

Chapter 338

(House Bill 1094)

AN ACT concerning

Education – Libraries – Reorganization of Governance Structure

FOR the purpose of establishing the Maryland State Library Agency and the Maryland State Library Board; transferring the duties and responsibilities of the Division of Library Development and Services in the State Department of Education to the State Library Agency; transferring the duties and responsibilities of the State Board of Education pertaining to libraries to the State Library Board; making the appointment of the State Librarian subject to the advice and consent of the Senate; providing that the Maryland State Library Agency is the central State library agency; providing that the head of the State Library Agency is the State Librarian; providing for the appointment, term, qualifications, and salary of the State Librarian; authorizing the State Library Agency to employ certain individuals; requiring the State Library Agency to be funded annually in the State budget; requiring certain employees of the State Library Agency to join the Teachers' Pension System of the State of Maryland or the Employees' Pension System of the State of Maryland; requiring the State Library Agency to provide certain professional and technical advice to certain higher education and special library officials; transferring the duties and responsibilities of the Maryland Advisory Council on Libraries to the State Library Board; requiring the Governor to ensure geographic diversity when making appointments to the State Library Board; requiring the State Library Board to meet a certain number of times each year; authorizing the State Library Board to be funded within the budget of the State Library Agency; authorizing the State Library Board to include in its budget operating funds for the Deaf Culture Digital Library; ~~requiring county public libraries, the State Library Resource Center, and regional resource centers to pay certain costs; requiring the State Library Board and the State Library Agency to collect certain costs~~; providing for the transfer of certain services, appropriations, funding, and grants on a certain date; providing for the transfer of certain property, records, fixtures, appropriations, credits, assets, liabilities, obligations, rights, and privileges; abolishing the Division of Library Development and Services in the State Department of Education and providing that the State Library Agency and the State Library Board shall be the successors to the Division; providing that the State Library Board shall be the successor to the Maryland Advisory Council on Libraries; providing that certain employees transferred to the State Library Agency and State Library Board as a result of this Act shall be transferred without diminution of certain rights, benefits, or employment or retirement status; providing for the continuity of certain transactions affected by or flowing from this Act; providing for the continuity of certain laws, rules and regulations, standards and guidelines, policies, orders, and other directives, forms, plans, memberships, contracts, property, investigations, and administrative and judicial responsibilities; providing that this Act may not affect the terms of certain members of the Maryland Advisory Council

on Libraries; requiring the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, to correct cross-references and terminology in the Code that are rendered incorrect by this Act; making the provisions of this Act severable; defining certain terms; making certain technical changes; making certain conforming changes; and generally relating to a reorganization of the library governance structure in Maryland.

BY adding to

Article – Education
Section 23–101
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 23–101 through 23–108, 23–202 through 23–205, 23–302, 23–402(a)(4),
23–405, 23–406, 23–504, 23–506, 23–506.1, 23–507, 23–509, 23–510, and
25–302
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Education
Section 23–201, 23–206, and 23–301(a) and (c)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing

Article – Education
Section 23–508
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 3A–606
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

23–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “STATE LIBRARY AGENCY” MEANS THE MARYLAND STATE LIBRARY AGENCY.

(C) “STATE LIBRARY BOARD” MEANS THE MARYLAND STATE LIBRARY BOARD.

[23–101.] **23–102.**

(a) The General Assembly finds:

(1) That public library resources and services are essential components of the educational system; and

(2) That libraries stimulate awareness and understanding of critical social issues, and assist individuals in reaching their highest potential for self–development.

(b) It is the policy of this State:

(1) To continue the orderly development and maintenance of library facilities and services throughout this State, in collaboration with the counties; and

(2) To develop coordinated programs and services among libraries and institutions to:

(i) Provide the widest possible access to the library and information resources of this State; and

(ii) Insure more effective and economical services to all library users.

[23–102.] **23–103.**

There is a [Division of Library Development and Services in the Department] **STATE LIBRARY AGENCY AND A STATE LIBRARY BOARD**. The [Division] **STATE LIBRARY AGENCY** is the central State library agency.

[23–103.] **23–104.**

(a) The head of the [Division of Library Development and Services] **STATE LIBRARY AGENCY** is the [Assistant Superintendent for Libraries] **STATE LIBRARIAN**, who is appointed by the State **LIBRARY** Board **WITH THE ADVICE AND CONSENT OF THE SENATE** [on the recommendation of the State Superintendent].

(b) The [Assistant Superintendent for Libraries] **STATE LIBRARIAN** shall:

(1) Hold an advanced degree in library and information service;

(2) Have administrative experience in libraries; and

(3) Have any other qualifications the State [Superintendent] **LIBRARY BOARD** considers necessary.

(C) THE STATE LIBRARIAN SHALL:

(1) SELECT, ORGANIZE, AND DIRECT THE STAFF OF THE STATE LIBRARY AGENCY;

(2) PERFORM THE DUTIES THE STATE LIBRARY BOARD ASSIGNS;

(3) SEE THAT THE POLICIES AND DECISIONS OF THE STATE LIBRARY BOARD ARE CARRIED OUT; AND

(4) SERVE AT THE PLEASURE OF THE STATE LIBRARY BOARD.

(D) THE STATE LIBRARIAN IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET.

[(c)] (E) (1) The [Division] **STATE LIBRARY AGENCY** may employ the professional and clerical staff provided in the State budget.

