

CHAPTER 275

GOVERNMENT - STATE

SENATE BILL 00-085

BY SENATORS Dennis, Arnold, Dyer, Nichol, Reeves, and Teck;
also REPRESENTATIVES Dean, Bacon, Clarke, Gagliardi, Gotlieb, Hoppe, Kaufman, Kester, Lawrence, Mace, McKay, Miller,
Plant, Smith, Spence, Spradley, Tapia, Tochtrop, Vigil, Windels, Young, and Zimmerman.

AN ACT

CONCERNING THE ESTABLISHMENT OF A PROGRAM OF STATE GRANTS TO PUBLICLY-SUPPORTED LIBRARIES FOR THE PURCHASE OF EDUCATIONAL RESOURCES, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 24-90-105 (1) (a) (I), Colorado Revised Statutes, is amended to read:

24-90-105. Powers and duties of state librarian. (1) The state librarian has the following powers and duties with respect to the state library:

(a) (I) To make reasonable rules and regulations for the administration of the provisions of this part 1 AND PART 4 OF THIS ARTICLE; for the use of state library materials; for the purchase, control, and use of books and other resources; and for the establishment, maintenance, and operation of libraries maintained by the state in correctional institutions, medical and mental hospitals, youth facilities, training schools, regional centers, psychiatric centers, nursing homes, and community care centers.

SECTION 2. Article 90 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 4
LIBRARY GRANTS**

24-90-401. Short title. THIS PART 4 SHALL BE KNOWN AND MAY BE CITED AS THE "STATE GRANTS FOR LIBRARIES ACT".

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

24-90-402. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE PURPOSE OF THIS PART 4 IS TO PROMOTE MEANS WHEREBY THE STATE WILL MAKE GRANT MONEYS AVAILABLE TO PUBLICLY-SUPPORTED LIBRARIES, INCLUDING PUBLIC LIBRARIES, SCHOOL LIBRARIES, AND ACADEMIC LIBRARIES, TO ENABLE THESE INSTITUTIONS TO OBTAIN EDUCATIONAL RESOURCES THEY WOULD OTHERWISE BE UNABLE TO AFFORD, TO THE END THAT THE STATE WILL RECEIVE THE CORRESPONDING BENEFITS OF A BETTER EDUCATED AND INFORMED POPULATION.

24-90-403. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACADEMIC LIBRARY" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-90-103 (1).

(2) "COUNTY LIBRARY" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-90-103 (2).

(3) "EDUCATIONAL RESOURCES" MEANS ANY ONE OR ALL OF THE FOLLOWING: BOOKS, PERIODICALS, OR ANY OTHER FORM OF PRINT MEDIA; AUDIOVISUAL MATERIALS; AND ELECTRONIC INFORMATION RESOURCES.

(4) "ELECTRONIC INFORMATION RESOURCES" MEANS MATERIAL OF AN EDUCATIONAL OR INFORMATIONAL NATURE THAT MAY ONLY BE ACCESSED BY COMPUTER OR ELECTRONIC TERMINAL.

(5) "ELIGIBLE PARTICIPANT" MEANS A PUBLICLY-SUPPORTED LIBRARY THAT OTHERWISE SATISFIES THE REQUIREMENTS FOR GRANT ELIGIBILITY PURSUANT TO THIS PART 4.

(6) "FUND" MEANS THE STATE GRANTS TO PUBLICLY-SUPPORTED LIBRARIES FUND CREATED PURSUANT TO THIS PART 4.

(7) "JOINT LIBRARY" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-90-103 (4).

(8) "LIBRARY DISTRICT" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-90-103 (6).

(9) "MINOR" MEANS ANY PERSON UNDER THE AGE OF EIGHTEEN.

(10) "MUNICIPAL LIBRARY" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-90-103 (11).

(11) "PUBLIC ACCESS COMPUTER" MEANS A COMPUTER THAT IS:

(a) LOCATED IN A SCHOOL LIBRARY OR A PUBLIC LIBRARY; AND

(b) CONNECTED TO ANY COMPUTER COMMUNICATION SYSTEM.

