

Staff Findings and Recommendations Report

Council on Libraries

151st General Assembly, 2nd session



*Respectfully submitted to the
Joint Legislative Oversight and Sunset Committee
February 2022*

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The Joint Legislative Oversight & Sunset Committee (“JLOSC” or “Committee”) is a bipartisan 10-member legislative body which performs periodic legislative review of boards or commissions. The purpose of the oversight and sunset review is to decide genuine public need and if the entity is effectively performing. The Division of Research is a nonpartisan and confidential reference bureau for the General Assembly and supplies many services including staff support for JLOSC.

Special thanks: We appreciate the aid provided by Council on Libraries staff in conducting this review.

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ABOUT THIS REPORT

This is a staff findings and recommendations report (“staff report”) drafted by Division of Research staff on the sunset and oversight review (“review”) of the Council on Libraries. This report has staff recommendations for JLOSC review and discussion. Recommendations are not final until discussed and adopted by JLOSC with an affirmative vote by 7 members.

The review’s purpose is to find the public need for the entity and whether the entity is effectively performing to meet the need. The goal of the review is to supply strength and support to entities that are supplying a State recognized need.

JLOSC performs its duties with support provided by the Division of Research’s dedicated and nonpartisan staff in the form of two JLOSC research analysts, a legislative attorney, legislative fellow, and administrative assistant. JLOSC staff completes a performance evaluation of the entity under review and gives a staff report to JLOSC which includes research, analysis, key findings, and recommendations. During the review process, the following is not assumed:

- There is a genuine public need for the entity under review.
- That the entity is satisfactorily and effectively meeting public need.

Rather, the entity under review has the burden of showing, through the statutory criteria for review included in their self-report and analyst requested supplemental documentation, that there is a genuine public need, and that the entity is meeting that need.

JLOSC selected the Council on Libraries for review on March 25, 2021. During the review process the Council on Libraries supplied information by completing a self-report which had a performance review questionnaire.¹

Division of Research staff compiled the following findings and recommendations after completion of a performance evaluation which included thorough research and analysis outlined in the Objectives, Scope, and Methodology section of this report. Division of Research staff used national auditing and evaluation standards while conducting the performance evaluation. Those standards require that we plan and perform the evaluation to obtain sufficient evidence to supply a reasonable basis for our findings and conclusions based on our evaluation objectives. We believe that the evidence obtained supplies a reasonable basis for our findings and conclusions based on our evaluation objectives. The Objectives, Scope, and Methodology section discusses the fieldwork procedures used while developing the findings and recommendations presented in this report.

The recommendations contained in this report are not final until adopted by JLOSC by affirmative vote of 7 members. Under §10213(a), Title 29, the Committee must first decide whether there is a genuine public need for an entity under review. To meet this requirement, the Committee may select to continue or terminate the entity under review. JLOSC meets publicly to review and discuss its staff’s findings and recommendations, and the Committee is free to change, reject, or create brand new recommendations.

¹ Self-reports available on the Committee’s website, <https://legis.delaware.gov/Committee/Sunset>

The JLOSC statute authorizes the Committee to recommend 1 or more of the following:

- Continuation of the entity as is.
- Termination of the entity.
- Termination of any program within the entity.
- Consolidation, merger, or transfer of the entity or the entity's functions to another entity.
- Termination of the entity unless certain conditions are met or modifications are made, by legislation or otherwise within a specified period.
- Budget appropriation limits for the entity.
- Legislation which the Committee considers necessary to carry out its decision to continue or terminate the entity.

The information contained in this report, along with the previously published self-report², which includes background information from the entity under review, help the Committee in conducting a review of the entity and meeting its statutory requirements under Chapter 102, Title 29. The "Staff Findings" section of this report has information to support the following staff recommendations.

Next Steps

After the release of this report, JLOSC will hold a public hearing in early 2022 for each entity under review to present to the Committee and accept public comment on the scope of the review.³

The Committee will review all information received, including the findings and recommendations presented in this staff report. Recommendations become completed after review, discussion, and an affirmative vote of 7 JLOSC members. Committee members are not bound by recommendations presented by staff and are free to change, reject, or form new recommendations. Once JLOSC adopts recommendations, the review moves to the implementation phase which may include drafting legislation.

