

An act to amend Sections 18701, 18703, 18710, 18724, 18731, 18743, and 18745 of, and to repeal Sections 18732, 18744, 18751, and 18765 of, the Education Code, relating to libraries, and making an appropriation therefor, to take effect immediately, bill related to the budget.

SECURED
COPY

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18701 of the Education Code is amended to read:

18701. The Legislature finds and declares that it is in the interest of the people of the state to ~~insure~~ ensure that all people have free and convenient access to all library resources and services that might enrich their lives, regardless of where they live or of the tax base of their local ~~government~~.

~~This government.~~ This finding is based on the recognition that:

(a) The public library is a primary source of information, recreation, and education to persons of all ages, any location, or any economic circumstance.

(b) The expansion of knowledge and the increasing complexity of our society ~~create needs~~ creates a need for materials and information that ~~go~~ goes beyond the ability of any one library to provide.

(c) The public libraries of California are supported primarily by local taxes. The ability of local governments to provide adequate service is dependent on the taxable wealth of each local jurisdiction and varies widely throughout the state.

(d) Public libraries are unable to bear the greater costs of meeting the exceptional needs of many residents, including people with disabilities, non-English-speaking and limited-English-speaking persons, those who are confined to home or in an institution, and those who are economically disadvantaged.

(e) The effective sharing of resources and services among the libraries of California requires an ongoing commitment by the state to ~~compensate libraries for services beyond their clientele.~~ promote access to information in both print and digital format.

~~(f) The sharing of services and resources is most efficient when a common database is available to provide information on where materials can be found.~~

SEC. 2. Section 18703 of the Education Code is amended to read:

18703. In adopting this chapter, the Legislature declares that its policy shall ~~be~~ be as follows:

(a) To reaffirm the principle of local control of the government and administration of public libraries, and to affirm that the provisions of this chapter apply only to libraries authorized by their jurisdictions to apply to participate in the programs authorized by this act.

(b) To require no library, as a condition for receiving funds or services under this chapter, to acquire or exclude any specific book, periodical, film, recording, picture, or other material, or any specific equipment, or to acquire or exclude any classification of books or other material by author, subject matter, or type.

(c) To encourage the adequate financing of libraries from local sources, with state aid to be furnished to supplement, not supplant, local funds.

(d) To encourage service to the underserved of all ages.

(e) To encourage and enable the sharing of resources between libraries.

~~(f) To reimburse equitably any participating library for services it provides beyond its jurisdiction if a public library, or, if not a public library, beyond its normal clientele.~~

~~(g)~~

(f) To ensure public participation in carrying out the intent of this act.

SEC. 3. Section 18710 of the Education Code is amended to read:

18710. As used in this chapter, the following terms have the following meanings, unless the context otherwise indicates or unless specific exception is made:

(a) “Academic library” means a library established and maintained by a college or university to meet the needs of its students and faculty, and others by agreement.

(b) “Act” means the California Library Services Act.

(c) “Cooperative library system” means a public library system that consists of two or more jurisdictions entering into a written agreement to implement a regional program in accordance with this chapter, and ~~which, that,~~ that, as of the effective date of this chapter, was designated a library system under the Public Library Services Act of 1963 or was a successor to ~~such a~~ that library system.

(d) “Direct loan” means the lending of a book or other item directly to a borrower.

(e) “Equal access” means the right of the residents of jurisdictions that are members of a cooperative library system to use on an equal basis with one another the services and loan privileges of any and all other members of the same system.

(f) “Independent public library” means a public library that is not a member of a system.

(g) “Interlibrary loan” means the lending of a book or other item from one library to another as the result of a user request for the item.

~~(h) “Interlibrary reference” means the providing of information by one library or reference center to another library or reference center as the result of a user request for the information.~~

(i)

(h) “Jurisdiction” means a county, city and county, city, or any district that is authorized by law to provide public library services and that operates a public library.

~~(i)~~

(i) “Libraries for institutionalized persons” means libraries maintained by institutions for the purpose of serving their resident populations.

~~(k) “Net imbalance” means the disproportionate cost incurred under universal borrowing or equal access when a library directly lends a greater number of items to users from outside its jurisdiction than its residents directly borrow from libraries of other jurisdictions.~~

~~(l)~~

(j) “Public library” means a library, or two or more libraries, that is operated by a single public jurisdiction and that serves its residents free of charge.

~~(m)~~

(k) “School library” means an organized collection of printed and audiovisual materials that satisfies all of the following criteria:

(1) Is administered as a unit.

(2) Is located in a designated place.

(3) Makes printed, audiovisual, and other materials as well as necessary equipment and services of a staff accessible to elementary and secondary school pupils and teachers.

~~(n)~~

(l) “Special library” means one maintained by an association, government service, research institution, learned society, professional association, museum, business firm,

industrial enterprise, chamber of commerce, or other organized ~~group~~, group and the greater part of their collections being in a specific field or subject, ~~e.g., such as~~ natural sciences, economics, engineering, law, and history.

(~~o~~)

(m) “Special Services Programs” means a project establishing or improving service to the underserved of all ages.

(~~p~~)

(n) “State board” means the California Library Services Board.

(~~q~~)

(o) “System” means a cooperative library system.