(12) "PUBLIC LIBRARY" HAS THE SAME MEANING AS SET FORTH IN SECTION

24-90-103 (13).

(13) "PUBLICLY-SUPPORTED LIBRARY" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-90-103 (14).

(14) "REGIONAL LIBRARY SERVICE SYSTEM" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-90-103 (16).

(15) "SCHOOL LIBRARY" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-90-103 (18). FOR PURPOSES OF THIS PART 4, A "SCHOOL LIBRARY" SHALL BE THE EQUIVALENT OF THE LIBRARY SYSTEM ESTABLISHED AND MAINTAINED BY A PARTICULAR SCHOOL DISTRICT AND SHALL NOT MEAN EACH SEPARATE OR INDIVIDUAL LIBRARY FACILITY ESTABLISHED AND MAINTAINED BY SUCH SCHOOL DISTRICT.

(16) "STATE LIBRARIAN" MEANS THE COMMISSIONER OF EDUCATION, AS EX OFFICIO STATE LIBRARIAN PURSUANT TO SECTION 24-90-104 (2), OR ANY PERSON DESIGNATED BY HIM OR HER TO PERFORM ANY OF THE DUTIES AND RESPONSIBILITIES CHARGED TO THE STATE LIBRARIAN PURSUANT TO THIS PART 4.

24-90-404. Qualifications. (1) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, THE GOVERNING BODY OF ANY ELIGIBLE PARTICIPANT MAY SUBMIT AN APPLICATION TO THE STATE LIBRARIAN REQUESTING A GRANT PURSUANT TO THIS PART 4. ANY GRANT APPROVED BY THE STATE LIBRARIAN PURSUANT TO THE REQUIREMENTS OF THIS PART 4 SHALL BE AWARDED TO THE GOVERNING BODY THAT SUBMITTED SAID APPLICATION.

(2) IN ORDER TO OBTAIN GRANT MONEYS UNDER THIS PART 4, AND AS A CONDITION OF THE RECEIPT OF MONEYS UNDER SAID PART, EACH ELIGIBLE PARTICIPANT SHALL AGREE TO:

(a) USE ANY GRANT MONEYS ONLY FOR THE PURCHASE OR USE OF EDUCATIONAL RESOURCES TO SUPPORT THE EDUCATIONAL AND INFORMATIONAL NEEDS AND ACTIVITIES OF ITS RESIDENTS, STUDENTS, OR FACULTY, AS THE CASE MAY BE;

(b) PARTICIPATE AS THE STATE LIBRARIAN DEEMS APPROPRIATE IN VARIOUS PROGRAMS ESTABLISHED TO PROMOTE AND ENHANCE INTERLIBRARY SHARING OF RESOURCES AND INFORMATION INCLUDING, WITHOUT LIMITATION, THE COLORADO LIBRARY CARD RECIPROCAL PROGRAM AND THE COLORADO LIBRARY COMPUTER NETWORK;

(c) IN THE CASE OF A SCHOOL LIBRARY THAT PROVIDES ONE OR MORE PUBLIC ACCESS COMPUTERS:

(I) EQUIP EACH SUCH COMPUTER WITH SOFTWARE THAT WILL LIMIT THE ABILITY OF MINORS TO GAIN COMPUTER ACCESS TO MATERIAL THAT IS OBSCENE OR ILLEGAL;

(II) PURCHASE INTERNET CONNECTIVITY FROM AN INTERNET SERVICE PROVIDER THAT PROVIDES FILTER SERVICES TO LIMIT THE COMPUTER ACCESS OF MINORS TO MATERIAL THAT IS OBSCENE OR ILLEGAL; OR

(III) DEVELOP AND IMPLEMENT A POLICY, PUBLICLY ADOPTED BY THE BOARD OF

EDUCATION OF THE SCHOOL DISTRICT THAT MAINTAINS SUCH LIBRARY, THAT ESTABLISHES AND ENFORCES MEASURES TO RESTRICT MINORS FROM OBTAINING COMPUTER INFORMATION THAT IS OBSCENE OR ILLEGAL.

