

No. 1989-18

AN ACT

SB 842

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 regulating equalization aid to libraries.

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

Section 1. Section 303(b)(6) of the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, amended July 10, 1985 (P.L.195, No.50), is amended to read:

Section 303. State-aid.—\*\*\*

(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:

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(6) Equalization Aid. 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.

*In the case of a library or library system that is supported by an economically distressed municipality but that fails to maintain or exceed its financial effort of the preceding year, the library may still qualify for equalization aid if the State Librarian accepts evidence that the library or municipality did not attempt to substitute State funds for local effort.*

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.

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Section 2. This act shall take effect immediately.

APPROVED—The 30th day of June, A. D. 1989.

ROBERT P. CASEY