 93 PUBLIC LIBRARY CODE

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#### SUBCHAPTER A GENERAL PROVISIONS

#### Sec.

9301. Short title of chapter.

9302. Definitions.

§ 9301. Short title of chapter.

The chapter shall be known and may be cited as the Pennsylvania Public Library Code.

#### **NOTE**

**This section is based on § 101 of the act of June 14, 1961 (P.L.324, No.188), known as The Library Code.**

§ 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 created under 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 or municipalities of 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.

“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) Serve at least 25,000 people.

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

(3) Have 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).

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

“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.

“Per capita.” Amounts determined on the basis of the most recent official United States Census report for purposes of calculating payment under sections 9334, 9335, 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.

**NOTE**

<b>§ 9302 Definition</b>	<b>Source from The Library Code (1961)</b>
<b>Advisory council</b>	<b>New</b>
<b>Basic standards</b>	<b>§ 302(1)</b>
<b>County library</b>	<b>§ 102(2)</b>
<b>Department</b>	<b>New</b>
<b>Direct service area</b>	<b>§ 302(2)</b>
<b>Financial effort</b>	<b>§ 302(3)</b>
<b>Internet</b>	<b>§ 302(5.1)</b>

<b>§ 9302 Definition</b>	<b>Source from The Library Code (1961)</b>
<b>Library system</b>	<b>§ 102(8)</b>
<b>Local government support</b>	<b>§ 302(5.2)</b>
<b>Local library</b>	<b>§ 102(1)</b>
<b>Locality</b>	<b>New</b>
<b>Minimum standards</b>	<b>§ 302(6)</b>
<b>Municipality</b>	<b>§ 102(6)</b>
<b>Municipal officers</b>	<b>§ 102(7)</b>
<b>Per capita</b>	<b>§ 302(7)</b>
<b>Surplus financial effort</b>	<b>§ 302(8)</b>

SUBCHAPTER B  
PUBLIC LIBRARY SYSTEM

Sec.

- 9311. State Library and State Librarian.
- 9312. Advisory council.
- 9313. State-wide library resource centers.
- 9314. District library centers.
- 9315. Development of local libraries.
- 9316. Acquisition of real property for library purposes.
- 9317. County libraries and library taxes.
- 9318. Local library governance.
- 9319. Certification of library personnel.
- 9320. Collaborative ventures.

§ 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 the 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), known as the Commonwealth Documents Law.

(5) Coordinate a State-wide 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 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, State-wide library resource centers, municipalities and groups regarding:
  - (i) The selection of books, cataloguing and other details of library management.
  - (ii) 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 State-wide 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 the Commonwealth.
- (12) Collect, preserve and publish library statistics.
- (13) Study library problems throughout the 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 the 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.

#### **NOTE**

**Subsection (a) is based on § 201(1) of The Library Code. Paragraphs (b)(1), (2), (8), (9), (11), (12), (13), (15) and (16) are based on § 201(2), (3), (7), (8), (10), (11), (12), (16) and (17) respectively. Paragraphs (b)(3) and (4) are based on § 201(4). Paragraph (b)(5) is based on the first sentence of § 201(5). Paragraph (b)(6) is new, but based in part on § 104. Paragraph (b)(7) is based on the first sentence of § 201(5) and §§ 201(6) and 104. Paragraph (b)(10) is based on the first part of § 201(9). Paragraph (b)(14) is based on the introduction to § 201(13), and § 201(14). Paragraph (b)(17) is based on the first clause of § 201(18). Paragraph (b)(18) is based on the first clause of § 201(15). Subsection (c) is based on the exception found in § 201(9).**



## COMMENT

**The position of State Librarian was created by the Act of February 28, 1816 (P.L. 88, Chapter LXIV). Originally appointed by the General Assembly, the State Librarian was subsequently appointed by the Governor, with the advice and consent of the Senate under the Act of January 25, 1854 (P.L. 7, No. 7). In 1919, the independent Office of State Librarian was created by the Act of May 23, 1919 (P.L. 242, No. 133). Under the provisions of the act of June 7, 1923 (P.L.498, No.274), known as the Administrative Code of 1923, the Office of State Librarian was made part of the Department of Public Instruction (now the Department of Education), where it has remained. Within the Department of Education, the Deputy Secretary for Libraries has administratively been assigned the role and duties of the State Librarian. This role is codified in subsection (a).**

**Many of the regulations promulgated under The Library Code shortly after its enactment establish service standards that reflect the technologies in existence in the mid-20<sup>th</sup> century. Subsection (b)(6) adds a directive that service standards should recognize and encourage the use and development of current and emerging technologies.**

§ 9312. Advisory council.

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

(b) Appointment by Governor.--The advisory council shall consist of twelve 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.

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

**NOTE**

**Subsection (a) is based on § 202 of The Library Code. Subsections (b) through (g) are based on § 203. Subsection (h) is based on § 204.**

**COMMENT**

**Subsections (b)(2) and (b)(3) change the membership of the Advisory Council on Library Development. Under The Library Code, six laypersons and three professional librarians serve on the council (along with three library directors or trustees). This membership change is intended to professionalize the council and to provide a better balance between librarians and community representatives.**

§ 9313. State-wide library resource centers.

(a) Designation.--The State Librarian shall designate four State-wide 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 State-wide library resource center shall:

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

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

**NOTE**

**Subsection (a) is based on § 209 of The Library Code. Subsection (b) is based on §§ 102(4) and 210.**

§ 9314. District library centers.

(a) Designation.--With the approval of the advisory council, the State Librarian shall designate up to thirty libraries throughout the 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.

**NOTE**

**Subsection (a) is based on § 210 of The Library Code. Subsection (b) is based on §§ 102(3) and 211.**

§ 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.--

(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 has 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.--

(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.--

(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.

#### **NOTE**

**Subsection (a) is derived from § 402(a) and the first two sentences of § 403 of The Library Code. Subsections (b), (c) and (d) are derived from § 404. Subsection (e)(1) is derived from § 409. Subsection (e) is derived from § 410. Subsection (f) is derived from § 417.**

§ 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.

**NOTE**

**Subsections (a), (b) and (c) are derived from § 418 of The Library Code. Subsections (d), (e), (f) and (g) are derived, respectively, from §§ 419, 420, 421 and 422.**

§ 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.

#### **NOTE**

**Subsections (a) and (b) are derived from § 402(b) of The Library Code. Subsection (c) is derived from § 402(c). Subsection (d) is derived from the third sentence of § 403. Subsection (e) is derived from § 405.**

#### **COMMENT**

**Sections 402, 403 and 405 refer to a “county library district,” which is not a defined term in The Library Code. As an entity, they do not exist, and have been supplanted by a county library and its direct service area.**

§ 9318. Local library governance.

(a) Board of library directors.--

(1) A local library established under this chapter or the 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 or 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 the effective date of The Library Code; and

(ii) by deed, gift or testamentary provision or in any manner other than under section 9351 (relating to financial support of 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 the effective date of The Library Code 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.--

(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.

#### **NOTE**

**Subsections (a) through (c) are derived from § 411 of The Library Code. Subsections (d) and (e) are derived from § 412. Subsections (f), (g) and (h)(1) are derived from § 413. Subsection (h)(2) and (3) is derived from § 414.**

§ 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 upon 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.

#### **NOTE**

**Subsection (a) based from the first sentence of § 201(13) of The Library Code. Subsection (b) based on the second sentence of § 201(13). Subsection (c) is new. Subsection (d) based on the first proviso of the second sentence of Section § 201(13).**

#### **COMMENT**

**The language in § 201(13) of The Library Code authorizing the State Librarian to conduct certification examinations has been deleted, as the Department of Education does not provide any such testing. The last proviso of § 201(13) is deleted as unnecessary transitional language from the original 1961 enactment. Subsection (c) is added to extend continuing education requirements to all librarians. Continuing education**

**requirements should be flexible, and sensitive to the staffing needs of smaller libraries with limited staff.**

§ 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.--

(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.

**NOTE**

**Subsection (a) is derived from § 201(18) of The Library Code.  
Subsection (b) derived from § 408.**



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. State-wide library resource center aid.
- 9340. Equalization aid.
- 9341. Transfer of funds among allocations.
- 9342. Special rules for specific fiscal years.

§ 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.--

(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.

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

(c) 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.

(d) Internet access policy.--A local library that provides access to the Internet or an on-line service shall adopt a policy regarding access by minors to Internet and on-line 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).

**NOTE**

**Subsection (a) derived from § 104 of The Library Code. Subsection (b) derived from §§ 303(b) and 304(a). Subsections (c)(1) and (d) are derived, respectively, from § 304(b)(1) and (b)(2). Subsection (c)(2) is derived from § 304(c).**

§ 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.--

(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.

#### **NOTE**

**Subsection (a) is based on §§ 103(a) and 104 of The Library Code. Paragraph (b)(1) is based on the first sentence of § 103(b)(1) and the first sentence of § 103(b)(2). Paragraph (b)(2) is based on the second sentence of § 103(b)(2). Subsection (c) is based on the second sentence of § 103(b)(1). Subsections (d) through (g) are based on § 103(c). Subsections (h) and (i) are new.**

#### **COMMENT**

**Section 103(a) of The Library Code allowed for waivers of standards for fiscal years 2004-2005 and 2005-2006 in the face of decreases in state funding. Section 104 required that for fiscal**

**years 2007-2008 and thereafter, all libraries were required to comply with both statutory and regulatory standards.**

**Subsection (a) makes waivers available to any library the facing reductions in state funding that may make it difficult to meet all standards. Subsection (h) grants the State Librarian some flexibility in granting waivers. This is a change from the current “all or nothing” approach to waivers. Subsection (i) is reflective of the triggering mechanism for a waiver application found in subsection (a).**

§ 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 State-wide library resource centers is hereby 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 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 State-wide library resource center shall receive state aid subject to:

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

(2) Section 9339 (relating to State-wide 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, two and three-quarters percent 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 cents 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 cents 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 cents 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 State-wide library resource center aid.

## NOTE

**Subsection (a) is based on Section 301 of The Library Code. Subsections (b), (c), and (d) are new, but do not create new law; they simply summarize the existing categories of aid available to libraries. Subsection (e)(1) and the introductory part of (e)(2) are based on Sections 303(a) and 303.10(a) of The Library Code. Paragraphs (e)(2)(i), (ii), (iii), (iv), (v) and (vi) are based, respectively, on Sections 303.1(a), 303.4(a), 303.11, 303.7(a), 303.8(a) and 303.9(a) of The Library Code.**

§ 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 State-wide 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 chapter 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 county wide 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.

**NOTE**

**Quality libraries aid was added to The Library Code in §§ 303.2 and 303.3 by the act of June 22, 2000 (P.L. 404, No. 57) and replaced Basic Aid to Libraries. Prior to this amendment, the minimum financial support required of local libraries and library systems to receive Basic Aid to Libraries was \$2 per capita. A three-year phase-in period was included in § 303.2(d) to allow local libraries who had been paying \$2 per capita to increase their support to \$5 per capita incrementally. New libraries were required to meet this support amount immediately (§ 303.2(e)), and with the exception of economically distressed municipalities, all libraries and library systems were required to meet the \$5 per capita minimum beginning in fiscal year 2002-2003 (§ 303.2(g)). These provisions are repealed by this chapter as fully executed.**

**Subsection (a) is based on § 303.2(c) of The Library Code and makes this \$5 minimum the standard, except for economically distressed municipalities. Subsections (b) and (d) are based on § 303.2(f) and (b), respectively. Subsection (c) is based on § 303.3.**

**With respect to standards regarding library hours of operation, there is a direct conflict between the hours of operation mandated in the regulations and the hours of operation required under The Library Code. The current placement of service standards in The Library Code is subsequent to the promulgation of the regulations and establishes an inflexible requirement. A proviso has been added to (c)(4) to allow for modification of those requirements by new regulations.**

§ 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 are 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, 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) 5% 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 chapter 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 cents 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 cents for each one dollar \$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.--

(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.

**NOTE**

**Subsections (a), (c) and (d)(1) are derived from § 303.5(b),(c) and (d) of The Library Code. Subsection (b) is derived from § 303.6. Paragraph (d)(2) is derived from § 304(d).**

**Section 303.4 of The Library Code provided for Incentive Aid to Local Libraries at a minimum rate of 25 cents per capita for each eligible library. Local libraries could alternatively receive 50 cents in incentive aid for each \$1 of surplus financial effort. This provision was effective through fiscal year 1998-1999 and was superseded by Incentive for Excellence Aid as set forth in § 303.5 of The Library Code. Section 303.4 is repealed by this chapter as obsolete.**

**With respect to standards regarding library hours of operation, there is a direct conflict between the hours of operation mandated in the regulations and the hours of operation required under The Library Code. The current placement of service standards in The Library Code is subsequent to the promulgation of the regulations and establishes an inflexible requirement. A proviso has been added to (b)(3) to allow for modification of those requirements by new regulations.**

§ 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.--

(1) Each eligible district library center shall receive five cents 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 the 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.

**NOTE**

**This section is based on § 303.11 of The Library Code.**

§ 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.--

- (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) provided that:

(A) the amount paid under section 9342(b)(1) (relating to special rules for specific fiscal years) 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.--

(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, 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).

**NOTE**

**Subsections (a) and (b) derived from § 303.7(b) of The Library Code. Subsection (c) derived from § 303.7(c)(1) and (2). Subsections (d) and (f) derived from § 303.7(c)(2) and (3), respectively. Subsections (e), (g) and (h) derived from § 303.7(d).**

§ 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.--

(1) The amount of aid to be paid 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 Library. 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).

**NOTE**

**Subsections (a) and (b) derived from § 303.8(b) of The Library Code. Subsection (c) derived from § 303.8(c). Subsection (d) derived from the last sentence of § 303.7(c)(3).**

§ 9339. State-wide library resource center aid.

(a) Eligibility.--Any library designated by the State Librarian to serve as a State-wide 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.--State-wide 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 State-wide accessibility and use via the Internet.

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

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

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

**NOTE**

**Subsections (a) and (b) derived from § 303.9(b) of The Library Code. Subsection (c) derived from § 303.9(c).**

§ 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 Bureau of Census for the direct service area of the local library or library system.

(d) Failure to meet certain eligibility requirements.--If of 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.--

(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.

**NOTE**

**Subsections (a) and (b) derived from § 303.10(b) of The Library Code. Subsections (c), (d) and (e) derived, respectively, from § 303.10(c), (d) and (e). Subsections (f) and (g) derived from § 303.10(f).**

§ 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 five percent of the amount specifically allocated for any specific type of aid.

**NOTE**

**This section derived from § 303.12 of The Library Code.**

§ 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 of allocated under section 303.1 of the 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) State-wide library resource center aid shall be allocated from a hold-harmless amount to equal that amount allocated for aid to State-wide 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, State-wide 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 percent.

(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 clause (i).

(iii) The result obtained in clause (ii) shall be divided by the sum of the amount of funding provided to all libraries under section (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 pursuant to 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 section (d)(4) and (5) shall be multiplied by \$1,752,000; and

(ii) The result obtained under clause (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 clause (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, State-wide 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 section (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 clause (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 in 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.

## NOTE

Subsection (a)(1) derived from § 303.2(a) of The Library Code. Subsection (a)(2) derived from § 303.5(a). Subsection (a)(3) derived from § 303.7(a). Subsection (a)(4) derived from § 303.8(a). Subsection (a)(5) derived from § 303.9(b). Subsection (a)(6) derived from § 303.10(f). Section (a)(7) derived from § 303.11. Subsection (b) derived from § 303.7(c)(1)(i). Subsection (c), (d), (e) and (f) derived, respectively, from §§ 303.13, 303.14, 303.15 and 303.16. Subsections (g) and (h) derived, respectively, from §§ 2316 and 2317 of the act of March 10, 1949 (P.L. 30, No. 14), known as the Public School Code of 1949. Subsections (i) and (j) derived, respectively, from §§ 1722-J(14) and 1722-L(12) of the act of April 9, 1929 (P.L. 343, No. 176), known as the Fiscal Code.

### Subchapter Comment

The 2000 amendments to The Library Code changed Basic Aid to Local Libraries, found in § 303.1 of the Code, to quality libraries aid (*see* discussion under § 9334 of this chapter) and incentive aid to libraries, found in § 303.4 of the Code to incentive for excellence aid. These changes became effective for fiscal years 1999-2000 and thereafter. These sections and the definitions relative to them have been repealed as fully executed. However, when the General Assembly began to make special allocation rules for specific fiscal years (*See* § 9342 of this chapter), the first year of special rules based its calculations on the amount allocated during fiscal year 1998-1999. Thereafter, each succeeding year's special calculation was based in some way on the previous year's allocation. The result is that for fiscal years 1999-2000 through 2010-2011, the annual allocation has been based on some variation of the 1998-1999 allocation. Accordingly, although the original 1998-1999 allocation was completed 10 years ago, it is useful to know how that calculation was made. Therefore, §§ 303.1 and 303.4 and their related definitions are reproduced below for reference.

Section 302. Definitions.--As used in this article--

(4) "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.

(5) "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.

**Section 303.1. Basic Aid to Local Libraries.--(a) For eligible fiscal years up to and through the 1998-1999 fiscal year, twenty-five percent (25%) of the commonwealth's total annual appropriation for the system of State-aid established by section 301, or a minimum of twenty-five cents (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) 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 two dollars (\$2) per capita for each person residing in those municipalities, whichever is less and achieves the basic standards, shall qualify for basic State-aid. Such aid shall not be less than twenty-five cents (25) for each person residing in the municipalities. However, when 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 the Commonwealth on behalf of which local libraries and library systems apply and qualify for basic aid: Provided, That 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 one dollar (\$1) per capita for each person residing in the municipalities whichever is less.**

**(c) In each of the succeeding five years, such 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 such library initially qualified for State-aid and a financial effort equal to one-half mill, or two dollars (\$2) per capita for each person residing in the municipalities for which it applies for aid, whichever is less:**

- 1<sup>st</sup> succeeding year—20 percent**
- 2<sup>nd</sup> succeeding year—40 percent**
- 3<sup>rd</sup> succeeding year—60 percent**
- 4<sup>th</sup> succeeding year—80 percent**
- 5<sup>th</sup> succeeding year—100 percent.**

**But where the increase in any year is less than the percentage specified above, 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) 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 two dollars (42) per capita for each person residing in those municipalities, whichever is less.

**Section 303.4. Incentive Aid to Local Libraries.--(a)** For eligible fiscal years up to and through the 1998-1999 fiscal year, twenty-five percent (25%) of the Commonwealth's total annual appropriation for the system of State-aid established by section 301, or a minimum of twenty-five cents (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) Any local library or library system which makes a minimum financial effort equal to one-half mill, or two dollars (\$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 in this section. Each qualifying library or library system shall receive incentive aid up to fifty cents (50) for each one dollar (\$1) of surplus financial effort but when fifty cents (50) per dollar of surplus financial effort is more than twenty-five cents (25) per capita the minimum incentive aid shall be twenty-five cents (25) per capita for each person residing in the direct service area. However, if after paying the minimum amount set forth in 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 fifty cents (50) for each one dollar (\$1) of surplus financial effort rather than at the rate of twenty-five cents (25) per capita.

The act of June 22, 2000 (P.L. 404, No. 57) amended The Library Code to restructure quality libraries and incentive for excellence aid, and added standards for these two categories of aid to the statute (previously, all standards were set forth in regulation). Section 305 provided that libraries failing to meet these standards for fiscal year 1999-2000 would be ineligible to receive any funding. An extension of time was available to meet the standards until the time of submission of the library's 2000-2001 plan for the use of State funds. This language is deleted from this codification as transitional and fully executed. Section 305 is reproduced below:

**Section 305. Implementation Schedule.--(a) If a library or library system applying for State-aid in 1999-2000 fails to comply with the standards under any section of this article, the library or library system shall not be eligible for funds under that section.**

**(b) The State Librarian may grant an extension of time to meet the standards under sections 303.3 and 303.6 if:**

**(1) the library or library system is financially unable to comply at the time of payment; or**

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

**(c) An extension by the State Librarian shall continue until the time of the submission of the 2000-2001 plan for use of State funds under this act.**

#### 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) Moneys 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) All income from a special library tax shall be used for the support and maintenance of the local library.

**NOTE**

**Section 9351 derived from § 401 of The Library Code.**

§ 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 all 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 that 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 in 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 all taxable property in the municipality for the purpose of maintaining any library established under the provisions of this section.

**NOTE**

**Subsections (a) through (d) derived from § 406 of The Library Code. Subsections (e) and (f) derived from § 407 of The Library Code.**

§ 9353. Gifts and donations.

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

**NOTE**

**This section derived from § 416 of The Library Code.**

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 all the residents and taxpayers of the municipality in which it is located.

(b) Non-residents.--The board of library directors may extend library privileges to persons residing the municipality upon 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 any person who willfully violates and rules and regulations adopted under subsection (c).

**NOTE**

**Subsections (a), (c) and (d) of section are based on the first sentence of § 415 of The Library Code. Subsection (b) is based on the second sentence § 415.**

§ 9372. Tax exempt status.

(a) Exemption from local taxes.—

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

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

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

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

(2) Paragraph (1) applies even if some portion of the building or land is 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.

#### **NOTE**

**Subsection (a) is based on the first sentence of § 423 of The Library Code. Subsections (b) and (c) are based on the second sentence of § 423.**

**This exemption from local taxes is also set forth in § 202(11) of the act of May 21, 1943 (P.L. 571, No. 254), known as The Fourth through Eighth Class and Selective County Assessment Law and § 204(11) of the act of May 22, 1933 (P.L. 853, No. 155), known as The General County Assessment Law.**

§ 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.--Any public library, school library, junior college or community college library, university library or historical society library in the Commonwealth shall be eligible to receive free copies of the publications.

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

(e) Documents published pursuant to the Commonwealth Documents Law.--This section shall not apply to the distribution of documents published under to the act of July 31, 1968 (P.L.769, No.240), known 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 to the Commonwealth Documents Law.

**NOTE**

**This section derived from § 425 of The Library Code.**

### COMMENT

**The act of June 1, 1883 (P.L. 52, No. 45) states “That every library, literary and scientific association, and historical society incorporated under the laws of this Commonwealth, and owning a library of two thousand or more volumes, shall be entitled to receive one well bound volume of each of the Executive and Legislative Documents hereafter published, and such other publications as are authorized by law to be printed by the State printer.**

§ 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 § 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.

### NOTE

**Subsection (a) of this section is based on the second sentence of § 201(5) of The Library Code. Subsection (b) is based on the proviso in the first sentence of § 201(15).**

## COMMENT

**Several statutes protect public libraries from censorship: For example, 18 Pa.C.S. § 5903(j) provides that “any county, city, borough, township or town library, any public library, any library of any school, college or university or any archive or library under the supervision and control of the Commonwealth or a political subdivision” is exempt from the Crimes Code prohibition against the display of obscene and other sexual materials and performances.**

§ 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 any university, college or educational institution chartered by the Commonwealth.
- (4) The library of any public school.
- (5) Any library established and maintained under any law of the Commonwealth.
- (6) A branch reading room, deposit station or agency operated in connection with any library described in this section.

## NOTE

**This section derived from §428 of The Library Code.**

## COMMENT

**Library and archive circulation and order records of identifiable individuals or groups of individuals and library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution are exempt from public scrutiny under § 708(b)(23) and (24) of the Right-to-Know Law, act of February 14, 2008 (P.L.6, No.3). See also § 9311(c).**

§ 9376. Damage to library materials.

(a) Offenses defined.--Any person who willfully cuts, mutilates, marks or otherwise injures any 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 pursuant to any 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 any university, college or educational institution chartered by the Commonwealth.
- (4) The library of any public school.
- (5) Any library established and maintained under any law of the Commonwealth.



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

**NOTE**

**This section is based on § 427 of The Library Code.**

**COMMENT**

**Section 426 of The Library Code defined the offense of retention of library property after notice to return and established penalties therefore. That section was superseded by 18 Pa.C.S. § 6708 (relating to retention of library property after notice to return), which declared the offense a summary offense. Section 427 of The Library Code treated willful damage to library property similarly. The only difference between the two offenses was that the potential imprisonment for retention of materials was 10 days in the county jail, whereas the maximum imprisonment for damage to materials was 15 days in the county jail. In the interests of consistency, willful damage to library property has been revised to mirror the offense of retention. Section 426 has not been codified.**



## **TRANSITIONAL LANGUAGE**

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### **APPLICABILITY**

(1) 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.

(2) All 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.

(3) Except as provided in paragraph (4), any 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.

(4) Any regulation promulgated under The Library Code and inconsistent with the provisions of 24 Pa.C.S. Ch. 93 shall be abrogated to the extent of that inconsistency.

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

(6) Except where specifically commented upon, 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 administrative interpretation and implementation of The Library Code.

(7) The provisions of § 9312 (relating to advisory council) 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 § 9312.

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

### **REPEALS**

Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is 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(12) of the act of April 9, 1929 (P.L.343, No.176), known as the Fiscal Code.

### **EFFECTIVE DATE**

This act shall take effect in 180 days.