(d) IN THE CASE OF ANY PUBLICLY-SUPPORTED LIBRARY OTHER THAN A SCHOOL OR ACADEMIC LIBRARY THAT PROVIDES ONE OR MORE PUBLIC ACCESS COMPUTERS:

(I) EQUIP EACH SUCH COMPUTER WITH SOFTWARE THAT WILL LIMIT THE ABILITY OF MINORS TO GAIN COMPUTER ACCESS TO MATERIAL THAT IS OBSCENE OR ILLEGAL;

(II) PURCHASE INTERNET CONNECTIVITY FROM AN INTERNET SERVICE PROVIDER THAT PROVIDES FILTER SERVICES TO LIMIT THE COMPUTER ACCESS OF MINORS TO MATERIAL THAT IS OBSCENE OR ILLEGAL; OR

(III) DEVELOP AND IMPLEMENT A POLICY, PUBLICLY ADOPTED BY THE GOVERNING BODY OF SUCH LIBRARY, THAT ESTABLISHES AND ENFORCES MEASURES TO RESTRICT MINORS FROM OBTAINING COMPUTER INFORMATION THAT IS OBSCENE OR ILLEGAL.

(e) IN THE CASE OF ANY ELIGIBLE PARTICIPANT OTHER THAN AN ACADEMIC LIBRARY, MAINTAIN ITS CURRENT EFFORTS TO OBTAIN FUNDING FROM EXISTING LOCAL REVENUE SOURCES TO THE END THAT MONEYS RECEIVED UNDER THIS PART 4 DO NOT REPLACE OR DISPLACE EXISTING LOCAL REVENUE SOURCES;

(f) IN THE CASE OF AN ELIGIBLE PARTICIPANT THAT IS AN ACADEMIC LIBRARY, MAINTAIN ITS CURRENT EFFORTS TO OBTAIN FUNDING FROM OTHER FEDERAL OR STATE REVENUE SOURCES TO THE END THAT MONEYS RECEIVED UNDER THIS PART 4 DO NOT REPLACE OR DISPLACE EXISTING FEDERAL OR STATE REVENUE SOURCES;

(g) PERFORM OTHER SUCH REQUIREMENTS AS THE STATE LIBRARIAN DEEMS APPROPRIATE IN THE EXERCISE OF HIS OR HER DISCRETION TO FURTHER THE PURPOSES OF THIS PART 4.

(3) ELIGIBLE PARTICIPANTS SHALL APPLY FOR GRANTS MADE AVAILABLE PURSUANT TO THIS PART 4 ON OFFICIAL APPLICATION FORMS PROVIDED BY THE STATE LIBRARIAN. ELIGIBLE PARTICIPANTS SHALL PROVIDE SUCH INFORMATION ON SAID FORMS AS THE STATE LIBRARIAN MAY REQUIRE IN FURTHERANCE OF THE PURPOSES OF THIS PART 4.

(4) A SCHOOL LIBRARY OR PUBLIC LIBRARY THAT COMPLIES WITH PARAGRAPH (c) OR (d) OF SUBSECTION (2) OF THIS SECTION, AS THE CASE MAY BE, SHALL BE IMMUNE FROM ANY CRIMINAL OR CIVIL LIABILITY RESULTING FROM ACCESS BY A MINOR TO OBSCENE OR ILLEGAL MATERIAL THROUGH THE USE OF A PUBLIC ACCESS COMPUTER OWNED OR CONTROLLED BY SUCH SCHOOL OR PUBLIC LIBRARY.