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² Self-Report is accessible on the Committee's website, <https://legis.delaware.gov/Committee/Sunset>

³ Public meeting notices found on the Committee's website and the State of Delaware's Public Meeting Calendar.

STAFF RECOMMENDATIONS

Recommendation #1, Option 1 – Continue the Council on Libraries

After review and analysis, JLOSC staff recommends option 1, continue the Council on Libraries, subject to any further recommendations that JLOSC adopts.

Continue or Terminate (standard JLOSC recommendation).

Option 1: The Council on Libraries shall continue, subject to any further recommendations that JLOSC adopts.

- OR -

Option 2: The Council on Libraries is terminated, and the Committee will sponsor legislation to implement this recommendation.

Recommendation #2 – Statute Revisions

JLOSC should consider sponsoring a bill to apply technical corrections to the governing statute of the Council on Libraries, Chapter 87, Title 29, and using this review as a guide, applying revisions to sections covering topics such as:

- Update Council composition.⁴
 - Define quorum.
- Update Public Library Technology Assistance Act to reflect the Delaware Library Consortium.⁵
- Update and move library references under Department of Education to Department of State.

JLOSC and Council on Libraries administrative staff will work together to develop statutory revisions. JLOSC staff will engage stakeholders as necessary.

Recommendation #3 – Release from Review.

Release the Council on Libraries from review upon enactment of legislation applying technical corrections and changing board composition listed under Recommendations 2.

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⁴ 29 Del. C. § 8732.

⁵ 29 Del. C. § 6602B.

STAFF FINDINGS

Finding #1

The Council on Libraries is engaged and involved in topics concerning libraries and library standards throughout the state, performing their statutory duties as an advisory body, and serving public interests well.

The Council on Libraries supplies a forum for all three counties to meet and discuss state library topics. Under current statute, the Council on Libraries serves in an advisory capacity and reviews topics concerned with libraries in general and library standards throughout the state.⁶ Additionally, the Council on Libraries can study, research, plan, and send advisory recommendations to the Governor, Secretary of State, or the General Assembly on issues determined proper to supply and support the best possible library services in Delaware.

During the period of review, the Council on Libraries held 19 meetings.⁷ Highlights include:

- Statewide Master Plan for Library Services and Construction.
 - Roadmap for public library construction.
 - Found number of libraries Delaware should have, locations, and sizes.
 - First state to develop plans for outdoor library spaces in response to Covid-19.
- Annually reviews library construction applications and supplies recommendations to the Secretary of State.
- Aided in establishment of the Delaware Library Consortium which includes:
 - Delaware Library Network for internet access.
 - Delaware Library Catalog.
 - Universal library card.
 - Statewide transit.
 - Shared library program calendar, online databases, and eMedia collections.
 - Statewide library data collection.
 - Public library PC replacement program.
- Annual Summer Library Reading Program is the longest running in the country.
 - Now in its 43rd year.
 - Dolly Parton's Imagination Library is the latest program launched for all Delawareans under age 5.
- Expansion of the Ada Leigh Soles Librarian Archivist Scholarship Loan Program.
 - Now includes doctoral degrees and an on-ramp through bachelor's degrees.
- Developing Overreaching Library Services and Technology Act Goals for 2023-2027.
- Plans to review library service areas based on 2020 Census results.
- Supplies information to state libraries on state and federal funding on construction, library services, and technology.

Finding #2

The Council on Libraries effectively reviews library construction applications and makes recommendations to the Secretary of State.

The Council on Libraries reviews construction applications annually based on established [criteria](#).⁸ Libraries interested in applying for construction funding contact the Delaware Division of Libraries to submit an application. The Council on Libraries review the preliminary list of requests in August and applicants present to the Council in the fall before final review and approval. The

⁶ 29 Del. C. § 8732

⁷ Review period: January 2019 – November 2021.

⁸ Additional Delaware Libraries Construction information available at: <https://libraries.delaware.gov/construction>.

