

Polk State School *and Hospital*
 Selinsgrove State School *and Hospital*
 Western Psychiatric Institute & Clinic
 Clarks Summit State Hospital
 Dixmont State Hospital
 Embreeville State Hospital
 Hollidaysburg State Hospital
 Philadelphia State Hospital
 Retreat State Hospital
 Somerset State Hospital
 Woodville State Hospital
 Mayview State Hospital
 Eastern Pennsylvania Psychiatric Institute

(2) In such other institutions as may be taken over or created by the Commonwealth.

(3) In such institutions as shall have procured licenses from the department in accordance with the provisions of this act.

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APPROVED—The 13th day of June, A. D. 1961.

DAVID L. LAWRENCE

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.

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

ARTICLE I.

The Library Code.

Section 101. Short Title.—This act shall be known and may be cited as “The Library Code.”

Definitions.

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) "Regional 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 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.

(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 or manager and council of any city, the burgess or manager and council of any borough or town, the manager and/or 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, which establishes or maintains a local library.

ARTICLE II.

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

(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 at least fifty copies of all Commonwealth publications for the documents collection and for exchange with other libraries.

(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 regional 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 resource centers and require reports in such manner as may be deemed proper.

(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.

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.

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 Library Resource Centers.—The State Librarian shall designate four Regional 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 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 and under the chairmanship of the State Librarian, to make them available to the residents of the Commonwealth on a State-wide basis.

Section 211. District Library Centers.—The State Librarian shall designate up to thirty libraries through-

out 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.

ARTICLE III.

Section 301. System of State-aid for Local Libraries, County Libraries, District Library Centers and Regional Library Resource Centers.—A system of State-aid to assist in the support and maintenance of local libraries, county libraries, district library centers and regional library resource centers is hereby established.

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

(1) "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.

(2) "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.

(3) "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 direct service area of a local library.

(4) "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 direct service area of a local library.

* "effort" in original.

(5) "Per Capita." Amounts determined on the basis of the latest official United States Census reports.

Section 303. State-aid.—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 as follows, 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:

(1) Local Libraries. In the case of a local library 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, it shall receive in State-aid an amount not exceeding twenty-five cents (25¢) for each person residing in its direct service area: Provided, That in the first year in which a library applies for State-aid it shall qualify therefor by making a minimum financial effort equal to one-quarter mill, or one dollar (\$1) per capita for each person residing in its direct service area, whichever is less.

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 its direct service area, whichever is less:

- 1st succeeding year—20 percent,
- 2nd succeeding year—40 percent,
- 3rd succeeding year—60 percent,
- 4th succeeding year—80 percent,
- 5th 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.

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, or two dollars (\$2) per capita for each person residing in its direct service

area, whichever is less. A local library shall not be eligible for any State-aid unless it makes a financial effort equal to one-quarter mill or one dollar (\$1) per capita for each person residing in its direct service area, whichever is less.

(2) County Libraries. In the case of a county library of a third, fourth, fifth, sixth, seventh or eighth class county, State-aid shall be given in an amount measured by the amount appropriated by the county commissioners from county moneys, either from the General Fund or a special library tax or other sources, for the support and maintenance of the county library, and shall be determined as follows:

Class of County	Percentage of Aid Calculated on County Appropriation
3	20%
4	25%
5	33%
6	50%
7	75%
8	125%

The amount to be paid by the Commonwealth for the maintenance of any county library under this subsection shall not, in any year, exceed eight thousand dollars (\$8,000), and such payment shall be made to the board of trustees in charge of the county library. A report of the expenditure of such State moneys shall be made annually to the county commissioners and the State Librarian in such form as may be required. County libraries may also apply for additional amounts of State-aid under subsection (1) above, or subsection (3) following.

(3) County Libraries Merged or Conjoined with Local Libraries.—In the case of a county library which is merged or operating in conjunction with another local library, it shall receive in State-aid an amount not exceeding twenty-five cents (25¢) for each person residing in its direct service area, if, in the first year, the merged or conjoint libraries in the aggregate make a financial effort equal to one-quarter mill, or one dollar (\$1) per capita for each person residing in the direct service area of the county library, whichever is less.

