

2009 -- H 5356

LC00854

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO LIBRARIES

Introduced By: Representatives Dennigan, Ferri, and Ruggiero

Date Introduced: February 10, 2009

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 29-3.1-1, 29-3.1-4.1, 29-3.1-5, 29-3.1-6, 29-3.1-7, 29-3.1-8 and
2 29-3.1-13 of the General Laws in Chapter 29-3.1 entitled "Office of State Library and
3 Information Services" are hereby amended to read as follows:

4 **29-3.1-1. Office of library and information services.** -- Within the department of
5 administration there shall be an office of library and information services under the direction of a
6 chief ~~information~~ library officer who shall be appointed by the director of administration with the
7 approval of the governor. The position of chief information officer in the office of library and
8 information services is hereby eliminated. The office is hereby empowered to cooperate with the
9 ~~secretary of education~~ institute of museum and library services of the United States of America in
10 the carrying out of the purposes of any and all acts of congress for the benefit of library and
11 information services within this state. The office is hereby designated as the agency for the
12 administration of any plan or plans heretofore or hereafter formulated in conformity with any act
13 or acts of congress and is authorized to administer any such plan or plans and to enter into such
14 agreements with the ~~secretary of education~~ institute of museum and library services of the United
15 States of America as may be from time to time required under this chapter or any acts or act of
16 congress, and from time to time amend any plan or plans, except any plan, or plans, or
17 agreements, formulated or entered into or to be administered by the board of regents, board of
18 governors, or the secretary of state.

19 **29-3.1-4.1. Powers and duties of library board.** -- (a) The library board shall

1 communicate with and seek the advice of the chief ~~information~~ [library](#) officer and all those
2 concerned with and affected by its determinations as a regular procedure in arriving at its
3 conclusions and in setting policy. The library board, however, shall not engage in the operation or
4 administration of any library.

5 (b) The library board shall have the following powers and duties:

6 (1) To approve a systematic program of information gathering, processing, and ~~an~~
7 analysis addressed to every aspect of public library development and interlibrary cooperation and
8 resource sharing in this state, especially as that information relates to current and future library
9 and information service needs, so that current needs may be met with reasonable promptness and
10 plans formulated to meet future needs as they arise in the most efficient and economical manner
11 possible;

12 (2) To approve a master plan defining broad goals and objectives for public library
13 development and interlibrary cooperation and resource sharing in the state. These goals and
14 objectives shall be expressed in terms of the library and information services to which individuals
15 will have access. The library board shall continually evaluate the efforts and results of the library
16 and information services in the light of these objectives;

17 (3) To approve board policy to implement the goals and objectives established and
18 adopted by the library board from time to time; and to adopt and require enforcement of standards
19 and regulations for public library services and interlibrary cooperation and resource sharing;

20 (4) To determine priorities of expenditures of state revenues and other public resources
21 made available for the support of public library development and interlibrary cooperation and
22 resource sharing purposes; provided that nothing contained in this subsection shall authorize the
23 library board to alter the allocation of grants or aid otherwise provided by law;

24 (5) To approve annually the program for the use of federal funds submitted to the United
25 States ~~department of education~~ [institute of museum and library services](#);

26 (6) To establish such committees as necessary or desirable for the conduct of any or all
27 aspects of public library development and interlibrary cooperation and resource sharing, and to
28 determine all powers and functions as well as composition of committees established and to
29 dissolve the committees when their purpose shall have been fulfilled; provided that nothing
30 contained in this paragraph shall be construed to grant the library board the power to establish
31 subcommittees performing the duties and functions of local boards of trustees;

32 (7) To exercise the following functions, powers, and duties:

33 (i) To be responsible for the distribution of state aid funds for public library development
34 and interlibrary cooperation and resource sharing;

1 (ii) To approve standards and regulations for public library development and interlibrary
2 cooperation and resource sharing;

3 (iii) To enforce the provisions of all laws relating to public library services and
4 interlibrary cooperation and resource sharing; and