Council reviews applications during public meetings, sending recommendations to the Secretary of State. As needed, Council discusses and reviews changes to construction applications to meet statewide goals.

Finding #3

The Council on Libraries named areas of Delaware Code to update and a desire to strengthen public school and Department of Correction library systems with better collaboration.

In speaking with Council members and staff, there are several library systems within the state such as Department of Corrections, school libraries, and academic libraries that could benefit from better collaboration. Currently, library systems in the Department of Corrections and public schools are not part of the Delaware Library Consortium and the goal is to develop seamless and inclusive services across all types of libraries in the state.

According to their self-report, Council on Libraries wishes to update the following sections of Delaware Code:

- Update Delaware Code, Public Library Technology Assistance Act.⁹
 - Reflect the Delaware Library Consortium.
- Update Council membership.¹⁰
- Update and move library references under Department of Education to Department of State.

Finding #4

This review observed FOIA compliance issues, however recent improvements detected.

The Council on Libraries is a public body as defined by the Freedom of Information Act (“FOIA”).¹¹ During the course of this review JLOSC staff reviewed the past 3 years of held meetings and checked for FOIA compliance on meeting notice, agendas, and minutes. Using FOIA open meeting requirements¹² the *FOIA Scorecard* below notes the following FOIA compliance items:

- Every meeting must be open to the public, except for valid exception under FOIA.
 - Executive session closed to the public for FOIA named purposes.
- Public notice of regular meetings posted at least 7 days in advance of the meeting.
 - Includes agenda if determined.
 - Posted within 6 hours in advance of the meeting with reason for posting delay included.
 - Posted in public location accessible to the public, including electronic posting on designated State of Delaware website.¹³
 - Includes date, time, and place of meeting.
 - Indicates intent to hold executive session (if applicable).
- Agenda is subject to change, changes may include:
 - Added items, including executive session.
 - Deletion of items, including executive session.

⁹ 29 Del. C. § 6602B.

¹⁰ 29 Del. C. § 8732.

¹¹ 29 Del. C. § 10002.

¹² 29 Del. C. § 10004.

¹³ Designated website is the Public Meeting Calendar: <https://publicmeetings.delaware.gov>

- Minutes recorded and made available for public inspection and copying as a public record. Minutes must include the following:
 - Record of members present.
 - Record by individual members of each vote taken and action agreed on.
- Final minutes posted within 5 working days of final approval.
 - Draft minutes posted within 20 working days of meeting conclusion for public bodies who meet 4 or fewer times per year.

FOIA Scorecard for January 2019 – October 2021	
Total Meetings Held and Open to Public	25
Properly Noticed Meetings	10
Properly Posted Agendas	14
Properly Posted Meeting Minutes	13
Missing Agendas	0
Missing Minutes	1
Minutes Contain Required Information	18
Agendas Contain Required Information	25
Number of Executive Sessions Held	0

JLOSC staff reviewed Delaware’s Public Meeting Calendar for all meetings held by the Council on Libraries during a 3-year review period (January 2019 – October 2021). The Public Meeting Calendar keeps a record of all administrative actions for a meeting date including announcement creation date and posting dates for agendas and minutes. During the review period, Council on Libraries properly noticed 10 out of 25 public meetings held, 7 meeting announcements did not supply 7 days’ notice, and 8 posted after the meeting date. All meeting announcements included agendas however, only 14 properly posted, 11 posted after the meeting date. All agendas posted had the needed FOIA information and no executive sessions held.

All meeting announcements included minutes except for the March 5, 2020 meeting. Council on Libraries said they missed this set of minutes during the onset of the pandemic and plan to review minutes at the next scheduled meeting on December 2, 2021. Twelve meeting announcements included properly posted meeting minutes and 12 sets posted late (6 posted more than 1 year after the meeting date). Of the 24 sets of posted minutes, 18 had the FOIA required information. The 6 remaining sets had issues with vote recording (missing motions) or did not list Council members present.