24-90-405. Administration of the grants program - powers and duties of the state librarian. (1) THE STATE LIBRARIAN SHALL HAVE THE FOLLOWING POWERS AND DUTIES IN ADMINISTERING THIS PART 4:

(a) TO ADOPT AND PUBLICIZE CRITERIA REGARDING GRANTS MADE AVAILABLE PURSUANT TO THIS PART 4;

(b) TO REVIEW AND MONITOR THE EXPENDITURE OF GRANT MONEYS BY GRANT

RECIPIENTS;

(c) TO APPROVE REQUESTS FOR GRANTS UNDER THIS PART 4 AND TO DETERMINE THE AMOUNT OF MONEY TO BE AWARDED UNDER EACH GRANT. GRANTS MAY BE AWARDED SUBJECT TO THE LIMITATIONS OF THIS PART 4 AND IN THE FOLLOWING AMOUNTS:

(I) EACH PUBLIC LIBRARY THAT SATISFIES THE REQUIREMENTS OF THIS PART 4 MAY BE AWARDED GRANT MONEYS IN AN AGGREGATE AMOUNT THAT SHALL NOT BE LESS THAN THREE THOUSAND DOLLARS. NOTWITHSTANDING THE FACT THAT A PUBLIC LIBRARY AS DEFINED FOR PURPOSES OF THIS PART 4 MAY MAINTAIN MORE THAN ONE BRANCH OR OTHER SEPARATE FACILITY, A PUBLIC LIBRARY SHALL BE CONSIDERED THE EQUIVALENT OF ONE ELIGIBLE PARTICIPANT FOR PURPOSES OF THIS PART 4.

(II) EACH SCHOOL LIBRARY THAT SATISFIES THE REQUIREMENTS OF THIS PART 4 MAY BE AWARDED GRANT MONEYS IN AN AGGREGATE AMOUNT THAT SHALL NOT BE LESS THAN THREE THOUSAND DOLLARS. NOTWITHSTANDING THE FACT THAT A SCHOOL LIBRARY AS DEFINED FOR PURPOSES OF THIS PART 4 MAY MAINTAIN MORE THAN ONE SEPARATE OR INDIVIDUAL LIBRARY FACILITY UNDER ITS CONTROL, A SCHOOL LIBRARY SHALL BE CONSIDERED THE EQUIVALENT OF ONE ELIGIBLE PARTICIPANT FOR PURPOSES OF THIS PART 4.

(III) EACH ACADEMIC LIBRARY THAT SATISFIES THE REQUIREMENTS OF THIS PART 4 MAY BE AWARDED GRANT MONEYS IN AN AGGREGATE AMOUNT THAT SHALL NOT BE LESS THAN THREE THOUSAND DOLLARS. NOTWITHSTANDING THE FACT THAT AN INSTITUTION OF HIGHER EDUCATION MAY MAINTAIN MORE THAN ONE LIBRARY AT THE SAME OR ADDITIONAL CAMPUSES, EACH SUCH INSTITUTION SHALL BE CONSIDERED THE EQUIVALENT OF ONE ELIGIBLE PARTICIPANT FOR PURPOSES OF THIS PART 4.

(d) TO PROMULGATE REASONABLE RULES NECESSARY FOR THE ADMINISTRATION OF THIS PART 4 PURSUANT TO SECTION 24-90-105 (1) (a) (I) AND ARTICLE 4 OF THIS TITLE;

(e) TO EXERCISE ANY OTHER POWERS OR PERFORM ANY OTHER DUTIES THAT ARE CONSISTENT WITH THE PURPOSES OF THIS PART 4 AND THAT ARE REASONABLY NECESSARY FOR THE FULFILLMENT OF THE STATE LIBRARIAN'S RESPONSIBILITIES.

24-90-406. Reporting. ALL ELIGIBLE PARTICIPANTS RECEIVING FUNDS UNDER THIS PART 4 SHALL SUBMIT TO THE STATE LIBRARIAN BY JANUARY 1 OF EACH CALENDAR YEAR FOLLOWING THE YEAR IN WHICH A GRANT AWARD WAS MADE A REPORT CONTAINING A STATEMENT OF ALL MONEYS RECEIVED UNDER THIS PART 4, THE PURPOSES FOR WHICH THE MONEYS WERE USED, THE PARTICIPANT'S COMPLIANCE WITH THIS ARTICLE, AND SUCH OTHER INFORMATION THAT THE STATE LIBRARIAN MAY REQUIRE. ANY ELIGIBLE PARTICIPANT MAY SUBMIT THE INFORMATION REQUIRED TO BE SUBMITTED TO THE STATE LIBRARIAN PURSUANT TO THIS SECTION AS PART OF THE REPORTING OF ANY OTHER INFORMATION REQUIRED TO BE SUBMITTED TO THE STATE LIBRARIAN UNDER ANY OTHER APPLICABLE LAW BY THE DATE SPECIFIED IN THIS SECTION.