## SOURCE AND DISPOSITION TABLES

### Source Table

24 Pa.C.S. Section	1961 Library Code Section
9301	101
9302 “advisory council”	New
9302 “basic standards”	302(1)
9302 “county library”	102(2)
9302 “department”	New
9302 “direct service area”	302(2)
9302 “financial effort”	302(3)
9302 “Internet”	302(5.1)
9302 “library system”	102(8)
9302 “local government support”	302(5.2)
9302 “local library”	102(1)
9302 “locality”	New
9302 “minimum standards”	302(6)
9302 “municipality”	102(6)
9302 “municipal officers”	102(7)
9302 “per capita”	302(7)
9302 “surplus financial effort”	302(8)
9311(a)	201(1)
9311(b)(1), (2), (8), (9), (11), (12), (13), (15) and (16)	201(2), (3), (7), (8), (10), (11), (12), (16) and (17)
9311(b)(3) and (4)	201(4)
9311(b)(5)	First sentence of 201(5)
9311(b)(6)	104
9311(b)(7)	104, first sentence of 201(5) and 201(6)
9311(b)(10)	First part of 201(9)
9311(b)(14)	Introduction to 201(13) and 201(14)
9311(b)(17)	First clause of 201(18)
9311(b)(18)	First clause of Section 201(15)
9311(c)	Exception clause in Section 201(9)
9312(a)	202
9312(b), (c), (d), (e), (f) and (g)	203
9312(h)	204
9313(a)	209
9313(b)	102(4) and 210
9314(a)	210
9314(b)	102(3) and 211

<b>24 Pa.C.S. Section</b>	<b>1961 Library Code Section</b>
9315(a)	402(a) and first two sentences of 403
9315(b), (c) and (d)	404
9315(e)(1)	409
9315(e)	410
9315(f)	417
9316(a), (b) and (c)	418
9316(d)	419
9316(e)	420
9316(f)	421
9316(g)	422
9317(a) and (b)	402(b)
9317(c)	402(c)
9317(d)	Third sentence of 403
9317(e)	405
9318(a), (b), (c) and (d)	411
9318(e) and (f)	412
9318(g), (h) and (i)(1)	413
9318(i)(2) and (3)	414
9319(a)	First sentence of 201(13)
9319(b)	201(13)
9319(c)	New
9319(d)	First proviso of the second sentence of 201(13)
9320(a)	201(18)
9320(b)	408
9331(a)	104
9331(b)	303(b) and 304(a)
9331(c)(1) and (d)	304(b)(1) and (2)
9331(c)(2)	304(c)
9332(a)	103(a) and 104
9332(b)(1)	First sentence of 103(b)(1) and first sentence of 103(b)(2)
9332(c)	Second sentence of 103(b)(1)
9332(d), (e), (f) and (g)	103(c)
9332(h) and (i)	New
9333(a)	301
9333(b),(c), and (d)	New
9333(e)(1)	303(a)
First sentence of 9333(e)(2)	303.10(a)
9333(e)(2)(i)	303.1(a)
9333(e)(2)(ii)	303.4(a)
9333(e)(2)(iii)	303.11
9333(e)(2)(iv)	303.7(a)
9333(e)(2)(v)	303.8(a)

<b>24 Pa.C.S. Section</b>	<b>1961 Library Code Section</b>
9333(e)(2)(vi)	303.9(a)
9334(a)	303.2(c)
9334(b)	303.2(f)
9334(c)	303.3
9334(d)	303.2(b)
9335(a), (c) and (d)(1)	303.5(b), (c) and (d)
9335(b)	303.6
9335(d)(2)	304(d)
9336	303.11
9337(a) and (b)	303.7(b)
9337(c)	303.7(c)(1) and (2)
9337(d)	303.7(c)(2)
9337(e), (g) and (h)	303.7(d)
9337(f)	303.7(c)(3)
9338(a) and (b)	303.8(b)
9338(c)	303.8(c)
9338(d)	303.7(c)(3)
9339(a) and (b)	303.9(b)
9339(c)	303.9(c)
9340(a) and (b)	303.10(b)
9340(c), (d) and (e)	303.10(c), (d) and (e)
9340(f) and (g)	303.10(f)
9341	303.12
9342(a)(1)	303.2(a)
9342(a)(2)	303.5(a)
9342(a)(3)	303.7(a)
9342(a)(4)	303.8(a)
9342(a)(5)	303.9(b)
9342(a)(6)	303.10(f)
9342(a)(7)	303.11
9342(b)	303.7(c)(1)(i)
9342(c)	303.13
9342(d)	303.14
9342(e)	303.15
9342(f)	303.16
9342(g)	§2316 of the Public School Code of 1949
9342(h)	§2317 of the Public School Code of 1949
9342(i)	§1722-J(14) of the Fiscal Code
9342(j)	§1722-L(12) of the Fiscal Code
9351	401
9352(a), (b), (c) and (d)	406
9352(e) and (f)	407
9353	416
9371(a), (c) and (d)	First sentence of 415

<b>24 Pa.C.S. Section</b>	<b>1961 Library Code Section</b>
9371(b)	Second sentence of 415
9372(a)	First sentence of 423
9372(b) and (c)	Second sentence of 423
9373	425
9374(a)	Second sentence of 201(5)
9374(b)	Proviso in first sentence 201(15)
9375	428
9376	427



## Disposition Table

The Library Code of 1961 Section	24 Pa.C.S. Section
101	9301
102(1)	9302 “local library”
102(2)	9302 “county library”
102(3)	9314(b)
102(4)	9313(b)
102(6)	9302 “municipality”
102(7)	9302 “municipal officers”
102(8)	9302 “library system”
103(a)	9331(a), 9332(a)
103(b)(1), first sentence	9332(b)(1)
103(b)(1), second sentence	9332(c)
103(b)(2), first sentence	9332(b)(1)
103(c)	9332(d), (e), (f) and (g)
104	9311(b)(6) and (7), 9332(a)
201(1)	9311(a)
201(2)	9311(b)(1)
201(3)	9311(b)(2)
201(4)	9311(b)(3) and (b)(4)
201(5), first sentence	9311(b)(5) and (b)(7)
201(5), second sentence	9374(a)
201(6)	9311(b)(7)
201(7)	9311(b)(8)
201(8)	9311(b)(9)
201(9), first part	9311(b)(10)
201(9), exception clause	9311(c)
201(10)	9311(b)(11)
201(11)	9311(b)(12)
201(12)	9311(b)(13)
201(13), first sentence	9311(b)(14) and 9319(a)
201(13) second sentence	9319(b)
201(13) first proviso of second sentence	9319(c)
201(13) second proviso of second sentence	---
201(14)	9311(b)(14)
201(15), first clause	9311(b)(18)
201(15), proviso of first sentence	9374(b)
201(16)	9311(b)(15)
201(17)	9311(b)(16)
201(18), first clause	9311(b)(17)
201(18)	9320(a)
202	9312(a), 9333(a)
203	9312(b), (c), (d), (e), (f) and (g)
204	9312(h)

<b>The Library Code of 1961 Section</b>	<b>24 Pa.C.S. Section</b>
209	9313(a)
210	9313(b), 9314(a)
211	9314(b)
301	9333(a)
302(1)	9302 “basic standards”
302(2)	9302 “direct service area”
302(3)	9302 “financial effort”
302(4) “financial effort equal to one-half mill”	---
302(5) “financial effort equal to one-quarter mill”	---
302(5.1)	9302 “Internet”
302(5.2)	9302 “local government support”
302(6)	9302 “minimum standards”
302(7)	9302 “per capita”
302(8)	9302 “surplus financial support”
303(a)	9333(e)(1)
303(b)	---
303.1(a)	9333(e)(2)(i)
303.1(b)	---
303.1(c)	---
303.2(a)	9342(a)(1)
303.2(b)	9334(d)
303.2(c)	9334(a)
303.2(d)	---
303.2(e)	---
303.2(f)	9334(b)
303.2(g)	---
303.3	9334(c)
303.4(a)	9333(e)(2)(ii)
303.4(b)	---
303.5(a)	9342(a)(2)
303.5(b), (c) and (d)	9335(a), (c) and (d)(1)
303.6	9335(b)
303.7(a)	9333(e)(2)(iv), 9342(a)(3)
303.7(b)	9337(a) and (b)
303.7(c)(1)(i)	9342(b)
303.7(c)(1) and 2)	9337(c)
303.7(c)(3)	9337(f), 9338(d)
303.7(d)	9337(e), (g) and (h)
303.8(a)	9333(e)(2)(v), 9342(a)(4)
303.8(b)	9338(a) and (b)
303.8(c)	9338(c)
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303.10(a)	9333(e)(2), first sentence
303.10(b)	9340(a) and (b)
303.10(c), (d) and (e)	9340(c), (d) and (e)
303.10(f)	9340(f) and (g), 9342(a)(6)
303.11	9333(e)(2)(iii), 9336, 9342(a)(7)
303.12	9341
303.13	9342(c)
303.14	9342(d)
303.15	9342(e)
303.16	9342(f)
304(a)	9331(b)
304(b)(1)	9331(c)(1)
304(b)(2)	9331(d)
304(c)	9331(c)(2)
304(d)	9335(d)(2)
305	---
401	9351
402(a)	9315(a)
402(b)	9317(a) and (b)
402(c)	9317(c)
403, first two sentences	9315(a)
403, third sentence	9317(d)
404	9315(b), (c) and (d)
405	9317(e)
406	9352(a), (b), (c) and (d)
407	9352(e) and (f)
408	9320(b)
409	9315(e)(1)
410	9315(e)
411	9318(a), (b), (c) and (d)
412	9318(e) and (f)
413	9318(g), (h) and (i)(1)
414	9318(i)(2) and (3)
415, first sentence	9371(a), (c) and (d)
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421	9316(f)
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# **THE LIBRARY CODE (1961)**

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## **THE LIBRARY CODE**

Act of Jun. 14, 1961, P.L. 324, No. 188  
AN ACT

Relating to the establishment, operation and maintenance of the State Library and public libraries in the Commonwealth; amending, revising, consolidating and changing the laws relating thereto; imposing duties upon public officers; providing for State and local cooperation and assistance in the establishment and maintenance of libraries; prescribing penalties; and repealing existing laws.

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

## ARTICLE I.

Section 101. Short Title.--This act shall be known and may be cited as "The Library Code."

Section 102. Definitions.--As used in this act—

- (1) "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 (including free lending and reference services) to an organized and currently useful collection of printed items and other materials and to the services of a staff trained to recognize and provide for these needs.
- (2) "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 the residents of the county, and to bring direct library service to those county residents not served by other local libraries located within the same county. For the purposes of this act, a local library operating a distinct county division shall be considered as two agencies, namely, a local library and a county library which are merged or conjoined.
- (3) "District Library Center." Any library designated as such by the State Librarian and receiving State-aid for the purpose of making its resources and services available without charge to all the residents of the district, of providing supplementary library services to local libraries within the district, of coordinating the services of all local libraries within the district which by contract become part of the district library center system and of exchanging, providing or contracting for library services with other district library centers.
- (4) "State-wide Library Resource Center." Any library designated as such by the State Librarian and receiving State-aid for the purpose of acquiring major research collections and, under such rules and regulations as are promulgated by a board consisting of the head librarians of all State-wide library resource centers and under

the chairmanship of the State Librarian, making them available to the residents of the Commonwealth on a State-wide basis. ((4) amended June 22, 2001, P.L.554, No.36)

(5) ((5) deleted by amendment June 22, 2001, P.L.554, No.36)

(6) "Municipality." Any county, city, borough, town, township, or any school district of the second, third or fourth class, which establishes or maintains a local library.

(7) "Municipal Officers." The mayor and council of any city, the mayor and council of any borough or town, the commissioners or supervisors of any township, the commissioners of any county or the board of school directors of any school district of the second, third or fourth class. ((7) amended Apr. 27, 1982, P.L.348, No.96)

(8) "Library System." A county-level or multicounty-level federation of at least two local libraries which:

(i) serve at least twenty-five thousand (25,000) people;

(ii) have voluntarily agreed to participate in the federation; and

(iii) have delegated the policymaking functions to a system board of directors.

((8) added June 22, 2001, P.L.554, No.36)

#### Section 103. Waiver of Standards.—

(a) If the Commonwealth's appropriation for libraries in fiscal years 2004-2005 and 2005-2006 is less than that provided in fiscal year 2002-2003, the State Librarian may, upon application by the board of directors of a local library, waive standards contained in this act and regulations promulgated under this act relating to hours of operation, continuing professional development, collections expenditures and any other standards related to library operations deemed appropriate by the State Librarian for the fiscal year. ((a) amended July 7, 2006, P.L.620, No.97)

(b) (1) The board of directors of a local library may adopt a resolution to apply for a waiver to any standards contained in this act or regulations promulgated under this act if meeting those standards places an economic hardship on the library's operating budget. The application for waiver shall be in a manner and in a form developed by the State Librarian and shall specify the need for the waiver and provide supporting data and information to explain the benefits to be obtained by the waiver.

(2) The application for a waiver shall be adopted by a resolution of the board of directors at a regularly scheduled meeting of the board. Prior to the board of directors adopting policies or procedures for which a waiver is being sought, approval of the department shall be required.

(c) The State Librarian shall have thirty days from receipt of an application submitted under this section to approve, disapprove or request modifications to the application. If the State Librarian fails to act within the time period, the waiver shall be deemed approved. If the State Librarian disapproves the application for waiver, the basis for the State Librarian's disapproval shall be transmitted to the board of directors of the local library. The board of directors may submit a revised application for waiver to the State Librarian. (103 added Feb. 5, 2004, P.L.59, No.6)

Section 104. Standards.--In fiscal year 2007-2008 and each year thereafter, a library shall comply with standards contained in this act and regulations promulgated under this act



relating to hours of operation, continuing professional development, collections expenditures and any other standards related to library operations.  
(104 added July 7, 2006, P.L.620, No.97)

## ARTICLE II.

Section 201. State Library and State Librarian; Powers and Duties.--The Department of Education shall have the power, and its duty shall be--(Par. amended May 4, 1982, P.L.371, No.105)

(1) To appoint a suitably qualified State Librarian as the person to exercise the powers and discharge the duties pursuant to this section.

(2) To control, direct, supervise and manage the State Library as an agency providing information and fostering continuing education in the state education program.

(3) To maintain, as part of the State Library, a law library.

(4) To receive copies of all publications of all agencies of the Commonwealth in order to maintain a definitive, organized collection of all such publications by the State Library and to provide for the distribution of such publications to other libraries. The State Librarian shall also designate selected academic or public libraries within the Commonwealth to be State government document depository libraries under criteria and regulations approved by the Advisory Council on Library Development and, in the case of documents published pursuant to the act of July 31, 1968 (P.L.769, No.240), known as the "Commonwealth Documents Law," by the Joint Committee on Documents. ((4) amended Dec. 1, 1971, P.L.578, No.150)

(5) To coordinate a State-wide system of local libraries and to counsel local libraries on minimum standards for number and quality of library staff, resources of books and other materials, location of new local libraries, hours and physical facilities. Nothing contained herein shall restrict or limit public libraries in the selection of resources of books and other material not determined from counselling.

(6) To give advice and counsel to all local libraries, district library centers and State-wide library resource centers and to all municipalities and groups, which may propose to establish libraries, in the selection of books, cataloguing and other details of library management and as to the best means of establishing and administering such libraries. ((6) amended June 22, 2001, P.L.554, No.36)

(7) To inspect local libraries, district library centers and State-wide library resource centers and require reports in such manner as may be deemed proper. ((7) amended June 22, 2001, P.L.554, No.36)

(8) To 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.

(9) To make available all library materials of the State Library for circulation to local libraries and to the public generally under rules and regulations promulgated by the State Librarian, except that the State Librarian may restrict the circulation of library materials which, because they are rare or are used intensively in the State Library for reference or other purposes, should be retained in the State Library at all times.

(10) To promote and demonstrate library service throughout the State.

(11) To collect, preserve and publish library statistics.

(12) To study library problems throughout the State and make the resultant findings available to all libraries within the State applying therefor.

(13) To certify library personnel in the following categories: Library Assistants having two years of college education in addition to in-service library training; Provisional Librarians having a college degree and introductory education in library service; and Professional Librarians having a college degree in addition to one or more academic years of professional library education. The State Librarian may conduct examinations and promulgate rules and regulations providing for the certification of persons in the above categories based upon actual library experience as equivalent to the above minimum educational requirements: Provided, That this act shall not apply to clerks, typists, volunteer workers or other personnel, who do not need special library training: And provided further, That all library personnel employed at the effective date of this act shall be certified for the positions they then hold.

(14) To conduct and arrange for training programs for library personnel.

(15) Generally, to promulgate rules and regulations for the purpose of carrying out the powers and duties relating to libraries as are imposed by law: Provided, That such rules and regulations shall not, directly or indirectly, prohibit the inclusion of a particular book, periodical or material, the works of a particular author or the expression of a particular point of view. Such rules and regulations shall not take effect until approved by the Advisory Council on Library Development.

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

(17) To receive funds allocated to the State for library purposes by the Federal government or by private agencies and to administer such funds in library maintenance, improvement or extension programs consistent with Federal and State Library objectives.

((17) added Dec. 21, 1967, P.L.887, No.398)

(18) To promote and support cooperation among the various types of libraries in Pennsylvania for the purpose of increasing the services and resources available through libraries, and to provide financial support for the development and maintenance of cooperative programs from funds appropriated to the State Library for the purpose of supporting interlibrary cooperative programs. It is the intent of this legislation to promote cooperation among types of libraries, not to decrease or supplant the existing financial support of any single type of library. ((18) added May 4, 1982, P.L.371, No.105)

Section 202. Advisory Council on Library Development.--The Advisory Council on Library Development is hereby created and placed in and made a part of the Department of Public Instruction.

Section 203. Appointment, Qualification, Tenure.--The Advisory Council on Library Development shall consist of twelve members who shall be appointed by the Governor, three of whom shall be trustees of local libraries, three of whom shall be professional librarians, and six of whom shall be laymen. The Superintendent of Public Instruction and the State Librarian shall be ex officio members of the council. The term of office of each member of the council shall be four years from the third Tuesday of January of the year in which he takes office, or until his successor has been appointed and has qualified, except that in the initial appointment of members of the council, four members shall be

appointed for a term of one year, four members for a term of two years and four members for a term of three years. The members shall serve without compensation other than reimbursement for travel and other actual expenses incurred in the performance of their duties. The Governor shall designate one member as chairman of the council. The council shall meet at least four times a year at such times and places as it shall determine.

Section 204. Powers and Duties.--The Advisory Council on Library Development shall have the power, and its duty shall be--

- (1) To advise the Governor and the Superintendent of Public Instruction with regard to the appointment of the State Librarian.
- (2) To give advice and make recommendations to the Governor, the Superintendent of Public Instruction and the State Librarian with respect to the general policies and operations of the State Library and the Commonwealth's library program.
- (3) To constitute a board of appeal in regard to disputes arising from decisions of the State Librarian, which affect the amount of State-aid to a library or its eligibility for State- aid. In any such appeal, the ex officio members of the council shall not have voting rights and the vote of a majority of the duly appointed members of the council shall be determinative of the appeal.
- (4) To aid in increasing public understanding of, and formulating plans for, furthering the purposes of this act.
- (5) To promulgate rules and regulations for the approval of plans for the use of State funds.
- (6) To approve or disapprove the library district designations and alignments which are recommended by the State Librarian. ((6) added Dec. 1, 1971, P.L.578, No.150)

Section 205. Library Trainees.--(205 deleted by amendment June 22, 2001, P.L.554, No.36)

Section 206. Qualifications.--(206 deleted by amendment June 22, 2001, P.L.554, No.36)

Section 207. Selection.--(207 deleted by amendment June 22, 2001, P.L.554, No.36)

Section 208. Contract of Employment; Compensation.--(208 deleted by amendment June 22, 2001, P.L.554, No.36)

Section 209. State-wide Library Resource Centers.--The State Librarian shall designate four State-wide library resource centers to be located at the following places:

Free Library of Philadelphia,  
Pennsylvania State Library,  
Pennsylvania State University Library, and  
Carnegie Library of Pittsburgh.

(209 amended June 22, 2001, P.L.554, No.36)

Section 210. Powers and Duties of State-wide Library Resource Centers.--State-wide library resource centers shall have the responsibility and power to acquire major research

collections and, under rules and regulations as are promulgated by a board consisting of the head librarians of all State-wide library resource centers and under the chairmanship of the State Librarian, to make them available to the residents of the Commonwealth on a State-wide basis. (210 amended June 22, 2001, P.L.554, No.36)

Section 211. District Library Centers.--The State Librarian, with the approval of the Advisory Council on Library Development, shall designate up to thirty libraries throughout the Commonwealth as District Library Centers which may include any local library, any State College library, the Pennsylvania State University Library and any privately supported college or university library which may agree to serve as a District Library Center District. Library Centers shall have the power to contract with any city, borough, town, township, school district, county or board of trustees or managers of any local library, which wishes thereby to become part of the District Library Center system of such district. Any District Library Center shall have the power to provide direct library service to persons residing within the district, to provide supplementary library services to all local libraries within the district, and to exchange or provide services with other District Library Centers or contract for the provision of library services with other District Library Centers. (211 amended Dec. 1, 1971, P.L.578, No.150)

### ARTICLE III.

Section 301. System of State-aid for Local Libraries, County Libraries, Library Systems, District Library Centers and State-wide Library Resource Centers.--A system of State-aid to assist in the support and maintenance of local libraries, county libraries, library systems, district library centers and State-wide library resource centers is hereby established. (301 amended June 22, 2001, P.L.554, No.36)

Section 302. Definitions.--As used in this article--

(1) "Basic Standards." The basic standards are standards promulgated by the State Librarian and approved by the Advisory Council on Library Development, in compliance with sections 201(15) and 303, which must be achieved by a local library to qualify for the State-aid authorized by sections 303.2 and 303.11 and by a branch library or a bookmobile to qualify for the State-aid authorized by section 303.11. The standards shall be those deemed essential to a library, branch or bookmobile for it to fulfill the definition of local library stated in section 102(1).

(2) "Direct Service Area." The municipality or municipalities to which the governing body of a library is responsible for extending all its library services without charge.

(3) "Financial Effort." The sum expended annually by a local library for the establishment, operation and maintenance of library services which derives from local taxes, gifts, endowments and other local sources, as may be provided under rules and regulations adopted by the Advisory Council on Library Development, and which is used to determine eligibility for State-aid.

(4) "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.

(5) "Financial Effort Equal to One-quarter Mill." The financial effort equal to one-quarter mill times the marketvalue 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.

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

(5.2) "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.

(6) "Minimum Standards." Standards promulgated by the State Librarian and approved by the Advisory Council on Library Development, in compliance with sections 201(15) and 303, which must be achieved by a local library or a library system to qualify for incentive aid under section 303.4.

(7) "Per Capita." Amounts determined on the basis of either the latest official United States Census report or the population upon which the 1979-1980 State-aid payment was based, whichever is greater. Beginning with the 1999-2000 fiscal year, the term shall mean the most recent official United States Census report for purposes of calculating payment under sections 303.2, 303.5, 303.8 and 303.10.

(8) "Surplus Financial Effort." The financial effort which is in excess of a financial effort equal to one-half mill on market value in the direct service area or two dollars (\$2) per capita for each person residing in the direct service area of the local library, whichever is less. (302 amended June 22, 2000, P.L.404, No.57)

#### Section 303. State-aid.—

(a) Beginning in the 1985-1986 fiscal year and through the 1998-1999 fiscal year, in each year that the Commonwealth's total annual appropriation for the system of State-aid established by section 301 equals or exceeds seventeen million five hundred thousand dollars (\$17,500,000), two and three-quarters percent (2.75%) of said appropriation shall first be allocated as equalization aid, as provided for in section 303.10 and the remainder of said appropriation shall then be allocated according to the percentages established in sections 303.1, 303.4, 303.7, 303.8, 303.9 and 303.11.

(b) State-aid shall be paid when a library achieves the applicable standards determined by counselling with the State Librarian pursuant to the advice and recommendations of the Advisory Council on Library Development, or submits plans as set forth in section 304 of this act leading to the achievement of such standards, and makes a minimum financial effort, except that no library receiving State-aid prior to and at time of the approval of this act shall receive less State-aid as a result of the provisions hereof notwithstanding that such library has not accepted the provisions of this act. (303 amended June 22, 2000, P.L.404, No.57)

#### Section 303.1. Basic Aid to Local Libraries.—

(a) For eligible fiscal years up to and through the 1998-1999 fiscal year, twenty-five percent (25%) of the Commonwealth's total annual appropriation for the system of State-aid established by section 301, or a minimum of twenty-five cents (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) 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 two dollars (\$2) per capita for each person residing in those municipalities, whichever is less and achieves the basic standards, shall qualify for basic State- aid. Such aid shall not be less than twenty-five cents (25) for each person residing in the municipalities. However, when 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 the Commonwealth on behalf of which local libraries and library systems apply and qualify for basic aid: Provided, That 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 one dollar (\$1) per capita for each person residing in the municipalities whichever is less.

(c) In each of the succeeding five years, such 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 such library initially qualified for State-aid and a financial effort equal to one-half mill, or two dollars (\$2) per capita for each person residing in the municipalities for which it applies for aid, whichever is less:

- 1<sup>st</sup> succeeding year—20 percent
- 2<sup>nd</sup> succeeding year—40 percent
- 3<sup>rd</sup> succeeding year—60 percent
- 4<sup>th</sup> succeeding year—80 percent
- 5<sup>th</sup> succeeding year—100 percent.

But where the increase in any year is less than the percentage specified above, 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) 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 two dollars (42) per capita for each person residing in those municipalities, whichever is less.