(2) Each employee of the [Division] **STATE LIBRARY AGENCY** is entitled to the salary provided in the State budget.

(3) EACH EMPLOYEE OF THE STATE LIBRARY AGENCY SHALL JOIN THE TEACHERS' PENSION SYSTEM OF THE STATE OF MARYLAND OR THE EMPLOYEES' PENSION SYSTEM OF THE STATE OF MARYLAND.

[23–104.] 23–105.

(a) In addition to the other powers granted and duties imposed by this article, the State **LIBRARY** Board has the powers and duties set forth in this section.

(B) THE STATE LIBRARY BOARD SHALL APPOINT THE STATE LIBRARIAN.

[(b)] (C) The State **LIBRARY** Board shall exercise general direction and control of library development in this State and may:

(1) Adopt rules and regulations necessary to administer this title;

(2) After considering the recommendations of the [Advisory Council on Libraries] **STATE LIBRARIAN**, establish library policies and procedures for the statewide system of libraries;

(3) Consider the library needs of this State and recommend to the Governor and the General Assembly desirable legislation; and

(4) With the approval of the Governor, accept, administer, and spend any appropriation, gift, or grant for library purposes from the federal government or from any other person.

[(c) (D)] In accordance with the bylaws, rules, and regulations of the State Board **OF EDUCATION**, the State Superintendent shall certificate professional library personnel.

[(d) (E)] Each year the State **LIBRARY** Board shall report to the Governor and the people of this State on the support, condition, progress, and needs of libraries.

[(e) (F)] The State **LIBRARY** Board shall approve county public library capital projects for State funding in accordance with **[§ 23–510] § 23–509** of this title.

[23–105.] 23–106.

(a) In addition to any other powers granted and duties imposed by this title, and subject to the authority of the State **LIBRARY** Board, the [Division of Library Development and Services] **STATE LIBRARY AGENCY** has the powers and duties set forth in this section.

(b) The [Division of Library Development and Services] **STATE LIBRARY AGENCY** shall:

(1) Provide leadership and guidance for the planning and coordinated development of library and information service in this State;

(2) Develop statewide public and school library services and networks, resource centers, and other arrangements to meet the library and information needs of this State;

(3) Provide professional and technical advice on improving library services in this State to:

(i) Public and school library officials;

(ii) HIGHER EDUCATION AND SPECIAL LIBRARY OFFICIALS;

- (13) Perform any other duty necessary for its proper operation.

[23–106.] 23–107.

(a) There is a Maryland [Advisory Council on Libraries] **STATE LIBRARY BOARD**.

(b) (1) The [Advisory Council] **STATE LIBRARY BOARD** consists of 12 members, 7 of whom are appointed by the Governor. Each member is entitled to participate fully and equally in the activities of the [Council] **BOARD**.

(2) Each member shall:

- (i) Be a resident of this State;
- (ii) Be an individual of ability and integrity who is experienced in public or library affairs; and
- (iii) Represent the interests of the citizens of this State in better library services.

(3) **(I)** Of the appointed members:

- ~~(i)~~ **1.** Five shall be selected from the public at large;
- ~~(ii)~~ **2.** One shall be a professional librarian; and
- ~~(iii)~~ **3.** One shall be a library trustee.

(II) THE GOVERNOR SHALL ENSURE GEOGRAPHIC DIVERSITY WHEN APPOINTING MEMBERS.

(4) The following officials serve ex officio and each may designate someone to serve in his place:

- (i) The Secretary of Higher Education;
- (ii) The President of the Board of Trustees of Enoch Pratt Free Library;
- (iii) The President of the Maryland Library Association;
- (iv) The Dean of the University of Maryland College of Library and Information Services; and

(v) The President of the Maryland [Educational Media Organization] **ASSOCIATION OF SCHOOL LIBRARIANS.**

(5) (i) Each appointed member serves for a term of 5 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on July 1, 1978.

(ii) An appointed member may not serve more than two consecutive terms.

(iii) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(6) Each member of the [Advisory Council] **STATE LIBRARY BOARD:**

(i) Serves without compensation; and

(ii) Is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations.

(c) (1) Each year:

(i) The Governor shall appoint a member of the [Advisory Council] **STATE LIBRARY BOARD** as its Chairman; and

(ii) The [Advisory Council] **STATE LIBRARY BOARD** shall elect one of its members as its vice chairman.

(2) The [Assistant Superintendent for Libraries] **STATE LIBRARIAN** shall:

(i) Serve as secretary to the [Advisory Council] **STATE LIBRARY BOARD;**

(ii) Record the proceedings of the [Council] **STATE LIBRARY BOARD;** and

(iii) Provide necessary staff services.

(3) [The Advisory Council shall meet at least once a year at the times and places its Chairman designates] **EACH YEAR, THE STATE LIBRARY BOARD:**

(I) SHALL HOLD AT LEAST FOUR REGULAR MEETINGS; AND

(II) MAY HOLD SPECIAL MEETINGS AS NECESSARY.

(4) Seven members of the [Advisory Council] **STATE LIBRARY BOARD** are a quorum and at least 7 affirmative votes are required for any recommendation to:

(i) The [Division of Library Services] **STATE LIBRARY AGENCY**;

[(ii) The State Superintendent;

(iii) The State Board;] or

[(iv)] **(II)** The Governor.