5 (iv) To decide and determine appeals from decisions relating to libraries of the chief
6 ~~information~~ [library](#) officer;

7 (8) To exercise all other powers with relation to the field of public library development
8 and interlibrary cooperation and resource sharing within this state not specifically granted to any
9 other department, board, or agency, and not incompatible with law, which the library board may
10 deem advisable;

11 (9) To otherwise promote maximum efficiency and economy in the delivery of public
12 library services and interlibrary cooperation and resource sharing in the state; and

13 (10) To submit within ninety (90) days after the end of each fiscal year, an annual report
14 to the governor, the speaker of the house of representatives, the president of the senate, and the
15 secretary of state of its activities during that fiscal year. The report shall provide: an operating
16 statement summarizing meetings or hearings held, and meeting minutes, subjects addressed,
17 decisions rendered, rules or regulations promulgated, studies conducted, policies and plans
18 developed, approved or modified, and programs administered or initiated; a consolidated
19 financial statement of all funds received and expended including the source of the funds, a listing
20 of any staff supported by these funds and a summary of any clerical, administrative or technical
21 support received; a summary of performance during the previous fiscal year including
22 accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions or
23 other legal matters related to authority of the council; a summary of any training courses held
24 pursuant to the provisions of chapter 3.1 of title 29; a briefing on anticipated activities in the
25 upcoming fiscal year; and findings and recommendations for improvements. The report shall be
26 posted electronically on the general assembly and secretary of state's websites as prescribed in
27 section 42-20-8.2. The director of the department of administration shall be responsible for the
28 enforcement of the provisions of this subsection.

29 (11) To conduct a training course for newly appointed and qualified members within six
30 (6) months of their qualification or designation. The course shall be developed by the chair of the
31 board, approved by the board, and conducted by the chair of the board. The board may approve
32 the use of any board or staff members or other individuals to assist with training. The training
33 course shall include instruction in the following areas: the provisions of chapters 42-46, 36-14,
34 and 38-2; and the board's rules and regulations. The director of the department of administration

1 shall, within ninety (90) days of the effective date of this act [March 31, 2006] prepare and
2 disseminate training materials relating to the provisions of chapters 42-46, 36-14 and 38-2.

3 ~~29-3.1-5. Chief information officer --- Appointment. --- Chief library officer --~~
4 ~~Appointment and qualifications. --~~ There ~~is~~ shall be a chief ~~information~~ library officer to be
5 appointed by the director of administration with approval of the governor.

6 ~~29-3.1-6. Compensation of chief information officer. --- Compensation of chief~~
7 ~~library officer. --~~ The chief ~~information~~ library officer ~~of the office of library and information~~
8 ~~services~~ shall be in the classified service and his or her salary shall be established in accordance
9 with the terms of the pay plan for classified employees. ~~in the unclassified service of the state and~~
10 ~~shall receive such salary as the director of administration with the approval of the governor may~~
11 ~~determine.~~

12 ~~29-3.1-7. Duties of chief information officer. --- Duties of chief library officer. --~~ The
13 chief ~~information~~ library officer shall be the executive and administrative officer in charge of the
14 office of library and information services; and. ~~The position of chief information officer shall be~~
15 ~~in the unclassified service of the state and~~ he or she shall serve as the chief executive officer of
16 the library board. The chief ~~information~~ library officer shall also carry out the duties required by
17 this chapter and by chapters 5 and 6 of this title. In addition to the general supervision of the
18 office of library and information services and the appointment of the several officers and
19 employees of the office, it shall be the duty of the chief ~~information~~ library officer:

20 (1) To develop a systematic program of information gathering, processing, and analysis
21 addressed to every aspect of public library development and interlibrary cooperation and resource
22 sharing in this state, especially as that information relates to current and future library and
23 information service needs, so that current needs may be met with reasonable promptness and
24 plans formulated to meet future needs as they arise in the most efficient and economical manner
25 possible;

26 (2) To develop a master plan defining board goals and objectives for public library
27 development and interlibrary cooperation and resource sharing in the state. These goals and
28 objectives shall be expressed in terms of the library and information services to which individuals
29 will have access;