(~~r~~)

(p) “Underserved” means any population segment with exceptional service needs not adequately met by traditional library service ~~patterns~~, patterns, including, but not limited to, those persons who are geographically isolated, economically disadvantaged, functionally illiterate, of non-English-speaking or limited-English-speaking ability, ~~shut-in~~, homebound, or institutionalized, or who are persons with disabilities.

(~~s~~)

(q) “Universal borrowing” means the extension by a public library of its direct loan privileges to the eligible borrowers of all other public libraries.

SEC. 4. Section 18724 of the Education Code is amended to read:

18724. The duties of the state board shall be to adopt rules, regulations, and general policies for the implementation of this chapter. In addition, the state board,

consistent with the terms and provisions of this chapter, shall have the following powers and duties:

- (a) To direct the State Librarian in the administration of this chapter.
- (b) To review for its approval all annual proposals submitted under this chapter.
- (c) ~~To annually submit budget proposals as part of the annual budget of the~~

~~Department of Education.~~

~~(d)~~

(c) To expend the funds appropriated for the purpose of implementing the provisions of this chapter.

~~(e)~~

(d) To require participating libraries and systems to prepare and submit any reports and information ~~which~~ that are necessary to carry out the provisions of this chapter, and to prescribe the form and manner for providing ~~such~~ those reports and information.

~~(f) To develop formulas for the equitable allocation of reimbursements under Sections 18731, 18743, 18744, and 18765. Such formulas shall be submitted to the Department of Finance for approval.~~

~~(g)~~

(e) To require that any public library participating in programs authorized by this chapter provide access to its bibliographic records and materials location information consistent with the legislative policy of encouraging the sharing of resources between libraries.

SEC. 5. Section 18731 of the Education Code is amended to read:

18731. ~~Any~~ A California public library may participate in universal borrowing. ~~Public libraries~~ A public library participating in universal borrowing ~~may~~ shall not exclude the residents of any jurisdiction maintaining a public library. ~~Public libraries that incur a net imbalance shall be reimbursed for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (f) of Section 18724. Reimbursement shall be incurred only for imbalances between:~~

- ~~(a) System member libraries and independent public libraries.~~
- ~~(b) Independent public libraries with each other.~~
- ~~(c) Member libraries of one system with member libraries of other systems.~~

SEC. 6. Section 18732 of the Education Code is repealed.

~~18732. If two or more public library jurisdictions wish to consolidate their libraries into a single library agency, an establishment grant in the annual maximum amount of twenty thousand dollars (\$20,000) shall be made to the newly consolidated library jurisdiction for each of two years, provided that notice of such consolidation is filed with the State Librarian within one year after the consolidation.~~

SEC. 7. Section 18743 of the Education Code is amended to read:

18743. Each member library of a system shall provide equal access to all residents of the area served by the system. ~~Member libraries that incur a net imbalance shall be reimbursed through the system for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (f) of Section 18724.~~

SEC. 8. Section 18744 of the Education Code is repealed.

~~18744. Each member library of a system shall be reimbursed through the system to cover handling costs, excluding communication and delivery costs, of each~~

~~interlibrary loan between member libraries of the system according to the allocation formula developed pursuant to subdivision (f) of Section 18724.~~

SEC. 9. Section 18745 of the Education Code is amended to read:

18745. Each system shall annually apply to the state board for funds for intrasystem communications and delivery. Proposals shall be based upon the most cost-effective methods of exchanging print and digital materials and information among the member libraries.

SEC. 10. Section 18751 of the Education Code is repealed.

~~18751. When any system or systems consolidate, a grant of ten thousand dollars (\$10,000) for each of the two years following the consolidation shall be made to the newly consolidated system.~~

SEC. 11. Section 18765 of the Education Code is repealed.

~~18765. Each California library eligible to be reimbursed under this section for participation in the statewide interlibrary loan program shall be reimbursed according to the allocation formula developed pursuant to subdivision (f) of Section 18724 to cover the handling costs of each interlibrary loan whenever the borrowing library is a public library, except for the interlibrary loans made between members of a cooperative library system as provided in Section 18744. Libraries eligible for interlibrary loan reimbursement under this section shall include public libraries, libraries operated by public schools or school districts, libraries operated by public colleges or universities, libraries operated by public agencies for institutionalized persons, and libraries operated by nonprofit private educational or research institutions. Loans to eligible libraries by~~

~~public libraries shall also be reimbursed according to the allocation formula developed pursuant to subdivision (f) of Section 18724.~~

SEC. 12. The sum of three million dollars (\$3,000,000) is hereby appropriated from the General Fund to the California State Library for allocation pursuant to the California Library Services Act (Chapter 4 (commencing with Section 18700) of Part 11 of Division 1 of Title 1 of the Education Code).

SEC. 13. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: California Library Services Act.

The California Library Services Act establishes the California Library Services Board and provides that its duties include, among other things, adopting rules, regulations, and general policies relating to the implementation of the act.

This bill would revise and recast the act, including, among other things, removing from the board the powers to annually submit budget proposals as part of the annual budget of the Department of Education and to develop formulas for the equitable allocation of reimbursements to public libraries, as defined, for providing specified library services.

This bill would appropriate \$3,000,000 from the General Fund to the California State Library for allocation pursuant to the act.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.