(d) The [Advisory Council] **STATE LIBRARY BOARD** shall:

(1) Gather information on the needs of libraries throughout this State;

(2) [Advise the Division of Library Development and Services, the State Superintendent, the State Board, and] **OVERSEE THE STATE LIBRARY AGENCY**;

(3) ADVISE the Governor on library matters; and

[(3)] **(4)** Promote improvement of library services in this State.

(e) The [Advisory Council] **STATE LIBRARY BOARD** may be funded annually as provided in the budget of the [Division of Library Development and Services] **STATE LIBRARY AGENCY**.

[23–107.] 23–108.

(a) Subject to the provisions of subsection (b) of this section, a free association, school, college or university library in this State shall prohibit inspection, use, or disclosure of any circulation record or other item, collection, or grouping of information about an individual that:

(1) Is maintained by a library;

(2) Contains an individual's name or the identifying number, symbol, or other identifying particular assigned to the individual; and

(3) Identifies the use a patron makes of that library's materials, services, or facilities.

(b) A free association, school, college, or university library in the State shall permit inspection, use, or disclosure of the circulation record of an individual only in

connection with the library's ordinary business and only for the purposes for which the record was created.

[23–108.] 23–109.

(a) The [Division of Library Development and Services] **STATE LIBRARY AGENCY** shall establish the Deaf Culture Digital Library as the primary information center on deaf resources for library customers and staff in the State.

(b) The Deaf Culture Digital Library shall:

(1) Conduct a needs assessment to identify gaps in library services for deaf patrons and to implement strategies to fill the gaps and better coordinate library services for the deaf;

(2) In coordination with the Governor's Office of Deaf and Hard of Hearing, develop and provide sensitivity training for State and county library staff to help them better understand deaf patrons and their needs;

(3) Develop a Web site that will allow for information sharing and coordination between the Deaf Culture Digital Library and county library systems;

(4) In coordination with the [Division of Library Development and Services] **STATE LIBRARY AGENCY**, develop deaf-related programs and materials and share them with county library systems and other libraries in the State;

(5) Develop partnerships and strategic alliances with other entities, including:

(i) The Governor's Office for the Deaf and Hard of Hearing;

(ii) County library systems;

(iii) The [Division of Library Development and Services] **STATE LIBRARY AGENCY**;

(iv) Veterans' groups;

(v) State and local arts councils;

(vi) Senior citizens organizations; and

(vii) Deaf and hard of hearing organizations, including:

1. The National Association of the Deaf;

2. The Hearing Loss Association of America; and
3. The Maryland Association of the Deaf;

(6) Encourage partnerships and collaborations with information service providers to help provide virtual access to information and research;

(7) Form a Deaf Culture Digital Library Advisory Board to provide advice on initiatives that further advance the mission and goals of the Deaf Culture Digital Library and the majority of whose members are deaf or hard of hearing and selected from the following entities:

- (i) County library systems;
- (ii) The [Division of Library Development and Services] **STATE LIBRARY AGENCY**;
- (iii) The Governor's Office for the Deaf and Hard of Hearing;
- (iv) Statewide deaf and hard of hearing organizations; and
- (v) Other organizations as agreed on by the Governor's Office for the Deaf and Hard of Hearing and the [Division of Library Development and Services] **STATE LIBRARY AGENCY**; and

(8) Establish a Deaf Culture Digital Library "Friends of the Library" group composed of individuals who are strongly committed, well-positioned, and able to promote community involvement, advocacy, and funding for the Deaf Culture Digital Library.

(c) The lead employee or coordinator who manages the Deaf Culture Digital Library shall be:

- (1) A deaf or hard of hearing individual; and
- (2) Knowledgeable and experienced concerning issues affecting deaf and hard of hearing individuals.

23-201.

(a) The Central Library of the Enoch Pratt Free Library System is the State Library Resource Center.

(b) The State Library Resource Center shall provide and expand access to specialized library materials and services that are necessary for coordinated, efficient, and economical library services in this State.

23–202.

(a) The boards of library trustees of at least three public library systems outside the standard metropolitan statistical areas defined by the United States Bureau of the Census may request the [Department] **STATE LIBRARY BOARD** to establish and maintain a regional resource center.

(b) Each regional resource center shall provide, through mutual cooperation and coordination, books, information, and other material and service resources that an individual library cannot provide adequately by itself.

(c) (1) A region to be served by a regional resource center shall have a population of at least 100,000.

(2) Subject to approval by the [Department] **STATE LIBRARY BOARD**, the boards of library trustees of the participating library systems shall designate the library to serve as the resource center.

(3) If possible, the library selected as the regional resource center shall be:

(i) The strongest library in the region; and

(ii) Located so as to be of greatest service to the entire region.

(d) (1) There is a board of advisors for each regional resource center.

(2) The board of advisors consists of two individuals selected by the board of trustees of each participating library system to represent its library.