30 (3) To communicate with and seek the advice of those concerned with and affected by
31 the library board's determinations;

32 (4) To develop and implement board policy as it pertains to the goals and objectives
33 approved by the library board from time to time;

34 (5) To enforce standards and to exercise general supervision over interlibrary

1 cooperation and resource sharing in the state;

2 (6) To develop annually the program for the use of federal funds that is submitted to the
3 United States ~~department of education~~ [institute of museum and library services](#);

4 (7) To supervise the operation of the office of library and information services as defined
5 elsewhere in this title and such other additional duties and responsibilities as may be assigned by
6 the library board from time to time; and

7 (8) To supervise the following functions:

8 (i) To distribute state funds for public library development and interlibrary cooperation
9 and resource sharing in accordance with law and regulations of the library board;

10 (ii) To develop standards and regulations for public library development and interlibrary
11 cooperation and resource sharing;

12 (iii) To certify that public library standards and services are in accordance with law and
13 regulations of the library board;

14 (iv) To require the observance of all laws relating to public library services and
15 interlibrary cooperation and resource sharing;

16 (v) To interpret library law;

17 (vi) To give assistance, advice, and counsel to public libraries and to participants in
18 interlibrary cooperation and resource sharing activities;

19 (vii) To require that information and statistics necessary to do the work of the office of
20 library and information services be collected, to publish findings and reports thereon;

21 (viii) To provide eligible persons who are impaired, blind, reading impaired and/or
22 physically impaired with library services through the talking books plus, in cooperation with the
23 library of congress national library service for the blind and physically handicapped;

24 (ix) To cooperate with the commissioner of elementary and secondary education in
25 supporting and encouraging effective school library media services and their integration into
26 statewide library networking activities;

27 (x) To cooperate with the state librarian and the state law librarian in strengthening
28 services to library users;

29 (xi) To cooperate with the commissioner of higher education in supporting and
30 encouraging effective library services through the state system of higher education; and

31 (xii) To coordinate with all other state departments and agencies in the provision of
32 library services to state government and to the public.

33 **29-3.1-8. Gifts, donations, and funds.** -- The chief ~~information~~ [library](#) officer may
34 accept donations of funds or property, real or personal for the office of library and information

1 services and in his or her discretion, with the approval of the library board, shall hold the
2 donations in the form in which they were given for the purposes of the office of library and
3 information services, or dispose of them, with any financial benefits accruing to the office of
4 library and information services. The chief ~~information~~ library officer shall be the authorized
5 agent to accept, receive, and administer, with the approval of the library board, any and all funds,
6 moneys, or library materials granted, furnished, provided, appropriated, and/or dedicated or made
7 available by the United States of America or any of its departments, commissions, boards,
8 bureaus, or agencies for library services in the state of Rhode Island other than funds, moneys, or
9 library materials granted, furnished, provided, appropriated, and/or dedicated or made available
10 directly to any agency or institution. The chief ~~information~~ library officer shall turn over to the
11 general treasurer for proper custody and safekeeping all the funds paid to the state from the
12 federal treasury or other donating agency, and the general treasurer shall disburse these funds
13 solely for the purpose provided by the original grantor upon orders drawn by the state controller
14 upon his or her receipt of duly authenticated vouchers. Any funds lost or diverted from the
15 purposes for which paid by the United States of America shall be repaid by the state to the United
16 States of America.

17 **29-3.1-13. Transfer of responsibilities.** -- (a) Whenever, in any general or public law,
18 there shall appear the words "department of state library services" or "state library services," such
19 words shall be deemed to refer to and to mean the "office of library and information services."
20 Whenever, in any general or public law, there shall appear the words "director of library
21 services," such words shall be deemed to refer to and to mean the "chief ~~information~~ library
22 officer."

