

AMENDED IN SENATE MARCH 8, 2012

**SENATE BILL**

**No. 1044**

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**Introduced by Senator Liu**

February 6, 2012

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An act to amend ~~Section~~ Sections 18720, 18725, 18747, and 19401 of, to repeal Sections 18741, 18742, 1 8749, and 1 8750 of, and to repeal Chapter 4.5 (commencing with Section 18800) of Part 11 of Division 1 of Title 1 of, the Education Code, relating to libraries.

LEGISLATIVE COUNSEL'S DIGEST

SB 1044, as amended, Liu. ~~Library districts: territory. Libraries: administration.~~

*(1) 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. Under the act, a library system, constituted as specified, receives an annual allowance for the improvement and maintenance of coordinated reference service support to the members of the system. The act authorizes a library system to apply for funds for special services programs, as defined. The act requires a library system to apply for funds for intrasystem communications and delivery and for planning, coordination, and evaluation of overall systemwide services. The act also requires each system to establish an administrative council and an advisory board, each with specified duties.*

*This bill would delete the annual allowance for the improvement and maintenance of coordinated reference service support to the members of a library system. The bill would also delete the authorization for a library system to apply for funds for special services programs. The*

*bill would delete the requirement that a library system establish a specified advisory board. The bill would make technical and conforming changes.*

*(2) The Library of California Act augments the services provided under the California Library Services Act and establishes regional library networks composed of libraries that agree to share services and resources with one another. The Library of California Act establishes the Library of California Board, and provides that the initial members of the board shall be those persons serving on the California Library Services Board at the time of the enactment of the Library of California Act. Existing law provides for a transition period from the California Library Services Act services and funding to the Library of California Act services and funding, and repeals the California Library Services Act upon completion of the transition.*

*This bill would repeal the Library of California Act. The bill would require that, on January 1, 2013, the members of the California Library Services Board be those persons serving on the Library of California Board, who shall serve for the duration of their terms.*

*(3) Existing law authorizes the organization of a library district and provides that a library district may include incorporated or unincorporated territory, or both, in any one or more counties, so long as the territory of the district consists of contiguous parcels and it does not divide the territory of a city.*

*This bill would delete the conditions that the territory of a library district consist of contiguous parcels and that the territory of no city be divided.*

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

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 18720 of the Education Code is amended*
- 2     *to read:*
- 3     18720. (a) There is hereby established in the state government
- 4     the California Library Services Board, to consist of 13 members.
- 5     The Governor shall appoint nine members of the board. Three of
- 6     the Governor's appointments shall be representative of laypersons,
- 7     one of whom shall represent people with disabilities, one of whom
- 8     shall represent limited- and non-English-speaking persons, and
- 9     one of whom shall represent economically disadvantaged persons.

1 (b) The Governor shall also appoint six members of the board,  
2 each of whom shall represent one of the following categories:  
3 school libraries, libraries for institutionalized persons, public library  
4 trustees or commissioners, public libraries, special libraries, and  
5 academic libraries.

6 (c) The Legislature shall appoint the remaining four public  
7 members from persons who are not representative of categories  
8 mentioned in this section. Two shall be appointed by the Senate  
9 Rules Committee and two shall be appointed by the Speaker of  
10 the Assembly.

11 (d) The terms of office of members of the board shall be for  
12 four years and shall begin on January 1 of the year in which the  
13 respective terms are to start.

14 (e) *On January 1, 2013, the members of the board shall be those*  
15 *persons serving on the former Library of California Board,*  
16 *appointed pursuant to former Section 18820, as it existed on*  
17 *December 31, 2012, who shall serve for the duration of their terms.*

18 *SEC. 2. Section 18725 of the Education Code is amended to*  
19 *read:*

20 18725. The state board shall serve as the State Advisory  
21 Council on Libraries for the purpose of meeting the requirements  
22 of the federal Library Services and ~~Construction~~ *Technology Act.*