(3) The board of advisors for each regional resource center shall:

(i) Gather information on the resource needs of its region and this State;

(ii) Before State funds are distributed to it, make an annual report to the [Department and the State Advisory Council on Libraries] **STATE LIBRARY BOARD** that evaluates and makes recommendations on the operation of the center;

(iii) Recommend to the board of trustees of the library designated as the regional resource center and to the [Department] **STATE LIBRARY BOARD** policies and procedures for the development and use of the regional resource center;

(iv) Promote the use of the regional resource center;

(v) Recommend the purchase, condemnation, rental, use, sale, or conveyance of property for any purpose valid under this section; and

(vi) Recommend plans for the regional resource centers, which may include the use of facilities of participating libraries, additions to the facilities of participating libraries, or new facilities separate from the existing facilities of participating libraries.

(e) (1) The head of each regional resource center is the administrator of the library designated as the center.

(2) The administrator shall operate the regional resource center under standards adopted by the [Department] **STATE LIBRARY BOARD**.

(3) The policies and procedures of the regional resource center shall be:

(i) Recommended by the board of trustees of the library designated as the center; and

(ii) Approved by the board of advisors of the center.

(f) Each regional resource center shall:

(1) Make interlibrary loans of books and materials;

(2) Supply collections and exhibits of specialized materials;

(3) Provide consultant services;

(4) Organize inservice training for library staffs; and

(5) Develop and operate cooperative services among libraries.

23-203.

(a) The board of library trustees of any public library system that is not participating in a regional resource center may participate in a metropolitan cooperative service program.

(b) Each metropolitan cooperative service program shall conform to standards adopted by the State **LIBRARY** Board.

(c) Each metropolitan cooperative service program shall make an annual report of its operations to the [Department and the State Advisory Council on Libraries] **STATE LIBRARY BOARD**.

23–204.

The [Department] **STATE LIBRARY BOARD** periodically shall evaluate the effectiveness of the services performed by each regional resource center and metropolitan cooperative service program and may request any reports and information necessary for this purpose.

23–205.

(a) Each year, the [Department] **STATE LIBRARY BOARD** may include in its budget operating funds for:

- (1) The State Library Resource Center;
- (2) Each regional resource center;
- (3) The Maryland Library for the Blind and Physically Handicapped;
- (4) THE DEAF CULTURE DIGITAL LIBRARY; and**
- [(4)] (5) Each metropolitan cooperative service program.**

(b) (1) The State shall pay all capital expenses for:

- (i) The State Library Resource Center; and
- (ii) Each regional resource center.

(2) Before any money is spent under this subsection, the appropriate board of library trustees shall:

(i) Have the project approved by the [Department] **STATE LIBRARY BOARD;**

(ii) Through the [Department] **STATE LIBRARY BOARD**, submit the request to the Department of Budget and Management for consideration under Title 3, Subtitle 6 of the State Finance and Procurement Article; and

(iii) Agree to reimburse the [Department] **STATE LIBRARY BOARD** an amount the [Department] **STATE LIBRARY BOARD** determines if the facility ceases to be used for a resource center or cooperative service program.

(c) (1) Each year each participating regional resource center shall receive a minimum amount of funding for each resident of the area served, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

- (i) For each of fiscal years 2011 through 2015.....\$6.75 per each resident of the area served;
- (ii) For fiscal year 2016..... \$6.95 per each resident of the area served;
- (iii) For fiscal year 2017..... \$7.15 per each resident of the area served;
- (iv) For fiscal year 2018..... \$7.55 per each resident of the area served;
- (v) For fiscal year 2019..... \$7.95 per each resident of the area served;
- (vi) For fiscal year 2020..... \$8.35 per each resident of the area served;
- (vii) For fiscal year 2021..... \$8.55 per each resident of the area served; and
- (viii) For fiscal year 2022 and each fiscal year thereafter..... \$8.75 per each resident of the area served.

(d) (1) Each year the State Library Resource Center shall receive a minimum amount of funding for each State resident in the previous fiscal year, to be used for operating and capital expenses.

(2) The allocation shall be calculated as follows:

- (i) For each of fiscal years 2010 through 2016.....\$1.67 per State resident;
- (ii) For fiscal year 2017.....\$1.69 per State resident;
- (iii) For fiscal year 2018.....\$1.73 per State resident;
- (iv) For fiscal year 2019.....\$1.77 per State resident;
- (v) For fiscal year 2020.....\$1.81 per State resident; and
- (vi) For fiscal year 2021 and each fiscal year thereafter..... \$1.85 per State resident.

(e) Beginning in fiscal year 2016 and in each fiscal year thereafter, the Maryland Library for the Blind and Physically Handicapped shall receive an amount equivalent to at least 25% of the amount received by the State Library Resource Center for the same fiscal year under subsection (d) of this section.

(f) (1) The [Department] **STATE LIBRARY BOARD** shall:

(i) Disburse funds to the State and regional resource centers, the Maryland Library for the Blind and Physically Handicapped, and metropolitan cooperative service programs; and

(ii) Require that these funds be used subject to any conditions specified by the appropriating agency or imposed under this subtitle.

(2) The [Department] **STATE LIBRARY BOARD** may authorize the State Comptroller to withhold funds from any regional resource center or metropolitan cooperative service program that fails to meet the standards adopted by the [Department] **STATE LIBRARY BOARD**.

23–206.

(a) Any two or more boards of library trustees acting as incorporators under this section and the nonstock corporation laws may organize a cooperative library corporation to administer joint library projects in their counties.

(b) (1) The membership of the corporation consists of the members of each board of library trustees that signs the articles of incorporation.

(2) If each of the member boards agree, another county may become a member of the corporation.