#### Section 303.2. Quality Libraries Aid.—

(a) For fiscal year 1999-2000, qualifying local libraries and library systems shall receive quality libraries aid to be allocated from the sum total of a hold-harmless amount plus an annual supplement, both amounts to be derived from the Commonwealth's annual appropriation for grants to local libraries and library systems. The hold-harmless amount

for quality libraries aid shall be the amount allocated under section 303.1 for basic aid to local libraries for fiscal year 1998-1999 from the amount allocated from the Commonwealth's annual appropriation for grants to local libraries and library systems. For fiscal year 1999-2000, the annual supplement shall be forty-seven percent (47%) 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. ((a) amended July 7, 2006, P.L.620, No.97)

(b) Quality libraries aid shall be allocated to qualifying local libraries and library systems on a per capita basis in the following manner: 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; the per capita amount of quality libraries aid shall then be multiplied by the total population residing within the municipalities served by a library or library system which qualifies for aid.

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

(d) Any local library or library system that received State-aid under section 303.1 for fiscal year 1998-1999 shall have up to three years to make the minimum financial effort of five dollars (\$5) per capita but must annually for each of those three years increase its minimum financial effort over that made in the preceding fiscal year in order to qualify for quality libraries aid.

(e) Any local library or library system that did not receive State-aid under section 303.1 for fiscal year 1998-1999 must make the minimum financial effort of five dollars (\$5) per capita in order to qualify for quality libraries aid.

(f) Any local library or library system which applies for State-aid on behalf of an economically distressed municipality as defined in section 303.10 must expend a minimum of two dollars (\$2) per capita for the residents of the municipality.

(g) Except for the population of municipalities considered economically distressed, beginning with fiscal year 2002-2003, all libraries and library systems which received State-aid in fiscal year 1998-1999 must make a minimum financial effort of five dollars (\$5) per capita to qualify for quality libraries aid. (303.2 added June 22, 2000, P.L.404, No.57)

Section 303.3. Quality Libraries Aid Criteria.--To receive aid under section 303.2, the local library or library system must meet the following minimum standards:

- (1) Participate in the Access Pennsylvania State-wide Library Card Program.
- (2) Lend materials free of charge on a reciprocal basis to all types of libraries in this Commonwealth.
- (3) Provide interlibrary loans to residents of the library's direct service area free of charge.
- (4) Be open for service at least twenty-six hours per week during hours best suited to the needs of residents of its service area, to include at least six hours during the weekend period beginning on Saturday and ending on Sunday. Weekend hours may be reduced to four hours during time periods as community-use patterns warrant for ten weeks per year.

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

(6) Participate in the county library plan for the coordination of county-wide services. In the absence of a county library, participate in the development of a coordinated county services plan developed with the district. The State Librarian may, on a case-by-case basis, grant a waiver of participation in certain provisions of the plan under this clause. (303.3 added June 22, 2000, P.L.404, No.57)

#### Section 303.4. Incentive Aid to Local Libraries.—

(a) For eligible fiscal years up to and through the 1998-1999 fiscal year, twenty-five percent (25%) of the Commonwealth's total annual appropriation for the system of State-aid established by section 301, or a minimum of twenty-five cents (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) Any local library or library system which makes a minimum financial effort equal to one-half mill, or two dollars (\$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 in this section. Each qualifying library or library system shall receive incentive aid up to fifty cents (50) for each one dollar (\$1) of surplus financial effort but when fifty cents (50) per dollar of surplus financial effort is more than twenty-five cents (25) per capita the minimum incentive aid shall be twenty-five cents (25) per capita for each person residing in the direct service area. However, if after paying the minimum amount set forth in 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 fifty cents (50) for each one dollar (\$1) of surplus financial effort rather than at the rate of twenty-five cents (25) per capita. (303.4 added June 22, 2000, P.L.404, No.57)

#### Section 303.5. Incentive For Excellence Aid.—

(a) For fiscal year 1999-2000, qualifying local libraries and library systems shall receive an incentive for excellence aid to be allocated from the sum total of a hold-harmless amount plus an annual supplement, both amounts to be derived from the Commonwealth's annual appropriation for grants to local libraries and library systems. The hold-harmless amount for incentive for excellence aid shall be the amount allocated under section 303.4 for incentive aid to local libraries for fiscal year 1998-1999 from the amount allocated from the Commonwealth's annual appropriation for grants to local libraries and library systems. For fiscal year 1999-2000, the annual supplement shall fifty-three percent (53%) 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. ((a) amended July 7, 2006, P.L.620, No.97)

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



(c) Incentive for excellence aid shall be allocated to local libraries and library systems in the following manner: 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 shall be an amount equal to eighty percent (80%) of each one dollar (\$1) per capita or portion thereof a local library or library system shows in financial effort between five dollars (\$5) and seven dollars and fifty cents (\$7.50) per capita.

(2) Tier 2 funding shall be an amount up to ten percent (10%) of each one dollar (\$1) per capita or portion thereof a local library or library system shows in financial effort between seven dollars and fifty-one cents (\$7.51) and fifteen dollars (\$15) per capita.

Eligibility for Tier 2 funding does not preclude receipt of Tier 1 funding.

(d) A local library or library system shall not use incentive for excellence funds to reduce its financial effort for normal, recurring operating costs from a previous level unless evidence of substantial curtailment of financial ability of the community is accepted by the State Librarian. ((d) amended Dec. 9, 2002, P.L.1362, No.164)

(303.5 amended June 22, 2001, P.L.554, No.36)

Section 303.6. Incentive For Excellence Aid Criteria.--Beginning with fiscal year 1999-2000 and each fiscal year thereafter, to qualify for aid under section 303.5:

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

(2) A local library or a member library within a library system must be open for full services at least forty-five hours per week with at least seven of these hours during the weekend period beginning on Saturday and ending on Sunday. A local library or member library within a library system serving a population below seven thousand must be open at least thirty-five hours per week with at least seven of these hours during the weekend period beginning on Saturday and ending on Sunday. Libraries may reduce weekend hours to four hours for ten weeks per year during periods when community-use patterns warrant. 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.

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

(303.6 amended June 22, 2001, P.L.554, No.36)

Section 303.7. County Coordination Aid.—

(a) For eligible fiscal years up to and through the 1998-1999 fiscal year, ten percent (10%) of the Commonwealth's total annual appropriation for the system of State-aid established by section 301 shall be allocated as aid to county libraries. For fiscal year

1999-2000, aid to county libraries and county library systems shall be allocated from a hold-harmless amount to equal that 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. ((a) amended July 7, 2006, P.L.620, No.97)

(b) In the case of a county library or a county library system in counties 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, either from the General Fund or a special library tax or other sources and from a district established pursuant to 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, 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%

(c) County coordination aid shall be paid according to the provisions of this subsection.

(1) Payments to a county library or county library system in counties of the eighth class shall be calculated as follows:

(i) For fiscal year 2000-2001, a county library or county library system in a county of the eighth class shall be paid an amount equal to the percentage match in subsection (b) times the level of county support paid, or ten percent (10%) above the amount paid under this subsection in fiscal year 1999-2000, whichever is greater.

(ii) For fiscal year 2001-2002 and each fiscal year thereafter, a county library or county library system in a county of the eighth class shall be paid the greater of either an amount equal to the percentage match in subsection (b) times the level of county support paid, or an amount equal to the 2000-2001 payment providing the 2000-2001 payment was ten percent (10%) above the 1999-2000 payment and the level of county support paid is maintained. If the level of county support from its county decreases from the previous fiscal year, then the amount paid under this clause shall be an amount equal to the percentage match in subsection (b) for eighth class counties times the reduced level of county support paid.

(2) Payments to a county library or a county library system in counties of second through seventh class shall be made from the funds remaining after payments have been made to a county library or county library system in counties of the eighth class as provided in clause (1) and shall be an amount equal to the level of county support paid times the percentage match in subsection (b) for its county. If the funds remaining are insufficient to pay the total amount for which each county library and county library system in counties of the second through seventh class qualifies, then each shall be paid proportionately from the funds remaining.

- (i) For fiscal year 2000-2001, payments to a county library or county library system in counties of the second through seventh class shall not be less than ten percent (10%) above the amount paid to it under this subsection in 1999-2000.
  - (ii) For fiscal year 2001-2002 and each fiscal year thereafter, a county library or county library system in counties of the second through seventh class shall be paid an amount equal to the greater of either the percentage match in subsection (b) for its county times the level of county support paid, or an amount equal to the 2000-2001 payment it received, provided the 2000-2001 payment was ten percent (10%) above the 1999-2000 payment and the level of county support paid is maintained. If the level of county support paid decreases from the previous fiscal year, then the amount paid under this clause shall be an amount equal to the percentage match in subsection (b) for its county times the reduced level of county support paid.
- (3) A county library or county library system shall expend funds received under this subsection 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, services to children, adults and special populations. If there is no county library or county library system, the district library center shall coordinate a countywide plan for services.
- (d) A report of the expenditure of such State moneys shall be made annually to the county government and the State Librarian in such form as may be required. County libraries and county library systems may also apply for additional amounts of State-aid under sections 303.2, 303.5 and 303.11. County coordination aid shall be paid to the board of library directors in charge of each qualifying county library or county library system. (303.7 added June 22, 2000, P.L.404, No.57)

Section 303.8. District Library Centers.—

- (a) For eligible fiscal years up to and through the 1998-1999 fiscal year, thirty percent (30%) of the Commonwealth's total annual appropriation for the system of State-aid established by section 301, or a minimum of twenty-five cents (25) per capita, shall be allocated as aid for district library centers. For fiscal year 1999-2000, aid to district library centers 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. Funds allocated for district library centers shall be distributed according to the provisions of this section. ((a) amended July 7, 2006, P.L.620, No.97)
- (b) Any library designated by the State Librarian to serve as a district library center shall qualify for an additional amount of State-aid. For fiscal year 2000-2001 and each year thereafter, the amount of aid to be paid 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; but in no case shall a district library center receive less than two hundred thousand dollars (\$200,000).
- (c) For fiscal year 2000-2001 and each fiscal year thereafter, a district library center must 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 Library. The program shall be implemented in accordance with district library center standards and guidelines 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. (303.8 added June 22, 2000, P.L.404, No.57)

#### Section 303.9. State-wide Library Resource Centers.—

(a) For eligible fiscal years up to and through the 1998-1999 fiscal year, five percent (5%) of the Commonwealth's annual appropriation for the system of State-aid established by section 301 shall be allocated for aid to State-wide library resource centers.

(b) Any library designated by the State Librarian to serve as a State-wide library resource center shall qualify for additional State-aid. The allocation shall be divided equally among the libraries so designated. For fiscal year 1999-2000, aid to State-wide library resource centers shall be allocated from a hold-harmless amount to equal that amount allocated for aid to State-wide 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. Funds allocated for State-wide library resource centers shall be distributed according to the provisions of this section. ((b) amended July 7, 2006, P.L.620, No.97)

(c) State-wide library resource centers shall disseminate information to Pennsylvanians to augment the collections and services of local libraries and district library centers through means such as:

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

(2) Implementing, for use by all Pennsylvanians, an on-line reference service based on the specialized resources and staff expertise of the four State-wide library resource centers.

(3) Enhancing access to specialized on-line reference data bases.

(4) Building major research collections and making them available to all residents of this Commonwealth on a State-wide basis via direct borrowing, interlibrary loan or onsite use. (303.9 amended June 22, 2001, P.L.554, No.36)

#### Section 303.10. Equalization Aid.—

(a) Beginning in the 1985-1986 fiscal year and through the 1998-1999 fiscal year, in each year that the Commonwealth's total annual appropriation for the system of State-aid established by section 301 equals or exceeds seventeen million five hundred thousand dollars (\$17,500,000), two and three-quarters percent (2.75%) of said appropriation shall first be allocated as equalization aid.

(b) Any local library or library system which achieves or exceeds applicable basic standards, maintains or exceeds its financial effort of the preceding year and is supported by a municipality that is economically distressed by any one or more of the following criteria shall qualify for equalization aid.

For purposes of determining eligibility for equalization aid, an economically distressed municipality shall be:

(1) a city, borough, town or township having 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) located in a county having a personal income per capita below the fifteenth percentile of all counties, as certified annually by the Department of Revenue; or

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

(c) 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 Bureau of Census for the direct service area of the local library or library system.

(d) In the case of a library or library system that is supported by an economically distressed municipality but that 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) Beginning in the 1985-1986 fiscal year, twenty percent (20%) 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 such aid, as determined in accordance with the provisions of this section.

The remainder of the annual allocation shall be distributed on a per capita basis to each local library and library system which qualifies for such aid, as determined in accordance with the provisions of this section, 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) No local library or library system shall, as a result of the provisions of this section, receive in any year more than one-third of the total annual appropriation for equalization aid. During the 1985-1986 fiscal year and each fiscal year thereafter that the Commonwealth's total annual appropriation for the system of State-aid established by section 301 exceeds seventeen million five hundred thousand dollars (\$17,500,000), no local library or library system shall receive less equalization aid as a result of the provisions of this section than such local library or library system received for equalization aid during the 1984-1985 fiscal year. For fiscal year 1999-2000, equalization aid shall be allocated from 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.

Funds allocated for equalization aid shall be distributed according to the provisions of this section. ((f) amended July 7, 2006, P.L.620, No.97)  
(303.10 added June 22, 2000, P.L.404, No.57)

Section 303.11. Equal Distribution Grants to Local Libraries and Library Systems.--For eligible fiscal years up to and through the 1998-1999 fiscal year, five percent (5%) of the Commonwealth's annual appropriation for the system of State-aid established by section 301, and all funds transferred from the county library allocation after the county libraries have been paid the total amounts for which they qualify, shall be allocated as hereinafter provided: (1) five cents (5) per capita for each person residing in the entire district for each district library center which has a population in its direct service area as a local or county library which is twelve percent (12%) or less of the population of the entire designated direct service area; (2) the balance as equal grants to local libraries and library systems which qualify for aid under section 303.1. These grants shall be determined by dividing the total amount of money allocated by the number of local libraries, branch libraries and bookmobiles in the Commonwealth which achieve or exceed the applicable basic standards. Each library system shall receive an equal grant for each qualifying member local library, branch library and bookmobile. Each local library shall receive an equal grant for the central library and each qualifying branch library and bookmobile. For fiscal year 1999-2000, equal distribution grants to local libraries and library systems 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. Funds allocated for equal distribution grants to local libraries and library systems shall be distributed according to the provisions of this section. (303.11 amended July 7, 2006, P.L.620, No.97)

Section 303.12. Transfer of Funds.--If necessary, the Department of Education may transfer funds among the allocations listed in sections 303.2, 303.5, 303.7, 303.8, 303.9, 303.10 and 303.11, provided that the aggregate amount transferred into or out of each allocation during a fiscal year shall not exceed five percent (5%) of the amount specifically allocated for that section. (303.12 added June 22, 2000, P.L.404, No.57)

Section 303.13. Temporary Emergency Aid to Local Libraries.--Notwithstanding any provision of law to the contrary, each library shall be eligible for temporary emergency aid for fiscal year 2003-2004 to be calculated as follows:

- (1) Divide the amount of funding that the library received in fiscal year 2002-2003 under section 303.8 by \$13,018,810 and multiply the quotient by \$6,509,405.
- (2) Divide the sum of the amount of funding that the library received in fiscal year 2002-2003 under sections 303.2, 303.5, 303.7, 303.9, 303.10 and 303.11 by \$62,270,190 and multiply the quotient by \$41,279,595.
- (3) Add clauses (1) and (2) to determine the amount of funding.

(303.13 added Feb. 5, 2004, P.L.59, No.6)

Section 303.14. State-aid for 2004-2005.--Notwithstanding any provision of law to the contrary, each library shall be eligible for State-aid for fiscal year 2004-2005 to be calculated as follows:

- (1) Any district library center established during fiscal year 2003-2004 shall receive one hundred and twenty-six thousand dollars (\$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 three hundred seventeen thousand six hundred sixty-two dollars (\$317,662).
  - (3) Any district library center not qualifying for funding under clause (1) or (2) shall receive the amount the library received in fiscal year 2003-2004 under section 303.13(1) multiplied by one hundred twenty percent (120%).
  - (4) Any library that received funding in fiscal year 2003-2004 under section 303.13(2) shall receive the same amount received in fiscal year 2003-2004.
  - (5) If a library receives funding under clause (4):
    - (i) Subtract the sum of clauses (1), (2), (3) and (4) from the total appropriation available for the improvement of library services.
    - (ii) Multiply the amount of funding that the library received in fiscal year 2003-2004 under section 303.13(2) by the difference from subclause (i) and divide that product by the sum of the amount of funding provided to all libraries under section 303.13(2) in fiscal year 2003-2004.
  - (6) Add clauses (1), (2), (3), (4) and (5) to determine the amount of funding.
- (303.14 added July 4, 2004, P.L.526, No.68)

Section 303.15. State-aid for 2005-2006.--Notwithstanding any other provision of law to the contrary, each library shall be eligible for State-aid for fiscal year 2005-2006 which shall consist of the following:

- (1) An amount equal to the State-aid allocation for fiscal year 2004-2005 pursuant to section 303.14.
  - (2) An aid to local libraries supplement to be calculated as follows:
    - (i) multiply the amount of funding that the library received in fiscal year 2004-2005 under section 303.14(4) and (5) by one million seven hundred fifty-two thousand dollars (\$1,752,000); and
    - (ii) divide the product by the sum of the amount of funding provided to all libraries under section 303.14(4) and (5) in fiscal year 2004-2005.
  - (3) A district center restoration supplement to be calculated as follows:
    - (i) multiply the amount of funding that the library received in fiscal year 2004-2005 under section 303.14(1), (2) and (3) by one million six hundred ninety-six thousand dollars (\$1,696,000); and
    - (ii) divide the product by the sum of the amount of funding provided to all libraries under section 303.14(1), (2) and (3) in fiscal year 2004-2005.
  - (4) Add clauses (1), (2) and (3) to determine the amount of funding.
- (303.15 added July 14, 2005, P.L.304, No.53)

Section 303.16. State-aid for 2006-2007.--Notwithstanding any other provision of law to the contrary, each library shall be eligible for State-aid for fiscal year 2006-2007 which shall consist of the following:

- (1) Any library that received funding in fiscal year 2002-2003 under sections 303.2, 303.5, 303.7, 303.9, 303.10 and 303.11 shall receive the same amount the library received in fiscal year 2002-2003.
  - (2) Any district library center that received funding in fiscal year 2002-2003 under section 303.8 shall receive the same amount the library received in fiscal year 2002-2003, except as follows:
    - (i) Any district library center receiving funding under section 303.14(1) shall receive two hundred ten thousand dollars (\$210,000).
    - (ii) Any district library center receiving funding under section 303.14(2) shall receive five hundred twenty-nine thousand four hundred and thirty-seven dollars (\$529,437).
  - (3) The sum of one hundred twenty-six thousand one hundred and forty-one dollars (\$126,141) shall, at the discretion of the State Librarian, be made available as State-aid to be paid to any library that has become eligible to receive State-aid but did not receive funding under clause (1) or (2).
  - (4) Add clauses (1), (2) and (3) to determine the amount of funding.
  - (5) After distribution of funds to libraries under clause (4), any remaining unallocated funds may be distributed at the discretion of the State Librarian.
- (303.16 added July 7, 2006, P.L.620, No.97)

Section 304. State Librarian to Approve Plans; District Library Center Cooperative Program; Referendum.—

(a) Each library desiring to receive State-aid under this act shall submit to the State Librarian a plan for the use of the funds and no payments of State-aid shall be made until such plan is approved by the State Librarian in accordance with rules and regulations approved by the Advisory Council on Library Development. Subsequent changes and modifications in a library plan may be submitted at any time for approval by the State Librarian. Libraries qualifying for aid shall have five years to achieve applicable standards. Further extensions of time may be permitted with the approval of the State Librarian acting under regulations made by the advisory council.

(b) No State-aid shall be given to any library unless:

- (1) The local library board commits the library to participation in the District Library Center Cooperative Program including attendance at district meetings and the use of interlibrary loans and interlibrary references.
- (2) If the library provides access to the Internet or an on-line service, it has adopted a policy regarding access by minors to Internet and on-line 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).

((b) amended June 26, 1999, P.L.408 No.37)

(c) If the local library board does not act to participate in the District Library Center Cooperative Program, upon petition of three per cent of the total number of persons voting in the last preceding general or municipal election, the question of participation shall be submitted to the qualified electors of the municipalities in the direct service area.



The petition shall be circulated within and signed by a sufficient number of electors in the direct service area. The persons circulating the petition shall present it to the municipal officers who shall forward the petition to the County Board of Elections. The County Board of Elections shall, after determining that the petition contains a sufficient number of signatures, place 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. If a majority of the persons voting on the question vote in the affirmative, the local library board shall participate in the District Library Center Cooperative Program.

(d) No local library or library system plan for the use of incentive for excellence funds shall be approved if it projects a decrease in local government support for normal, recurring operating costs from a previous level unless the State Librarian determines that the decrease is directly attributable to a gift or endowment to a library or that there is a substantial decrease in the financial ability of the municipality on behalf of which the library or library system applied for aid. ((d) added June 26, 1999, P.L.408 No.37)

#### Section 305. Implementation Schedule.—

(a) If a library or library system applying for State-aid in 1999-2000 fails to comply with the standards under any section of this article, the library or library system shall not be eligible for funds under that section.

(b) The State Librarian may grant an extension of time to meet the standards under sections 303.3 and 303.6 if:

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

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

(c) An extension by the State Librarian shall continue until the time of the submission of the 2000-2001 plan for use of State funds under this act.

(305 amended June 22, 2000, P.L.404, No.57)

### ARTICLE IV.

#### Section 401. Municipality Empowered to Make Appropriations for Library; Taxation.--

The municipal officers of any municipality may make appropriations out of current revenue of the municipality or out of moneys raised by the levy of special taxes to establish and/or maintain a local library or to maintain or aid in the maintenance of a local library established by deed, gift, or testamentary provision, for the use of the residents of such municipality. Special taxes for these purposes may be levied on the taxable property of the municipality or the same may be levied and collected with the general taxes: Provided, That where a county levies a special tax for the support of a public library, that tax shall not be levied upon residents of municipalities which appropriate funds or levy a tax for the support of a local library that is not a part of the county library district and is located within such municipality. The provisions of this section shall not be construed to limit appropriations made for library purposes to those

made from special tax levies. Wherever a special tax is levied, all income from such tax shall be used for the support and maintenance of the local library.  
(401 amended June 27, 1984, P.L.431, No.90)

Section 402. Submission of Question to Voters.—

(a) The municipal officers of any municipality may submit to the qualified voters of such municipality at a special election to be held at the time of the next general, municipal, or primary election occurring not less than sixty days therefrom, the question of establishing, maintaining and/or aiding in maintaining a local library, and must submit such question, if petitioned for by three per centum of the number voting at the last preceding general or municipal election. At such election, the question of establishing an annual tax on all taxable property of the municipality, shall be submitted.

(b) In cases where such questions are submitted to the voters of a county, they shall not be submitted to the voters residing in cities, boroughs, towns, townships and school districts, in which there is then being maintained a local library that is not a part of the county library district whether by the city, borough, town, township, school district or otherwise, unless the municipal officers or the board of trustees or managers of any endowed library or association library in such municipality shall have, previous to such submission, signified their intent by ordinance or resolution to become part of the county library district and to merge any existing library in such municipal district with the county library, if the same may be done legally. Any city, borough, town, township, school district or any board of trustees or managers of any endowed library or association library maintaining such a local library shall have the power to contract with the county commissioners before the submission of such questions upon the terms and conditions under which it will become a part of such county library district. Title to the books and other property of said municipally supported library or other library shall remain in the said municipality or with the board of trustees or managers, but the books and other property shall be used by the county library in accordance with the terms of a written agreement between the county commissioners and the said municipal officers or board of trustees or managers of any endowed library or association library: Provided, however, That title to such books and other property may be transferred to the county library district, if the same may be done legally.

(c) But where a county library district is established and a municipality has not joined in said establishment, it may, nevertheless, thereafter, join said county library district, if the municipal officers or the board of trustees or managers of any endowed library or association library in such municipality enter into an agreement with the county board of library directors to merge its facilities with the county library in the manner herein provided. (402 amended June 27, 1984, P.L.431, No.90)

Section 403. Tax-Levying; Restrictions as to County Tax.--If the majority of votes cast upon this question shall be in favor of establishing such tax rate, the municipal officers, at the first meeting following the official announcement of the results of such an election, shall take the necessary steps to levy and collect the tax so levied and shall appoint a board of library directors as provided in section 411 of this act. Said board shall have exclusive control of the library so established and/or maintained, and shall be governed as provided elsewhere in this act. In the case of a county tax, no tax shall be levied on any

property in cities, boroughs, towns, townships or school districts, where local libraries are being maintained by public tax funds and which have not elected up to the time of such tax levy to join the county library district.