23 ~~(b) In addition to the powers and duties otherwise granted, the chief information officer~~
24 ~~shall supervise those functions of the Department of Administration described in subsections (u)~~
25 ~~and (v) of section 42-11-2 and such functions relating to library and/or information services~~
26 ~~described in section 42-11-2(w).~~

27 SECTION 2. Sections 29-6-2, 29-6-3, 29-6-5, 29-6-6, 29-6-8 and 29-6-9 of the General
28 Laws in Chapter 29-6 entitled "State Aid to Libraries" are hereby amended to read as follows:

29 **29-6-2. Public library services.** -- (a) For each city or town, the state's share to support
30 local public library services shall be equal to at least twenty-five percent (25%) of both the
31 amount appropriated and expended in the second preceding fiscal year by the city or town from
32 local tax revenues and funds from the public library's private endowment that supplement the
33 municipal appropriation; provided, however, the state in any year shall not be obligated to match
34 any amount from the endowment that exceeds six percent (6%) of the three (3) year average

1 market value, calculated at the end of the calendar year, of the investments in the endowment.
2 The amount of the grant payable to each municipality in any year in accordance with this section
3 shall be reduced proportionately in the event that the total of those grants in any year exceeds the
4 amount appropriated that year for the purposes of this section. Provided further, however, that the
5 reference year for the state's share of support to be paid in the year ending June 30, 2008 shall be
6 the third preceding year.

7 (b) Those public libraries that do not qualify for aid pursuant to the provisions of
8 subsection (a) of this section may apply for resource sharing grants, to be used exclusively for the
9 purpose of payment of ~~the cooperating libraries automated network (CLAN)~~ the ocean state
10 libraries (OSL) annual assessment charges. Eligible public libraries shall apply directly to the
11 office of library and information services for these resource sharing grants, and the grants shall be
12 awarded to the libraries individually, rather than to the city or town. Eligible libraries must be or
13 become members of the ~~CLAN~~ OSL upon receipt of the grant, serve municipalities that meet
14 minimum standards for Rhode Island public libraries, and meet standards for member libraries of
15 the library of Rhode Island (LORI) network.

16 (c) Provided, that notwithstanding any other provisions of this chapter to the contrary,
17 the state's share to support local public library services shall also include funding to the Pontiac
18 Free Library in the city of Warwick for said library's participation in the ~~cooperating libraries~~
19 ~~automated network (CLAN)~~ ocean state libraries (OSL). Such funding shall be provided
20 regardless of whether the city of Warwick appropriates funds from local tax revenues to said
21 library. The amount of said state support shall be equal to the average of the amount appropriated
22 by the city of Warwick to each library in said municipality for participation in the ~~CLAN~~ OSL
23 program, in accordance with the provisions of and formulas set forth in subsection (a) herein.
24 Provided, further, that in the event the city of Warwick appropriates funds from local tax
25 revenues for the Pontiac Free Library, then the amount of the state's share to said library shall be
26 calculated in accordance with the provisions of subsection (a) herein for any year in which such
27 calculation is applicable.

28 **29-6-3. Eligibility requirements -- Municipalities.** -- (a) To qualify for state aid under
29 section 29-6-2, a city or town shall:

30 (1) Appropriate from local tax revenues an amount not less than the amount appropriated
31 the previous year from local tax revenues and expended for library operating expenses. The
32 appropriation would exclude any state funds received for public library services. Any funds
33 received from the state shall not be used to supplant funds from local tax revenues;

34 (2) In the case of a city or town having more than one free public library therein, submit

1 or cause to be submitted to the ~~department of state library services~~ office of library and
2 information services a plan for the allotment or division of the proposed state aid among the free
3 public libraries in the city or town. The plan shall be developed by agreement among the free
4 public libraries of the city or town;

5 (3) Submit or cause to be submitted to the ~~department of state library services~~ office of
6 library and information services evidence that free public libraries in the city or town meet
7 standards of service as set forth in regulations to be made by the ~~director of state library services~~
8 chief library officer pursuant to the provisions of chapter 3.1 of this title or that the regulations are
9 inappropriate for that library;

10 (4) Submit or cause to be submitted a plan describing how the public library or libraries
11 plan to address one or more of the priorities established by the department of state library
12 services.