(c) The member boards may delegate any of their intracounty powers and duties to the corporation to the extent necessary to enable it to carry out and administer joint library projects.

(d) Professional and clerical employees of a cooperative library corporation shall join the Teachers' Retirement System.

(e) Each cooperative library corporation:

(1) Is entitled to use the library fund;

(2) Shall have the annual audit required for a library;

and (3) Shall make the annual report required of a board of library trustees;

(4) Is exempt from taxation under § 7–202 of the Tax – Property Article.

23–301.

(a) In this subtitle the following words have the meanings indicated.

(c) “Program” means the State Publications Depository and Distribution Program.

23–302.

(a) There is created, as part of the State Library Resource Center at the Enoch Pratt Free Library, a State Publications Depository and Distribution Program.

(b) This Program is responsible for:

(1) The collection of State publications;

(2) The distribution of State publications to the depository libraries;

(3) The monthly issuance of a list of all State publications that have been received by the Center. This list shall be sent to all depository libraries and to others upon request and the Center may provide for subscription services; and

(4) Making determinations on exemptions of State publications from the depository requirements of this subtitle.

(c) The Administrator of the Program shall be appointed by the Director of the State Library Resource Center.

(d) Funding for the Program shall be provided in the [aid to education] budget of the State **LIBRARY** Board [of Education] in a program entitled State Publications Depository.

23–402.

(a) (4) (i) For fiscal year 2018 through fiscal year 2022, the Governor shall include in the State operating budget \$3,000,000 in general funds to support the additional operating expenses for the increased hours of operation of the branches of the Enoch Pratt Free Library that, in that fiscal year, will be subject to increased operating hours as provided in paragraph (3) of this subsection.

(ii) 1. To receive any State funds under subparagraph (i) of this paragraph, Baltimore City shall provide a 25% match for each dollar of State funds granted to support the additional operating expenses related to the increased hours of operation of the branches of the Enoch Pratt Free Library that, in that fiscal year, will be subject to increased operating hours as provided in paragraph (3) of this subsection.

2. Baltimore City may use public and private funds to satisfy the requirements of subparagraph 1 of this subparagraph.

(iii) 1. In calculating the additional operating expenses of the increased hours of operation, the baseline hours of operation of all branches of the Enoch Pratt Free Library are those hours of operation in effect as of January 1, 2016.

2. The [Department] **STATE LIBRARY BOARD** shall establish a process to distribute the State grant to Baltimore City or the Enoch Pratt Free Library for the additional operating expenses related to the increased hours of operation.

23-405.

(a) In addition to any other powers granted or duties imposed by this subtitle, each board of library trustees has the powers and duties set forth in this section.

(b) (1) Except as provided in paragraph (2) of this subsection, each board of library trustees:

(i) Shall establish and operate the library to provide free services to residents of the county in which it is located; and

(ii) May permit persons outside of the county to use the library facilities on the terms and conditions it determines.

(2) In Baltimore City and Baltimore, Charles, Montgomery, and Prince George's counties, the board of library trustees in each of these counties may permit a library to charge fees for the rental of [video cassettes] **MEDIA**.

(c) Each board of library trustees may:

(1) Establish and operate libraries at any location in the county;

(2) Determine the policy of the library; and

(3) Adopt reasonable rules, regulations, and bylaws for the use of the library and the conduct of its business.

(d) Each board of library trustees may:

- (1) Advise in the preparation of, and approve, the library budget;
 - (2) Receive, account for, control, and supervise, under the rules and regulations of the county governing body, the spending of all public funds received by the library; and
 - (3) Use the services of the fiscal agencies of the county governing body.
- (e) Each board of library trustees shall:
- (1) Provide for an audit at least annually, by an accountant approved by the State [Superintendent] **LIBRARIAN** of its business and financial transactions and of the accounts of its treasurer;
 - (2) Make public the results of the annual audit; and
 - (3) Make an annual report to the county governing body and the State [Superintendent] **LIBRARIAN** on or before November 1 of each year, except that a county having a population of more than 500,000 and having a county library agency as provided by § 23–401(b) of this subtitle shall submit their report by January 1. The report shall show:
 - (i) The amounts of money received from the library fund and other sources;
 - (ii) The itemized expenses;
 - (iii) The number of books and periodicals the library has;
 - (iv) The results of the annual audit; and
 - (v) Any other information the [Department] **STATE LIBRARY BOARD** requires.
- (f) Each board of library trustees may:
- (1) Accept any gift, grant, or appropriation for library purposes from any person under any appropriate terms and conditions;
 - (2) Own and dispose of these gifts, grants, and appropriations;
 - (3) Recommend to the county governing body the acquisition, use, or conveyance of property, for any purpose valid under this subtitle;
 - (4) Select the location of and approve plans for the erection of library buildings, subject to the approval of the county governing body;

- (5) Make contracts for any library service with any person; and
- (6) Do anything else necessary for the proper control and development of the library.

23-406.

- (a) Each board of library trustees:

- (1) Shall select and appoint a professional librarian eligible for certification as director of the library to serve at the pleasure of the board; and

- (2) May delegate to the director its authority to appoint any other necessary employees.

- (b) Each board of library trustees shall establish policies for:

- (1) Staff classification;

- (2) Salaries;

- (3) Work conditions;

- (4) Suspension with pay;

- (5) Grievance procedures;

- (6) Benefits, including vacation and sick leave;

- (7) Hours of work; and

- (8) Any other personnel procedures and practices necessary for the efficient operation of the library.

