

Chapter 676

(House Bill 1115)

AN ACT concerning

Libraries – Regional Resource Centers – Governance Requirements

FOR the purpose of altering the requirements for governance of libraries designated as regional resource centers; establishing a governing board for each regional resource center; and generally relating to regional resource centers and libraries.

BY repealing and reenacting, with amendments,

Article – Education

Section 23–202

Annotated Code of Maryland

(2022 Replacement Volume)

BY adding to

Article – Education

Section 23–202.1

Annotated Code of Maryland

(2022 Replacement Volume)

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

Article – Education

23–202.

(a) The boards of library trustees of at least three public library systems outside the standard metropolitan statistical areas defined by the United States Bureau of the Census may request the State Library Board to establish and maintain a regional resource center.

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

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

(2) Subject to approval by the State Library Board, the boards of library trustees of the participating library systems shall designate the library to serve as the resource center.

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

- (i) The strongest library in the region; and
- (ii) Located so as to be of greatest service to the entire region.]

(d) (1) There is a board of advisors for each regional resource center **THAT SHALL ACT AS THE REGIONAL ADVISORY COUNCIL.**

(2) The [board of advisors] **COUNCIL** consists of [two individuals selected by the board of trustees of each participating library system to represent its library]:

(I) THE DIRECTOR OF THE REGIONAL RESOURCE CENTER; AND

(II) THE DIRECTOR OF EACH MEMBER LIBRARY SYSTEM.

(3) The [board of advisors] **COUNCIL** for each regional resource center shall:

(i) Gather information on the resource needs of its region [and this State]; **AND**

[(ii) Before State funds are distributed to it, make an annual report to the State Library Board that evaluates and makes recommendations on the operation of the center;

(iii) Recommend to the board of trustees of the library designated as the regional resource center and to the State Library Board policies and procedures for the development and use of the regional resource center;]

[(iv)] **(II)** Promote the use of the regional resource center[;

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

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

[(e) (1) The head of each regional resource center is the administrator of the library designated as the center.

(2) The administrator shall operate the regional resource center under standards adopted by the State Library Board.

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

- (i) Recommended by the board of trustees of the library designated as the center; and
- (ii) Approved by the board of advisors of the center.]

(E) (1) THE DIRECTOR OF THE REGIONAL RESOURCE CENTER IS THE EXECUTIVE OFFICER OF THE REGIONAL RESOURCE CENTER.

(2) THE DIRECTOR:

(I) IS APPOINTED BY THE GOVERNING BOARD ESTABLISHED IN ACCORDANCE WITH § 23–202.1 OF THIS SUBTITLE; AND

(II) SHALL SERVE AT THE PLEASURE OF THE GOVERNING BOARD.

(3) THE DIRECTOR SHALL:

(I) BE ELIGIBLE FOR CERTIFICATION AS A PROFESSIONAL LIBRARY DIRECTOR BY THE STATE SUPERINTENDENT OF SCHOOLS AS SET FORTH IN COMAR 14.38.01.01;

(II) HAVE THE POWERS AND DUTIES SET FORTH IN THIS TITLE;
AND

(III) APPOINT, PROMOTE, FIX SALARIES, ASSIGN DUTIES, AND TERMINATE PERSONNEL OF THE REGIONAL RESOURCE CENTER.

(F) (1) THE DIRECTOR SHALL OPERATE THE REGIONAL RESOURCE CENTER IN ACCORDANCE WITH:

(I) THE STANDARDS ADOPTED BY THE STATE LIBRARY BOARD;
AND

(II) THE POLICIES ADOPTED BY THE GOVERNING BOARD.

(2) THE DIRECTOR SHALL:

(I) PREPARE AND SUBMIT FOR THE APPROVAL OF THE GOVERNING BOARD THE ANNUAL BUDGET OF THE REGIONAL RESOURCE CENTER;

(II) ADOPT AND SUBMIT FOR THE APPROVAL OF THE GOVERNING BOARD REASONABLE RULES AND BYLAWS TO CARRY OUT THIS SECTION; AND

(III) RECOMMEND TO THE GOVERNING BOARD THE PURCHASE, CONDEMNATION, RENTAL, USE, SALE, OR CONVEYANCE OF PROPERTY FOR ANY VALID PURPOSE UNDER THIS SECTION.

(G) THE POLICIES AND PROCEDURES OF THE REGIONAL RESOURCE CENTER SHALL BE:

(1) RECOMMENDED BY THE BOARD OF TRUSTEES OF THE LIBRARY DESIGNATED AS THE REGIONAL RESOURCE CENTER; AND

(2) APPROVED BY THE COUNCIL.

