

No. 1985-50

AN ACT

SB 657

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-aid for libraries.

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

Section 1. Section 303 of the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, amended December 9, 1980 (P.L.1125, No.200), is amended to read:

Section 303. State-aid.—(a) *Beginning in the 1985-1986 fiscal year, in each year that the Commonwealth's total annual appropriation for the system of State-aid established by section 301 equals or exceeds seventeen million five hundred thousand dollars (\$17,500,000), two and three-quarters percent (2.75%) of said appropriation shall first be allocated as equalization aid, as provided for in clause (6) of subsection (b) and the remainder of said appropriation shall then be allocated according to the percentages established in clauses (1), (2), (3), (4), (5) and (7) of subsection (b).*

(b) *Subject to the limitations in subsection (a), 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) *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 alloca-

tion 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 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 those municipalities, 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.

Any local library or library system which makes a minimum financial effort equal to one-half mill, or two dollars (\$2) per capita for each person residing in its direct service area, whichever is less and fulfills the minimum standards for local libraries or the minimum standards for library systems, whichever is applicable, shall qualify for incentive aid, which shall be in addition to all other amounts of aid provided in this section. Each qualifying library or library system shall receive incentive aid up to fifty cents (50¢) for each one dollar (\$1) of surplus financial effort but when fifty cents (50¢) per dollar of surplus financial effort is more than twenty-five cents (25¢) per capita the minimum incentive aid shall be twenty-five cents (25¢) per capita for each person residing in the direct service area. However, if after paying the minimum amount set forth in this **[subsection] clause** 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.

(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 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] clause** shall, in any year, be not less than eight thousand dollars (\$8,000) 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] clause (7)** of this **[section] subsection**. A report of the expenditure of such State moneys shall be made annually to the county government and the State Librarian in such form as may be required. County libraries may also apply for additional amounts of State-aid under **[subsections] clauses (1) and (2)** above, and **[subsection] clause (7)** following.

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

(4) District Library Centers. 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 amount of State-aid. 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. 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 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.

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

Any local library or library system which achieves or exceeds applicable basic standards, maintains or exceeds its financial effort of the preceding year and is supported by a municipality that is economically distressed by any one or more of the following criteria shall qualify for equalization aid. For purposes of determining eligibility for equalization aid, an economically distressed municipality shall be: (i) a city, borough, town or township having a market value per capita below the fifth percentile of all such cities, boroughs, towns and townships, as certified annually by the State Tax Equalization Board; (ii) located in a county having a personal income per capita below the fifteenth percentile of all counties, as certified annually by the Department of Revenue; or (iii) located in a county having an annual average unemployment rate above the seventieth percentile of all counties, as determined annually by the Department of Labor and Industry. Population data to be used for determining market value per capita and personal income per capita, as provided for in this clause, shall be the latest available data

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

Beginning in the 1985-1986 fiscal year, twenty percent (20%) of the annual allocation for equalization aid shall first be distributed in equal amounts to all local libraries and members of library systems which qualify for such aid, as determined in accordance with the provisions of this clause. The remainder of the annual allocation shall be distributed on a per capita basis to each local library and library system which qualifies for such aid, as determined in accordance with the provisions of this clause, by dividing the number of persons residing in the direct service area of each such local library or library system by the total number of such persons residing in the direct service areas of all qualifying local libraries or library systems, and multiplying the result by the amount of the allocation to be distributed on a per capita basis.

No local library or library system shall, as a result of the provisions of this clause, receive in any year more than one-third of the total annual appropriation for equalization aid. During the 1985-1986 fiscal year and each fiscal year thereafter that the Commonwealth's total annual appropriation for the system of State-aid established by section 301 exceeds seventeen million five hundred thousand dollars (\$17,500,000), no local library or library system shall receive less equalization aid as a result of the provisions of this clause than such local library or library system received for equalization aid during the 1984-1985 fiscal year.

(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]** 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 direct service area; (ii) the balance **[shall be allocated]** as equal grants to local libraries and library systems which qualify for aid under **[subsection] clause** (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 2. This act shall be retroactive to July 1, 1985, if enacted after that date.

Section 3. This act shall take effect immediately.

APPROVED—The 10th day of July, A. D. 1985.

DICK THORNBURGH