

# SENATE BILL 587

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By: **Senators King, Benson, Currie, Eckardt, Edwards, Feldman, Jennings, Kagan, Klausmeier, Lee, Madaleno, Manno, Mathias, Middleton, Muse, Norman, Peters, Ready, Serafini, Waugh, and Zucker**

Introduced and read first time: February 2, 2017

Assigned to: Budget and Taxation and Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Libraries – Reorganization of Governance Structure**

3 FOR the purpose of establishing the Maryland State Library Agency and the Maryland  
4 State Library Board; transferring the duties and responsibilities of the Division of  
5 Library Development and Services in the State Department of Education to the State  
6 Library Agency; transferring the duties and responsibilities of the State Board of  
7 Education pertaining to libraries to the State Library Board; providing that the  
8 Maryland State Library Agency is the central State library agency; providing that  
9 the head of the State Library Agency is the State Librarian; providing for the  
10 appointment, term, qualifications, and salary of the State Librarian; authorizing the  
11 State Library Agency to employ certain individuals; requiring the State Library  
12 Agency to be funded annually in the State budget; requiring certain employees of the  
13 State Library Agency to join the Teachers' Pension System of the State of Maryland  
14 or the Employees' Pension System of the State of Maryland; requiring the State  
15 Library Agency to provide certain professional and technical advice to certain higher  
16 education and special library officials; transferring the duties and responsibilities of  
17 the Maryland Advisory Council on Libraries to the State Library Board; requiring  
18 the State Library Board to meet a certain number of times each year; authorizing  
19 the State Library Board to be funded within the budget of the State Library Agency;  
20 authorizing the State Library Board to include in its budget operating funds for the  
21 Deaf Culture Digital Library; providing for the transfer of certain services,  
22 appropriations, funding, and grants on a certain date; providing for the transfer of  
23 certain property, records, fixtures, appropriations, credits, assets, liabilities,  
24 obligations, rights, and privileges; abolishing the Division of Library Development  
25 and Services in the State Department of Education and providing that the State  
26 Library Agency and the State Library Board shall be the successors to the Division;  
27 providing that the State Library Board shall be the successor to the Maryland  
28 Advisory Council on Libraries; providing that certain employees transferred to the  
29 State Library Agency and State Library Board as a result of this Act shall be

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 transferred without diminution of certain rights, benefits, or employment or  
2 retirement status; providing for the continuity of certain transactions affected by or  
3 flowing from this Act; providing for the continuity of certain laws, rules and  
4 regulations, standards and guidelines, policies, orders, and other directives, forms,  
5 plans, memberships, contracts, property, investigations, and administrative and  
6 judicial responsibilities; providing that this Act may not affect the terms of certain  
7 members of the Maryland Advisory Council on Libraries; requiring the publisher of  
8 the Annotated Code of Maryland, in consultation with the Department of Legislative  
9 Services, to correct cross-references and terminology in the Code that are rendered  
10 incorrect by this Act; making the provisions of this Act severable; defining certain  
11 terms; making certain technical changes; making certain conforming changes; and  
12 generally relating to a reorganization of the library governance structure in  
13 Maryland.

14 BY adding to

15 Article – Education

16 Section 23–101

17 Annotated Code of Maryland

18 (2014 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Education

21 Section 23–101 through 23–108, 23–202 through 23–205, 23–302, 23–402(a)(4),  
22 23–405, 23–406, 23–504, 23–506, 23–506.1, 23–507, 23–509, 23–510, and  
23 25–302

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2016 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – Education

28 Section 23–201, 23–206, and 23–301(a) and (c)

29 Annotated Code of Maryland

30 (2014 Replacement Volume and 2016 Supplement)

31 BY repealing

32 Article – Education

33 Section 23–508

34 Annotated Code of Maryland

35 (2014 Replacement Volume and 2016 Supplement)

36 BY repealing and reenacting, with amendments,

37 Article – State Finance and Procurement

38 Section 3A–606

39 Annotated Code of Maryland

40 (2015 Replacement Volume and 2016 Supplement)

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

3 **Article – Education**

4 **23–101.**

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

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

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

11 [23–101.] **23–102.**

12 (a) The General Assembly finds:

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

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

17 (b) It is the policy of this State:

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

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

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

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

25 [23–102.] **23–103.**

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

29 [23–103.] **23–104.**

1       (a) The head of the [Division of Library Development and Services] STATE  
2 **LIBRARY AGENCY** is the [Assistant Superintendent for Libraries] STATE LIBRARIAN,  
3 who is appointed by the State **LIBRARY** Board [on the recommendation of the State  
4 Superintendent].