23 *SEC. 3. Section 18741 of the Education Code is repealed.*

24 ~~18741. (a) Each system described in Section 18740 shall~~  
25 ~~receive an annual allowance for the improvement and maintenance~~  
26 ~~of coordinated reference service support to the members of the~~  
27 ~~system. Following the effective date of this chapter, if there occurs~~  
28 ~~a consolidation among individual public libraries that, as of the~~  
29 ~~effective date of this chapter, are members of a system, the per~~  
30 ~~member allowance to the system shall continue at the same level~~  
31 ~~as if the consolidation had not taken place.~~

32 ~~(b) After identifying the needs of the underserved, each system~~  
33 ~~shall use a fair and equitable portion of its reference allowance to~~  
34 ~~improve the system's reference service to its underserved~~  
35 ~~population through appropriate collection development, provision~~  
36 ~~of reference specialists, and staff training. Funds for the reference~~  
37 ~~grant may also be used for general and specialized reference~~  
38 ~~collection development, employment of reference specialists, and~~  
39 ~~system-wide reference training.~~

40 *SEC. 4. Section 18742 of the Education Code is repealed.*

1     ~~18742. Any system may apply to the state board for funds for~~  
 2 ~~Special Service Programs on a system-wide basis. Proposals shall~~  
 3 ~~identify the needs of the target service group, assess the capacity~~  
 4 ~~of the applicant system to respond to those needs, and shall identify~~  
 5 ~~the activities and timelines necessary to achieve those objectives.~~  
 6 ~~Systems may also apply for funds for other system-wide programs,~~  
 7 ~~but such programs shall include a component for serving the~~  
 8 ~~underserved on a system-wide basis.~~

9     ~~SEC. 5. Section 18747 of the Education Code is amended to~~  
 10 ~~read:~~

11     ~~18747. (a) Each system shall establish an administrative~~  
 12 ~~council whose membership consists of the head librarians of each~~  
 13 ~~jurisdiction in the system. Duties of the administrative council~~  
 14 ~~shall include general administrative responsibility for the system,~~  
 15 ~~adopting a system plan of service, and submitting annual proposals~~  
 16 ~~to the state board for implementation of the provisions of this~~  
 17 ~~article.~~

18     ~~(b) Each system shall establish an advisory board consisting of~~  
 19 ~~as many members as there are member jurisdictions of the system.~~  
 20 ~~The governing body of each member jurisdiction shall appoint one~~  
 21 ~~member to the advisory board from among its residents.~~

22     ~~SEC. 6. Section 18749 of the Education Code is repealed.~~

23     ~~18749. The term of any member of a system advisory board~~  
 24 ~~shall be for two years, and each member shall serve no more than~~  
 25 ~~two consecutive terms. Staggered terms shall be established by~~  
 26 ~~drawing of lots at the first meeting of the advisory board so that a~~  
 27 ~~simple majority of the members shall initially serve a two-year~~  
 28 ~~term, and the remainder initially a one-year term.~~

29     ~~The appointing jurisdiction shall ensure that members of a system~~  
 30 ~~advisory board are representative of the public-at-large and of the~~  
 31 ~~underserved residents in the system service area.~~

32     ~~SEC. 7. Section 18750 of the Education Code is repealed.~~

33     ~~18750. The duties of each system advisory board shall include,~~  
 34 ~~but are not limited to, the following:~~

35     ~~(a) Assisting the Administrative Council in the development of~~  
 36 ~~the system plan of service.~~

37     ~~(b) Advising the Administrative Council on the need for services~~  
 38 ~~and programs.~~

39     ~~(c) Assisting in the evaluation of the services provided by the~~  
 40 ~~system.~~

1     *SEC. 8. Chapter 4.5 (commencing with Section 18800) of Part*  
2     *11 of Division 1 of Title 1 of the Education Code is repealed.*

3     ~~SECTION 1.~~

4     *SEC. 9.* Section 19401 of the Education Code is amended to  
5     read:

6     19401. The library district may include incorporated or  
7     unincorporated territory, or both, in any one or more counties.

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