The Council on Libraries started holding virtual meetings in April of 2020 and the Delaware Libraries YouTube [page](#) contains meeting recordings of all meetings held since July 2, 2020. Virtual meetings allowed for more meeting attendance with public attendees. Hybrid meetings with an anchor location (other members attending virtually) began on August 12, 2021 and meeting minutes show individuals present at the anchor location. The hybrid meeting setup is impressive, and meetings run smoothly, with clear audio and rare disruptions. Their hybrid meeting setup should serve as a model for other boards and commissions in the state.

Despite the FOIA compliance issues seen during the review period, JLOSC analysts saw Council staff working on improvements and applying updates to the Public Meeting Calendar. JLOSC analysts do not anticipate FOIA compliance issues to be an ongoing concern and feel this review will supply the necessary reminders for ongoing compliance.

Finding #5

The Governor's office appoints 7 members, 4 longstanding vacancies. Membership changes to statute would positively help the Council.

According to statute, the Council on Libraries is composed of 13 members:¹⁴

- 2 members elected annually by each County Library Advisory Board.
 - Total of 6 members (3 counties).
- 7 members appointed by the Governor.
 - No majority representation of 1 major political party.
 - Any person who declines to state a political affiliation still eligible for appointment as a member.
 - After the first appointments, 3-year terms, no more than 2 consecutive terms.
- Chairperson chosen by the members of Council to serve for a term of 1 year and eligible for reelection.

In review of the past 3 years of meeting minutes, JLOSC staff noted the following observations:

- 9 consistent members serving.
 - 3 appointments from the Governor's office.
 - 1 member serving on 3rd term.
 - 2 members from Democratic Party, 1 from Republican Party.
 - 2 members from Sussex county, 1 member from New Castle county.
 - 6 appointments serving from each county.
 - 1 member elected from each County Library Advisory Board (3 members).
 - 1 county librarian from each county (3 members).
 - Operating for decades with each county's librarian serving on Council instead of another elected advisory board member as said in statute.
 - County librarian performs administrative tasks for each county's library advisory board.
 - Staff recommendation #2 includes statutory changes to board membership to clear up language to specifically include these members by job title and not from advisory board elections.

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¹⁴ 29 Del. C. § 8732.

Council on Libraries and the Governor’s office spoke in 2018 about changing membership but could not come to agreement. The Council on Libraries wants equal representation of all 3 counties in its membership and gave recommendations in 2018, however no legislative changes occurred. There are 4 long standing vacancies from the Governor’s office, ranging from 3 to 6 years. In reviewing all available materials including meeting minutes and member spreadsheets from Council on Libraries and the Governor’s office, the following is a chart of appointments from the Governor’s office:

Council on Libraries Membership: Governor’s office Appointments

Member	ApptDate	ReAppDate	ExpDate	Term	Vacant Date	County	Party Affiliation	Last CoL Meeting Date Observed from Available Minutes on Public Meeting Calendar
Bowes, Kay	11/17/2017	7/26/2021	7/26/2024	2		New Castle	D	current member
Fitzgerald, Carol	8/24/2012	7/26/2021	7/26/2024	3		Sussex	R	current member
Holland, Ilona, Ed.D	8/5/2015	10/25/2018	10/25/2021	2		Sussex	D	current member
Scott, Harlan	10/13/2008	8/24/2012	8/24/2015	2	12/31/2015	New Castle	I	5/1/2014
Baxter, Elizabeth	10/13/2008	8/24/2012	8/24/2015	2	official vacant date unknown	Sussex	R	10/5/2017
Menson, Susan	8/24/2012	4/29/2016	4/29/2019	2	official vacant date unknown	New Castle	D	3/1/2018
VanVessen, Elizabeth	12/14/2010	6/30/2014	6/30/2018	2	official vacant date unknown	Kent Castle	U	10/8/2018

Note: Current members serving on the Council on Libraries shown by yellow highlight. The last meeting dates are estimates based on available minutes from the Public Meeting Calendar. Some minutes were either not available or did not have a list of members present at the meeting. The Governor’s office supplied the vacant date for 1 member, the other 3 are unknown but confirmed to no longer be serving by meeting minutes and Council staff.