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

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

7 (2) Have administrative experience in libraries; and

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

10 (c) THE STATE LIBRARIAN SHALL:

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

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

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

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

26 [23-104.] 23-105.

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

1       **(B) THE STATE LIBRARY BOARD SHALL APPOINT THE STATE LIBRARIAN.**2       **[(b)] (C)**    The State **LIBRARY** Board shall exercise general direction and control  
3    of library development in this State and may:

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

5           (2)    After considering the recommendations of the **[Advisory Council on**  
6   **Libraries] STATE LIBRARIAN**, establish library policies and procedures for the statewide  
7   system of libraries;8           (3)    Consider the library needs of this State and recommend to the Governor  
9   and the General Assembly desirable legislation; and10          (4)    With the approval of the Governor, accept, administer, and spend any  
11   appropriation, gift, or grant for library purposes from the federal government or from any  
12   other person.13          **[(c)] (D)**    In accordance with the bylaws, rules, and regulations of the State Board  
14   **OF EDUCATION**, the State Superintendent shall certificate professional library personnel.15          **[(d)] (E)**    Each year the State **LIBRARY** Board shall report to the Governor and  
16   the people of this State on the support, condition, progress, and needs of libraries.17          **[(e)] (F)**    The State **LIBRARY** Board shall approve county public library capital  
18   projects for State funding in accordance with **[\\$ 23-510] § 23-509** of this title.19       **[23-105.] 23-106.**20          (a)    In addition to any other powers granted and duties imposed by this title, and  
21   subject to the authority of the State **LIBRARY** Board, the **[Division of Library Development**  
22   **and Services] STATE LIBRARY AGENCY** has the powers and duties set forth in this  
23   section.24          (b)    The **[Division of Library Development and Services] STATE LIBRARY**  
25   **AGENCY** shall:26           (1)    Provide leadership and guidance for the planning and coordinated  
27   development of library and information service in this State;28           (2)    Develop statewide public and school library services and networks,  
29   resource centers, and other arrangements to meet the library and information needs of this  
30   State;31           (3)    Provide professional and technical advice on improving library services  
32   in this State to:

- (i) Public and school library officials;
- (II) HIGHER EDUCATION AND SPECIAL LIBRARY OFFICIALS;**
- [(ii)] **(III)** State government agencies; and
- [(iii)] **(IV)** Any other person;
  - (i) Collect library statistics and other data;
  - (ii) Identify library needs and provide for needed research and
  - (iii) Publish and distribute findings in these areas; and
  - (iv) Coordinate library services with other information and education  
ies;
- Administer federal and State funds appropriated to it by the State for
  - (i) Develop and recommend professional standards and policies for
  - (ii) Establish requirements and procedures for the certification of  
ary personnel;
- Provide:
  - (i) Specialized library service to the blind and other physically  
iduals in this State; and
  - (ii) Other desirable specialized library services;
- Encourage, advise, and assist in establishing, operating, and  
ies at State institutions and agencies and administer the operation of  
ation services for the **[Department] STATE LIBRARY BOARD**;
- Administer the State grant program for county public library capital  
ance with **[\\$ 23-510] § 23-509** of this title;
- Adopt guidelines for the administration of public libraries and  
State **LIBRARY** Board rules and regulations to implement this title;
- Cooperate with national library agencies and those of any other state;

(12) Develop a Deaf Culture Digital Library in accordance with [§ 23–108] § 23–109 of this title; and

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

4 [23-106.] 23-107.

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

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

10 (2) Each member shall:

11 (i) Be a resident of this State;

12 (ii) Be an individual of ability and integrity who is experienced in  
13 public or library affairs; and

14 (iii) Represent the interests of the citizens of this State in better  
15 library services.

16 (3) Of the appointed members:

17 (i) Five shall be selected from the public at large;

18 (ii) One shall be a professional librarian; and

19 (iii) One shall be a library trustee.