24-90-407. State grants to publicly-supported libraries fund - creation - source of funds - administrative costs. (1) THERE IS HEREBY CREATED IN THE

STATE TREASURY THE STATE GRANTS TO PUBLICLY-SUPPORTED LIBRARIES FUND, WHICH FUND SHALL BE ADMINISTERED BY THE STATE LIBRARIAN, AND WHICH SHALL CONSIST OF ALL MONEYS APPROPRIATED TO SAID FUND BY THE GENERAL ASSEMBLY AND ALL MONEYS COLLECTED BY THE STATE LIBRARIAN FOR PURPOSES OF THIS PART 4 FROM FEDERAL GRANTS AND OTHER CONTRIBUTIONS, GRANTS, GIFTS, BEQUESTS, AND DONATIONS RECEIVED FROM INDIVIDUALS, PRIVATE ORGANIZATIONS, OR FOUNDATIONS. SUCH MONEYS SHALL BE TRANSMITTED TO THE STATE TREASURER TO BE CREDITED TO THE FUND.

(2) ALL MONEYS IN SAID FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY. FOR ANY GIVEN FISCAL YEAR, NO MORE THAN TWO AND ONE-HALF PERCENT OF THE MONEYS APPROPRIATED FROM SAID FUND FOR THIS PART 4 SHALL BE EXPENDED FOR THE ADMINISTRATIVE COSTS OF THE STATE LIBRARIAN IN ADMINISTERING THIS PART 4. FOR ANY GIVEN FISCAL YEAR, IF SAID ADMINISTRATIVE COSTS AMOUNT TO LESS THAN TWO AND ONE-HALF PERCENT OF THE APPROPRIATION MADE, THE STATE LIBRARIAN MAY DISTRIBUTE THE DIFFERENCE BETWEEN AN AMOUNT EQUAL TO TWO AND ONE-HALF PERCENT OF THE AMOUNT OF THE APPROPRIATION MADE AND THE AMOUNT OF ADMINISTRATIVE COSTS ACTUALLY INCURRED TO THE REGIONAL LIBRARY SERVICE SYSTEM TO ASSIST PUBLICLY-SUPPORTED LIBRARIES IN MEETING THE ELIGIBILITY CRITERIA UNDER THIS PART 4.

24-90-408. Additional sources of funding. ANY ELIGIBLE PARTICIPANT MAY PURSUE ADDITIONAL SOURCES OF FUNDING FOR THE FINANCING OF THE PURCHASE OR USE OF EDUCATIONAL RESOURCES, INCLUDING, WITHOUT LIMITATION, GRANTS, DONATIONS, OR CONTRIBUTIONS FROM ANY OTHER PUBLIC OR PRIVATE SOURCE.

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the state grants to publicly-supported libraries fund created in section 24-90-407, Colorado Revised Statutes, for the fiscal year beginning July 1, 2000, the sum of two million dollars (\$2,000,000), to be used for purposes consistent with the creation of the fund.

(2) In addition to any other appropriation, there is hereby appropriated, out of the state grants to publicly-supported libraries fund created in section 24-90-407, Colorado Revised Statutes, to the department of education, for the fiscal year beginning July 1, 2000, the sum of two million dollars (\$2,000,000) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, no more than 2.5 percent shall be expended for the administrative costs of the state librarian in administering the act.

(3) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by two million dollars (\$2,000,000).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by two million dollars (\$2,000,000).

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 26, 2000