The Council on Libraries most recently spoke to the Governor’s office in summer of 2021 about current vacancies and discussed the current JLOSC review. All parties support changes to membership and JLOSC staff will work with Council and Governor’s office staff in implementing any recommendations adopted by JLOSC to update membership.

In addition to membership changes, JLOSC staff recommends adding quorum requirements to the Council on Libraries statute so that vacancies do not affect quorum. Staff has language used for other reviews to define quorum as 51% of appointed members so that vacancies do not negatively affect quorum. Membership and quorum changes will positively change the Council by reflecting longstanding Council operations and fixing long standing membership vacancies.

Finding #6

The Council on Libraries meet on a regular basis, members have a high attendance rate (81% or higher), chronic quorum issues not seen.

During the last 3 calendar years, the Council on Libraries met 7-10 times annually, 26 meetings in total, and members attended 81% or more of held meetings. We calculated an attendance rate of 88% or higher for 6 of the 9 members, the remaining 3 members held attendance rates between 81% and 85%. The Council only experienced quorum issues for 3 out of 7 meetings in 2019 and all meetings held since February 2020 met meeting quorum.

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Finding #7

The Council on Libraries supplies access to multiple training opportunities, engaged on a national level.

Council members and staff have access to multiple training opportunities, which include library conferences and other professional development opportunities. Council meetings supply information on upcoming offerings and events. During the pandemic there was a rise both in training offerings and participation.

Finding #8

Positive feedback received from public outreach survey.

JLOSC staff conducted a public outreach survey from August 9 – September 30, 2021 and received 11 responses for the Council on Libraries. Overall, the survey received mostly positive feedback, with 82% of respondents voting the Council on Libraries as very to extremely valuable to the State of Delaware. Critical comments received included a suggestion of more transparency on behind-the-scenes policies, increase in variety of print and electronic books, and website improvements to include more visuals, list of Council members, and the Council's purpose.¹⁵

Positive feedback received indicated pleasure with programming and support, effective and strong partnership with stakeholders, increases with public use of facilities, Council contributes to a strong library system in Delaware, and included a desire for more school librarian and school library system support.

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¹⁵ Council on Libraries website lists an update of August 12, 2021 and includes guiding principles, responsibilities, history, and meeting information.

OBJECTIVE, SCOPE, AND METHODOLOGY

Objective

A performance evaluation conducted as required under JLOSC statute and based on the following criteria¹⁶:

1. If the agency is a licensing agency, the extent to which the agency has permitted qualified applicants to be licensed.
2. The extent to which the agency has served the public interests.
3. The extent to which the agency has recommended statutory changes, and whether those changes directly benefit the public or whether those changes primarily benefit the agency or other entities and are of only indirect benefit to the public.
4. Review the implementation of recommendations contained in the final reports presented to the General Assembly and the Governor during previous legislative sessions.

Scope

This review covers a 5-year performance period except where noted.

JLOSC Statutory Criteria #1

If the agency is a licensing agency, the extent to which the agency has allowed qualified applicants to be licensed.

Methodology for JLOSC Statutory Criteria #1

The Council on Libraries is not a licensing agency but does receive, review, and make decisions about library construction applications. This review looked at the overall process and decisions the Council made over the past 5 years.

JLOSC Statutory Criteria #2

The extent to which the agency has served the public interests.

Methodology for JLOSC Statutory Criteria #2

The State of Delaware established the Council on Libraries to serve the Division of Libraries in an advisory capacity about state libraries and their standards and other matters as requested by the Governor, Secretary of the Department, or the General Assembly. As described in the fieldwork section of this report, this review explored the 2 main duties and responsibilities listed in statute¹⁷:

1. Serve in advisory capacity and advise on matters relating to state libraries and their standards.
2. Study, research, plan, and make advisory recommendations to the Governor, Secretary of the Department, or General Assembly on appropriate matters to facilitate the best possible library service in Delaware.

¹⁶ 29 Del. C. § 10209.

¹⁷ 29 Del. C. § 8732.

JLOSC Statutory Criteria #3

The extent to which the agency has recommended statutory changes, and whether those changes directly benefit the public or primarily benefit the agency or other entities and are of only indirect benefit to the public.