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

22 (i) The Secretary of Higher Education;

23 (ii) The President of the Board of Trustees of Enoch Pratt Free  
24 Library;

25 (iii) The President of the Maryland Library Association;

26 (iv) The Dean of the University of Maryland College of Library and  
27 Information Services; and

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

6 (ii) An appointed member may not serve more than two consecutive  
7 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.

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

11 (i) Serves without compensation; and

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

14 (c) (1) Each year:

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

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

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

23 (ii) Record the proceedings of the [Council] STATE LIBRARY  
24 BOARD: and

25 (iii) Provide necessary staff services.

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

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

29 (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:

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

4 [ii] The State Superintendent;

5 (iii) The State Board;] or

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

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

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

11 (3) ADVISE the Governor on library matters; and

12 [3)] (4) Promote improvement of library services in this State.

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

16 [23-107.] 23-108.

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

21 (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

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

26 (b) A free association, school, college, or university library in the State shall  
27 permit inspection, use, or disclosure of the circulation record of an individual only in  
28 connection with the library's ordinary business and only for the purposes for which the  
29 record was created.

1 [23-108.] 23-109.

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

5 (b) The Deaf Culture Digital Library shall:

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

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

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

20 (ii) County library systems;

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

23 (iv) Veterans' groups;

24 (v) State and local arts councils;

25 (vi) Senior citizens organizations; and

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

27 1. The National Association of the Deaf;

28 2. The Hearing Loss Association of America; and

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

7 (i) County library systems;

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

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

11 (iv) Statewide deaf and hard of hearing organizations; and

12 (v) Other organizations as agreed on by the Governor's Office for the  
13 Deaf and Hard of Hearing and the [Division of Library Development and Services] **STATE**  
14 **LIBRARY AGENCY**; and

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

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

20 (1) A deaf or hard of hearing individual; and

21 (2) Knowledgeable and experienced concerning issues affecting deaf and  
22 hard of hearing individuals.

23 23-201.

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

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

29 23-202.

30 (a) The boards of library trustees of at least three public library systems outside  
31 the standard metropolitan statistical areas defined by the United States Bureau of the

1   Census may request the [Department] **STATE LIBRARY BOARD** to establish and maintain  
2   a regional resource center.

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

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

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

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

12                   (i)    The strongest library in the region; and

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

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

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

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

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

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

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

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

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

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

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

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

9 (f) Each regional resource center shall:

10 (1) Make interlibrary loans of books and materials;

11 (2) Supply collections and exhibits of specialized materials;

12 (3) Provide consultant services;

13 (4) Organize inservice training for library staffs; and

14 (5) Develop and operate cooperative services among libraries.

15 23-203.

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

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

24 23-204

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

29 23-205.

3 (1) The State Library Resource Center;

4 (2) Each regional resource center;

5 (3) The Maryland Library for the Blind and Physically Handicapped;

6 (4) THE DEAF CULTURE DIGITAL LIBRARY; and

7                    [(4)] (5)     Each metropolitan cooperative service program.

(i) The State Library Resource Center; and

(ii) Each regional resource center.

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

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

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

24 (2) The allocation shall be calculated as follows:

25 (i) For each of fiscal years 2011 through 2015.....\$6.75 per each  
26 resident of the area served;

27 (ii) For fiscal year 2016..... \$6.95 per each resident of the area  
28 served;

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

10 23-206.

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

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

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

23 (e) Each cooperative library corporation:

24 (1) Is entitled to use the library fund;

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

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

29 23-301.

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

3 23-302.

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

6 (b) This Program is responsible for:

7 (1) The collection of State publications;

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

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

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

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

19 23-402.

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

7 23-405.

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

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

14 (ii) May permit persons outside of the county to use the library  
15 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**.

19 (c) Each board of library trustees may:

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

21 (2) Determine the policy of the library; and

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

24 (d) Each board of library trustees may:

25 (1) Advise in the preparation of, and approve, the library budget;

26 (2) Receive, account for, control, and supervise, under the rules and  
27 regulations of the county governing body, the spending of all public funds received by the  
28 library; and

29 (3) Use the services of the fiscal agencies of the county governing body.

30 (e) Each board of library trustees shall:

4 (2) Make public the results of the annual audit; and

9 (i) The amounts of money received from the library fund and other  
10 sources;

11 (ii) The itemized expenses;

12 (iii) The number of books and periodicals the library has;

13 (iv) The results of the annual audit; and

14 (v) Any other information the [Department] STATE LIBRARY  
15 **BOARD** requires.