13 (b) The ~~director of state library services~~ chief library officer upon application and for
14 cause shown may authorize an annual grant-in-aid under section 29-6-2, or a portion thereof, to a
15 city or town not fully meeting the requirements set forth in paragraphs (1) -- (3) of this
16 subsection.

17 (c) Decisions as to the eligibility of cities and towns for grants-in-aid under this chapter,
18 and the amounts of the grants-in-aid, shall be made by the ~~director of state library services~~ chief
19 library officer.

20 (d) The ~~director of the department of state library services~~ chief library officer shall
21 require a preservation plan from any public library which receives an appropriation from the state
22 of Rhode Island which states the preservation needs and objectives of the library for the coming
23 fiscal year. The plan shall include, but not be limited to: condition of materials, assessment of
24 building and environmental controls, and preservation measures to be taken.

25 (e) The ~~director of the department of state library services~~ chief library officer shall
26 require a disaster preparedness plan from any public library which receives an appropriation from
27 the state of Rhode Island which states the plan of action to be taken in the event of a natural or
28 human made disaster. The plan shall be in accordance with a suggested plan published by the
29 department. The plan shall be submitted no later than January 1, 1993 and shall be updated
30 yearly.

31 **29-6-5. Cooperative library services.** – (a) Any city or town may enter into an
32 agreement with another city or town, or more than one other, to establish or maintain free public
33 library service, or one or more aspects thereof to citizens therein, and those agreements for
34 cooperative library service shall be valid when approved and accepted by the boards of trustees or

1 other governing bodies of the libraries concerned, and by the respective city or town councils of
2 the cities and towns parties to the agreement, and signed by the appropriate library officers and
3 city or town officials thereunto authorized.

4 (b) Agreements for cooperative library service may be entered into by and between two
5 (2) or more free public libraries, whether or not they are in the same city or town; provided,
6 however, in the case of a free public library established or existing under the provisions of section
7 29-4-1, the agreement shall not be valid until it has been approved and accepted by the council of
8 the city or town where the library is located.

9 (c) These agreements shall be reported to the ~~department of state library services~~ [office](#)
10 [of library and information services](#), and such appropriate and equitable adjustments in annual
11 grants-in-aid under this chapter shall be made as the circumstances may require.

12 **29-6-6. Construction and capital improvements.** -- The ~~department of state library~~
13 ~~services~~ [office of library and information services](#) may cause to be paid to a city or town
14 treasurer, or to any free public library in the state, such a grant-in-aid for the construction and
15 capital improvement of any free public library as the ~~director of state library services~~ [chief library](#)
16 [officer](#) may determine is necessary and desirable to provide better free library services to the
17 public, which shall be paid in accordance with the following provisions:

18 (1) No grant-in-aid shall be made unless the city or town receiving the grant-in-aid shall
19 cause to be appropriated for the same purpose an amount from its own funds and not from any
20 federal grant or other federal financial assistance equal to or more than the state grant-in-aid, or
21 unless funds from private sources are dedicated for the same purpose in an amount equal to or
22 more than the state grant-in-aid, or unless the total of the city or town appropriation and the funds
23 from private sources for the same purpose is equal to or more than the state grant-in-aid.

24 (2) The state grant-in-aid may be paid in installments over a period of years up to a
25 maximum of twenty (20) years, beginning in the fiscal year during which the project is accepted
26 by the ~~department of state library services~~ [office of library and information services](#). Whenever a
27 grant-in-aid is paid on the installment basis permitted herein, there shall be included in the state
28 grant-in-aid the interest cost actually incurred by the city or town, or any free public library, as a
29 result of its having to borrow the state's portion of the total cost of the library project. The amount
30 of this interest cost shall be computed on the actual interest cost paid by the city or town, or free
31 public library, less any applicable accrued interest, premiums, and profits from investments, over
32 the period of time elapsing between the date borrowed funds are made available and the date of
33 the last installment payment of the state grant-in-aid. Interest cost incurred by the city or town, or
34 any free public library, as a result of having to borrow its portion of the total cost of the library

1 project shall not be considered a part of the total cost of the project for the purposes of matching
2 provided for in paragraph (1) of this section. Nothing contained herein shall prohibit the
3 ~~department of state library services~~ office of library and information services from accelerating
4 the schedule of annual installments, or from paying the balance due of the state's grant-in-aid in a
5 lump sum; provided, however, that the state grant-in-aid in any fiscal year shall include no less
6 than one-twentieth (1/20) of the state's total reimbursable principal obligations.

