

No. 1980-200

AN ACT

SB 455

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," authorizing additional State-aid.

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

Section 1. Section 302, act of June 14, 1961 (P.L.324, No.188), known as "The Library Code," is amended to read:

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)¹ and 303, which must be achieved by a local library to qualify for the State-aid authorized by section 303(1) and (7) and by a branch library or a bookmobile to qualify for the State-aid authorized by section 303(7). 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).*

[(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.

[(2)] (3) "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)] (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.*

[(4)] (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.*

¹"(5)" in original.

(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 the incentive aid authorized by section 303(2).*

[(5)] (7) "Per Capita." *Amounts determined on the basis of [the latest official United States Census reports.] either the latest official United States Census report or the population upon which the 1979-1980 State-aid payment was based, whichever is greater.*

(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.*

Section 2. Section 303 of the act, amended June 24, 1968 (P.L.246, No.116) and December 29, 1971 (P.L.656, No.172), is amended to read:

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.]*

(1) Basic Aid to Local Libraries. *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.*

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.

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] *the municipalities for which it applies for aid*, 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 *for the municipalities on behalf of which it applies for aid*, or two dollars (\$2) per capita for each person residing in [its direct service area] *those municipalities*, 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) Incentive Aid to Local Libraries. 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.

[In the case of a] 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 [the] *its* direct service area, whichever is less[, it shall receive,] *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 [for herein,] in this section. Each qualifying library or library system shall receive incentive aid up to fifty cents (50¢) for each one dollar (\$1) [expended by the local library in excess of the one-half mill or two dollars (\$2) per capita whichever is less,] of surplus financial effort but [this total additional State-aid shall not exceed] 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 subsection 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.

[(2)] (3) County Libraries. 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.

In the case of a county library of a *second*, second 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] government 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
2	15%
2A and 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 *that qualifies* under this subsection shall [not], in any year, [exceed] *be not less than* eight thousand dollars (\$8,000) [and such payment shall be made to the board of trustees in charge of the county library.] *whenever the applicable percentage of aid calculated on the county government's appropriation amounts to more than eight thousand dollars (\$8,000). If the applicable percentage of aid calculated on the county government's appropriation amounts to less than eight thousand dollars (\$8,000), then the county shall receive such lesser amount. If the allocation for this category of aid is less than the total amount for which all county libraries qualify, the*

libraries shall be paid the minimum amount of eight thousand dollars (\$8,000) or such lesser amount as may be necessary. After the minimum rates have been paid, a portion of the remaining allocation shall be transferred to the allocation for equal distribution grants in order to distribute five percent (5%) of the appropriation as equal distribution grants under subsection (7) of this section. Any portion not transferred shall then be prorated among the county libraries which qualify for more than the minimum rates. If the allocation is greater than the total amount of aid for which county libraries qualify, the balance shall be added to the amount of aid to be distributed under subsection (7) of this section. A report of the expenditure of such State moneys shall be made annually to the county [commissioners] government 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 subsections (1) and (2) above, and subsection [(3)] (7) following.

Payment of aid to county libraries shall be made to the board of library directors in charge of each qualifying library.

(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 maximum 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] *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.*

Any library designated by the State Librarian to serve as a district library center shall qualify for an additional [sum] amount of State-aid [shall be given in an amount not exceeding twenty-five cents (25¢) for each person residing in the entire district 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 (12 1/2¢) for each person residing in the entire district]. The rate of aid shall be determined by dividing the total amount allocated for district library centers by the total population of the State, but in no year shall that rate be less than twenty-five cents (25¢) per capita. The amount of aid to be paid each district library center shall be determined by multiplying the per capita rate by the number of persons residing in the district.

(5) Regional Library Resource Centers. [In the case of a] *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 library resource centers.*

Any library designated by the State Librarian to serve as a regional library resource center, shall qualify for additional [annual] State-aid. [in an amount not to exceed one hundred thousand dollars (\$100,000) shall be paid to such library.] 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.

(6) Equalization Aid. [Where] *If a library qualifies for State-aid established by section 301 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.*

(7) *Equal Distribution Grants to Local Libraries and Library Systems and Certain District Library Centers. After the amounts of aid have been paid as specified in the preceding subsections, 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: (i) 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 direct¹ service area; (ii) the balance shall be allocated as equal grants to local libraries and library systems which qualify for aid under subsection (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.*

Section 3. This act shall take effect immediately. This act shall become effective for payments to be made in the 1980-1981 fiscal year, however any unallocated funds remaining of the 1979-1980 appropriation shall be distributed as equal distribution grants, as defined in subsection (7) of section 303, to all libraries qualifying for such aid payable in the 1979-1980 fiscal year.

APPROVED—The 9th day of December, A. D. 1980.

DICK THORNBURGH

¹“*district*” in original.