Section 404. Annual Tax Rate; Levy and Collection.--The rate of tax so voted shall be an annual tax rate until another vote is taken changing the same: Provided, That the municipal officers may increase said rate without submitting the question to the voters. The tax shall be levied and collected in like manner as other taxes in the municipality, and shall be in addition to all other taxes, except where included within the general levy, and shall be used for no other purpose than that of establishing and/or maintaining a local library. The money so raised shall be under the exclusive control of the board of library directors provided in section 411 of this act. (404 amended June 27, 1984, P.L.431, No.90)

Section 405. Discontinuance of County Library and Tax in City, Borough, Town, Township or School District.--Wherever in a city, borough, town, township or school district, there has been or may be established and maintained a separate local library and there is at the time a county library in existence, three percentum of the number voting at the last preceding general or municipal election in said city, borough, town, township or school district, may petition the county commissioners to place on the ballot the question of whether or not such city, borough, town, township or school district, shall be a part of the county library district and be subject to levy and payment of any taxes levied for the purpose of maintaining or aiding in the maintenance of any county library. At the next general or municipal election occurring at least sixty days after the filing of the petition but not oftener than once in five years, such question shall be placed upon the ballots and submitted to the electors of the city, borough, town, township or school district, as provided by the election laws. If a majority of those voting on such questions vote in favor of the discontinuance of the county library and tax in said city, borough, town, township or school district, then such city, borough, town, township or school district, shall not thereafter be a part of the county library district and shall not be subject to the levy and payment of any taxes levied for the purpose of maintaining or aiding in the maintenance of any county library.

Section 406. Fund Raised by Popular Subscription.--If the residents of any municipality shall raise, by popular subscription, a sum equal to or exceeding the gross amount of a three mill tax on all taxable property in the municipality, and shall offer the sum so subscribed to the municipality for the purpose of establishing a local library, said sum shall be accepted by the municipal officers and shall be used for the sole purpose of establishing a local library provided not more than two percentum of the said sum shall be subscribed by one individual or organization. Said subscription may be made payable in four quarterly payments and shall be in such form as to be collectible by legal process if necessary.

Section 407. Control of Popular Subscription Fund; Maintenance Tax.--In case of the establishment of a local library under the provisions of section 406 of this act, the municipal officers shall immediately place the sum so subscribed under the control of a

board of library directors appointed as provided in section 411 of this act, and proceed to levy and collect a tax at the annual rate of not less than one and one-half mills, annually, on the dollar on all taxable property in the municipality for the purpose of maintaining the library so established. (407 amended June 27, 1984, P.L.431, No.90)

Section 408. Joint Action by Municipalities.--Two or more municipalities may unite in establishing and/or maintaining a local library under the terms of an agreement entered into between them. Said agreement shall be in writing and shall set forth the purpose, the terms as to support and control, and the conditions under which the agreement shall be altered or terminated. Said agreement shall not be valid until it has been accepted by a majority vote of the municipal officers of each of the municipalities agreeing thereto and signed by the proper officer of each of said municipalities.

Section 409. Municipality May Contract for Free Library Service.--Any municipality may contract with the managers or owners of any existing local library for public library service to the residents of such municipality, whether said library is located in the same or in another municipality. Such contract shall be renewable as therein provided.

Section 410. Appropriation for Contracted Library Service.--The municipal officers of any municipality may make appropriations out of current revenue of the municipality or out of moneys raised by the levy of special taxes on the dollar on all taxable property in the municipality for the purpose specified in section 409 of this act. Whenever a special tax is levied, all income from such tax shall be used for the support and maintenance of the local library with which the municipal officers have entered into contract. (410 amended June 27, 1984, P.L.431, No.90)

Section 411. Board of Library Directors; Terms of Members; Vacancies.--The affairs of all local libraries established after the effective date of this act and under the provisions of the preceding sections of this article shall be under the exclusive control of a board of library directors to be composed of not less than five nor more than seven members. The municipal officer shall appoint the members and fill any vacancies occurring from any cause: Provided, That where two or more municipalities contribute to the support and maintenance of a local library, they shall each appoint a number of members to serve on the board of library directors as is mutually agreed upon by the said municipalities, the total number not to exceed nine members: Provided further, That when a municipality maintains or aids in the maintenance of a local library established after the effective date of this act by deed, gift or testamentary provision or in any manner other than under the provisions of sections 401 or 406 of this act, it shall be sufficient if the municipal officers appoint the majority of the members of the board of library directors. The first appointees shall be appointed as nearly as may be one-third for one year, one-third for two years and one-third for three years. All appointments to fill the places of those whose terms expire shall be for a term of three years. Vacancies shall be filled for the unexpired terms. All members shall serve until their successors have been appointed. No member of the board shall receive any salary for his service as such.

In the case of a local library established by deed, gift or testamentary provision, or by any association, corporation or group, prior to the effective date of this act, this section shall

not be construed to require the municipal officers of each municipality aiding in the maintenance of a local library to appoint more than two of the library directors of such local library.

Section 412. Organization of Board; Bond of Treasurer.--The board of library directors shall organize as soon as may be after appointment by electing a president, secretary and treasurer from its membership and such other officers and agents as the board may deem necessary. The treasurer shall give bond to the municipality with satisfactory surety in such amount as the board may determine.

Section 413. Library Directors to Control All Funds.—All moneys appropriated for the establishment and/or maintenance of a local library and all moneys, if any, received from other sources for its use, shall be under the exclusive control and shall be disbursed under the direction of the board of library directors. Such board of library directors shall have the power to contract with the board of directors of another library to establish a cooperative plan for improving library services. The board of control of any library, established as specified in section 411 of this act, and of any library receiving municipal appropriations shall make a report, annually, to the proper municipal authorities, of the moneys received by such library from the municipality and the dispositions made thereof, and the accounts of the treasurer of said board shall be audited as in the case of other municipal expenditures.

Section 414. Annual Reports.--The annual report required by the last preceding section shall contain an itemized statement of all receipts from whatever source, and expenditures, and shall show the condition of the library and any branches thereof, the number of volumes, maps, pamphlets and other materials, the number added by purchase, gift or otherwise, the number lost or withdrawn, the number of registered borrowers and readers and a statement of the circulation of material, with such other information and suggestions as may seem desirable. A copy of each report made to the municipal officers shall be sent to the State Library in Harrisburg.

Section 415. Free Use of Library, Rules and Regulations.--Every library, established and/or maintained under the provisions of this act, shall be free to the use of all the residents and taxpayers of the municipality, subject to such reasonable rules and regulations as the board of library directors may adopt, and the board may exclude from the use of the library any person who wilfully violates such rules. The board may extend the privileges of such library to persons residing outside the limits of such municipality upon such terms and conditions as the board may prescribe.

Section 416. Power to Hold Property; Donations and Gifts.-- It shall be lawful for any municipality or corporation, owning or managing a local library, to take and hold any property, real or personal, or both, for library purposes; and any person desiring to make donations of books, money, personal property or real estate for the benefit of a local library, whether established or maintained under the provisions of this act or not, may vest the title thereto in the municipality or the corporation having control of the affairs of said library, to be held and controlled by said municipality or corporation according to

the terms of the deed, gift, devise or bequest; and, as to such property, the said municipality or corporation shall be held to be special trustee; but in the absence of restrictions by the terms of such donation, deed, gift, devise or bequest, the said property shall be controlled and administered by the board of library directors or by the corporation, as the case may be.

Section 417. Limitations of Establishment of New Libraries.--Whenever there is in any municipality a local library which is open to the use of all the residents thereof and which meets the minimum standards recommended by the State Librarian as conditions for participation in State-aid, no new library shall be, there, established under the provisions of this act, but all public aid hereby authorized shall be given to such existing library to enable it to meet as far as possible the needs of such residents: Provided, however, That wherever there may have been on or before July 20, 1917, two or more such libraries receiving aid from the same municipality, the appropriation authorized by this act shall be divided between said libraries according to the terms of an agreement previously entered into between said libraries and approved by the State Librarian.

Section 418. Purchase, Lease Lands and Buildings for Library Purposes.--Any municipality is hereby authorized to purchase, set apart or lease lands and buildings, or parts of buildings already owned by it, or both, or to erect buildings, to be used for local library purposes, or to alter buildings already erected so as to make them suitable for such use, and it is hereby authorized to provide for the cost of the same as in the case of other buildings to be used for municipal purposes; and whenever, in any such municipality, a tax levy has been or may hereafter be authorized for the purpose of maintaining a local library therein as provided by this act, and, out of moneys raised from such levy, a surplus or excess has been or may hereafter be accumulated above the necessary cost of maintaining such library, it shall and may be lawful for the directors of such library to pay over such excess or surplus to the municipal officers of such municipality, to be used by them for any of the purposes provided in this section.

Section 419. Appropriation of Private Property.--Any 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.

Section 420. Board of Viewers.--Whenever any municipality shall appropriate private property for public library purposes and the municipality cannot agree with the owners thereof for the price to be paid therefor, or when, by reason of the absence or legal incapacity of the owner thereof, no such compensation can be agreed upon, the court of common pleas, or any judge thereof in vacation, on application thereto by petition, by the municipal authorities or any person interested, shall appoint a board of viewers for the assessment of damages caused by appropriations, as in such cases provided.

Section 421. Viewing Proceedings.--The proceedings before the viewers for the allowance of damages for property taken, injured or destroyed and the proceedings upon their report shall be as provided in other cases where such municipality appropriates private property for municipal purposes.

Section 422. Petition for Submission of Bond Issue.--If five percentum of the registered voters of any municipality shall petition the municipal officers to submit the question of executing a bonded indebtedness for purchasing grounds and/or erecting buildings for library purposes, the said officers must submit the question at the next ensuing election.

Section 423. Libraries Exempt from Tax; Gifts Exempt from Collateral Inheritance Tax.-  
-Any building which shall be owned and occupied by a local library and the land on which it stands and that which is immediately and necessarily appurtenant thereto shall be exempt from all county, city, borough, town, township, school, bounty, poor or head taxes, notwithstanding the fact that some portion or portions of said building or land appurtenant may be yielding rentals to the corporation or association managing such library: Provided, That the net receipts of said corporation or association from rentals shall be used solely for the purpose of maintaining such library. All gifts, devises, grants or endowments made to such library, or to a national library, and for such purposes, shall be free from collateral inheritance tax; and any gifts, endowments or funds of such libraries, which are invested in interest-bearing securities, the income from which is used solely for the purpose of books or the maintenance of such libraries, shall be exempt from any State tax on money at interest.

Section 424. Existing Agreements Not Affected.--This act shall not in any way affect any agreement or agreements heretofore made by a municipality under any prior act relating to local libraries but all such agreements are hereby ratified and are to continue as binding contracts between the parties.

Section 425. Libraries to Receive Commonwealth Publications.--The Department of Property and Supplies shall, as soon as practicable after publication, forward to those libraries designated by the State Librarian as State documents depository libraries, a copy of every publication of every department, board, commission or agency of the Commonwealth. The Department of Property and Supplies shall direct each such department, board, commission or agency to supply it with the number of copies, if any, of each publication remaining after regular distribution according to existing allocations, but in no case to exceed two hundred fifty copies, and upon receipt thereof shall notify the State Librarian who shall then designate the libraries to which the publication shall be forwarded. Any public library, school library, junior college or community college library, university library or historical society library in the Commonwealth shall be eligible to receive free copies of the publications. It shall be the privilege of the state to recall any or all of the said publications in the event of the loss of their own files by fire or other casualty. The provisions of this section shall not apply to the distribution of documents published pursuant to the Commonwealth Documents Law. The State Librarian, with the approval of the Advisory Council on Library Development, shall make recommendations from time to time to the Joint Committee on Documents concerning criteria for the distribution to libraries of documents published pursuant to the Commonwealth Documents Law. (425 amended Dec. 1, 1998, P.L.578, No.150)

Section 426. Retention of Library Property after Notice to Return.--Whoever retains any book, pamphlet, magazine, newspaper, manuscript, map or other property belonging in or

to or on deposit with the State Library or any local library which is established or maintained under any law of this Commonwealth or the library of any university, college or educational institution chartered by the Commonwealth or the library of any public school or any branch reading room, deposit station or agency operated in connection therewith, for a period exceeding thirty days after such library has given written notice to return the same, shall, upon conviction in summary proceedings, be sentenced to pay a fine of not more than twenty-five dollars (\$25) to be paid over by the magistrate imposing such fine to the library instituting the prosecution and cost of prosecution. Any person in default of payment of such fine and costs shall undergo imprisonment in the county jail for a period not exceeding ten days. Such notice may be given by personal service upon the borrower or by the mailing of a letter, by first class mail, to the borrower's address on file with said library. The notice shall refer to this act and shall contain a demand that the property be returned. (426 amended May 5, 1970, P.L.330, No.106)

Section 427. Damaging Library Property.--Anyone who shall willfully cut, mutilate, mark or otherwise injure any book, pamphlet, magazine, newspaper, manuscript, map or other property belonging in or to or on deposit with the State Library or any local library which is established or maintained under any law of this Commonwealth or the library of any university, college or educational institution chartered by the Commonwealth or the library of any public school or any branch reading room, deposit station or agency operated in connection therewith, shall be deemed to be guilty of a misdemeanor, and may be prosecuted for said offense before any court of competent jurisdiction and, upon conviction thereof, shall be liable to pay a fine of not more than twenty-five dollars (\$25) and costs of prosecution or to undergo imprisonment in the county jail for a period not exceeding fifteen days, or both, at the discretion of the court, the said fine when collected to be for the use of the said library against which the aforesaid offense was committed.

Section 428. Library Circulation Records.--Records related to the circulation of library materials which contain the names or other personally identifying details regarding the users of the State Library or any local library which is established or maintained under any law of the Commonwealth or the library of any university, college or educational institution chartered by the Commonwealth or the library of any public school or branch reading room, deposit station or agency operated in connection therewith, shall be confidential and shall not be made available to anyone except by a court order in a criminal proceeding. (428 added June 27, 1984, P.L.431, No.90)

#### ARTICLE V.

Section 501. The following acts and parts of acts and all amendments thereto are repealed absolutely:

(1) The act of April 29, 1909 (P.L.294), entitled "An act to amend an act, entitled 'An act for the establishment of free public libraries in the several school districts of the Commonwealth, except in cities of the first and second class', approved the twenty-eighth day of June, Anno Domini one thousand eight hundred and ninety-five, so as to increase the maximum rate one fourth of a mill and establish a minimum rate."



(2) The act of July 20, 1917 (P.L.1143), entitled "An act relating to free, public, nonsectarian libraries and branch libraries within this Commonwealth; providing for their establishment, maintenance, and regulation, and for the maintenance and regulation of such free, public, nonsectarian libraries as may have been already established by the several counties, cities, boroughs, towns, and townships; and providing that all library property, and all gifts, devises, grants, or endowments for library purposes, shall be exempt from taxation; and providing that the several counties, cities, boroughs, towns, and townships may levy taxes, condemn private property, and borrow money for library purposes; and imposing penalties for injuring library property and for violations of library regulations; and repealing existing laws in relation to the above subjects."

(3) Section 1305, act of April 9, 1929 (P.L.177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges: abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and the employes of certain departments, boards and commissions shall be determined."

(4) The act of June 23, 1931 (P.L.1203), entitled "An act providing aid by the Commonwealth to free public nonsectarian county libraries; authorizing the Department of Public Instruction to provide books for demonstration purposes to encourage the establishment of such county libraries; and making an appropriation."

(5) Sections 2301 through 2315, act of March 10, 1949 (P.L.30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto."

Section 502. General Repeal.--All other acts and parts of acts general, local and special are repealed in so far as they are inconsistent herewith.

Section 503. Effective Date.--This act shall take effect immediately.



**TITLE 22 PA. CODE (EDUCATION)**

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**PART IX. STATE LIBRARY AND ADVISORY COUNCIL  
ON LIBRARY DEVELOPMENT**

<b>Subpart</b>	<b>Chapter</b>
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**SUBPART A. STATE LIBRARY**

**CHAPTER 131. GENERAL PROVISIONS; STATE AID**

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#### **Authority**

The provisions of this Chapter 131 issued under sections 102, 201, 205, 302—304 and 417 of The Library Code (24 P. S. § § 4102, 4201, 4205, 4302—4304 and 4417), unless otherwise noted.

#### **Source**

The provisions of this Chapter 131 adopted March 29, 1962, unless otherwise noted.

## PRELIMINARY PROVISIONS

### § 131.1. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

*Additional State aid*—Aid to be paid in addition to other amounts provided for by The Library Code (24 P. S. § § 4101—4503), up to 50¢ for each dollar expended by the local library in excess of the financial effort equal to \$.0005 times market value or \$2 per capita for the direct service area, whichever is less. However, total additional State aid may not exceed 25¢ per capita for each person residing in the direct service area.

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

*County library merged or conjoined with a local library*—A county library shall be considered merged or conjoined with a local library if one or more of the following conditions exist:

(i) The county library is operating as a department or division of a local library, and the county library service and the local library service are administered by one head librarian under one board of library directors.

(ii) The county library and the local library share staff, library collections and physical facilities but have separate library boards which plan to replace themselves by a single board of library directors for the county and the local library services after 5 years of participation in State aid.

(iii) The county library exists by virtue of a contract for county library service between the county commissioners and a local library board of directors.

(iv) The county library constitutes the sole local library service in the municipality in which its headquarters is located.

(v) The county library and the local library have entered into an agreement to merge or conjoin the two library operations and submit for approval by the State Librarian a plan to replace the two library boards by a single library board of directors within 5 years of participation in State aid.

*Direct service area*—The municipality to which the governing body of a library is responsible for extending its services without charge. The governing body of a library will be judged to have assumed responsibility for a municipality when it grants free services to the residents of that municipality.

*District library center*—A library designated as such by the State Librarian and receiving State aid for the purpose of making its resources and services available without charge to all the residents of its district, providing supplementary library services to local libraries within the district, coordinating the services of local libraries within the district which by contract become part of the district library center system, and exchanging, providing or contracting for library services with other district library centers.

*Financial effort*—The sum expended annually by a local library for the establishment, operation and maintenance of library services in its direct service area, which derives from local taxes, gifts, endowments and other local sources, as may be provided under rules and regulations adopted by the Advisory Council on Library Development, and which is used to determine eligibility for State aid. Local financial effort shall be based upon the last market value figures published by the Pennsylvania State Tax Equalization Board prior to the calendar year in which the library applies for State aid. The use of market value in relation to State aid is intended as an equitable yardstick and may not be construed to mean that a tax on market value, or a property tax of any sort, is a necessary condition for eligibility for State aid. When the population of a municipality changes as a result of a special census the year in which the census was conducted shall coincide with market values issued for that year in determining local financial effort.

*Financial effort equal to one-half mill*—The financial effort equal to \$.0005 times the market value of taxable property, as determined by the Pennsylvania State Tax Equalization Board, in the direct service area of a local library.

*Financial effort equal to one-quarter mill*—The financial effort equal to \$.00025 times the market value of taxable property, as determined by the Pennsylvania State Tax Equalization Board, in the direct service area of a local library.

*Fiscal year*—A library's fiscal year shall end on either December 31 or June 30.

*Local library*—A 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 (including free lending and reference services) to an organized and currently useful collection of printed items and other materials and to the services of a staff trained to recognize and provide for these needs.

*Municipality*—A county, city, borough, town, township or a school district of the second, third or fourth class, which establishes or maintains a local library.

*Per capita*—Amounts determined on the basis of the latest official United States Census reports. Per capita is a unit of measurement for library expenditures or the payment of State aid derived by dividing a given sum of money by the total population of a municipality. Special census reports of the United States Census Bureau issued between dicennial censuses are also regarded as official.

*Per capita State aid*—State aid granted at a per capita rate as provided in section 303(1),(3) and (4) of The Library Code (24 P. S. § 4303(1), (3) and (4)).

*Percentage State aid*—State aid granted to a county library as a percentage of the county appropriation as provided in section 303(2) of The Library Code.

### **Source**

The provisions of this § 131.1 adopted June 21, 1969; amended April 21, 1972, effective April 22, 1972, 2 Pa.B. 721. Immediately preceding text appears at serial pages (3253) to (3255).

### **§ 131.2. Purpose of State aid.**

The purpose of financial assistance to local public libraries by the Commonwealth is to encourage and enable the improvement of public library service throughout this Commonwealth and thereby to fulfill those educational, informational and recreational needs of its residents served by public library agencies. Decisions related to the granting of aid to a given library will be influenced by this objective.

### **Source**

The provisions of this § 131.2 adopted March 29, 1962.

## **ELIGIBILITY FOR STATE AID**

### **§ 131.11. Local libraries.**

(a) To be eligible to receive State aid for any year, a local library shall have made a financial effort for the most recently completed calendar or library fiscal year equal to or exceeding \$.00025 times market value, or \$1 per capita, whichever is less, for the municipalities on behalf of which it applies for State aid.

(b) To remain eligible to receive the full amount of State aid for the years following the first year of participation in State aid, the financial effort of the local library shall increase over a period of 5 years to a sum equal to \$.0005 times market value, or \$2 per capita, whichever is less, for the municipalities on behalf of which it applies for aid. The annual rate of increase shall be at least 20% of the difference between the initial qualifying local financial effort and a financial effort equal to \$.0005 times market value, or \$2 per capita, whichever is less.

### **Source**

The provisions of this § 131.11 adopted March 29, 1962.

### **Cross References**

This section cited in 22 Pa. Code § 131.37 (relating to change of fiscal year).

### **§ 131.12. Percentage State aid to county libraries.**

(a) A local library which is financed all or in part by a county government shall be eligible to receive up to \$8,000 in State aid on a percentage basis as provided in section 303(2) of The Library Code (24 P. S. § 4303(2)). To receive percentage State aid, no specific minimum income from the county government is required, but only those funds appropriated by the county government may be counted.

(b) A formula for the amount of percentage State aid is set forth in section 303(2) of The Library Code, which also provides that no library receiving State aid prior to and at time of approval of The Library Code shall receive less State aid as a result of the provisions therein.

(c) Percentage State aid may be granted to only one library to which the county government has appropriated funds and has delegated the responsibility of providing public library service to the residents of the county not otherwise served.

### **Source**

The provisions of this § 131.12 adopted March 29, 1962.

### **§ 131.13. Per capita State aid to county libraries.**

A county library shall be eligible to receive per capita State aid, in addition to percentage State aid, when it meets the requirements for eligibility set forth for local libraries in section 303(1) of The Library Code (24 P. S. § 4303(1)). The aid shall be based on the county library service area as defined during the year of its application.

### **Source**

The provisions of this § 131.13 adopted March 29, 1962.

### **§ 131.14. Per capita State aid to county libraries merged or conjoined with local libraries.**

(a) A county library merged or conjoined with a local library shall be eligible to receive per capita State aid, in addition to percentage State aid, when the combined financial effort of the two sections of the merged or conjoined library which derives from local sources is equal to or exceeds \$.00025 times market value, or \$1 per capita, whichever is



less, for each of its two service areas as provided in section 303(3) of The Library Code (24 P. S. § 4303(3)).

(b) To remain eligible for full per capita State aid, the financial effort for both of the merged or conjoined library sections shall increase to an amount equal to or exceeding \$.0005 times market value or \$2 per capita, whichever is less, for both of its two service areas as provided in section 303(3) of The Library Code.

#### **Source**

The provisions of this § 131.14 adopted March 29, 1962.

#### **§ 131.15. Per capita State aid to a county library system.**

If a group of local libraries forms a cooperative county library system, they may pool their annual expenditures to qualify themselves and the county library for per capita State aid on behalf of their combined service areas. In such case, one of the local libraries shall be considered merged or conjoined with the county library and both shall be eligible under section 303(3) of The Library Code (24 P. S. § 4303(3)).

#### **Source**

The provisions of this § 131.15 adopted March 29, 1962.

#### **§ 131.16. Per capita State aid to a county library and local library which agree to merge or conjoin.**

A county library and another local library may seek State aid as merged or conjoined libraries as provided in section 303(3) of The Library Code (24 P. S. § 4303(3)), if, prior to application for State aid as such, the two library boards of directors enter into an agreement to merge the boards in accordance with section 411 of The Library Code (24 P. S. § 4411) by the end of 5 years of participation in State aid as merged or conjoined libraries. An agreement shall be approved by resolution of the municipal governments involved if the members of one or both of the library boards of directors are appointed by those governments.

#### **Source**

The provisions of this § 131.16 adopted March 29, 1962.

#### **§ 131.17. District library centers.**

A local library may not receive State aid as a district library center unless it can first qualify in full for State aid as a local library, except that the State Librarian may waive this requirement for no more than 2 consecutive years upon receipt of evidence that the financial ability of the community is substantially curtailed or steps are being taken to

become fully qualified during the year succeeding the one in which the library first failed to qualify fully.

#### **Source**

The provisions of this § 131.17 adopted March 29, 1962.

#### **§ 131.18. Regional library resource centers.**

A library designated by the State Librarian to serve as a regional library resource center shall be eligible to receive State aid annually as provided in section 303(5) of The Library Code (24 P. S. § 4303(5)) when its plan for use of such funds is approved by the State Librarian in accordance with Chapter 141 (relating to plans for the use of State aid).

#### **Source**

The provisions of this § 131.18 adopted March 29, 1962.

#### **§ 131.19. Ineligibility for State aid.**

(a) *Registration fee.* A library which charges a registration fee for service is not eligible for State aid.

(b) *Annual fee for service.* A library is not eligible to receive State aid on behalf of a municipality the residents of which are required to pay an annual fee for service.

(c) *Plans subject to approval.* Each library desiring to receive State aid shall submit to the State Librarian a plan for the use of the funds and no payment of State aid will be made until the plan is approved by the State Librarian in accordance with Chapter 141 (relating to plans for the use of State aid).

(d) *School-public libraries.* Libraries of elementary and secondary schools, both public and private, and of institutions of higher education, are not eligible to receive State aid even though the libraries may be rendering services to the general public, with the following exceptions:

(1) College or university libraries designated by the State Librarian as district library centers and eligible for State aid under section 303(4) of The Library Code (24 P. S. § 4303(4)).