Methodology for JLOSC Statutory Criteria #3

This review took a closer look at recommendations provided by Council on Libraries in its completed self-report. JLOSC staff explored information relevant to these recommendations as described in the fieldwork listed in this section. For quick reference, Council on Libraries supplied the following recommendations in their self-report:

1. Changes to authorization about board membership.
2. Advise and be involved in solutions for the lack of coordination and opportunity for improvement of library services across state departments (such as Department of Education school libraries, Department of Correction, additional academic libraries). The next frontier is to develop more seamless and holistic services across all types of libraries.

JLOSC Statutory Criteria #4

Review the implementation of recommendations contained in the final reports presented to the General Assembly and the Governor during earlier legislative sessions.

Methodology for JLOSC Statutory Criteria #4

This is the first JLOSC review of the Council on Libraries, statutory criteria #4 is not applicable to this review.

Fieldwork completed

- Reviewed all information supplied by Council on Libraries staff.
 - Self-report.
 - Construction aid applications.
 - Construction aid instructions, guidance for libraries, current construction priority list, and lot size standards.
 - Past 5 years of Council motions and decisions.
 - Organizational chart.
 - Past 3 years of meeting minutes and agendas.
 - Technology timeline.
 - Legislative funding milestones.
- All available public documents such as annual reports, main plan, Council’s website, and available news articles.
- Current statute and proposed revisions.
- Council’s overall performance as it relates to current statute.
- Council’s compliance with Freedom of Information Act (“FOIA”).
 - Public meeting calendar: Council meeting notices, agendas, minutes.
- Council member size, quorum trends, and composition.
- Council member training opportunities.
- Surveyed the public to gather opinions and experiences with Council.
- Held two virtual public input sessions to collect added public comment on review.

- Held virtual meeting with Council on Libraries members and staff to discuss review.

Review Background

This is the first review of the Council on Libraries by JLOSC. This review began in April of 2021. Entity's support staff completed and returned a self-report in August of 2021. JLOSC staff conducted research and drafted this findings and recommendations report.

Background Research Synopsis

First formed in 1901, as the Delaware State Library Commission, the Council on Libraries serves in an advisory role to the Delaware Division of Libraries and the Delaware Department of State, with the primary purpose of developing library services statewide. Main duties of the Council on Libraries include supplying advice to the Delaware Division of Libraries and Department of State on matters relating to libraries and state library standards.¹⁸ Additional duties of the Council on Libraries include studying, researching, planning, and making recommendations to the Governor or the General Assembly.

To receive federal Library Services and Technology Act funding, states must have a State Library Agency and an advisory entity made up of stakeholders. In Delaware, the Delaware Division of Libraries serves as Delaware's State Library Agency, while the Council on Libraries serves as the advisory entity for purposes of Library Services and Technology Act funding.

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¹⁸ 29 *Del. C.* § 8732.



STATE OF DELAWARE
DEPARTMENT OF STATE
Council On Libraries
DIVISION OF LIBRARIES
121 Martin Luther King Jr Blvd N
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January 31, 2022

Joint Legislative Oversight and Sunset Committee
Legislative Hall
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sunset@delaware.gov

Dear JLOSC and Staff:

We appreciate the favorable *JLOSC Staff Findings and Recommendations* January 2022 draft report for the Council On Libraries, and accept the report as written.

Since the report was received, the missing meeting notes from March 2020, at the beginning of the pandemic, have been resolved and approved by the Council On Libraries and are now posted. We also appreciate the tips to improve our processes regarding meeting requirements.

We look forward to our upcoming meeting and working with you on next steps.

Sincerely,

Hilary Welliver, Ed.D.
Chair, Council On Libraries

Cc: Council On Libraries members
Annie Norman, State Librarian

§ 8730. Division of the Arts — Exemption from Bid Law.

The Division shall be exempt from Chapter 69 of this title.

(67 Del. Laws, c. 128, § 2.)

§ 8731. Division of Libraries.