[(f)] (H) Each regional resource center shall:

- (1) Make interlibrary loans of books and materials;**
- (2) Supply collections and exhibits of specialized materials;**
- (3) Provide consultant services;**
- (4) Organize [inservice] IN-SERVICE training for library staffs; and**
- (5) Develop and operate cooperative services among libraries.**

23-202.1.

(A) THERE IS A GOVERNING BOARD FOR EACH REGIONAL RESOURCE CENTER.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A GOVERNING BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(I) A LIBRARY TRUSTEE FROM EACH PARTICIPATING LIBRARY SYSTEM; AND

(II) UP TO ~~TWO MEMBERS~~ ONE MEMBER OF THE PUBLIC FROM EACH AREA SERVED BY THE PARTICIPATING LIBRARY SYSTEMS.

(2) (I) THE BOARD OF TRUSTEES OF THE WASHINGTON COUNTY FREE LIBRARY SHALL ACT AS THE GOVERNING BOARD FOR THE WESTERN MARYLAND REGIONAL RESOURCE CENTER.

(II) THE BYLAWS ADOPTED BY THE BOARD OF TRUSTEES OF THE WASHINGTON COUNTY FREE LIBRARY SHALL GOVERN THE COMPOSITION, APPOINTMENT, QUALIFICATIONS, TERMS, AND STRUCTURE OF THE GOVERNING BOARD.

(C) A MEMBER APPOINTED TO A GOVERNING BOARD MUST:

(1) BE OF GOOD CHARACTER;

(2) HAVE DEMONSTRATED ABILITY AND INTEREST IN LIBRARY MATTERS; AND

(3) BE A RESIDENT OF ONE OF THE COUNTIES PARTICIPATING IN AND BEING SERVED BY THE REGIONAL RESOURCE CENTER.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE MEMBERS OF THE GOVERNING BOARD SHALL BE APPOINTED BY THE GOVERNING BOARD.

(2) THE INITIAL MEMBERS OF A GOVERNING BOARD SHALL BE APPOINTED BY THE REGIONAL ADVISORY COUNCIL OF THE REGIONAL RESOURCE CENTER.

(E) A MEMBER OF A GOVERNING BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE GOVERNING BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES IN ACCORDANCE WITH THE RULES, POLICIES, AND BYLAWS OF THE REGIONAL RESOURCE CENTER.

(F) (1) EACH MEMBER SERVES FOR A TERM OF 5 YEARS BEGINNING JULY 1 IMMEDIATELY FOLLOWING THE MEMBER'S APPOINTMENT AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(2) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE TERMS.

(3) (I) THE GOVERNING BOARD SHALL APPOINT A QUALIFIED INDIVIDUAL TO FILL ANY VACANCY IN THE MEMBER'S POSITION FOR THE REMAINDER OF THAT TERM UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(II) A MEMBER APPOINTED TO FILL A VACANCY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY SERVE FOR TWO ADDITIONAL TERMS.

(G) (1) A GOVERNING BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS EACH YEAR.

(2) A GOVERNING BOARD MAY ELECT ANY OTHER OFFICERS DETERMINED NECESSARY BY THE BOARD.

(3) IF A GOVERNING BOARD ELECTS A TREASURER, THE TREASURER SHALL BE APPROPRIATELY BONDED.

(H) (1) A GOVERNING BOARD:

(I) SHALL DETERMINE THE TIME AND PLACE OF ITS MEETINGS;
AND

(II) MAY ADOPT RULES FOR THE CONDUCT OF ITS MEETINGS.

(2) A GOVERNING BOARD SHALL MEET AT LEAST ONCE EVERY 3 MONTHS.

(3) A GOVERNING BOARD IS SUBJECT TO THE OPEN MEETINGS ACT.

(4) A MAJORITY OF THE APPOINTED MEMBERS OF THE GOVERNING BOARD IS A QUORUM.

(I) (1) A MEMBER OF A GOVERNING BOARD WHO FAILS TO ATTEND AT LEAST 50% OF THE SCHEDULED MEETINGS OF THE BOARD DURING ANY CONSECUTIVE 12-MONTH PERIOD SHALL BE CONSIDERED TO HAVE RESIGNED.

(2) IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE GOVERNING BOARD, THE GOVERNING BOARD MAY WAIVE THE RESIGNATION.

(3) THE CHAIR OF A GOVERNING BOARD SHALL REPORT THE MEMBER'S NAME AND NONATTENDANCE TO THE STATE LIBRARY BOARD WITHIN 45 DAYS AFTER THE END OF THE 12-MONTH PERIOD.

(4) THE GOVERNING BOARD SHALL FILL ANY VACANCY IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.

