

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 338 (Senator King, *et al.*)
Education, Health, and Environmental Affairs

**Task Force to Study the Placement of Library Services Within the Education
Article of the Annotated Code of Maryland**

This bill establishes a Task Force to Study the Placement of Library Services within the Education Article of the Annotated Code of Maryland. The task force must study and make recommendations regarding where library services should be located in the Education Article. The Maryland State Department of Education (MSDE) and the Maryland Association of Public Library Administrators must staff the task force. By December 1, 2016, the task force must report its findings and recommendations to the Governor and the General Assembly.

The bill takes effect July 1, 2016, and terminates June 30, 2017.

Fiscal Summary

State Effect: MSDE can provide staff support to the task force using existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill specifies the composition of the task force. The recommendations of the task force must ensure that the following statutory or regulatory provisions of State law are retained:

- the existing requirement that professional librarians in public libraries hold the appropriate professional certificate;
- regulatory requirements for public library associates;
- eligibility for membership in the Teachers' Retirement System for professional employees, library associates, and clerical employees of the public library system;
- transferability of retirement service credit if an employee of the public library system transfers between library systems;
- all funding provisions for county public libraries, the State Library Resource Center, regional resource centers, and the Library for the Blind and Physically Handicapped; and
- Title 23, Subtitles 1 through 5 of the Education Article, except any references to (1) the central State library agency as a division of MSDE and (2) the authority of the State Board of Education and the State Superintendent of Schools over the central State library agency, except in the case of professional librarian certification.

Current Law: Title 23, Subtitles 1 through 5 of the Education Article establish the Division of Library Development and Services within MSDE, establish State and regional resource centers and the metropolitan cooperative service program, specify State funding formulas for State and regional resource centers and county library systems as well as shared State and local costs for library capital investments, require a State Publications Depository and Distribution Program, and authorize county library systems and indicate their governing structure for each county. A librarian or clerical employee of any library is a member of the Teachers' Retirement System. The Code of Maryland Regulations defines "library associate" and indicates job responsibilities of, and training requirements for, a library associate.

The State Board of Education must exercise general direction and control of library development in this State and may:

- adopt rules and regulations necessary to administer this title;
- after considering the recommendations of the Advisory Council on Libraries, establish library policies and procedures for the statewide system of libraries;
- consider the library needs of this State and recommend to the Governor and the General Assembly desirable legislation;
- with the approval of the Governor, accept, administer, and spend any appropriation, gift, or grant for library purposes from the federal government; and
- report annually to the Governor and the people of the State on the support, condition, progress, and needs of libraries.

The State board must approve county public library capital projects for State funding in accordance with Section 23-510 of the Education Article. In accordance with the bylaws, rules, and regulations of the State board, the State Superintendent must certificate professional library personnel.

Additional Information

Prior Introductions: SB 493 of 2015, a similar bill, was assigned to the Senate Education, Health, and Environmental Affairs Committee but was subsequently withdrawn prior to receiving a hearing.

Cross File: Although designated as a cross file, HB 138 (Delegate Hixson, *et al.* – Ways and Means) is not identical.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

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