- (c) Each professional public librarian appointee to the professional library staff:

- (1) Shall hold a certificate of library qualifications issued by the State Superintendent; or

- (2) (i) Shall be eligible for State certification as a professional public librarian; and

- (ii) Shall apply for certification within 6 months of starting employment.

(d) (1) The director or the director's designee may suspend a library employee without pay for a specified period up to 10 working days, for the following reasons:

- (i) Misconduct in office;
- (ii) Insubordination;
- (iii) Incompetency; or
- (iv) Willful neglect of duty.

(2) (i) The director or the director's designee shall give the suspended employee a written statement that specifies the reasons for the suspension.

(ii) The director or the director's designee shall place a copy of the written statement that specifies the reasons for the suspension in the employee's official personnel file.

(3) (i) The employee shall have the opportunity to reply in writing to the director within 10 working days after the employee receives notice of the suspension.

(ii) The employee may request a hearing before the board of trustees within 10 working days after receiving notice of the suspension.

(iii) If the employee requests a hearing within the 10-day period, the board shall promptly hold a hearing, but a hearing may not be set within 10 working days after the board sends the employee a notice of the hearing.

(4) If an employee is suspended without pay and found not guilty of the reasons for the suspension, the board shall refund all pay benefits lost by reason of the suspension to the employee.

(5) Suspension of an employee with pay shall be as provided by the library's personnel policy.

(e) (1) On written recommendation of the library director, each board of library trustees may dismiss any library employee under its jurisdiction for any of the following reasons:

- (i) Misconduct in office;
- (ii) Insubordination;
- (iii) Incompetency; or
- (iv) Willful neglect of duty.

(2) (i) Before removing an employee, the director shall send the employee a written copy of the charges against the employee and give the employee an opportunity to request a hearing before the board within 10 working days.

(ii) If the employee requests a hearing within the 10-day period the board promptly shall hold a hearing, but a hearing may not be set within 10 working days after the board sends the employee a notice of the hearing.

(iii) The employee shall have an opportunity to be heard publicly before the board in his own defense, in person or by counsel and to bring witnesses to the hearing.

(3) If the board votes to remove the employee and:

(i) The decision is unanimous, the decision of the board is final; or

(ii) The decision is not unanimous, the employee may appeal to the State **LIBRARY** Board [of Education] through the State [Superintendent] **LIBRARIAN**.

(f) The director of each library shall:

(1) Act as the general executive officer of the library and be responsible for the management of its operations in accordance with policies approved by the board of library trustees;

(2) Prepare the annual budget of the library, and present it to the board for approval;

(3) Nominate for appointment all library employees in the county library system; and

(4) Establish reasonable rules and adopt regulations for the use of the library system subject to approval by the board of library trustees.

23-504.

(a) (1) Subject to paragraph (2) of this subsection, a public library shall reimburse the State annually for the employer contributions made by the State for an employee who:

(i) Is a member of the Teachers' Retirement System or the Teachers' Pension System under Division II of the State Personnel and Pensions Article; and

(ii) Is receiving a salary funded by a source other than State or local aid.

(2) To the extent that an employee's salary is funded in part by sources other than State or local aid, the public library shall reimburse the State a pro rata share of the State's payment based on the percentage of the employee's salary funded by a source other than State or local aid.

(b) (1) To ensure that each public library is properly reimbursing the State as provided under subsection (a) of this section, the [Department] **STATE LIBRARY BOARD** or, at the [Department's] **STATE LIBRARY BOARD'S** request, a public library may at any time examine the records of public libraries to determine whether the State's payments for retirement contributions for employees of the public libraries are in accordance with the provisions of Division II of the State Personnel and Pensions Article.

(2) An audit conducted under paragraph (1) of this subsection may be:

(i) Included with an existing annual financial audit as a supplemental part and tested independently;

(ii) Conducted in conjunction with a supplemental federally mandated single audit of federal financial assistance programs and tested independently;
or

(iii) Conducted as a separate independent audit.

(c) (1) (i) If an examination of the records of a public library shows that the State has paid more than is required under Division II of the State Personnel and Pensions Article, within 30 days after the date of the notice to the library of the State overpayment, the public library may appeal the notice of State overpayment to the Secretary of Budget and Management who shall appoint a hearing examiner.

(ii) The hearing examiner shall make recommendations to the Secretary of Budget and Management who shall make a final determination regarding the amount, if any, of the State overpayment.

(2) If a public library does not appeal to the Secretary of Budget and Management or if the Secretary of Budget and Management determines that the State is due reimbursement for excess payments as provided in paragraph (1) of this subsection, at the request of the [Department] **STATE LIBRARY BOARD** the moneys owed shall be deducted from any other State funds that would otherwise be paid to the public library.

(3) For purposes of the Administrative Procedure Act, an appeal taken under this section is not a contested case.

(d) (1) Any reimbursements under subsection (a) of this section:

(i) Shall be applied first to the cost of any audit or portion of any audit relating to subsection (a) of this section to reimburse either the [Department] **STATE LIBRARY BOARD** or the public library for the expenses of the audits; and

(ii) After reimbursement to the [Department] **STATE LIBRARY BOARD** or public library under item (i) of this paragraph, shall be credited to the General Fund.