(J) (1) IN ADDITION TO THE OTHER POWERS EXPRESSLY GRANTED AND DUTIES IMPOSED BY THIS SUBTITLE, A GOVERNING BOARD HAS THE POWERS AND DUTIES SET FORTH IN THIS SUBSECTION.

(2) A GOVERNING BOARD SHALL:

(I) SELECT AND APPOINT, WITH THE ADVICE OF THE STATE LIBRARIAN, A PROFESSIONAL LIBRARIAN TO SERVE AS DIRECTOR OF THE REGIONAL RESOURCE CENTER;

(II) DETERMINE THE POLICIES OF THE REGIONAL RESOURCE CENTER;

(III) ADOPT REASONABLE RULES AND BYLAWS FOR THE USE OF THE REGIONAL RESOURCE CENTER AND THE CONDUCT OF ITS BUSINESS;

(IV) APPROVE THE REGIONAL RESOURCE CENTER BUDGET;

(V) IN ACCORDANCE WITH THE REGULATIONS AND LAWS OF THE STATE, RECEIVE, ACCOUNT FOR, CONTROL, AND SUPERVISE THE SPENDING OF ALL PUBLIC FUNDS RECEIVED BY THE REGIONAL RESOURCE CENTER;

(VI) PUBLISH THE RESULTS OF THE AUDIT CONDUCTED UNDER PARAGRAPH (4)(II) OF THIS SUBSECTION; AND

(VII) SUBMIT A REPORT TO THE STATE LIBRARIAN ON OR BEFORE NOVEMBER 1 EACH YEAR THAT INCLUDES:

1. THE AMOUNT OF MONEY RECEIVED FROM THE LIBRARY FUND AND OTHER SOURCES;

2. ITEMIZED EXPENSES;

3. THE NUMBER OF BOOKS AND PERIODICALS IN THE POSSESSION OF AND OWNED BY THE REGIONAL RESOURCE CENTER;

4. THE RESULTS OF THE ANNUAL AUDIT; AND

5. ANY OTHER INFORMATION REQUIRED BY THE STATE LIBRARY BOARD.

(3) A GOVERNING BOARD MAY:

(I) APPLY, ACCEPT, AND EXPEND ANY GIFT, APPROPRIATION, OR GRANT FROM THE STATE, COUNTY, OR FEDERAL GOVERNMENT OR ANY OTHER PERSON ON BEHALF OF THE REGIONAL RESOURCE CENTER;

(II) RECOMMEND THE PURCHASE, CONDEMNATION, RENTAL, ACQUISITION, USE, OR CONVEYANCE OF PROPERTY FOR ANY VALID PURPOSE UNDER THIS SECTION;

(III) RECOMMEND PLANS FOR THE REGIONAL RESOURCE CENTERS, INCLUDING THE USE OF FACILITIES OF PARTICIPATING LIBRARIES, ADDITIONS TO THE FACILITIES OF PARTICIPATING LIBRARIES, OR NEW FACILITIES SEPARATE FROM THE EXISTING FACILITIES OF PARTICIPATING LIBRARIES;

(IV) SELECT THE LOCATION OF AND APPROVE PLANS FOR THE ERECTION OF REGIONAL RESOURCE CENTER BUILDINGS, SUBJECT TO THE APPROVAL OF THE STATE LIBRARY BOARD AND THE GOVERNOR;

(V) MAKE AGREEMENTS WITH ANY PERSON FOR ANY LIBRARY SERVICE; AND

(VI) PERFORM ANY OTHER ACTIONS NECESSARY FOR THE PROPER CONTROL AND DEVELOPMENT OF THE REGIONAL RESOURCE CENTER.

(4) IN ADDITION TO OTHER REPORTS THAT MAY BE REQUIRED BY THE STATE LIBRARY BOARD, THE BOARD SHALL:

(I) KEEP RECORDS THAT ARE CONSISTENT WITH SOUND BUSINESS PRACTICES AND ACCOUNTING RECORDS THAT USE GENERALLY ACCEPTED ACCOUNTING PRINCIPLES;

(II) CAUSE AN AUDIT BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT APPROVED BY THE STATE LIBRARIAN TO BE MADE OF THE ACCOUNTS AND TRANSACTIONS OF THE REGIONAL RESOURCE CENTER AT THE CONCLUSION OF EACH FISCAL YEAR; AND

(III) FOR ANY STATE MONEY, BE SUBJECT TO AN AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS, IN ACCORDANCE WITH §§ 2-1220 THROUGH 2-1227 OF THE STATE GOVERNMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

Approved by the Governor, May 16, 2023.