7 **29-6-8. Eligibility requirements -- Institutions.** -- (a) To qualify for state aid under
8 section 29-6-7, an institution shall:

9 (1) Allocate from its appropriation an amount not less than the amount allocated and
10 expended the previous year for operating expenditures to support library services for residents or
11 students; and

12 (2) Submit or cause to be submitted to the ~~department of state library services~~ office of
13 library and information services evidence that the library or libraries in the institution meet
14 standards of service as set forth in regulations to be made by the ~~director of state library services~~
15 chief library officer pursuant to the provisions of chapter 3.1 of this title.

16 (b) Any funds received from the state under this program shall not be used to supplant
17 funds from other sources.

18 (c) The ~~director of state library services~~ chief library officer, upon application and for
19 cause shown, may authorize an annual grant-in-aid under section 29-6-7, or a portion thereof, to
20 an institution not fully meeting the requirements set forth in subsections (a) and (b) of this
21 section.

22 (d) Decisions as to the eligibility of institutions for grants-in-aid under this chapter, and
23 the amounts of the grants-in-aid, shall be made by the ~~director of state library services~~ chief
24 library officer.

25 **29-6-9. Rhode Island library network.** -- (a) In order to provide each individual in
26 Rhode Island with equal opportunity of access to resources that will satisfy their and society's
27 information needs and interests, office of library and information services is hereby authorized to
28 establish a Rhode Island ~~library~~ Library network, hereafter referred to as the library of Rhode
29 Island network (LORI), to be administered by the office of library and information services for
30 the purpose of maintaining, promoting, and developing a program of statewide resource sharing
31 and interlibrary cooperation. The office of library and information services shall include as part of
32 its budget a budget for the administration and operation of the Rhode Island library network to:

33 (1) Provide central support services for the library of Rhode Island, such as delivery of
34 materials, telecommunications, consultant services, resource sharing and access to bibliographic

1 and other information sources;

2 (2) Reimburse libraries for the actual cost of providing services to individuals outside the
3 library's primary clientele; and

4 (3) Support the development, maintenance of, and access to the resource sharing
5 potential embodied in specialized collections and services at the Providence public library and
6 other libraries which can be provided most cost-effectively on a statewide basis.

7 (b) By fiscal year 2000, the state shall provide from state and federal revenue sources
8 one hundred percent (100%) of the funding for the following statewide library services:

9 (1) Reference resource center at the Providence public library;

10 (2) Interlibrary delivery system;

11 (3) Interlibrary telecommunications system;

12 (4) Electronic interlibrary loan system; and

13 (5) Statewide catalog of all library holdings.

14 (6) [Deleted by P.L. 1996, ch. 100, art. 29, section 1.]

15 (c) Notwithstanding the provisions of subsection (b), the funding for the statewide
16 library catalog and the statewide access to databases shall be subject to appropriation by the
17 general assembly. The duty imposed upon the office of state library and information services to
18 create and maintain a statewide library catalog and provide statewide access to databases shall be
19 subject to appropriation by the general assembly.

20 SECTION 3. This act shall take effect upon passage.

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LC00854
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO LIBRARIES

1 This act would place the office of library and information services under the direction of
2 a chief library officer rather than a chief information officer. It would place the position of chief
3 library officer in the classified service with a salary established in accordance with the terms of
4 the pay plan for classified employees. It would delete references to the "department of state
5 library services" and replace them with "office of library and information services". It would also
6 delete the position of chief information officer.

7 This act would take effect upon passage.

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