In each of the succeeding five years, such county library shall receive the maximum amount of State-aid only when it increases its financial effort, exclusive of the amount expended by the library with which it is merged or conjoined, by the same scale of percentages stated for local libraries in subsection (1) above, but

based upon the difference between the financial effort with which such county library initially qualified for State-aid, exclusive of the amount expended by the library with which it is merged or conjoined, and a financial effort equal to one-quarter mill, or one dollar (\$1) per capita for each person residing in the direct service area of such county library, whichever is less; and where the increase is less than that specified, the amount of State-aid shall be reduced in like manner as that stated for local libraries in subsection (1) above.

In each of the next succeeding five years, where such county library has achieved a minimum financial effort equal to one-quarter mill, or one dollar (\$1) per capita for each person residing in its direct service area, whichever is less, it shall continue to qualify for maximum State-aid only when it increases its minimum financial effort to a 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, in like manner as that specified for local libraries in subsection (1) above, and it shall also be subject to the same formula of decrease of State-aid if it fails to achieve this prescribed rate of increase of financial effort.

After the tenth succeeding year, a county library shall not be eligible for further State-aid under this subsection unless it makes a financial effort equal to one-half mill, or two dollars (\$2) per capita for each person residing in the county library service area, whichever is less. During the second five-year period of participation, a county library shall not be eligible for any State-aid under this subsection in any year in which it makes a financial effort less than a financial effort equal to one-quarter mill, or one dollar (\$1) per capita for each person residing in such county library's direct service area, whichever is less.

Any local library which is providing the sole, direct, free library service in a county, and any county division of a local library operating under a written agreement with a board of county commissioners, shall qualify for State-aid on the same terms and conditions set forth in this subsection for merged or conjoint libraries.

After the first six years of participation in State-aid, such merged or conjoint libraries shall not qualify for State-aid unless such libraries are governed by a common board of library directors, and when such merged or conjoint libraries receive public funds from any municipality, said municipality shall be represented on such board of directors. However, a written agreement between a single board of library directors and the municipal officers of a county, city, borough, town, township or school district, shall be equivalent to such common board of library directors and such representation.

Provided, however, that the local library which merged with or conjoined a county library shall, in the first year in which it applies for State-aid, include within its financial effort the amount expended by the county library with which it is merged or conjoined and shall qualify for State-aid if the merged or conjoint libraries in the aggregate make a financial effort equal to one-quarter mill, or one dollar (\$1) per capita for each person residing in its own direct service area (exclusive of the service area of the county library with which it is merged or conjoined), whichever is less. In each of the succeeding ten years, such local library shall receive the maximal amount of State-aid only when it increases its financial effort, exclusive of the amount expended by the county library with which it is merged or conjoined, by the following scale of percentages of the difference between the financial effort used in combination with the financial effort of the county library with which it is merged or conjoined to qualify initially for State-aid and a financial effort equal to one-half mill, or two dollars (\$2) per capita for each person residing in such direct service area, whichever is less:

- 1st succeeding year—10 percent,
- 2nd succeeding year—20 percent,
- 3rd succeeding year—30 percent,
- 4th succeeding year—40 percent,
- 5th succeeding year—50 percent.
- 6th succeeding year—60 percent,
- 7th succeeding year—70 percent,
- 8th succeeding year—80 percent,
- 9th succeeding year—90 percent,
- 10th succeeding year—100 percent.

But where the increase is less than that specified above, the amount of State-aid shall be reduced by a percentage equal to one-tenth 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.

The provisions of the foregoing paragraph relating to local libraries merged or conjoined with county libraries shall also apply to local libraries which operate a county division under a written agreement with a board of county commissioners.

This subsection shall not be construed to prohibit any county library from receiving an additional or substitute amount of State-aid, if it qualifies under the provisions of the preceding subsection (2) as a county library. However, a local library which is merged or

conjoined with a county library may apply for State-aid either under subsections (1) or (3) but shall not be eligible for State-aid under both these subsections.