(2) The Pennsylvania State University Library which is cited in section 209 of The Library Code (24 P. S. § 4209) as a Regional Library Resource Center and is eligible to receive State aid under section 303(5) of The Library Code.

### **Source**

The provisions of this § 131.19 adopted October 7, 1963.

### **§ 131.20. Additional State aid.**

To be eligible for additional State aid, a local library, county library or county library merged or conjoined must make a minimum financial effort equal to \$.0005 or \$2 per capita for each person residing in the direct service area, whichever is less, during the same fiscal year in which it qualifies for per capita State aid.

### **Source**

The provisions of this § 131.20 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 721.

## **APPLICATION FOR AND PAYMENT OF STATE AID**

### **§ 131.31. Application—general.**

Application for State aid shall be made in accordance with instructions provided by the State Library and shall be submitted to the State Library by October 1.

### **Source**

The provisions of this § 131.31 adopted June 10, 1969.

### **§ 131.32. Proof of eligibility.**

To show that the library meets the requirements for eligibility in Article III of The Library Code (24 P. S. § § 4301—4304), supporting documents shall be submitted as follows

(1) *Percentage State aid documentation.* The library board shall submit two copies of the resolution prepared by a county official certifying to the amount of those funds appropriated by the county government in the current year to the library as a county library. The copies of the resolution shall accompany or precede the application for State aid.

(2) *Per capita State aid documentation.* Per capita State aid documentation shall conform with the following: For expenditures made during a fiscal year completed prior to the October 1 deadline for filing the application for State aid, an independent auditor's report, performed in accordance with generally accepted auditing standards, of the entire operation, which includes income from all sources and related expenditures and fund balances of the library during the fiscal year ending December 31 or June 30 shall accompany or precede the application for State aid. The audit shall be filed every year for

libraries which receive annually \$50,000 or more in State income or every third year, with a financial review filed in the years that an audit is not required, for libraries which receive annually less than \$50,000 in State income. Libraries which have total operating expenditures of less than \$50,000 and which receive annually less than \$15,000 in State income shall have 2 years from the effective date of this section to comply. Because State aid and Federal funds do not constitute local financial effort, local financial effort will be determined by subtracting the total amount of State aid and Federal funds paid to the library during its fiscal year from the total expenditures of the library that year. The balance remaining shall be regarded as the local effort of the library for that year, less expenditures that are declared ineligible by this chapter. State aid shall be considered fully spent at the end of each year in which it is received by a library.

(3) *Statistical report.* An annual State statistical report shall be submitted as required by the State Library.

### **Authority**

The provisions of this § 131.32 amended under sections 201(15), 204(5) and 303(b) of The Library Code (24 P. S. § § 4201(15), 4204(5) and 4303(b)).

### **Source**

The provisions of this § 131.32 adopted June 10, 1969; amended November 21, 1975, effective November 22, 1975, 5 Pa.B. 3024; corrected April 24, 1981, effective February 14, 1981, 11 Pa.B. 1386; amended January 15, 1993, effective January 16, 1993, 23 Pa.B. 260. Immediately preceding text appears at serial pages (60496) to (60497).

### **Cross References**

This section cited in 22 Pa. Code § 131.63 (relating to income from contracts); and 22 Pa. Code § 141.13 (relating to unexpended balances).

### **§ 131.33. Plan for use of State aid.**

A payment of State aid may not be made until the library submits a plan for its use in accordance with instructions provided by the State Library and until the plan is approved by the State Librarian. Plans shall be submitted and judged in accordance with Chapter 141 (relating to plans for the use of State aid).

### **Source**

The provisions of this § 131.33 adopted June 10, 1969.

**§ 131.34. Payment of State aid.**

(a) State aid for a municipality shall be paid only to the library board of directors responsible for service to the municipality, and may be granted only once in any year on the basis of the population of the municipality; provided that, in the case of a municipality served by a library governed, under a home rule charter adopted under the Home Rule Charter and Optional Plans Law (53 P. S. § § 1-101—1-1309), by an agency other than a library board of directors, the aid may be paid to the municipal government. Except as provided in this subsection, State aid for district library service shall be paid only to the board of directors of the library agency designated as a district library center by the State Librarian.

(b) State aid shall be paid as soon as possible after receipt and approval of the application of the library, verification of eligibility, and approval of the plan of the library for its use.

**Source**

The provisions of this § 131.34 adopted June 10, 1969; amended March 3, 1978, effective March 4, 1978, 8 Pa.B. 487. Immediately preceding text appears at serial page (24574).

**§ 131.35. Sharing by two or more libraries.**

Two or more libraries may divide State aid in accordance with section 417 of The Library Code (24 P. S. § 4417), but State aid shall be paid to only one library board of directors upon approval by the State Librarian of the terms of an agreement previously entered into among the boards of directors of the several libraries.

**Source**

The provisions of this § 131.135 adopted June 10, 1969.

**§ 131.36. Reduction of State aid.**

The full amount of per capita aid, additional aid, district library center aid and regional library resource center aid authorized by section 303 of The Library Code (24 P. S. § 4303) will be paid if sufficient funds are appropriated by the General Assembly. If an insufficient amount of money is appropriated, each type of aid will be reduced proportionately.

**Source**

The provisions of this § 131.36 adopted April 21, 1972, effective April 22, 1972, 2 Pa.B. 721.

**§ 131.37. Change of fiscal year.**

If a library wishes to change its fiscal year from that under which it initially qualified for aid as provided in § 131.11(a) (relating to local libraries), it may do so subject to the following conditions:

(1) Prior to the beginning of the fiscal year which it proposes to adopt, the library must file with the State Librarian a request for approval of the change.

(2) If the change is to a fiscal year ending December 31, the local financial effort during the year ending on the June 30 following the end of the proposed fiscal year must equal or exceed the local financial effort during the proposed fiscal year. If the change is to a year ending June 30, the local financial effort of the library during the fiscal year ending December 31 preceding June 30 of the proposed fiscal year must equal or exceed the local effort of the proposed fiscal year. The aid shall be determined by the local financial effort of the old fiscal year if it is smaller than the local financial effort of the proposed year.

(3) If the local financial effort of the old fiscal year is lower than that of the proposed fiscal year, the library shall file another request and again follow the procedure specified in paragraphs (1) and (2) to achieve the change.

(4) Approval by the State Librarian of a request to change a fiscal year will not be final until the local financial effort of the old fiscal year equals or exceeds the local financial effort of the proposed fiscal year. When the approval is final, the adopted fiscal year must remain unchanged for a minimum of ten years.

**Source**

The provisions of this § 131.37 adopted October 3, 1980, effective October 4, 1980, 10 Pa.B. 3917.

**DETERMINATION OF SERVICE AREA**

**§ 131.41. Local library.**

A local library initially may apply for State aid for the municipality in which it is located, and for as many of the other municipalities in its direct service area on behalf of which it can qualify for State aid with the required local financial effort. After 5 years of participation in State aid, however, the local library may only qualify for State aid with the local financial effort required for all the municipalities to which it offers its services free of charge.

**Source**

The provisions of this § 131.41 adopted March 29, 1962.

**§ 131.42. Expansion of service area.**

A local library may expand its direct service area to receive State aid at any time it is able to meet the local financial effort required of \$.00025 times market value of taxable property of the municipality or municipalities added, if it complies with the following conditions:

(1) The municipality or municipalities for which State aid is sought are contiguous to the existing service area for which State aid is received.

(2) No other library has a prior claim to the municipality or municipalities in its own direct service area.

(3) All the municipal authorities affected agree to the inclusion of the municipality in the direct service area of the library.

**Source**

The provisions of this § 131.42 adopted March 29, 1962.

**§ 131.43. Reduction of service area.**

A local library may reduce its direct service area by not applying for State aid for municipalities which it plans to exclude from the direct service area to which it gives its services free of charge. The municipal authorities affected shall be so notified.

**Source**

The provisions of this § 131.43 adopted March 29, 1962.

**§ 131.44. Plans for expansion or reduction.**

If a library intends to expand or reduce its direct service area it shall perform all of the following:

(1) Notify the municipal authorities of the municipalities affected.

(2) Notify the county library board of directors if one exists within the same county.

(3) Include a description and justification of the action in its plan for the use of State funds submitted for approval by the State Librarian.

(4) Append to the plan for the use of State funds copies of the notification sent to the municipal authorities of the municipalities affected, and to the county library board of directors, if one exists within the same county, and of agreements received from the municipal authorities or county library board of directors.

### **Source**

The provisions of this § 131.44 adopted March 29, 1962.

### **§ 131.45. County library.**

(a) The direct service area of a county library shall be the whole county less those municipalities which form the direct service areas of other local libraries. If a new local library is legally formed within the county, its service area shall be subtracted from the county library service area. Conversely, if a local library ceases to claim a municipality in its own direct service area, that municipality shall be added to the county library service area and shall be counted when determining the local financial effort required of the county library for receiving State aid.

(b) A county library may only receive State aid on the basis of the whole county library service area as defined during the year of its application.

### **Source**

The provisions of this § 131.45 adopted March 29, 1962.

### **§ 131.46. Controversies over service areas.**

The State Librarian is authorized to act as arbiter in defining the direct service area of a library in the event a municipality is claimed by more than one library as part of any library service area. In such arbitration, opportunity shall be afforded the municipal authorities of the municipality affected to express their wishes with respect to library service.

### **Source**

The provisions of this § 131.46 adopted March 29, 1962.

### **§ 131.47. Contracts for free library services.**

A board of library directors of a local library or district center library may enter into a contract with the officers of a municipality to provide free library service to the residents and the taxpayers of that municipality or with another board of library directors to provide free service to the residents and taxpayers of all or a portion of the service area for which it is responsible. However, before any such contract is negotiated which would result in a library providing free service to residents of a library district other than the one in which it is situated, notice with opportunity to participate in the negotiation shall be given to the head librarians of the two district library centers involved. The contract shall be effective only upon approval of the State librarian.



### **Source**

The provisions of this § 131.47 adopted May 31, 1974, effective June 1, 1974, 4 Pa.B. 1084.

## **AUTHORIZED COMPONENTS OF LOCAL FINANCIAL EFFORT**

### **§ 131.51. General.**

Cash receipts of a local library, except State and Federal funds that are specifically designated to finance libraries, which are expended for annual public library operating costs shall be allowed as local financial effort, subject to this chapter. Moneys derived from local sources, or from Federal or State sources that are not specifically designated to finance libraries, which are paid directly to employees by a municipal government, or agency thereof, for work in and for a public library shall also be allowed as local financial effort.

### **Source**

The provisions of this § 131.51 adopted June 4, 1970, effective June 5, 1970, 1 Pa.B. 101; amended May 14, 1976, effective May 15, 1976, 6 Pa.B. 1098; amended May 28, 1976, effective May 29, 1976, 6 Pa.B. 1225. Immediately preceding text appears at serial page (24576).

### **§ 131.52. Tax funds.**

(a) Library income expended for public library service which derives from local taxes, whether received through a direct library tax or appropriation from the municipal authorities, may be counted as part of local financial effort, but a local library which receives an appropriation from a county library board of directors deriving from county and State funds may count as local financial effort only that proportion of the county library appropriation which derives from county funds and which excludes the proportion deriving from State funds.

(b) County funds may not be counted as part of the local effort of a local library if they are a component of the local financial effort with which the county library or the county library board qualifies for per capita State aid. Per capita aid will be paid to only one library for the expenditure of a given amount of local money.

### **Source**

The provisions of this § 131.52 adopted June 4, 1970, effective June 5, 1970, 1 Pa.B. 101; amended April 21, 1972, 2 Pa.B. 721. Immediately preceding text appears at serial page (3263).

**§ 131.53. Gifts.**

Gifts of money which are expended for public library service may be counted as part of local financial effort, and the monetary value of gifts of books, supplies or other operating materials may be included as part of the local financial effort of the library if the items were purchased specifically for the library. In cases where value for the items is claimed, the library shall have available among its records receipts or invoices which clearly show the cost of the items and indicate that the purchase was made specifically for presentation to the library. The value of gifts in kind not specifically purchased for the library is not allowable as a portion of local financial effort.

**Source**

The provisions of this § 131.53 adopted June 4, 1970, effective June 5, 1970, 1 Pa.B. 101.

**§ 131.54. Volunteer labor.**

The value of volunteer labor contributed to a library is not allowable as a portion of local financial effort.

**Source**

The provisions of this § 131.54 adopted June 4, 1970, effective June 5, 1970, 1 Pa.B. 101.

**§ 131.55. Endowment and investment income.**

Library income expended for public library service which derives from endowments or investments may be counted as part of local financial effort, but no funds invested to increase the endowment or investment income shall be allowable as a portion of local financial effort.

**Source**

The provisions of this § 131.55 adopted June 4, 1970, effective June 5, 1970, 1 Pa.B. 101.

**§ 131.56. Rental fees.**

Library income expended for public library service which derives from rental of the library's meeting rooms, part of its facilities or real estate holdings may be counted as part of local financial effort, and a library which charges rental fees for books may count that income as part of its local financial effort only if it makes available to its patrons an equal or larger quantity of new, free, informational and recreational materials of a parallel nature to those in the rental collection, or which duplicate the rental collection.

### **Source**

The provisions of this § 131.56 adopted June 4, 1970, effective June 5, 1970, 1 Pa.B. 101.

### **§ 131.57. Nonresident fees.**

A library may charge an annual nonresident fee to patrons who do not reside in or are not taxpayers to municipalities from which public funds are received and for which State aid is claimed, and the income may be counted as part of the local financial effort of the library.

### **Source**

The provisions of this § 131.57 adopted June 4, 1970, effective June 5, 1970, 1 Pa.B. 101.

### **§ 131.58. Rented quarters.**

Library expenditures for rent paid to a landlord other than the municipal authorities or its own board of library directors may be included as part of the local financial effort of a library. Local effort credit will not be allowed on the estimated or prorated value of annual rent for library quarters occupied without charge.

### **Source**

The provisions of this § 131.58 adopted June 4, 1970, effective June 5, 1970, 1 Pa.B. 101; amended October 3, 1980, effective October 4, 1980, 10 Pa.B. 3917. Immediately preceding text appears at serial page (24579).

### **§ 131.59. Shared utilities; janitorial and other services.**

In instances where a library shares utilities, supplies, janitorial or other services with a municipality or some other agency, without paying for them, the value of these items may be calculated and included as part of local financial effort. In such instances, however, the statement reporting the value of the items shall be accompanied by a report of the total expenditures by the municipality or other party for the items in which the library shares. The cost of repairs to or alterations of a shared building or to the grounds around it may not be included as local financial effort unless the repairs or alterations are to the part of the building occupied exclusively by the library. The local effort allowed for the shared services covered by the subsection shall not exceed 15% of the library's total allowable local effort.

## Source

The provisions of this § 131.59 adopted June 4, 1970, effective June 5, 1970, 1 Pa.B. 101; amended November 21, 1975, effective November 22, 1975, 5 Pa.B. 3024. Immediately preceding text appears at serial page (6899).

### **§ 131.60. Capital expenditures.**

(a) Capital expenditures shall conform with the following:

(1) The amount of capital expenditures included within local financial effort may not exceed 10% of the total operating expenditures of the library. The capital expenditures shall include those made for the following:

(i) Construction and equipment and furnishings for the construction.

(ii) Major renovation which would add to the useable floor space of the library and equipment and furnishings for the added facilities.

(iii) Purchase of real estate for new or rehabilitated library facilities.

(2) The capital expenditures may not include mortgage payments which amount to less than 10% of the total operating expenditures of the library.

(i) The mortgage payments shall be included within the total operating expenditures of the library, but any amount of mortgage payment, other than interest, in excess of 10% of the total operating expenditures of the library shall be counted as capital expenditures and shall not be included when determining local financial effort.

(ii) A portion of a mortgage payment or bond amortization other than interest shall not be included as a component of local financial effort in the case of debt incurred to provide matching funds for a grant under terms of Title II of the Library Services and Construction Act (20 U.S.C.A. § § 355a—355c).

(b) Construction of a new building or major renovation which adds to the useable floor space shall be considered completed during the reporting year of the library when the space is opened for public use. Except for obligations incurred during the period of construction, expenditures for equipment and furnishing of the new facilities made in the year or years following shall be included within the total operating expenditures of the library. Expenditures made for equipment and furnishing of the new facilities made during a library's reporting year prior to the year construction or renovation begins shall be included within the total operating expenditures of the library.

(c) Interest payments, maintenance of existing library facilities, such as redecoration and repairs, and addition or replacement of equipment and furnishings to be used in existing library facilities shall not be considered capital expenditures but shall be included as

operating expenditures when determining local financial effort. Funds expended for the purchase of bookmobiles or amounts set aside annually toward the purchase of bookmobiles, but not both, shall be considered operating expenditures when determining local financial effort.

#### **Source**

The provisions of this § 131.60 adopted June 4, 1970, effective June 5, 1970, 1 Pa.B. 101; amended October 3, 1980, effective October 4, 1980, 10 Pa.B. 3917. Immediately preceding text appears at serial pages (24579) to (24580).

#### **§ 131.61. Investments.**

Funds invested for library income may not be included as part of local financial effort. The investments include the purchase of stocks, bonds, long and short term notes, real estate acquired for income purposes, deposits in savings accounts or savings and loan associations, or other purchases for income or capital appreciation.

#### **§ 131.62. Repayment of loans.**

Funds expended for the repayment of cash loans made to a library against anticipated income may not be included as part of local financial effort.

#### **Source**

The provisions of this § 131.62 adopted June 4, 1970, effective June 5, 1970, 1 Pa.B. 101.

#### **§ 131.63. Income from contracts.**

(a) A library which receives money from another library by contract to render services may not include the money as part of its local financial effort if the other library has used it as part of its local financial effort to qualify for per capita State aid or if the money is State or Federal money.

(b) Money paid to and spent by a local library to administer or provide a service outside of its direct service area may not be included as a component of local financial effort.

(c) Income from and expenditures resulting from contracts shall be clearly identified in the report of the auditor or treasurer of the library specified in § 131.32(2) (relating to proof of eligibility) and the statistical report specified in § 131.32(3).

### Source

The provisions of this § 131.63 adopted March 29, 1962; amended October 3, 1980, effective October 4, 1980, 10 Pa.B. 3917. Immediately preceding text appears at serial page (24580).

### **§ 131.64. Cost of raising money.**

Funds expended to raise or procure money for the library may not be included as part of local financial effort. The expenditures shall include, but are not limited to, the cost of fund campaigns, prizes for lotteries, maintenance costs of income-producing properties, fees paid to tax collectors and administrators of trusts or endowments, and commissions and taxes on the sale or transfer of property.

### Source

The provisions of this § 131.64 adopted November 21, 1975, effective November 22, 1975, 5 Pa.B. 3025.

## TERMINATION OR REDUCTION OF STATE AID

### **§ 131.71. Termination of aid to a local library.**

A local library shall cease to qualify for State aid for either of the following reasons:

(1) If, in the sixth year of participation in State aid, the local financial effort has not reached a sum equal to or exceeding \$.0005 times market value, or \$2 per capita, whichever is less. State aid will not be restored until such time as the local financial effort does reach or exceed \$.0005 times market value, or \$2 per capita, whichever is less.

(2) If, after 6 years from the first payment of State aid, a local library is unable to achieve the applicable standards of service because its required local financial effort plus State aid is insufficient. Continuation of State aid in such cases shall be subject to the approval by the State Librarian of an extension of time in which to reach the applicable standards, as provided in section 304 of The Library Code (24 P. S. § 4304).

### Source

The provisions of this § 131.71 adopted March 29, 1962.

### **§ 131.72. Termination of aid to a county library merged or conjoined with a local library.**

A county library which is merged or conjoined with a local library shall cease to qualify for per capita State aid for either of the following reasons:

(1) If the merged or conjoined libraries do not have a single library board of directors after 5 years of participation in State aid.

(2) If, in the 11th year of participation in State aid, the local financial effort has not reached a sum equal to or exceeding \$.0005 times market value, or \$2 per capita, whichever is less. State aid will not be restored until such time as the local financial effort does reach or exceed \$.0005 times market value, or \$2 per capita, whichever is less.

#### **Source**

The provisions of this § 131.72 adopted March 29, 1962.

#### **§ 131.73. Reduction of aid to a local library.**

State aid to a local library shall be reduced by the formula specified in section 303(1) of The Library Code (24 P. S. § 4303(1)) if the library fails to increase its local financial effort by the scale of increase set forth in that section.

#### **Source**

The provisions of this § 131.73 adopted March 29, 1962.

#### **§ 131.74. Reduction of aid to a county library merged or conjoined with a local library.**

Per capita State aid to a county library which is merged or conjoined with a local library shall be reduced by the formula specified in section 303(3) of The Library Code (24 P. S. § 4303(3)) if the library fails to increase its local financial effort by the scale of increase set forth in that section.

#### **Source**

The provisions of this § 131.74 adopted March 29, 1962.

### **CHAPTER 133. CERTIFICATION OF LIBRARY PERSONNEL**

Sec.

- 133.1. Purpose of certification.
- 133.2. Procedure for certification.
- 133.3. Certification committee.
- 133.4. Professional librarian.
- 133.5. Provisional librarian.
- 133.6. Library assistant.
- 133.7. Reciprocity with other states.
- 133.8. In-service training programs.

### **Authority**

The provisions of this Chapter 133 issued under section 201(13) of The Library Code (24 P. S. § 4201(13)), unless otherwise noted.

### **Source**

The provisions of this Chapter 133 adopted October 21, 1963, unless otherwise noted.

### **§ 133.1. Purpose of certification.**

The purpose of certification by the State Librarian is to implement the responsibility to counsel local libraries on minimum standards, as required in section 201(5) of The Library Code (24 P. S. § 4201(5)). Certification is also designed to facilitate recognition of qualified persons by the local library boards of the Commonwealth when employing staff, extending services to larger service areas, and entering into cooperative service arrangements.

### **Source**

The provisions of this § 133.1 amended October 4, 1985, effective October 5, 1985, 15 Pa.B. 3503. Immediately preceding text appears at serial page (6902).

### **§ 133.2. Procedure for certification.**

(a) *Application.* Application for certification shall be made in accordance with instructions provided by the State Library.

(b) *Examination.* Certification examinations will be prepared under the auspices of the State Librarian and shall be offered as often as necessary, but not less than once annually. Applicants for examinations will be notified of the time and place of the examination not less than 6 weeks prior to the date of the examination.

(c) *Certificate.* Upon successful completion of certification requirements, an applicant will be awarded an official certificate prepared by the State Library, which will be valid without requiring renewal but, upon recommendation of the State Librarian, will be subject to annulment by the Department of Education under section 1211 of the Public School Code of 1949 (24 P. S. § 12-1211). Persons to whom certificates are issued by virtue of the position they held on June 14, 1961, as prescribed in section 201(13) of The Library Code (24 P. S. § 4201(13)), and in §§ 133.4 (3), 133.5 (3) and (4) and 133.6 (4) and (5) (relating to professional librarian; provisional librarian; and library assistant), will be certified only so long as they remain in the same category of position held at the time of certification.



### **Source**

The provisions of this § 133.2 amended October 4, 1985, effective October 5, 1985, 15 Pa.B. 3503. Immediately preceding text appears at serial page (6902).

### **§ 133.3. Certification committee.**

The State Librarian may appoint a certification committee consisting of three members, no more than one of whom shall be an employe of the State Library. The State Librarian shall be an ex officio member of the committee. The certification committee shall advise the State Librarian with respect to all certification matters.

### **Source**

The provisions of this § 133.3 amended October 4, 1985, effective October 5, 1985, 15 Pa.B. 3503. Immediately preceding text appears at serial page (3269).

### **§ 133.4. Professional librarian.**

Upon application to the State Librarian a certificate of professional librarian shall be issued if the applicant meets one or more of the following requirements:

(1) Has at least a bachelor's degree from a 4-year college or university approved by the appropriate Commonwealth agency or accredited by the Middle States Association of Colleges and Secondary Schools, or equivalent accrediting agency, and has a 5th-year degree in library service from a school approved by the appropriate Commonwealth agency or accredited by the American Library Association.

(2) Successfully passes an examination given under the auspices of the State Librarian demonstrating knowledge and experience equivalent to the academic requirements of paragraph (1).

(3) Was employed on June 14, 1961, as a head librarian in a Commonwealth public library, the individual service area of which contained more than 20,000 persons.

(4) Was employed in a Commonwealth public library on June 14, 1961, in a position which was classified by the employer as requiring a professional librarian.

(5) Is certified as a professional librarian or the equivalent by another state or country, and who, to the satisfaction of the State Librarian has qualifications equivalent to those required of other applicants.

### **Source**

The provisions of this § 133.4 amended October 4, 1985, effective October 5, 1985, 15 Pa.B. 3503. Immediately preceding text appears at serial page (3269).

### **Cross References**

This section cited in 22 Pa. Code § 133.2 (relating to procedure for certification).

#### **§ 133.5. Provisional librarian.**

Upon application to the State Librarian, a certificate of provisional librarian will be issued if the applicant meets one or more of the following requirements:

(1) Has at least a bachelor's degree from a 4-year college or university approved by the appropriate Commonwealth agency or accredited by the Middle States Association of Colleges and Secondary Schools, or equivalent accrediting agency, and has completed at least 12 credit hours of courses in library service at institutions approved by the appropriate Commonwealth agency or accredited by the Middle States Association of Colleges and Secondary Schools or equivalent accrediting agency.

(2) Successfully passes an examination given under the auspices of the State Librarian demonstrating knowledge and experience equivalent to the academic requirements of paragraph (1).

