

No. 1984-90

AN ACT

SB 658

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 municipality powers to make appropriations and impose taxes to fund libraries; and providing for the confidentiality of library circulation records.

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

Section 1. Sections 401 and 402 of the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, amended April 27, 1982 (P.L.348, No.96), are amended to read:

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 local library that is not a part of the county library district and is located within such municipality. The provisions of this section shall not be construed to limit appropriations made for library purposes to those made from special tax levies. Wherever a special tax is levied, all income from such tax shall be used for the support and maintenance of the local library.

Section 402. Submission of Question to Voters.—(a) The municipal officers of any municipality may submit to the qualified voters of such municipality at a special election to be held at the time of the next general, municipal, or primary election occurring not less than sixty days therefrom, the question of establishing, maintaining and/or aiding in maintaining a local library, and must submit such question, if petitioned for by three per centum of the number voting at the last preceding general or municipal election. At such election, the question of establishing an annual tax **[at a certain rate not exceeding three mills on the dollar]** on all taxable property of the municipality, shall be submitted.

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

(c) But where a county library district is established and a municipality has not joined in said establishment, it may, nevertheless, thereafter, join said county library district, if the municipal officers or the board of trustees or managers of any endowed library or association library in such municipality enter into an agreement with the county board of library directors to merge its facilities with the county library in the manner herein provided.

Section 2. Sections 404, 407 and 410 of the act are amended to read:

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 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 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 3. The act is amended by adding a section to read:

Section 428. Library Circulation Records.—Records related to the circulation of library materials which contain the names or other personally identifying details regarding the users of the State Library or any local library which is established or maintained under any law of the Commonwealth or the library of any university, college or educational institution chartered by the Commonwealth or the library of any public school or branch reading room, deposit station or agency operated in connection therewith, shall be confidential and shall not be made available to anyone except by a court order in a criminal proceeding.

Section 4. Sections 1 and 2 of this act shall be retroactive to January 1, 1984.

Section 5. This act shall take effect immediately.

APPROVED—The 27th day of June, A. D. 1984.

DICK THORNBURGH