(2) If an audit under this section is performed by a public library, before the public library is reimbursed under paragraph (1)(i) of this subsection, the public library shall provide documentation to the [Department] **STATE LIBRARY BOARD** that the incremental costs of the audit incurred by the public library are reasonable.

23–506.

(a) The State [Superintendent] **LIBRARIAN** shall authorize the payment of funds under this subtitle:

(1) To the board of library trustees of each county that has a board of trustees; or

(2) In each county that does not have a board of library trustees, to the county.

(b) (1) Current operating funds shall be administered by the county board of library trustees.

(2) Capital expense funds shall be administered by the county council, board of county commissioners, or Mayor and City Council of Baltimore City.

(c) (1) The funds provided under this subtitle may be used only for library purposes.

(2) The State [Superintendent] **LIBRARIAN** shall require that these funds be used subject to any conditions specified by the appropriating agency or imposed under this subtitle.

23–506.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Obscene” has the meaning stated in § 11–203 of the Criminal Law Article.

(3) “Child pornography” means a violation of § 11–207 of the Criminal Law Article.

(b) On or before January 1, 2001, each county or board of trustees of a county library shall:

(1) Adopt and implement policies and procedures to prevent minors from obtaining access through the library, by means of the Internet, the World Wide Web, Usenet, or any other interactive computer service to materials that are obscene or constitute child pornography; and

(2) Submit the policies and procedures required under this section to the State [Superintendent] **LIBRARIAN** for review.

(c) The State [Superintendent] **LIBRARIAN** or a designee of the State [Superintendent] **LIBRARIAN** shall regularly monitor the county libraries to determine whether each library is complying with the policies and procedures adopted for preventing a minor from obtaining Internet access to obscene materials through the library.

23–507.

The State [Superintendent] **LIBRARIAN** shall authorize the State Comptroller to withhold State funds from any county that fails:

(1) To appropriate the amount of its share of the minimum program; or

(2) To meet the requirements of the law or of the State **LIBRARY** Board for operating the county library.

[23–508.

Through fiscal year 1983, the State Department of Education shall satisfy its obligation of former Article 77, § 177(e) by equal yearly payments.]

[23–509.] **23–508.**

Remuneration of an employee on account of sickness or accident of the employee shall be paid and treated as sick pay and not as continuation of salary.

[23–510.] **23–509.**

(a) (1) In this section the following words have the meanings indicated.

(2) “Capital project” means the:

(i) Acquisition of land or buildings for a county library; or

(ii) Construction or improvement of a county library.

(3) “Construction or improvement” means planning, design, engineering, alteration, construction, reconstruction, enlargement, expansion, extension, improvement, replacement, rehabilitation, renovation, upgrading, repair, or capital equipping.

(4) “County library” means a library in a county public library system in the State.

(5) [“Division” means the Division of Library Development and Services in the Department] **“STATE LIBRARY AGENCY” MEANS THE MARYLAND STATE LIBRARY AGENCY.**

(b) (1) There is a State grant program for county public library capital projects in the [Division] **STATE LIBRARY AGENCY.**

(2) The grant program is in addition to the county–State minimum library program established under § 23–502 of this subtitle.

(c) (1) The [Division] **STATE LIBRARY AGENCY** shall develop and administer a grant program to assist in the funding of county library capital projects.

(2) The purpose of the grant program is to:

(i) Provide a uniform and objective analysis of proposed capital projects; and

(ii) Support projects that address the library needs in the State.

(3) Grants under the program:

(i) Require a matching fund from any combination of county, municipal, or private sources; and

(ii) May not be for an amount less than \$20,000.

(d) (1) On or before July 15 of each year, a county public library system may submit applications to the [Division] **STATE LIBRARY AGENCY** to receive grants for county library capital projects for the next fiscal year.

(2) In order to apply for a capital project grant, a county public library system shall have:

(i) A countywide library plan that includes a mission statement, needs statement, and multiyear goals and objectives on file with the [Division] **STATE LIBRARY AGENCY**; and

(ii) A master plan that includes a description of the capital project approved by the applicant's governing body.

(3) An application shall include:

(i) A description of the scope and purpose of the project;

(ii) A building plan that includes the estimated total cost of the project; and

(iii) Any other information required by the [Division] **STATE LIBRARY AGENCY**.

(4) A county public library system may not apply for more than three capital project grants in a fiscal year.

(e) (1) The [Division] **STATE LIBRARY AGENCY** shall review grant applications submitted in accordance with subsection (d) of this section.

(2) On or before October 1 of each year, the [Division] **STATE LIBRARY AGENCY** shall make recommendations to the State **LIBRARY** Board regarding capital project grants for the next fiscal year.

(3) In making its recommendations, the [Division] **STATE LIBRARY AGENCY** shall consider:

(i) The public necessity and urgency of a project;

(ii) The need for additional sources of funding for a project;

(iii) The estimated cost and timeliness of executing a project;

(iv) The viability of matching funds for a project; and

(v) Geographic diversity.

(4) On or before November 1 of each year, the State **LIBRARY** Board shall:

(i) Approve capital projects for funding in the State budget for the next fiscal year; and

(ii) Forward the list of approved capital projects to the Department of Budget and Management.