(3) Was employed on June 14, 1961, as a head librarian in a Commonwealth public library, the individual service area of which contained from 10,000 to 19,999 persons.

(4) Was employed in a Commonwealth public library on June 14, 1961, in a position which was classified by the employer as requiring a provisional librarian.

(5) Is certified as a provisional librarian or the equivalent by another state or country, and who, to the satisfaction of the State Librarian has qualifications equivalent to those required of other applicants.

### **Source**

The provisions of this § 133.5 amended October 4, 1985, effective October 5, 1985, 15 Pa.B. 3503. Immediately preceding text appears at serial pages (3269) to (3270).

### **Cross References**

This section cited in 22 Pa. Code § 133.2 (relating to procedure for certification).

#### **§ 133.6. Library assistant.**

Upon application to the State Librarian a certificate of library assistant will be issued if the applicant meets one or more of the following requirements:

(1) Has completed at least 2 academic years of college education in an institution approved by the appropriate Commonwealth agency or accredited by the Middle States

Association of Colleges and Secondary Schools, or equivalent accrediting agency, and has successfully completed 9 credit hours of courses in library service at institutions approved by the appropriate Commonwealth agency or accredited by the Middle States Association of Colleges and Secondary Schools or equivalent accrediting agency.

(2) Has completed at least two academic years of college education in an institution approved by the appropriate Commonwealth agency or accredited by the Middle States Association of Colleges and Secondary Schools, or equivalent accrediting agency, and has completed a minimum of one year of in-service training in library work that has been approved by the State Librarian.

(3) Successfully passes an examination given under the auspices of the State Librarian demonstrating knowledge and experience equivalent to the requirements in paragraph (1) or (2).

(4) Was employed on June 14, 1961, as a head librarian in a Commonwealth public library, the individual service area of which contained 9,999 persons or less.

(5) Was employed in a Commonwealth public library on June 14, 1961, in a position which was classified by the employer as requiring a library assistant.

(6) Is certified as a library assistant or the equivalent by another state or country, and who, to the satisfaction of the State Librarian has qualifications equivalent to those required of other applicants.

### **Source**

The provisions of this § 133.6 amended October 4, 1985, effective October 5, 1985, 15 Pa.B. 3503. Immediately preceding text appears at serial pages (3270) and (56579).

### **Cross References**

This section cited in 22 Pa. Code § 133.2 (relating to procedure for certification); and 22 Pa. Code § 141.21 (relating to local libraries).

### **§ 133.7. Reciprocity with other states.**

Upon application to the State Librarian, persons holding equivalent certification from other states and countries which have entered into reciprocal agreements with the State Librarian to give full faith and credit to Pennsylvania certificates may be certified as professional librarians, provisional librarians, or library assistants without having to pass a written examination.

**§ 133.8. In-service training programs.**

Libraries, library schools, colleges, universities and library extension agencies which develop in-service training programs of systematic on-the-job instruction in library work designed to meet the certification requirements set forth in this Chapter shall submit the plans for the programs to the State Librarian for approval if such programs are intended to satisfy certification requirements.

**CHAPTER 135. LIBRARY TRAINEESHIPS**

Sec.

- 135.1. Definitions.
- 135.2. Applications.
- 135.3. Eligibility.
- 135.4. Examination.
- 135.5. Selection.
- 135.6. Contract for employment by State Library.
- 135.7. Phase I, on-the-job training.
- 135.8. Phase II, service in the interest of the Commonwealth.
- 135.9. Penalties.

**Authority**

The provisions of this Chapter 135 issued under sections 201(15) and 205—208 of The Library Code (24 P. S. § § 4201(15) and 4205—4208), unless otherwise noted.

**Source**

The provisions of this Chapter 135 adopted March 5, 1970, unless otherwise noted.

**§ 135.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Approved graduate library school*—Any graduate library school inside or outside of this Commonwealth which is accredited by the American Library Association.

*Approved Pennsylvania library*—Any library in this Commonwealth which complies with the following conditions:

- (i) When the salary of a library trainee is paid with Federal funds the approved library is required to provide public library services under section 303 of The Library Code (24 P. S. § 4303) and meet the conditions for use of such Federal funds.

(ii) The State Librarian may limit the number of library trainees employed by a single library and he shall approve the position accepted by the library trainee as long as the trainee is under contract with the Commonwealth.

*Full-time employment*—The work week regarded as full-time by the State Library or by the approved Commonwealth library in which the trainee is serving under agreement with the Commonwealth, not to be less than 35 hours.

*Library trainee*—A person selected and employed by the State Library in the personnel classification of library trainee and who receives on-the-job training for no more than one calendar year in an institution of higher education as a candidate for a graduate degree in library service.

### **Cross References**

This section cited in 22 Pa. Code § 135.6 (relating to contract for employment by State Library).

#### **§ 135.2. Applications.**

Applications for examination for library trainee will be furnished by the Civil Service Commission of the Commonwealth.

#### **§ 135.3. Eligibility.**

Eligibility to take the examinations for library trainee shall be determined by the Civil Service Commission of the Commonwealth and shall include the conditions for employment set by the Commission for the State Library.

#### **§ 135.4. Examination.**

Written and oral examinations for library trainees shall be conducted by the Civil Service Commission of the Commonwealth and shall be designed to show aptitude for learning the principles and practices of library science rather than to demonstrate previous knowledge of the field.

#### **§ 135.5. Selection.**

Candidates for library trainee shall be selected by the State Librarian from an employment list established by the Civil Service Commission of the Commonwealth which ranks successful candidates in order of final earned ratings.

#### **§ 135.6. Contract for employment by State Library.**

A candidate selected for and accepting employment as a library trainee shall execute a contract with the Commonwealth whereby he promises to comply with the following:

(1) Attend an approved graduate library school as a full-time candidate for a master's degree in library service.

(2) Perform full-time employment for the Commonwealth, as defined in § 135.1 (relating to definitions).

(3) Accept the penalties specified in § 135.9 (relating to penalties) for failure to comply with the terms of the contract.

**§ 135.7. Phase I, on-the-job training.**

(a) During the first year as a library trainee, the trainee shall attend as a full-time student an approved graduate library school to be selected by the library trainee. For those library trainees paid from funds received, under the Library Services and Construction Act (20 U.S.C.A. § 351 et seq.), the course of study shall be directed toward public librarianship. The course of study, in any case, shall lead to a master's degree in library service within one calendar year or within the normal duration of time required by the school to attain a master's degree except that any library trainee who must discontinue his academic courses due to sickness, pregnancy, accident, military duty, or any reason beyond his control, may upon approval of the State Librarian be continued as a library trainee on an inactive basis, and at a later time resume full-time academic work. In such a case, the library trainee shall be dropped from the State Library payroll until he resumes active status. The State Librarian will decide the length of time such person is to be continued on such an inactive basis and such time shall not be counted for purposes of computing the duration of services required to be performed by the library trainee.

(b) To remain on the State Library payroll as a library trainee, the trainee shall maintain academic standing satisfactory to the proper authorities of the graduate library school and leading to graduation within the normal duration of time required by the school to obtain a master's degree. If such satisfactory standing is not maintained, the library trainee shall be subject to the penalties described in § 135.9 (relating to penalties). If the trainee selects a school requiring more than one calendar year to attain a master's degree, he shall be reimbursed by the State only for his first calendar year as a master's degree student.

(c) No library trainee shall retain trainee status if he voluntarily drops from the State Library payroll. In such a case he shall be subject to the penalties described in § 135.9.

**§ 135.8. Phase II, service in the interest of the Commonwealth.**

(a) Within six months of receiving a master's degree in library service and of being dropped from the State Library payroll as a library trainee, the library trainee shall commence to fulfill his contractual obligation to the Commonwealth by performing full-time library duties in an approved Commonwealth library for a period twice the length of time the library trainee is on the State Library payroll as a library trainee, but not to exceed two years, except as follows:

(1) Any library trainee who has graduated from a graduate library school and has accepted employment in an approved Commonwealth library but who cannot continue such employment because of sickness, pregnancy, accident, military duty, or because of any reason beyond his control, may upon approval of the State Librarian postpone fulfilling such contractual obligation and shall be continued on an inactive basis. At a later time such library trainee may resume employment and satisfy any remaining obligation, provided such obligation is fully satisfied within no more than two years from being reinstated on an active basis.

(2) In such cases the State Librarian shall decide the length of time such person is to be continued on an inactive basis, and such time shall not be counted for purposes of computing the duration of services required to be performed by the library trainee.

(b) If the library trainee fails to meet the obligation specified in subsection (a) and to fulfill the terms of his contract with the Commonwealth he shall be subject to the penalties described in § 135.9 (relating to penalties).

#### **§ 135.9. Penalties.**

(a) Any library trainee found to be in breach of the contract he has executed with the Commonwealth for any of the reasons set forth in this chapter or for any other reason shall be subject to the penalty outlined under the terms of the contract he has executed with the Commonwealth.

(b) The library trainee shall commence refunding the Commonwealth funds within six months after being notified by the State Librarian that the obligation of refunding has accrued.

(c) For the purpose of insuring that the investment of the Commonwealth in the training of the library trainee is not wasted or lost, and that the purposes of the traineeship program are not frustrated, the library trainee shall refund all of the training costs paid to the graduate library school in his name. Repayment shall be exonerated on a prorated basis for each month of service completed.

#### **Cross References**

This section cited in 22 Pa. Code § 135.6 (relating to contract for employment by State Library); 22 Pa. Code § 135.7 (relating to Phase I, on-the-job training) and 22 Pa. Code § 135.8 (relating to Phase II, service in the interest of the Commonwealth).

### **CHAPTER 137. USE OF THE STATE LIBRARY**

Sec.

137.1. Purpose of the State Library.

137.2. Penalties.

### **Authority**

The provisions of this Chapter 137 issued under sections 201, 415, 426 and 427 of The Library Code (24 P. S. § § 4201 and 4415—4427), unless otherwise noted.

### **Source**

The provisions of this Chapter 137 adopted September 9, 1968, unless otherwise noted.

#### **§ 137.1. Purpose of the State Library.**

The purpose of the State Library is to provide information and foster continuing education by:

(1) Making available all library materials of the State Library for use by libraries, agencies of State and local government and to the public generally.

(2) Coordinating a state-wide system of local libraries.

(3) Providing advice and counsel to local libraries, district library centers, and regional resource centers, municipalities and groups on the development and improvement of library service.

(4) Inspecting local libraries, district library centers and regional resource centers.

#### **§ 137.2. Penalties.**

Penalties for the nonreturn, loss or damage of library materials borrowed from the State Library will be as follows:

(1) *Overdue library materials.* The State Librarian may levy a penalty of up to 10¢ for each day a book, phonograph record album, or other piece of library materials is not returned by a library borrower after the book, record album, or other piece is due to be returned. The total penalty per item will not exceed \$10. The State Librarian will determine in which divisions or sections of the State Library such penalties will be levied, and will draw up such additional rules as may be necessary to enforce this paragraph.

(2) *Lost library materials.* The State Librarian shall collect from library borrowers who lose materials a sum of money sufficient to reimburse the Commonwealth for such loss, the amount to be determined by the cost of replacing the lost material.

(3) *Replacement of library materials.* In the event of lost or damaged library materials, the State Librarian may require that the borrower provide replacement copy or suitable substitute copy. Such replacement or substitution copy shall be determined by the State Librarian.



(4) *Failure to pay.* Failure on the part of State Library borrowers to pay required penalties shall result in loss of borrowing privileges until such time as penalties are paid. The State Librarian may develop such additional guidelines for enforcing this provision as may become necessary.

#### **Authority**

The provisions of this § 137.2 issued under section 201(2), (9) and (15) of The Library Code (24 P. S. § 4201 (2), (9) and (15)).

#### **Source**

The provisions of this § 137.2 amended December 30, 1982, effective January 1, 1983, 13 Pa.B. 16.

### **SUBPART B. ADVISORY COUNCIL ON LIBRARY DEVELOPMENT**

#### **CHAPTER 141. PLANS FOR THE USE OF STATE AID**

##### **PURPOSE; REQUIREMENT FOR PLAN**

Sec.

- 141.1. Local libraries.
- 141.2. District library centers.
- 141.3. Regional library resource centers.

##### **PROCEDURE**

- 141.11. Submission of plan.
- 141.12. Prohibited expenditures of State funds.
- 141.13. Unexpended balances.
- 141.14. Amendments to plan.
- 141.15. General nature of plan.

##### **CRITERIA FOR APPROVAL**

- 141.21. Local libraries.
- 141.22. District library centers.
- 141.23. Regional library resource centers.
- 141.24. Library systems.
- 141.25. Basic standards for local libraries.
- 141.26. Basic standards for local library members of a library system.
- 141.27. Basic standards for branch libraries.
- 141.28. Basic standards for bookmobiles.

## **Authority**

The provisions of this Chapter 141 issued under sections 201(5), (7) and (15), 204(5), 303 and 304 of The Library Code (24 P. S. § § 4201(5), (7) and (15), 4204(5), 4303 and 4304), unless otherwise noted.

## **Cross References**

This chapter cited in 22 Pa. Code § 131.18 (relating to regional library resource centers); 22 Pa. Code § 131.19 (relating to ineligibility for State aid); and 22 Pa. Code § 131.33 (relating to plan for use of State aid).

## **PURPOSE; REQUIREMENT FOR PLAN**

### **Source**

The provisions of these § § 141.1—141.3 adopted December 14, 1962, unless otherwise noted.

### **§ 141.1. Local libraries.**

(a) The purpose of financial assistance to local public libraries by the Commonwealth is to encourage and enable the improvement of public library service throughout this Commonwealth and thereby to fulfill those educational, informational, and recreational needs of its residents served by public library agencies. In order that State funds shall be applied to this end, section 304 of The Library Code (24 P. S. § 4304) requires that each library applying for State aid shall submit plans for use of the funds leading to the achievement of applicable standards after five years of participation in State aid.

(b) Plans for the use of State funds shall be related to the improvement of library service, and such improvement can only be measured in relation to applicable standards of service. Although section 303 of The Library Code (24 P. S. § 4303) does not fix minimum standards of library service, the State Librarian is authorized by section 201(5) of The Library Code (24 P. S. § 4201(5)) “to counsel local libraries on minimum standards for number and quality of library staff, resources of books and other materials, location of new libraries, hours and physical facilities.”

(c) Section 303 of The Library Code also states that “State-aid shall be paid when a library achieves the applicable standards determined by counseling with the State Librarian pursuant to the advice and recommendations of the Advisory Council on Library Development, or submits plans as set forth in Section 304 of this Act leading to the achievement of such standards . . . ,” and section 304 (24 P. S. § 4304) provides “libraries qualifying for aid shall have five years to achieve applicable standards. Further extensions of time may be permitted with the approval of the State Librarian acting under regulations made by the Advisory Council.”

**§ 141.2. District library centers.**

(a) The primary purpose of State aid to district library centers is to enable such libraries to exercise leadership in developing a coordinated system of library services among all the local libraries of a district which will bring maximum diversity, quality and use to all the residents of the district.

(b) Such State aid is intended to provide services and resources beyond those which a district library center offers as a local library and for which it is receiving State financial assistance. While the extent of district services and activities shall be related to the amounts of State funds available, each district library center receiving State aid shall offer reference services to all persons and local libraries, and interlibrary loan services through local libraries applying therefor and take steps toward meeting all of the criteria specified in § 141.22 (relating to district library centers).

**§ 141.3. Regional library resource centers.**

The purpose of State aid to regional library resource centers is to enable such libraries to build up major research collections in a planned and joint relationship and to make such specialized materials and services available to all the residents of this Commonwealth under rules and regulations promulgated by a board consisting of the head librarians of all regional library resource centers and under the chairmanship of the State Librarian.

**PROCEDURE**

**Source**

The provisions of these § § 141.11—141.15 adopted October 7, 1963, unless otherwise noted.

**§ 141.11. Submission of plan.**

(a) Plans for the use of State funds shall be submitted in accordance with instructions provided by the State Library.

(b) The plan shall cover the calendar year in which the library applies, or the calendar year immediately following, or the fiscal year (July 1 through June 30) which contains the date in which State aid is received.

**§ 141.12. Prohibited expenditures of State funds.**

State funds shall not be expended for any of the following purposes:

- (1) Payment of rent to any municipality or to the library board of directors.

(2) Investment purposes, including stocks, bonds, long term notes, real estate for income or appreciation or any expense in connection with such real estate already owned, or for any other purchases for long term income or capital appreciation.

(3) Any library expenditure prohibited under The Library Code (24 P. S. § § 4101—4503).

**§ 141.13. Unexpended balances.**

State aid is intended for expenditure during the year covered by the library's plan for its use, but if an unexpended balance does remain the library shall perform the following:

(1) Indicate such unexpended balance of State funds within its financial report required under § 131.32 (relating to proof of eligibility).

(2) Submit to the State Library for approval an amended plan for the use of these funds, or include such unexpended balance of State funds within its plan for the use of the next payment of State aid.

**§ 141.14. Amendments to plan.**

A library board of directors may submit amendments to its plan for the use of State funds for approval by the State Librarian at any time during the period covered by the plan. Approval of amendments to a library's plan shall be subject to the same considerations as those applied to the original plan.

**§ 141.15. General nature of plan.**

The plan for use of State funds need not be for special or extraordinary projects. It may represent a simple program to add State funds to local funds for the purpose of increasing expenditures for books, salaries, operating expenditures, or capital expenditures, and to join in the cooperative practices of the district library center system of the library's district. The State aid may be apportioned to any use which leads to the library's increased effectiveness or efficiency over and above the level reached the preceding year. The plan should include a statement of how the library board of directors expects the intended use of State funds to improve the quality of the services of the library.

## CRITERIA FOR APPROVAL

### Source

The provisions of these § § 141.21—141.23 adopted December 4, 1969, unless otherwise noted.

#### § 141.21. Local libraries.

In approving and disapproving plans for the use of State funds by local libraries, decisions of the State Librarian will be determined by the following criteria:

(1) *System participation.* Whether the plan includes participation in a cooperative system of existing and new libraries organized around a district library center. For any plan to be approved, the library shall meet the minimum standards of system participation.

(2) *Achievement of standards of services.* Whether the plan leads toward the achievement of the following applicable standards:

(i) *Structure and government of library service.* The structure and government of library service shall conform with the following:

(A) The library shall have a clear legal basis for establishment, organization, and financial support, in the case of a library established at public expense under The Library Code (24 P. S. § § 4101—4503).

(B) Except where, pursuant to a home rule charter adopted pursuant to the Home Rule Charter and Optional Plans Law (53 P. S. § § 1-101— 1-1309), a local library is governed by an agency other than a library board of directors, board members shall be appointed by the municipal officers of each municipality contributing to the support or aiding in the maintenance of a local library in accordance with section 411 of The Library Code (24 P. S. § 4411). A municipality is judged to contribute to the support or to aid in the maintenance of a local library when it appropriates to the library annually an amount of money which is equivalent to 15% or more of the yearly income of the library from all local municipal sources. In the case of a local library established prior to June 14, 1961, each municipality which contributes to the support or aids in the maintenance of the local library shall appoint a number of members to serve on the board of library directors as is mutually agreed upon by such municipalities, provided that no single municipality shall be required to appoint more than two board members, and provided, further, that the appointment of board positions agreed to by such municipalities shall be subject to the approval of the State Librarian.

(C) The library shall be an integral part of general local government.

(D) Each municipality which maintains a local library or which contributes to the support or aids in the maintenance of a local library within the meaning of clause (B) of this subparagraph shall pass an ordinance or resolution establishing or designating the library to be the agent of the municipality to provide library service in accordance with section 415 of The Library Code (24 P. S. § 4415). If the library was not established by the municipality, the library board shall pass a resolution accepting the designation.

(E) The public library shall report annually to the municipality.

(F) The library board shall commit the library, by resolution, to participation in the district library center cooperative program.

(G) The function of the library board and the librarian and staff shall be clearly differentiated in a written statement.

(ii) *Service.* Library service shall be as follows:

(A) The library shall maintain well-planned hours of service.

(B) The library shall establish a regular schedule of hours which permits all citizens of the community easy access to the materials and services of the library.

(C) The library shall be open for service weekly in accordance with the following minimums:

<i>Population</i>	<i>Hours Per Week</i>
Less than 25,000	35
25,000—49,999	50
50,000 and more	65

(D) The library shall complete and submit within the prescribed time limit the annual report form and other forms required by the Bureau of Library Development of the State Library.

(iii) *Library materials.* Library materials shall be governed by the following:

(A) The library shall have a written statement of policy covering the selection and maintenance of its collection of library materials.

(B) The library shall provide a well-balanced minimum collection of 1 1/2 currently useful catalogued and classified items per capita; provided that no library shall have a collection of fewer than 15,000 such items.

(C) The library shall receive a balanced collection of currently useful periodicals in accordance with the following minimums:

<i>Population</i>	<i>Minimum Titles</i>
Less than 10,000	30
10,000—24,999	50
25,000—49,999	75
50,000 and more	125

(iv) *Personnel.* The retaining of library personnel shall be in conformance with the following:

(A) The following definitions shall apply in this subparagraph:

(I) A staff member is a person regularly used in a year-round job, other than maintenance, which is customary and necessary for the provision of library service.

(II) Full time is at least 35 hours weekly. The time of several individuals who regularly work at least 5 hours weekly in year-round jobs excluding maintenance jobs may be added together and counted as being equivalent to full time or a fraction thereof.

(III) Qualified means that the staff member must have the training, skills and experience necessary to perform the tasks or carry out the responsibilities of the job to which he is assigned and can give evidence of such qualifications. To be qualified, a head librarian must be certified as specified in clause (C).

(B) The library shall have a written personnel policy.

(C) The library shall be administered by a head librarian certified as follows, except that no library shall be deprived of State aid because of having a noncertified head librarian appointed prior to January 15, 1970:

<i>Population</i>	<i>Required Certification of Head Librarian</i>
0—9,999	Library Assistant
10,000—19,999	Provisional Librarian
20,000 and more	Professional Librarian

(D) The library shall have a qualified staff member, full time or equivalent, for each 3,500 persons in the direct service area; provided that no library shall use fewer than one full time staff member. In the case of a library which fulfills this standard by use of only one full time staff member, that person must be certified as at least a library assistant in accordance with § 133.6 (relating to library assistant).

(3) *Extension of time.* Whether an extension of time is needed beyond five years in which to achieve applicable standards of library service. A library may request such extension of time from the State Librarian in accordance with the provisions of section 304 of The Library Code (24 P. S. § 4304). In approving or disapproving a library's request for an extension of time and continuation of State aid, the State Librarian shall consider the following factors:

(i) Possible enlargement of the service area of the library so as to increase its local financial effort and the amount of State aid for which it would be eligible.

(ii) Possible merger or cooperative agreement with a district library center, a county library, or a nearby local library or group of libraries with which it can share books and other materials, staff services or physical facilities.

(4) *Library services to the whole community.* Whether the library services are being developed for the community as a whole, rather than for any particular group or age level, the following shall apply:

(i) For a plan to be approved, any local library which provides direct service to schools in the form of bookmobile visits or deposits of classroom book collections shall be required to describe such service in its plans for use of State funds and indicate the percentage of its total expenditures which is devoted to such service to schools.

(ii) In the first year of application for State aid, a library may qualify when it expends more than 20% of its total operating expenditures on direct service to schools only when it submits a plan to reduce its expenditures for direct service to schools to an amount not exceeding 20% of its total operating expenditures within six years of participation in State aid.

(5) *Standards of library expenditures.* Whether the financial support is adequate to provide the applicable standards of service to its direct service area. Such support shall be measured by an amount equal to or exceeding the local financial effort of \$.0005 times market value, or \$2.00 per capita, whichever is less, in addition to all State aid to which the library is entitled. Since State aid is intended to supplement and not to substitute for local financial effort, no plan for the use of State funds shall be approved which projects the reduction of the local financial effort for normal, recurring, operating costs from a previous level unless evidence of substantial curtailment of financial ability of the community is accepted by the State Librarian. In the case of a library which has participated in the aid program for more than 5 years, no plan will be approved which projects operating expenditures of less than \$15,000 in State and local money.



(6) *Expansion of service area.* Whether the library should expand the service area to which it gives all its services free of charge. For any plan to be approved which includes projected expansion of direct service area, the plan of the library shall be accompanied by a copy of the agreement with the municipal authorities that the municipality or municipalities be included in the direct service area of such library. Any municipality which is added to a direct service area of a library shall be considered part of that area for a period of not less than 10 years, except when any of the following apply:

(i) Special approval is granted by the State Librarian for excluding such municipality or municipalities from such direct service area.

(ii) The municipal authorities of such municipality or municipalities resolve to withdraw from such direct service area.

(iii) The municipality or municipalities are included in another library service area through merger of two or more libraries or by contractual agreement.

(7) *Reduction of service area.* Whether the library should reduce the direct service area to which it gives all its services free of charge. For any plan to be approved which includes reduction of service area, the library's plan shall be accompanied by a copy of the library's notification to the municipal officers of the municipality or municipalities affected and to the county library board of directors if one exists within the same county. Plans for the use of State funds which include reduction of service area shall not be approved unless the library also plans to cease to give free library service to the residents of the municipality or municipalities affected.

(8) *Economical use of public funds.* Whether the public funds are used economically and efficiently.

(9) *State aid to supplement or stimulate local support.* Whether State aid is planned to supplement or stimulate local pride, responsibility, initiative and support, rather than to substitute for them.

