

No. 2001-36

## AN ACT

SB 926

Amending the act of June 14, 1961 (P.L.324, No.188), entitled "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," further providing for State Library, for library trainees and for library resource centers.

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

Section 1. Section 102(4) and (5) of the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, are amended and the section is amended by adding a clause to read:

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

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(4) "[**Regional Resource Center**] *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 [**regional**] *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.

[(5) "**Library Trainee.**" Any employe of the State Library receiving on-the-job training in an institution of higher education, enrolled, or having an application for enrollment pending, as a candidate for a graduate degree in library service.]

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(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.*

Section 2. Sections 201(6) and (7), 205, 206, 207, 208, 209, 210 and 301 of the act are amended to read:

Section 201. State Library and State Librarian; Powers and Duties.—The Department of Education shall have the power, and its duty shall be—

\* \* \*

(6) To give advice and counsel to all local libraries, district library centers and [**regional**] *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.

(7) To inspect local libraries, district library centers and [regional] *State-wide library* resource centers and require reports in such manner as may be deemed proper.

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**[Section 205. Library Trainees.—The Department of Public Instruction shall have authority to employ library trainees under the terms and conditions set forth in this act. During each calendar year the State Librarian may recommend from the list of persons qualified for employment as library trainees up to twenty-five persons.]**

**Section 206. Qualifications.—To qualify for employment as a library trainee a person must—**

(1) Be enrolled or have an application for enrollment pending in an institution of higher learning as a candidate for a graduate degree in library service.

(2) Satisfactorily pass a competitive examination conducted by the Department of Public Instruction.

(3) Be otherwise qualified according to standards of qualifications for employment established for the State Library.

**Section 207. Selection.—Competitive examinations for library trainees shall be held at such times and places, by such officials or citizens of the Commonwealth, as are designated by the rules and regulations of the Department of Public Instruction, and on such subjects as the State Librarian deems essential to qualify people for on-the-job training in the State Library. After each competitive examination, the Superintendent of Public Instruction shall furnish to the State Librarian a list of the persons qualified for employment as library trainees.]**

**Section 208. Contract of Employment; Compensation.—Before commencing employment, a library trainee shall execute a contract of employment whereby he promises to perform services in the Commonwealth for a term twice the length of the period during which he will receive on-the-job training prior to being awarded a graduate degree in library service, and whereby, as an employe of the Commonwealth, he promises to perform continuous service for the Commonwealth during periods of the year when he is not receiving on-the-job training in an educational institution. In consideration of these promises, the Department of Public Instruction shall agree to employ such person so long as such person's services are necessary and valuable for the performance of the duties of the State Library, or so long as the person maintains an academic standing satisfactory to the proper authorities of the educational institution attended by such person, at a salary schedule established for the State Library.]**

Section 209. **[Regional] State-wide Library Resource Centers.**—The State Librarian shall designate four **[Regional Library Resource Centers] 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.

Section 210. **Powers and Duties of [Regional Library Resource Centers.—Regional Library Resource Centers] 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 **[Regional Library Resource Centers] 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.

Section 301. **System of State-aid for Local Libraries, County Libraries, Library Systems, District Library Centers and [Regional] 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 **[regional] State-wide library resource centers** is hereby established.

Section 3. Sections 303.5, 303.6 and 303.9 of the act, added June 22, 2000 (P.L.404, No.57), are amended to read:

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 be 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. For fiscal year 2000-2001 and each fiscal year thereafter, the amount allocated for incentive for excellence aid shall be specified in the Commonwealth's annual appropriation for grants to local libraries and library systems within the General Appropriation Act for that fiscal year.

(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 [for] *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.

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 [total] 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.

Section 303.9. [Regional] 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 **[regional] State-wide** library resource centers.

(b) Any library designated by the State Librarian to serve as a **[regional] State-wide** library resource center shall qualify for additional State-aid. The allocation shall be divided equally among the libraries so designated, **but in no year shall the amount be less than one hundred thousand dollars (\$100,000) per designated library**. For fiscal year 1999-2000, aid to **[regional] State-wide** library resource centers shall be allocated from a hold-harmless amount to equal that amount allocated for aid to **[regional] 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. For fiscal year 2000-2001 and each fiscal year thereafter, the amount allocated for **[regional] State-wide** library resource centers shall be specified in the Commonwealth's annual appropriation for grants to local libraries and library systems within the General Appropriation Act for that fiscal year. Funds allocated for **[regional] State-wide** library resource centers shall be distributed according to the provisions of this section.

(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.*

Section 4. This act shall take effect July 1, 2001, or immediately, whichever is later.

APPROVED—The 22nd day of June, A.D. 2001.

THOMAS J. RIDGE