(5) For fiscal year 2008 and each fiscal year thereafter, the Governor shall include in the annual operating or capital budget submission \$5,000,000 for county library capital projects.

(f) (1) The State share percentage for a county library capital project approved under this section shall be calculated by dividing the State share of the minimum program for a county calculated under § 23–505(b) of this subtitle by the library program amount for a county calculated under § 23–503(b) of this subtitle, and multiplying this quotient by 1.25.

(2) (i) The minimum State share of a county library capital project is 50%.

(ii) The maximum State share of a county library capital project is 90%.

(g) The State **LIBRARY** Board shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, on or before October 1 of each year, on State grants awarded for county public library capital projects for the prior fiscal year.

(h) The State **LIBRARY** Board shall adopt regulations to implement the grant program established under this section.

25–302.

(a) No political subdivision of this State shall be party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c)(7) of the Compact, nor pledge its credit in support of such a library, or contribute to the capital financing thereof, except after compliance with any laws applicable to such political subdivisions relating to or governing capital outlays and the pledging of credit.

(b) As used in the Compact, “State library agency,” with reference to this State, means the [Division of Library Development and Services of the State Department of Education] **MARYLAND STATE LIBRARY AGENCY**.

(c) An interstate library district lying partly within this State may claim and be entitled to receive State aid in support of any of its functions to the same extent and in the same manner as such functions are eligible for support when carried on by entities wholly within this State. For the purposes of computing and apportioning State aid to an interstate library district, this State will consider that portion of the area which lies within this State as an independent entity for the performance of the aided function or functions and

compute and apportion the aid accordingly. Subject to any applicable laws of this State, such a district also may apply for and be entitled to receive any federal aid for which it may be eligible.

(d) The [Assistant Superintendent for Libraries] **STATE LIBRARIAN** shall be the compact administrator pursuant to Article X of the Compact. The State **LIBRARY** Board [of Education] on the recommendation of the State [Superintendent of Schools] **LIBRARIAN** may appoint one or more deputy compact administrators pursuant to said article.

(e) In the event of withdrawal from the Compact the Governor shall send and receive any notices required by Article XI(b) of the Compact.

Article – State Finance and Procurement

3A–606.

(a) The Department in consultation with the Board and the Department of Disabilities shall enter into an agreement with the [State Department of Education, Division of Library Development and Services] **STATE LIBRARY BOARD**, providing for an annual payment to be made to the [Division] **STATE LIBRARY AGENCY** in an amount equal to the cost incurred for the distribution of newspapers in a computerized audio format.

(b) Under the agreement, the [Division of Library Development and Services] **STATE LIBRARY AGENCY** shall provide eligible blind and disabled individuals with access to newspapers in a computerized audio format by a qualified entity.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The duties and responsibilities of the Division of Library Development and Services in the State Department of Education shall be transferred to the State Library Agency and the State Library Board on July 1, 2017.

(b) (1) All appropriations for fiscal year 2018, including State and federal funds, held by the Division of Library Development and Services in the State Department of Education to carry out the duties and responsibilities transferred under this Act shall be transferred to the State Library Agency and the State Library Board on and after July 1, 2017.

(2) Funding for the services and programs under the State Library Agency and the State Library Board shall be provided for in the fiscal 2019 State budget.

~~(3) (i) Any onetime costs incurred to carry out the transfer of duties and responsibilities under subsection (a) of this section shall be paid by county public libraries, the State Library Resource Center, and regional resource centers.~~

~~(ii) The State Library Board and the State Library Agency shall collect any onetime costs from among the entities referenced in subparagraph (i) of this paragraph in proportion to the population in each service area.~~

(c) On July 1, 2017, all of the functions, powers, duties, books and records (including electronic records), real and personal property, equipment, fixtures, assets, liabilities, obligations, credits, rights, and privileges of the Division of Library Development and Services that are transferred under this Act shall be transferred to the State Library Agency and the State Library Board.

SECTION 3. AND BE IT FURTHER ENACTED, That, as of July 1, 2017, the Division of Library Development and Services is hereby abolished and the State Library Agency and the State Library Board shall be the successor of the Division.

SECTION 4. AND BE IT FURTHER ENACTED, That all employees who are transferred to the State Library Agency and the State Library Board as a result of this Act shall be transferred without diminution of their rights, benefits, employment, or retirement status.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction affected by or flowing from any statute added, amended, repealed, or transferred under this Act and validly entered into before the effective date of this Act, and every right, duty, or interest flowing from it remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced under the law.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, all existing laws, regulations, proposed regulations, standards and guidelines, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with the functions of the agencies and units that are the subject of this Act prior to the effective date of this Act shall continue in effect under and, as appropriate, are legal and binding on the State Library Agency and the State Library Board until completed, withdrawn, canceled, modified, or otherwise changed under the law.

SECTION 7. AND BE IT FURTHER ENACTED, That the State Library Board shall be the successor to the Maryland Advisory Council on Libraries and nothing in this Act shall affect the terms of office of a member of the Maryland Advisory Council on Libraries who is serving on the effective date of this Act. An individual who is a member of any such entity on the effective date of this Act shall remain a member for the balance of the term to which the member is appointed, unless the member sooner dies, resigns, or is removed under appropriate provisions of law.

SECTION 8. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2017 that affects provisions enacted by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected.

SECTION 9. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 18, 2017.