### **Source**

The provisions of this § 141.21 amended through May 22, 1981, effective May 23, 1981, 11 Pa.B. 1800. Immediately preceding text appears at serial page (56585).

### **Cross References**

This section cited in 22 Pa. Code § 141.25 (relating to basic standards for local libraries); 22 Pa. Code § 141.26 (relating to basic standards for local library members of a library system); and 22 Pa. Code § 141.28 (relating to basic standards for bookmobiles).

**§ 141.22. District library centers.**

(a) *General.* In approving or disapproving plans for the use of State funds for district library center service, decisions of the State Librarian shall be determined by whether or not the library meets or surpasses the minimum standards set forth in subsections (b)—(f) or whether or not the plan leads toward achievement of them.

(b) *Structure and government.* The structure and government of a district library center shall be as follows:

(1) A district library center is a library designated as such by the State Librarian and the Governor's Advisory Council on Library Development and which shall receive State aid for the purpose of making resources and services available without charge to all the residents and the taxpayers of its district as specified by section 211 of The Library Code (24 P. S. § 4211).

(2) The library must meet or exceed minimum standards as a local library or a library system and fully qualify for State aid for its direct service area.

(3) There shall be an advisory council to the district center to review the district budget and help develop the district plans, policies, services, and programs. It shall consist of a librarian and trustee from each library in the district, except that districts shall have the option to develop a plan of rotation of local library representation if membership is representative of the various sized local libraries in the district and the various parts of the district, and if local libraries designate their own representative in turn. In such cases, membership shall not be less than 9 members, one of whom must be from the district center board, and shall include at least 30% trustees and at least 30% librarians. It shall meet at least three times a year.

(4) The library shall file with the State Librarian for approval a 5 year plan for the development and provision of district services and resources. The library shall actively seek input on the plan from local librarians and trustees and provide the opportunity for them to participate in its development. Progress on the plan shall be evaluated annually and revisions made as needed. Copies of the plan and an annual review and necessary revisions shall be sent to the State library and local libraries in the district.

(5) The library shall submit appropriate written reports at least annually to the State Library, the member libraries of the district, and the municipalities from which it receives its financial support.

(c) *Service.* Service shall conform with the following:

(1) The library shall maintain a regular schedule of service which permits all residents and libraries of the district access to the materials and services of the district library center during not less than 64 hours weekly.

(2) Interlibrary reference and information service shall be available for at least the number of hours specified in subsection (c)(1) under the supervision of a librarian with at least a provisional certificate. Equipment for photo-duplication and rapid communication to and from the district library center shall be available.

(3) Direct reference and information and community information and referral shall be available for at least the number of hours specified in subsection (c)(1) under the supervision of a librarian with at least a provisional certificate.

(4) Interlibrary loan service shall be provided to the libraries in the district in accordance with the most current edition of "Pennsylvania Interlibrary Loan Code." The service shall be supervised by a librarian with a professional certificate and the assistance of appropriate support staff. Provision shall be made for obtaining materials which are not available at the district library center from the regional resource libraries and other libraries. Status Reports shall be available upon request.

(5) The library shall be responsible for developing an interlibrary delivery system using public transportation, special vehicles, or other means if existing public delivery services will not result in delivery within 1 week.

(6) The consultant staff, as provided in subsection (e)(2)(ii), shall visit each local library periodically and shall be responsible for providing professional library knowledge to local librarians and others by means of counselling and continuing education on all aspects of library service including but not limited to the following:

- (i) Materials selection and collection development, including weeding.
- (ii) Service to special groups.
- (iii) Modern library service, administration, library governance, finance.
- (iv) Inservice training of local library personnel and trustees.
- (v) Implementation and promotion of cooperation among local libraries.
- (vi) Provision of public relations programs and materials.

(7) The library shall develop cooperatively with member libraries and disseminate widely to the public, information about district library center services and the need for library services in the district.

(d) *Materials.* Materials shall conform with the following:

(1) The library shall have on file at the State Library a written statement of policy covering the selection and maintenance of its collection of library materials with emphasis on its role as a resource center for the district.

(2) The library shall provide a currently useful collection large enough to meet the demands based on district population size but in no case to be less than 75,000 cataloged items.

(3) The library shall maintain a currently useful noncirculating collection of reference materials.

(4) The library shall receive regularly a balanced collection of periodicals to meet the responsible demands based on district population size but in no case be less than 125 titles.

(5) The library shall have a minimum of 300 16MM film titles or equivalent audiovisual media in its collection or accessible within the district for circulation.

(6) No less than 12% of the total operating budget of the library shall be spent on materials. A minimum of at least 5.0% of the materials budget of the library shall be allocated for audiovisual materials.

(e) *Personnel.* Personnel policy shall be in accordance with the following:

(1) The library shall have a written personnel policy which includes job descriptions and classifications, a pay schedule, a retirement plan, fringe benefits, grievance procedures and a commitment to affirmative action.

(2) The library shall fulfill local library or system standards on the number of staff and provide full-time professional positions as set forth in this subsection, provided that the qualifications do not apply to employees appointed to the positions prior to December 13, 1977, the date of final adoption of this subsection:

(i) Library administrator. The library administrator shall be a librarian with a professional certificate with at least 5 years of public library experience, including a minimum of 2 years supervisory experience or its equivalent.

(ii) Consultant staff. Each consultant shall be a librarian with a professional certificate and have a minimum of 2 years public library experience or its equivalent. The library shall provide consultant services to local libraries, municipal officers, and interested groups in the district. The district library center shall employ not less than one full-time consultant librarian and such additional consultant staff that is necessary to carry out the library's plan for district library service. If fewer than five local libraries are in the district, the consultant librarian may be assigned not more than half-time to other professional duties related to district library center activities.

(iii) Responsibility for the following functions shall be assigned to or supervised by personnel with a professional librarian's certificate:

(A) Collection management.

- (B) Information services.
- (C) Interlibrary loan service.
- (D) Children, young adult and adult services.
- (E) Technical service.

(iv) Responsibility for the following functions shall be assigned to personnel with training or experience in their fields:

- (A) Audiovisual materials and programs.
- (B) Public relations.

(f) *Facilities.* The library facilities shall be capable of housing the collection, staff and services as listed in the district plan for service and indicated by the standards.

#### **Source**

The provisions of this § 141.22 amended through August 31, 1984, effective September 1, 1984, 14 Pa.B. 3155. Immediately preceding text appears at serial pages (62253) and (62257).

#### **Cross References**

This section cited in 22 Pa. Code § 141.2 (relating to district library centers).

#### **§ 141.23. Regional library resource centers.**

In approving or disapproving plans for the use of State funds for regional library resource center service, decisions of the State Librarian shall be guided by whether the plan for the use of such State aid is in accord with the objectives agreed upon by the board of head librarians of regional library resource centers and such rules and regulations as such board may promulgate.

#### **§ 141.24. Library systems.**

(a) *General.* In approving or disapproving plans for the use of State funds by library systems, decisions of the State Librarian shall be determined by the criteria set forth in subsections (b)—(g).

(b) *Definitions.* The following definitions shall apply to library systems:

(1) The term library system shall apply to an organization of two or more independent libraries serving not less than a total of 25,000 people which have voluntarily agreed to participate and have delegated the policy making functions to a system board of directors.

(2) A library system may have units and agencies consisting of the following:

(i) *Headquarters or central library unit.* The principal resource unit and administrative center of the system.

(ii) *Nonheadquarters units:* Nonheadquarter units may include the following:

(A) *Federated or associated local libraries.* Local libraries which have agreed to participate in a county, township, or school district public library system from which some or most of its financial support is derived in the form of money, library materials, personnel or services.

(B) *Branch.* A unit with separate quarters, a permanent basic collection of books, a permanent staff and a regular schedule, administered from a central unit.

(C) *Reading station/center.* A unit with separate quarters and limited reader services, minimum basic collection supplemented by rotating collections, a permanent staff, and administered from a central unit.

(D) *Deposit station.* An outlet, usually housed in shared quarters, having no permanent collection or staff and administered by the central unit.

(E) *Bookmobile.* A vehicle especially designed to carry books and other library materials. It may serve not only as a traveling library branch but also as a guide for the location of future branches and reading stations. Bookmobiles serve populations of varying size and maintain regular schedules of community stops throughout the system.

(3) A municipality is judged to contribute to the support or aid in the maintenance of a library system when it appropriates to the library system annually an amount of money which is equivalent to 15% or more of the system's yearly income from all local municipal sources.

(4) Effective service area shall be construed to be the geographic area from which come 60% of the unit's registered borrowers and usage.

(5) Full time is at least 35 hours per week. The time of several individuals who regularly work at least 5 hours weekly in year-round jobs, excluding maintenance personnel, may be added together and counted as being equivalent to full time or a fraction thereof.

(6) A staff member is a person regularly used in a year-round position, other than maintenance, which is customary and necessary for the provision of library service.

(7) Qualified means that the staff member must have the training, skills, and experience necessary to perform the tasks or carry out the responsibilities of the job to which he is assigned and can give evidence of such qualifications. To be qualified, the administrator of a system and the head librarian of each unit of the system must be certified as specified in subsection (f)(2).

(c) *Structure and government of library systems.* The structure and government of library systems shall conform with the following:

(1) The structure of the library system shall be determined by those units or agencies comprising the system so long as the system shall be established, organized, and financially supported in conformity with The Library Code (24 P. S. § § 4101—4503), which is the authority for establishing library service at public expense.

(2) System board members shall be appointed by the municipal officers of each municipality contributing to the support or aiding in the maintenance of a library system in accordance with section 411 of The Library Code (24 P. S. § 4411).

(i) In the case of a Library System established prior to June 14, 1961, each municipality which contributes to the support or aids in the maintenance of the system shall appoint a number of members to serve on the board of library directors of the system as is mutually agreed upon by such municipalities; provided that no single municipality shall be required to appoint more than two board members and provided, further, that the apportionment of board positions agreed to by such municipalities shall be subject to the approval of the State Librarian.

(ii) In the case of a library system which receives no contribution in support or aid in maintenance from a municipal government, the system board shall consist of not less than five nor more than nine members selected or appointed as the participating libraries may agree. The apportionment of members and the method of appointment or selection shall be subject to the approval of the State Librarian. The first members shall be appointed or selected as nearly as may be 1/3 for 1 year, 1/3 for 2 years and 1/3 for 3 years. All subsequent appointments or selections to fill the places of those whose terms have expired shall be for a term of three years. Vacancies shall be filled for the unexpired terms. In the event that a municipality subsequently begins to contribute to support of the system, the system board shall be reorganized to comply with the provisions of subparagraph (i).

(3) The system shall have written agreements of participation between the system board and each local library which is a member of the system, in which the obligations, services, and contributions of each party shall be stated.

(4) The system board shall have and shall file with its local agencies and the State Library of Pennsylvania a written plan for system-wide service and development. The plan shall be reviewed annually and amended as necessary and shall include in its overall objectives specifications for programming and services to increasingly meet the needs of

the public. Each resident of the system service area must be provided with direct and convenient access to library services.

(5) The annual operating expenditures of the total system must be equivalent to the State aid for the total population in the total service area of the system and the amount of local effort necessary to qualify for that aid as provided in section 303(1) and (3) of The Library Code (24 P. S. § 4303(1) and (3)), but, in no event, shall such operating expenditures be less than \$50,000.

(6) The library system shall be an agency of local governments.

(i) Each municipality which maintains a library system or which contributes to the support or aids in the maintenance of a library system within the meaning of subsection (b)(3), shall pass an ordinance or resolution establishing or designating the library system to be the agent of the municipality to provide library services to the residents and taxpayers thereof in accordance with section 415 of The Library Code (24 P. S. § 4415). If the library system was not established by the municipality, the system board shall pass a resolution accepting the designation.

(ii) The system board shall make written financial and statistical reports at least quarterly to its municipalities and other funding agencies and to the member units of the system.

(7) The system board shall commit the system, by resolution, to participation in the District Library Center Cooperative Program.

(8) The functions of the system board and of the system administrator shall be clearly differentiated in a written statement.

(9) The board shall develop criteria for membership in the system and adopt policies that will be applicable throughout the system.

(10) The system administrator and the heads of the participating units shall meet at least bi-monthly to consider system services and activities.

(d) *Services.* Library system services shall include the following:

(1) Each unit within the system shall provide free access including free lending and reference services to all residents of the system's total service area.

(2) The units within the system shall maintain well-planned hours of service which will permit all residents of the system's community convenient access to library materials and services.



(3) The library system shall be open for services weekly in accordance with the following minimums:

<i>Description</i>	<i>Population</i>	<i>Hours per week</i>
Headquarters unit	25,000—49,999	50
	50,000—and over	652
Nonheadquarters units	0—4,999	10
	5,000—9,999	20
	10,000—24,999	25
	25,000—and over	40

(4) The system shall develop an interlibrary loan service among the members of the system which will assure a status report or delivery of the item requested within three days after receipt of the request.

(e) *Library materials.* The library system shall conform with the following regarding library materials:

(1) The system shall have a written statement of policy governing selection and maintenance of library materials.

(2) The system as a whole shall provide a well-balanced collection of not less than one title per capita and not less than 1 1/2 currently useful items per capita using the population of the system as the basis for determining the total required; provided that no system shall be required to have more than 100,000 titles. The holdings of all units of the system shall be used to arrive at the actual holdings of the system in order to determine compliance with this minimum standard.

(3) The system shall develop rotating collections to supplement the basic collections of the units as required by the system plan.

(4) No unit in a system shall subscribe to fewer than ten periodical titles. The system headquarters unit shall subscribe to a balanced collection of currently useful periodicals in accordance with the following minimums:

<i>Population the System</i>	<i>of Minimum titles</i>
25,000—49,999	75
50,000—and over	125

(5) The system shall develop and maintain a catalog of acquisitions after the effective date of the standards.

(f) *Personnel.* The library system shall conform with the following regarding personnel:

(1) The system shall have a written personnel policy.

(2) The system shall be administered by a certified professional librarian with at least two years public library experience including some supervisory experience or its equivalent; provided, however, that no system shall be deprived of State aid because of having a noncertified administrator appointed prior to the effective date of this section. Each unit within the system shall have a head librarian qualified in accordance with its effective service area as follows:

(i) *Population up to 5,000.* System certified personnel with at least in-service training provided by the system.

(ii) *Population 5,000—14,999.* Certification at least as a Library Assistant by the State Library of Pennsylvania.

(iii) *Population 15,000—19,999.* Certification at least as a Provisional Librarian by the State Library of Pennsylvania.

(iv) *Population 20,000 and above.* Certification as a Professional Librarian by the State Library of Pennsylvania.

(3) The library system shall have one qualified staff member, full time or equivalent, excluding maintenance personnel, for each 4,500 persons in the total service area of the system. One-fifth of the staff shall be certified professional librarians. For systems with populations 100,000 and over, at least 22 staff members, full time or equivalent, excluding maintenance personnel, plus one for every 5,500 persons over 100,000 population, shall be required. In determining compliance with this standard, all staff members, exclusive of maintenance personnel, in all units of the system shall be considered as part of the final total staff.

(g) *Facilities.* Library system facilities shall conform with the following:

(1) After the effective date of this section, it shall be the responsibility of the system board to review and approve plans for construction, remodeling, or enlargement of units in the system to confirm that the units fulfill the needs of the area served.

(2) Each member unit shall have an outdoor sign stating it is a library.

(3) Each member unit shall have a telephone listing.

## Source

The provisions of this § 141.24 amended through May 22, 1981, effective May 23, 1981, 11 Pa.B. 1800. Immediately preceding text appears at serial page (56592).

## Cross References

This section cited in 22 Pa. Code § 142.1 (relating to definitions).

### **§ 141.25. Basic standards for local libraries.**

(a) A local library is 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 including free lending and reference services to an organized and currently useful collection of printed items and other materials and to the services of a staff trained to recognize and provide for these needs.

(b) The central library unit of a local library is the principal resource library or administrative center.

(c) For a plan to be approved for the use of basic aid provided by section 303(1) of The Library Code (24 P. S. § 4303(1)) and the equal distribution grant provided by section 303(7) of The Library Code (24 P. S. § 4303(7)), a local library shall fulfill the following requirements:

(1) The local library shall be governed as specified in § 141.21(2)(i)(B) (relating to local libraries).

(2) The local library shall qualify for aid for the city, borough, town, or township in which the central library unit is located.

(3) Any municipality for which a local library claims and qualifies for State aid must be claimed by that local library in each year for not less than 10 successive years, and the minimum required local financial effort for such a municipality will be taken into account each year when determining the library's eligibility for State aid except when any of the following apply:

(i) Special approval is granted by the State Librarian for excluding such municipality from such service area.

(ii) The municipal officers of such municipality resolve to withdraw from such service area.

(iii) The municipality is included in another library service area through merger of two or more libraries or by contractual agreement.

(4) Service shall be provided as follows:

(i) The local library must be open for service at least 20 hours per week during hours which are best suited to the needs of the residents of its service area.

(ii) Ready reference service must be available at all times the local library is open.

(iii) The staff of the local library shall be ready and willing to communicate with the district library center for reference assistance and interlibrary loans.

(iv) The local library shall have a telephone which is listed in the local directory.

(v) The local library shall have a sign which clearly identifies it, from the outside, as a public library.

(5) Library materials shall be provided as follows:

(i) The local library must have in its collection, available on its premises, not less than 6,000 items which are organized by subject and recorded in a manner which makes them easily accessible to the public. These items must be currently useful to the residents of the service area. Libraries with collections of less than 6,000 will not be denied State aid if they can demonstrate the usefulness and vitality of their collections by circulation per capita or collection turnover rate in excess of the average for other libraries of comparable size and service area.

(ii) The local library shall budget and expend annually for the purchase of library materials twice the amount of the equal distribution grant allotted to it. For example, if the equal distribution grant is \$900, then the expenditure for library materials in the year of the grant must be not less than \$1,800.

(iii) The collection shall be selected to serve the informational, educational, and recreational needs of all residents in its service area.

(iv) The local library shall have a collection of ready reference items of sufficient scope to meet the needs of the residents of its service area.

(v) The local library shall subscribe to and make available for use at least ten different periodicals which are indexed in the *Readers Guide to Periodical Literature* or other recognized periodical indexes.

(6) Personnel policies shall be as follows:

(i) The local library shall be in the charge of a person who has been trained to recognize and provide for the informational, educational, and recreational needs of the residents of the library's service area. The training may be provided by the district library center.

(ii) The person in charge shall work on the premises of the local library not less than 20 hours weekly during hours when the library is open for service to the public.

### **Source**

The provisions of this § 141.25 adopted May 22, 1981, effective May 23, 1981, 11 Pa.B. 1800.

### **Cross References**

This section cited in 22 Pa. Code § 141.26 (relating to basic standards for local library members of a library system).

### **§ 141.26. Basic standards for local library members of a library system.**

(a) A local library member of a library system is a local library, as defined in § 141.25(a) (relating to basic standards for local libraries) which has agreed to participate in a county, township or school district public library system from which some or most of its financial support is derived in the form of money, library materials, personnel or services.

(b) For a plan to be approved for the use of the equal distribution grant awarded to a library system on behalf of a member local library as authorized by section 303(7) of The Library Code (24 P. S. § 4303(7)), a local library member of a library system shall fulfill the following requirements:

(1) The local library member shall be governed as specified in § 141.21(2)(i)(B) (relating to local libraries).

(2) The library system shall qualify for basic aid as specified in section 303(1) of The Library Code (24 P. S. § 4303(1)).

(3) Service shall be provided as follows:

(i) The local library shall be open for service at least 20 hours per week during hours which are best suited to the needs of the residents of its service area.

(ii) Ready reference service shall be available at all times the local library is open.

(iii) The staff of the local library shall be ready and willing to communicate with the headquarters library or the district library center, whichever is most appropriate, for reference assistance and interlibrary loans.

(iv) The local library shall have a telephone which is listed in the local directory.

(v) The local library shall have a sign which clearly identifies it, from the outside, as a public library.

(4) Library materials shall be provided as follows:

(i) The local library shall have in its collection, available on its premises, not less than 6,000 items which are organized by subject and recorded in a manner which makes them easily accessible to the public. These items shall be currently useful to the residents of the service area. Libraries with collections of less than 6,000 will not be denied State aid if they can demonstrate the usefulness and vitality of their collections by circulation per capita or collection turnover rate in excess of the average for other libraries of comparable size and service area.

(ii) The local library shall budget and expend annually for the purchase of library materials twice the amount of the equal distribution grant allotted to it. For example, if the equal distribution grant is \$900, then the expenditure for library materials in the year of the grant must be not less than \$1,800.

(iii) The collection shall be selected to serve the informational, educational and recreational needs of all residents in its service area.

(iv) The local library shall have a collection of ready reference items of sufficient scope to meet the needs of the residents of its service area.

(v) The local library shall subscribe to and make available for use at least 10 different periodicals which are indexed in the *Readers Guide to Periodical Literature* or other recognized periodical indexes.

(5) Personnel policies shall be as follows:

(i) The local library shall be in the charge of a person who has been trained to recognize and provide for the informational, educational and recreational needs of the residents of the library's service area. The training may be provided by the administrator of the library system or by the district library center.

(ii) The person in charge shall work on the premises of the local library not less than 20 hours weekly during hours when the library is open for service to the public.

## Source

The provisions of this § 141.26 adopted May 22, 1981, effective May 23, 1981, 11 Pa.B. 1800.

### § 141.27. Basic standards for branch libraries.

(a) A branch library is a unit with separate quarters, a permanent basic collection of books, a permanent staff, and a regular schedule administered from a central library unit.

(b) The central library unit of a local library or library system is the principal resource library or administrative center.

(c) For a plan to be approved for the use of an equal distribution grant which is awarded to a local library or a library system for a branch library the following requirements shall be met:

(1) The local library or library system shall qualify for basic aid as specified in section 303(1) of The Library Code (24 P. S. 4303(1)).

(2) Service shall be provided as follows:

(i) The branch library shall be open for service at least 20 hours per week during those hours which are best suited to the needs of the residents of its service area.

(ii) Ready reference service shall be available at all times the branch is open.

(iii) The staff of the branch library shall be ready and willing to communicate with the headquarters library or district library center, whichever is most appropriate, for reference assistance and interlibrary loans.

(iv) The branch shall have a telephone which is listed in the local directory.

(v) The branch shall have a sign which clearly identifies it, from the outside, as a public library.

(3) Library materials shall be provided as follows:

(i) The branch library shall maintain a collection of not less than 4,000 items on its premises and shall annually offer a selection of not less than 6,000 different titles which are current and are demonstrably useful to the residents of its service area. The items shall be organized by subject and recorded in a manner which makes them easily accessible to the public.

(ii) The local library or the system shall budget and expend annually for the purchase of library materials for each qualifying branch library twice the amount of the equal

distribution grant allotment for that branch. For example, if the equal distribution grant is \$900, then the expenditure for library materials for the branch in the year of the grant shall be not less than \$1,800.

(iii) The collection shall be selected to serve the informational, educational, and recreational needs of all residents in its service area.

(iv) The branch library shall have a collection of ready reference items of sufficient scope to meet the needs of the residents of its service area.

(v) The branch library shall subscribe to and make available for use at least 10 different periodicals which are indexed in the *Readers Guide to Periodical Literature* or other recognized periodical indices.

(4) Personnel policies shall be as follows:

(i) The branch library shall be in the charge of a person who has been trained to recognize and provide for the informational, educational and recreational needs of the residents of the library's service area. The training may be provided by the administrator of the local library or library system of which the branch library is a part or by the staff of the district library center.

(ii) The person in charge shall work on the premises of the branch library not less than 20 hours weekly during hours when the library is open for service to the public.

#### **Source**

The provisions of this § 141.27 adopted May 22, 1981, effective May 23, 1981, 11 Pa.B. 1800.

#### **Cross References**

This section cited in 22 Pa. Code § 141.28 (relating to basic standards for bookmobiles).

#### **§ 141.28. Basic standards for bookmobiles.**

(a) A bookmobile is a vehicle especially designed and equipped to carry books and other library materials and to function as a mobile library. It maintains a regular schedule of community stops throughout the service area of the local library or library system which operates it.

(b) For a plan to be approved for the use of an equal distribution grant which is awarded to a local library or library system for a bookmobile, the following requirements shall be fulfilled:



(1) The local library or library system shall be governed as specified in § 141.21(2)(i)(B) (relating to local libraries).

(2) The local library or library system must qualify for basic *per capita* aid as specified in section 303(1) of The Library Code (24 P. S. 4303(1)).

(3) The central library unit as defined in § 141.27(b) (relating to basic standards for branch libraries) must qualify for an equal grant.

(4) Service shall be provided as follows:

(i) The bookmobile shall be at stops not less than 20 hours weekly at times and in locations which afford all residents good access to it and which best suit their needs.

(ii) The bookmobile shall be able to provide some ready reference service.

(iii) The staff of the bookmobile shall be ready and willing to communicate with the headquarters library for reference assistance and interlibrary loans.

(5) Library materials shall be provided as follows:

(i) The bookmobile shall have a shelf capacity of at least 2,000 items and shall offer a selection of not less than 6,000 different titles annually which have currency and are demonstrably useful to all residents of its service area.

(ii) Libraries with bookmobiles shall expend annually, for the purchase of materials for use on each qualifying bookmobile, twice the amount of the equal distribution grant for that bookmobile. For example, if the equal distribution grant is \$900, then the expenditure for library materials in the year of the grant must be not less than \$1,800.