16 (f) Each board of library trustees may:

17 (1) Accept any gift, grant, or appropriation for library purposes from any  
18 person under any appropriate terms and conditions;

19 (2) Own and dispose of these gifts, grants, and appropriations;

22 (4) Select the location of and approve plans for the erection of library  
23 buildings, subject to the approval of the county governing body;

24 (5) Make contracts for any library service with any person; and

25 (6) Do anything else necessary for the proper control and development of  
26 the library.

27 23-406.

28 (a) Each board of library trustees:

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

4 (1) Staff classification;

## 5 (2) Salaries;

### 6 (3) Work conditions;

7 (4) Suspension with pay;

8 (5) Grievance procedures;

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

0 (7) Hours of work; and

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

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

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

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

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

22 (i) Misconduct in office;

## 23 (ii) Insubordination;

24 (iii) Incompetency; or

25 (iv) Willful neglect of duty.

(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.

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

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

19 (i) Misconduct in office;

20 (ii) Insubordination:

21 (iii) Incompetency; or

22 (iv) Willful neglect of duty.

32 (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 Board [of Education] through the State [Superintendent] **LIBRARIAN**.

(f) The director of each library shall:

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

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

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

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

14 23-504.

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

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

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

32 (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;

6 (iii) Conducted as a separate independent audit.

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

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

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

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

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

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

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

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

16 23-506.1.

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

18 (2) "Obscene" has the meaning stated in § 11–203 of the Criminal Law  
19 Article.

20 (3) "Child pornography" means a violation of § 11–207 of the Criminal Law  
21 Article.

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

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

1 23-507.

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

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

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

7 [23-508.

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

10 [23-509.] **23-508.**

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

13 [23-510.] **23-509.**

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

15 (2) “Capital project” means the:

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

17 (ii) Construction or improvement of a county library.

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

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

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

26 (b) (1) There is a State grant program for county public library capital projects  
27 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.

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

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

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

9 (3) Grants under the program:

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

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

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

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

23 (3) An application shall include:

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

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

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

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

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

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

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

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

12 (v) Geographic diversity.

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

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

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

21 (f) (1) The State share percentage for a county library capital project approved  
22 under this section shall be calculated by dividing the State share of the minimum program  
23 for a county calculated under § 23–505(b) of this subtitle by the library program amount  
24 for a county calculated under § 23–503(b) of this subtitle, and multiplying this quotient by  
25 1.25.

26 (2) (i) The minimum State share of a county library capital project is  
27 50%.

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

1       (g) The State **LIBRARY** Board shall report to the Governor and, in accordance  
2 with § 2-1246 of the State Government Article, the General Assembly, on or before October  
3 1 of each year, on State grants awarded for county public library capital projects for the  
4 prior fiscal year.

7 25-302.

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

17 (c) An interstate library district lying partly within this State may claim and be  
18 entitled to receive State aid in support of any of its functions to the same extent and in the  
19 same manner as such functions are eligible for support when carried on by entities wholly  
20 within this State. For the purposes of computing and apportioning State aid to an interstate  
21 library district, this State will consider that portion of the area which lies within this State  
22 as an independent entity for the performance of the aided function or functions and  
23 compute and apportion the aid accordingly. Subject to any applicable laws of this State,  
24 such a district also may apply for and be entitled to receive any federal aid for which it may  
25 be eligible.

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

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

## Article – State Finance and Procurement

34 3A-606.

35 (a) The Department in consultation with the Board and the Department of  
36 Disabilities shall enter into an agreement with the [State Department of Education,

1 Division of Library Development and Services] **STATE LIBRARY BOARD**, providing for an  
2 annual payment to be made to the [Division] **STATE LIBRARY AGENCY** in an amount  
3 equal to the cost incurred for the distribution of newspapers in a computerized audio  
4 format.

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

12 (b) (1) All appropriations for fiscal year 2018, including State and federal  
13 funds, held by the Division of Library Development and Services in the State Department  
14 of Education to carry out the duties and responsibilities transferred under this Act shall be  
15 transferred to the State Library Agency and the State Library Board on and after July 1,  
16 2017.

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

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

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

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

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

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

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

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

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

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