(4) District Library Centers. In the case of a library designated by the State Librarian to serve as a district library center, an additional sum of State-aid shall be given in an amount not exceeding twenty-five cents (25¢) for each person residing in the district but outside the direct service area of such library; except that in the case of a county library or a local library which includes one or more counties in its direct service area, the amount of additional State-aid under this subsection shall be a sum not exceeding twenty-five cents (25¢) per capita for each person residing in the district but outside the city, borough, town, township or school district, in which such library is located, and except that in the case of any State College library, the Pennsylvania State University Library and any privately supported college or university library designated as a district library center, the amount of State-aid shall not exceed twelve and one-half cents (12½¢) for each person residing in the entire district.

(5) Regional Library Resource Centers. In the case of a library designated by the State Librarian to serve as a regional library resource center, additional annual State-aid in an amount not to exceed one hundred thousand dollars (\$100,000) shall be paid to such library.

(6) Equalization Aid. Where a library qualifies for State-aid with a financial effort of less than one dollar and twenty-five cents (\$1.25) per capita for each person residing in the direct service area of such library, additional State-aid shall be given such library in an amount which shall equal the difference between the per capita value of one-half mill times the market value of taxable property, as determined by the State Tax Equalization Board, in the direct service area of such library and one dollar and twenty-five cents (\$1.25) per capita for each person residing in its direct service area.

Section 304. State Librarian to Approve Plans.— 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 exten-

sions of time may be permitted with the approval of the State Librarian acting under regulations made by the advisory council.

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. The appropriations for maintenance shall not exceed a sum equivalent to three mills on the dollar on all taxable property of the municipality annually. Special taxes for these purposes, not exceeding three mills on the dollar, 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 library 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.

Section 402. Submission of Question to Voters.—The municipal officers of any municipality may submit to the qualified voters of such municipality at any general or municipal election, 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 at a certain rate not exceeding three mills on the dollar on all taxable property of the municipality, shall be submitted.

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 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 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.

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.

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, the total tax rate not to exceed three mills on the dollar on all taxable property of the municipality, 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.

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 per centum 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 per centum 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 nor more than three mills, annually, on the dollar on all taxable property in the municipality for the purpose of maintaining the library so established.

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 in an amount not to exceed three mills, annually, 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.

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 officers 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.—Each library established and maintained under the provisions of this act shall certify by its proper officers that it comes within its provisions, which certificate shall be filed with the Department of Property and Supplies. Such certificate shall be accompanied by a statement of the publications or type of publications which the library desires to receive. The Department of Property and Supplies shall, as soon as practicable after

publication, forward to each library such publications as it selects: Provided, however, That 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.

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 costs 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 registered or certified letter, with return receipt, 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.

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.

ARTICLE V.

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

(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 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.

Act effective immediately.

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

APPROVED—The 14th day of June, A. D. 1961.

DAVID L. LAWRENCE

No. 189

AN ACT

Amending the act of April 22, 1953 (P. L. 184), entitled "An act to continue the imposition of the tax on gross premiums, premium deposits and assessments received from business transacted within this Commonwealth by foreign insurance companies, associations and exchanges," further providing for the distribution of amounts received from tax on foreign fire insurance companies.

Taxation.

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

Section 2, act of April 22, 1953, P. L. 184, amended.

Section 1. Section 2, act of April 22, 1953 (P. L. 184), entitled "An act to continue the imposition of the tax on gross premiums, premium deposits and assessments received from business transacted within this Commonwealth by foreign insurance companies, associations and exchanges," is amended to read:

Disposition of tax received from foreign fire insurance companies.

Section 2. The entire amounts received from the two per centum tax paid upon gross premiums, premium deposits and assessments by foreign fire insurance companies, associations and exchanges shall continue to be distributed and used for firemen's relief pension or retirement purposes, as provided by section two of the act, approved the twenty-eighth day of June, one thousand eight hundred ninety-five (Pamphlet Laws 408),