(6) Personnel policies shall be as follows:

(i) The bookmobile must be in the charge of a person who has been trained to recognize and provide for the informational, educational, and recreational needs of the residents of its service area. The training may be provided by the local library or library system which operates the vehicle or by the district library center.

(ii) At all stops, the bookmobile shall be staffed by a person trained as specified in subparagraph (i), and the person in charge shall work on it during the majority of hours that the bookmobile is at stops.

#### **Source**

The provisions of this § 141.28 adopted May 22, 1981, effective May 23, 1981, 11 Pa.B. 1800.

## CHAPTER 142. GRANTS FOR PUBLIC LIBRARY FACILITIES

Sec.

- 142.1. Definitions.
- 142.2. Long-range plan.
- 142.3. Eligible project costs.
- 142.4. Eligible grantees.
- 142.5. Funding guidelines.
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- 142.7. Third-party in-kind contributions and third-party costs.
- 142.8. Valuation of donated services.
- 142.9. Valuation of donated equipment, buildings and land.
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- 142.11. Beginning the grant project.
- 142.12. Completing the grant project.
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- 142.14. Operation and maintenance of facility.

### Authority

The provisions of this Chapter 142 issued under section 8(a) of the Keystone Recreation, Park and Conservation Fund Act (32 P. S. § 2018(a)); and section 201(15) of The Library Code (24 P. S. § 4201(15)), unless otherwise noted.

### Source

The provisions of this Chapter 142 adopted December 13, 1996, effective December 14, 1996, 26 Pa.B. 5951, unless otherwise noted.

### § 142.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

*Acquisition*—The purchase or lease with an option to purchase of land or buildings for public library uses.

*Act*—The Keystone Recreation, Park and Conservation Fund Act (32 P. S. § 2011—2024).

*Administrative expenses*—An expenditure of funds, including expenditures of Commonwealth agencies for personnel and other operating costs necessary to accomplish the purposes of the act.

*Agency*—The Department of Education.

*Commonwealth Libraries*—The State Library of Pennsylvania, part of the Department of Education.

*Development*—New construction, improvement, alteration or renovation required for and compatible with the physical development, improvement of land or buildings for public library purposes.

*Fund*—The Keystone Recreation, Park and Conservation Fund established by the act.

*Indirect costs*—Costs including administration or utilities that are not readily identifiable as particular, eligible costs directly related to the project.

*Land*—Real property, including improvements thereon, right-of-ways, water, riparian and other rights, easements, privileges and any other physical property or rights of interest of any kind or description relating to or connected with real property.

*Library*—A 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 the residents of the area for which its governing body is responsible by providing free access, including free lending and reference services, to an organized and currently useful collection of printed items and other materials and to the services of a staff trained to recognize and provide for these needs.

*Minor civil division*—A city, borough, incorporated town, township, home rule municipality or other local government within a county for which the Department of Labor and Industry provides unemployment statistics.

*Municipality*—A county, city, borough, incorporated town, township, home rule municipality or an official agency created by the foregoing units of government under the laws of the Commonwealth. Actions of an authority or other official agency taken under the act shall be first approved by the participating local governing bodies in that authority or other official agency.

*Planning*—Master site development plans, feasibility studies, maintenance, management plans, and other plans and documents, including long-range plans for the allocation of grants, useful to municipalities and State agencies in the planning, development, operation, protection and management of their public library facilities and programs. Planning may be performed by State agency staff or by outside consultants.

*Public library*—A library, as defined in section 3 of the act (32 P. S. § 2013), or library system, as defined in § 141.24(b)(1) (relating to library systems).

*Rehabilitation*—The improvement or restoration, excluding routine maintenance of existing public library facilities.

*Routine maintenance*—Recurring upkeep needed on a regular basis for physical facilities, including cleaning, minor repair of fixtures or structures, painting, regular servicing of heating, air conditioning or other equipment and landscape maintenance such as lawn care or pruning.

*Technical assistance*—The provision of grant and professional service to municipalities, organizations and citizens, including publications, video tapes, workshops, meetings, phone consultation and written and electronic communication.

*Third-party in-kind contributions*—Property or services that benefit a grant-supported project and that are contributed without charge to the grant recipient by a third-party other than a municipality, a school district or a public library.

*Third-party costs*—Direct expenditures for property or services that benefit a grant-supported project and that are contributed without charge to the grant recipient by a third-party other than a municipality, a school district or a public library.

#### **§ 142.2. Long-range plan.**

(a) Commonwealth Libraries, in consultation with the Advisory Council on Library Development, will prepare a 3 to 5 year long-range plan for the allocation of grants available to municipalities for public library planning, acquisition, development or rehabilitation from the Fund. In preparing the long-range plan, Commonwealth Libraries will consult with municipal officials and library representatives. The long-range plan will be reviewed each year by Commonwealth Libraries and modified as need dictates. The long-range plan will include the following components:

(1) A library facility needs assessment, including an analysis of the need in different geographical regions of this Commonwealth and of libraries serving various size municipalities, and a consideration of county library system plans.

(2) An action plan to meet the need for improved library facilities through the use of the Fund and other available moneys.

(3) Commonwealth Libraries' policies concerning the grants for public library facilities.

(4) A plan for Commonwealth Libraries' administration of the program, including provision of technical assistance, monitoring of ongoing projects and evaluation of completed projects.

(b) Grants to municipalities for public library planning, acquisition, development or rehabilitation will be made in accordance with the long-range plan.

(c) Commonwealth Libraries will incur administrative expenses to meet costs of activities listed in the component of the long-range plan described in subsection (a)(4), to meet costs of planning, and to meet other costs of grants administration.

(d) Commonwealth Libraries will publish the long-range plan and subsequent modifications to the long-range plan in the *Pennsylvania Bulletin*.

**§ 142.3. Eligible project costs.**

(a) Commonwealth Libraries, in accordance with the policies in its long-range plan for library facilities, may provide grants to pay for the following eligible project costs:

- (1) Planning.
- (2) Acquisition.
- (3) Development.
- (4) Rehabilitation.

(b) Grants may not be used for the following ineligible costs:

(1) Operating costs of a public library, including costs of purchasing books and other library materials, personnel costs and costs of routine maintenance.

(2) Costs of equipment or software, or both, to automate public library functions and catalogs unless the automation is part of the development or rehabilitation of a public library facility.

(3) Planning, acquisition, development or rehabilitation of facilities that are not public libraries. In the case of shared facilities, the grant and related matching funds may pay only for that portion of the facility to be used as a public library.

**§ 142.4. Eligible grantees.**

(a) A municipality that intends to plan, acquire, develop or rehabilitate a public library is eligible to apply for a grant.

(b) The public library for which a municipality applies for a grant shall have a formal, legal relationship with that municipality, either by being a department or unit of local government or through a contract describing mutual obligations and responsibilities.

(c) A municipality, alone or in cooperation with other municipalities, is eligible to apply for a grant for a public library funded by local tax revenue or monies raised by the levy of special taxes to establish or maintain, or both, a public library which directly provides

public library service, delegates responsibility for public library service to a board of directors, or delegates responsibility for public library service to a nonprofit corporation.

(d) If a public library serves more than one municipality, the municipalities shall come to mutual agreement and designate one to apply for a grant for that library.

(e) When a public library is sponsored by a school district or any entity other than a municipality, the municipality where the public library is located may apply for a grant for that public library.

(f) The public library that benefits from the grant shall be receiving State aid under Article III of The Library Code (24 P. S. § § 4301—4304) at the time of the grant application and shall continue to receive State aid for the term of the grant. If the public library did not exist prior to the grant-funded project to acquire, plan, develop or rehabilitate its facility, that newly formed public library is eligible for and may apply to receive State aid under Article III of The Library Code when it opens to the public.

#### **§ 142.5. Funding guidelines.**

(a) Commonwealth Libraries will award grants from the Fund to municipalities to pay up to 50% of eligible public library project costs.

(b) The municipality shall demonstrate that sufficient matching funds from eligible sources are available to meet at least 50% of project costs.

(c) The municipality shall demonstrate that the grant award plus other available funds are sufficient to complete the proposed project.

(d) Commonwealth Libraries will give priority to economically distressed communities in awarding grants meeting 50% of costs and may award grants meeting a smaller percentage of project costs to municipalities whose local economies better enable local support of the project. For purposes of this grant program, in deciding whether a community is considered economically distressed, Commonwealth Libraries will be guided by one or more of the following criteria:

(1) The public library to benefit from the grant received equalization aid in the year of the grant application or will be eligible to receive equalization aid in the year following the grant application under section 303(b)(6) of The Library Code (24 P. S. § 4303(b)(6)).

(2) The municipality is a city, borough, incorporated town or township having a market value per capita below the twentieth percentile of all like cities, boroughs, incorporated town and townships, as certified annually by the State Tax Equalization Board.

(3) The municipality is a county or is located in a county having a personal income per capita below the twentieth percentile of all counties, as certified annually by the Department of Revenue.

(4) The municipality is a county or is located in a county or is a minor civil division with a population of 25,000 or higher having an average annual unemployment rate above the eightieth percentile of all counties or all minor civil divisions, as determined annually by the Department of Labor and Industry.

### **Cross References**

This section cited in 22 Pa. Code § 142.6 (relating to eligible matching funds).

#### **§ 142.6. Eligible matching funds.**

(a) Commonwealth Libraries may award Federal library construction funds, when available, to pay additional portions of project costs and meet matching requirements of grants awarded from the Fund. Priority for these Federal grants will be given to municipalities in economically distressed communities, using criteria in § 142.5(d) (relating to funding guidelines).

(b) The municipality may use Federal funds, other than those awarded under subsection (a), which are available to it or to the public library, as matching funds, if the Federal funds are not already being used to match another State grant.

(c) The municipality may use State funds, other than those awarded from the Fund, and which are available to it or to the public library, as matching funds, if the funds were not appropriated as compensation to public libraries under the Library Access State-wide Card Program or as library State-aid under terms of Article III of The Library Code (24 P. S. §§ 4301—4304).

(d) The municipality may use the following local monies, costs and contributions as matching funds:

(1) Local tax revenues.

(2) Proceeds from local bond issues.

(3) Cash contributions from individuals, corporations and others.

(4) The fair market value of land or buildings provided to the public library by the municipality up to 2 years previous to award of the grant. The market value shall be for the time at which the land or buildings were designated for the public library.

(5) Costs incurred by the municipality or the public library up to 2 years prior to filing of the initial application for the following:

(i) Services of a library building consultant, registered architect, engineering firm used in the development of plans for the project.

(ii) Acquisition of real estate as part of the project.

(iii) Physical site preparation.

(6) Third-party in-kind contributions and third-party costs which conform to the rules in § § 142.7—142.9 (relating to third-party in-kind contributions and third-party costs; valuation of donated services; and valuation of donated equipment, buildings and land).

**§ 142.7. Third-party in-kind contributions and third-party costs.**

(a) The municipality may use third-party in-kind contributions and third-party costs towards satisfying the matching requirement only when those contributions and costs are directly related to the public library planning, acquisition, development or rehabilitation project. The municipality may not use third-party in-kind contributions and third-party costs for operation of the public library to count towards satisfying the matching requirement.

(b) If third-party in-kind contributions and third-party costs are used as matching funds, the municipality shall be able to verify those contributions and costs from its records or the records of the public library. The municipality shall show from the records how the value placed on third-party in-kind contributions was calculated. To the extent feasible, the municipality shall verify the value of volunteer services by using the same methods that the municipality or the public library uses to support the allocation of its regular personnel costs.

(c) The municipality may use third-party in-kind contributions towards satisfying the matching requirement only when, if the municipality or public library receiving the contributions were to pay for them, the payments would be eligible matching funds.

(d) The municipality may not use third-party in-kind contributions towards satisfying the matching requirement if they represent indirect costs.

**Cross References**

This section cited in 22 Pa. Code § 142.6 (relating to eligible matching funds).

**§ 142.8. Valuation of donated services.**

(a) The municipality shall value volunteer services provided by individuals to the municipality or public library at rates consistent with those ordinarily paid for similar work in the municipality or public library. If the municipality or public library does not have employees performing similar work, the municipality shall use rates consistent with those ordinarily paid by other employers for similar work in the same labor market. In



either case, the municipality may include a reasonable amount for fringe benefits in the valuation.

(b) When an employer other than the municipality or public library furnishes free of charge the services of an employee in the employee's normal line of work, the municipality shall value the services at the employee's rate of pay exclusive of fringe benefits and the employer's overhead costs. If the services are in a different line of work, subsection (a) applies.

### **Cross References**

This section cited in 22 Pa. Code § 142.6 (relating to eligible matching funds).

### **§ 142.9. Valuation of donated equipment, buildings and land.**

(a) The municipality may count as matching funds the market value of donated equipment, buildings or land at the time of donation.

(b) If it is necessary to establish the market value of land or a building, Commonwealth Libraries may require that the market value be established by a certified real property appraiser and that the value be certified by the municipality and by the public library.

### **Cross References**

This section cited in 22 Pa. Code § 142.6 (relating to eligible matching funds).

### **§ 142.10. Title to site.**

(a) The municipality or public library shall have or obtain a full title or other interest in the site upon which the public library facility is or will be located, including right of access, that is sufficient to insure the undisturbed use and possession of the facility as a public library for 50 years or the useful life of the project to be funded by the grant, whichever is shorter.

(b) If the title to the site upon which the public library facility is or will be located is held by the municipality, the municipal officials shall pass a resolution or ordinance ensuring the undisturbed use of the facility as a public library for 50 years or the useful life of the project to be funded by the grant, whichever is shorter.

(c) If during the 50-year period, the municipality or public library desires that the facility be used for other than public library purposes, it may request a waiver from the State Librarian. In deciding whether to grant that waiver, the State Librarian will consider the public library's need for a facility and how that need will be met.

(d) Recipients of grants for public library facilities under the act may not dispose of nor at any time convert property acquired with the grant to other than the purposes approved

in the project application without the prior written approval of the Commissioner of Libraries, the State Librarian. If disposition or conversion occurs without prior written approval, the State Librarian may require:

(1) The recipient to refund all grant funds for the particular project, including 10% annual interest compounded four times annually from the date the original grant-in-aid was received until it is repaid.

(2) Acquisition by the recipient of equivalent replacement land, as determined by the State Librarian.

**§ 142.11. Beginning the grant project.**

Before grant project work is advertised or placed on the market for bidding, the municipality shall get approval from Commonwealth Libraries of final working drawings and specifications.

**§ 142.12. Completing the grant project.**

(a) The sponsoring municipality shall complete its grant project within a reasonable time.

(b) The municipality shall complete the grant project in accordance with the grant application and approved drawings and specifications.

**§ 142.13. Supervision and inspection by the municipality.**

In the case of grants for development or rehabilitation, the municipality shall retain a licensed architect or professional engineer for supervising or inspecting at the project site to insure the work conforms to the approved drawings and specifications when the supervision is determined to be necessary by Commonwealth Libraries.

**§ 142.14. Operation and maintenance of facility.**

An authorized representative of the grantee shall sign a form provided by the Agency to assure that, when the project is completed, sufficient funds will be available for effective operation and maintenance of the public library.

**CHAPTER 143. STATE DOCUMENT DEPOSITORIES**

Sec.

- 143.1. Definitions.
- 143.2. Purpose.
- 143.3. Eligibility for depository collection status.
- 143.4. Number of collections.
- 143.5. Conditions for designation.

- 143.6. Application for depository collection status.
- 143.7. Termination of depository collection status.
- 143.8. Role of the State Library.

### **Authority**

The provisions of this Chapter 143 issued under The Library Code (24 P. S. § § 4101—4503), unless otherwise noted.

### **Source**

The provisions of this Chapter 143 adopted April 21, 1972, 2 Pa.B. 721, unless otherwise noted.

#### **§ 143.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Depository collection*—A gathering of official Commonwealth publications in a formally organized library organized either for public use under The Library Code (24 P. S. § § 4101—4503), or for academic use in a state accredited institution of higher education.

*Publication*—Any printed or otherwise reproduced item prepared for distribution to the public, or used within any state agency as a regulatory instrument, including but not limited to documents, pamphlets, studies, brochures, books, annual reports, codes, regulations, journals, periodicals or magazines printed by or for the Commonwealth, its legislature, its courts, its constitutional offices, or any authority, board, commission, department or other State governmental agency or issued in conjunction with, or under contract with, the Federal government, local units of government, private individuals, institutions or corporations.

#### **§ 143.2. Purpose.**

The purpose of establishing depository collections of publications of all of the governmental agencies of this Commonwealth in selected academic and public libraries is to make the publications readily available to the citizens of the Commonwealth and to enable the selected libraries to provide information found in the publications to their clientele.

#### **§ 143.3. Eligibility for depository collection status.**

(a) *State college and university libraries.* The main library at each state college or university shall be eligible for designation as a depository collection library.

(b) *District library centers.* Each library designated as a district library center pursuant to article II, section 211, of the act of June 14, 1961 (24 P. S. § 4211), shall be eligible for designation as a depository collection library.

(c) *Regional library resource centers.* The four libraries designated as regional library resource centers pursuant to article II, section 209, of act of June 14, 1961 (24 P. S. § 4209), shall be eligible for designation as a depository collection library.

(d) *Libraries of State-related universities and colleges.* The library at each of the universities and colleges in the Commonwealth which receive annual appropriations from the state and are considered “State-related” shall be eligible for designation as a depository collection library.

(e) *U.S. Documents depository libraries.* Any library currently designated by the Superintendent of Documents as a depository for Federal documents shall be eligible for designation as a depository collection library.

(f) *Other academic libraries.* Libraries of other state accredited universities, colleges, junior or community colleges in the Commonwealth shall be eligible for designation as depository collections if the institution’s total student enrollment is over 5,000 or if there are no other libraries designated under subsections (a)—(e) in the county in which the institution is located.

(g) *Other public libraries.* Other public libraries organized under the provisions of act of June 14, 1961 (24 P. S. § 4201 et seq.), and currently eligible to receive state aid pursuant to article III, section 303 of that act shall be eligible for designation as depository collections provided there are no other libraries in that county designated or eligible for designation under subsections (a)—(f), the library is the central library for a system of public libraries, and the library serves as an extensive regional branch reference library for a large system of libraries.

### **Cross References**

This section cited in 22 Pa. Code § 143.5 (relating to conditions for designation).

#### **§ 143.4. Number of collections.**

The state Librarian shall designate no more than 100 libraries in the Commonwealth as depository collections.

#### **§ 143.5. Conditions for designation.**

In addition to the provisions of § 143.3 (relating to eligibility for depository collection status), the libraries to be designated as depository collections shall agree to the following conditions:

(1) The publications received under the depository law must be given the same treatment or cataloging as other similar material purchased or given for the regular library collection.

(2) The depository collection library shall agree to provide free public reference and information service from the Commonwealth publications received as a depository. It shall also agree to house adequately and safely the publications until such time as disposal or return of items is authorized.

(3) The publications received must be made available for the use of any citizen of the Commonwealth whether or not that individual is a resident of the municipality in which that library is located, a registered user of the library, or an enrolled student in the institution.

(4) The publications received must be kept in the depository library's collection for at least 5 years except those items for which the State Librarian may authorize a shorter retention period. All publications due for disposal shall first be offered to the State Library for return before disposal is carried out.

### **Cross References**

This section cited in 22 Pa. Code § 143.6 (relating to application for depository collection status).

#### **§ 143.6. Application for depository collection status.**

(a) *Automatic designation.* The State Librarian shall grant depository status to all eligible libraries falling within § 143.5(a)—(e) (relating to conditions for designation) after receiving their agreement to the conditions outlined in § 143.5.

(b) *Discretionary designation.* Eligible libraries falling within § 143.5 may be requested by the State Librarian to accept depository status within the given conditions in order to further the aims of the publications depository system for geographical comprehensiveness. Other libraries seeking depository status shall address their request by letter to the State Librarian. Such letters of application shall be signed by the head librarian and the board of trustees in the case of public libraries, or the head librarian and the president of the institution in the case of academic libraries. The State Librarian shall respond to the letter of application within 60 days by granting depository status or by clearly explaining by letter the ineligibility of the library for depository status.

#### **§ 143.7. Termination of depository collection status.**

(a) *Voluntary termination.* If a library decides to relinquish its status as a depository collection it shall do so by letter to the State Librarian. The letter must be signed by both the head librarian and the president of the board of trustees in the case of public libraries and the head librarian and the president of the institution in the case of academic libraries.

The State Librarian will arrange to halt the shipment of Commonwealth publications to such libraries and make appropriate mutual arrangement to dispose of any unwanted state publications on deposit with the library.

(b) *Involuntary termination.* If a depository collection library does not comply with the agreed-to conditions, and, after adequate warning, refuses to comply with said conditions, the State Librarian shall terminate depository status and end the shipment of Commonwealth publications to that library. Notice of termination shall be given by a letter explaining the reasons for the termination to the head librarian with a true copy of the letter to either the president of the institution in the case of an academic library or the president of the board of trustees in the case of public library. Return to the Commonwealth of publications on deposit shall be arranged between the State Librarian and the library's head librarian.

#### **§ 143.8. Role of the State Library.**

(a) *Receiving publications.* Under sections 201 and 425 of act of June 14, 1961 (24 P. S. § § 4201 and 4425) the State Library shall receive copies of all publications of all agencies of the Commonwealth for the maintenance of its own collection, for distribution to the depository collections, and for exchange with out-of-State libraries, the number of copies of each publication may be up to, but not exceed 250 copies.

(b) *Listing publications.* The State Library shall publish a periodic listing of Commonwealth publications received for its collection. The list shall be distributed to all public and academic libraries in the Commonwealth.

(c) *Selecting publications.* The State Library will select publications from those received for its own collection and arrange for copies of those selected to be shipped to the depository collections.

(d) *Shipping publications.* In most cases the Bureau of Publications, Department of Property and Supplies, shall be responsible for the shipment and delivery of Commonwealth publications to depository collections. When the availability of a publication becomes known to either the State Library or the Bureau of Publications, Department of Property and Supplies, the State Librarian may designate it as a depository item and request the Bureau of Publications to distribute it to the depository libraries. If the publication is not stocked by the Department of Property and Supplies, the State Library will seek to obtain a sufficient number of copies for its own collection and for distribution to the depository.

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE RESOLUTION****No. 343** Session of  
2010

INTRODUCED BY PILEGGI, PICCOLA, ERICKSON, ARGALL, FONTANA,  
WOZNIAK, BAKER, MUSTO, BRUBAKER, LOGAN, RAFFERTY, M. WHITE,  
PIPPY, O'PAKE, SMUCKER, WASHINGTON, ALLOWAY, FARNESE,  
GREENLEAF, WARD, KASUNIC, VANCE, DINNIMAN, D. WHITE, EARLL,  
MENSCH AND EICHELBERGER, MAY 13, 2010

SENATOR PICCOLA, EDUCATION, AS AMENDED, JUNE 8, 2010

## A RESOLUTION

- 1 Directing the Joint State Government Commission to study and  
2 review The Library Code for modernization.
- 3 WHEREAS, Public libraries provide information needed to live,  
4 learn and work in the 21st century; and
- 5 WHEREAS, Libraries provide a vital role in a community; and
- 6 WHEREAS, Libraries are places for opportunity, education,  
7 self-help and lifelong learning; and
- 8 WHEREAS, Public use of libraries continues to grow; and
- 9 WHEREAS, The Library Code was enacted by the General Assembly  
10 in 1961; and
- 11 WHEREAS, The Library Code was established to supplement and  
12 stimulate local support of libraries; and
- 13 WHEREAS, The Library Code created a State system of local  
14 libraries, district library centers and regional library  
15 resource centers; and
- 16 WHEREAS, The Library Code provides funding to support this

1 system and to stimulate local funding of public libraries; and

2 WHEREAS, The libraries of this Commonwealth are now governed  
3 by the Bureau of Library Development in the Department of  
4 Education; and

5 WHEREAS, The Bureau of Library Development includes the  
6 Division of Library Improvement which works with public,  
7 academic and institution libraries and library networks to  
8 coordinate library service across this Commonwealth; and

9 WHEREAS, The Pennsylvania library system is a network of  
10 libraries that are connected by Interlibrary Loan and many  
11 different services, such as PA Power Library and Access  
12 Pennsylvania; and

13 WHEREAS, This network of libraries and library systems is  
14 governed under one funding process; and

15 WHEREAS, The Library Code has not been thoroughly reviewed  
16 since its inception; and

17 WHEREAS, The Library Code, when it was enacted, was a model  
18 for other states; and

19 WHEREAS, The Library Code is now considered antiquated in  
20 today's changing library structures; and

21 WHEREAS, The Library Code should be modernized to reflect  
22 changes that have occurred in the past 50 years; therefore be it

23 RESOLVED, That the Senate direct the Joint State Government  
24 Commission to conduct a review of The Library Code and the  
25 current library structure; and be it further

26 RESOLVED, That the Joint State Government Commission study  
27 the current funding structure for libraries, INCLUDING THE  
28 FUNDING MODELS USED BY OTHER STATES; and be it further

29 RESOLVED, That the Joint State Government Commission provide  
30 the Senate with its recommendations for changes and



1 modernization of The Library Code; and be it further

2       RESOLVED, That the Joint State Government Commission provide  
3 the Senate with its recommendations for an organizational and  
4 funding structure for the library system in this Commonwealth;  
5 and be it further

6       RESOLVED, That the Joint State Government Commission report  
7 its findings and recommendations to the Senate no later than  
8 November 30, 2010.