(a) In addition to any other power granted or duties imposed under this title, the Division of Libraries shall exercise general direction and control over the furnishing of library services within this State. The Director of the Division shall be the State Librarian, who shall be a graduate of a school accredited by the American Library Association. The Division of Libraries shall have the following functions and duties:

(1) To provide information, resource materials and library services to state agencies, state and local governmental units and their subdivisions and, in the Department's discretion, to organizations in need of library services;

(2) To coordinate library services statewide in order to assure to every Delaware citizen free and equal access to services, resources and guidance in the use of such for lifelong learning, continuing self-educational, political, cultural, economic, recreational and intellectual enrichment;

(3) To receive, accept, administer and expend any money, materials or other aid granted, appropriated or otherwise provided by local, state or federal governments, or by any source, public or private, in accordance with the terms thereof, and for the purposes provided hereinafter;

(4) To foster the recruitment, development and maximum utilization of library personnel throughout the State;

(5) To encourage broad community participation in library development, program planning and the implementation of such plans;

(6) To establish and promote cooperation among all types of libraries (including but not limited to public, academic, school, and special) at all service levels;

(7) To ensure the State's compatibility to and reciprocity within an international information resources network;

(8) To administer the Statewide Delaware Library Network and the Statewide Delaware Library Consortium;

(9) To provide online access at each public library in state government to local, state, and federal documents and resources;

(10) To coordinate the provision of accessible library and information services for individuals with disabilities and to serve as the Delaware Regional Library for the Library of Congress Network of Libraries for the Blind and Physically Handicapped;

(11) To stimulate every Delaware library patron to fully utilize the State's cultural resource materials and technologies, and to maintain the individual's privacy, acceptable use, and right of access to those materials, and technologies;

(12) To offer resources which supplement and reinforce local libraries;

(13) To collect, compile, research, publish and disseminate information, including statistics, affecting the efficient operation of the State's library system;

(14) To recommend legislation to achieve meaningful statewide library development and use;

(15) To establish, interpret and administer standards of effective library services;

(16) To enter into contracts and agreements to provide or to obtain library services and materials; and

(17) To perform all other activities pertinent to the organizational function of library services.

(b) Every state agency shall provide the Department with access to electronic copies of all publications issued by such agencies for the purpose of making accessible to Delaware and other citizens resource materials published at the expense of the State.

(29 Del. C. 1953, § 8610; 57 Del. Laws, c. 583, § 1; 59 Del. Laws, c. 480, § 4; 65 Del. Laws, c. 290, § 1; 68 Del. Laws, c. 149, § 6; 69 Del. Laws, c. 346, § 1; 81 Del. Laws, c. 81, § 1.)

§ 8732. Council on Libraries.

(a) There is hereby established the Council on Libraries.

(b) The Council on Libraries shall serve in an advisory capacity to the Department and shall consider matters relating to libraries and library standards throughout the State and such other matters as may be referred to it by the Governor, the Secretary of the Department or the General Assembly. The Council on Libraries may study, research, plan and make advisory recommendations to the Governor, the Secretary of the Department or the General Assembly on matters it deems appropriate to provide the best possible library service in Delaware.

(c) The Council on Libraries shall be composed of 2 members who shall be elected annually by each County Library Advisory Board and who shall serve at its pleasure and 7 members appointed by the Governor. Of the 7 members appointed by the Governor, 3 members shall be appointed for a term of 1 year, 2 members shall be appointed for a term of 2 years and 2 members shall be appointed for a term of 3 years; at no time shall there be more than a bare majority representation of 1 major political party, but any person who declines to state a political affiliation shall be considered eligible for appointment as a member; and after the initial appointments, all terms shall be for 3 years. No member shall be appointed for more than 2 consecutive terms. The Chairperson of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of 1 year and shall be eligible for reelection.

(d) Members of the Council on Libraries shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties.

(e) A vacancy prior to the expiration of the term of a member of the Council on Libraries shall be filled only for the remainder of that term.

(29 Del. C. 1953, § 8611; 57 Del. Laws, c. 583, § 1; 59 Del. Laws, c. 480, § 5; 68 Del. Laws, c. 149, § 6; 70 Del. Laws, c. 186, § 1.)

§ 8733. Division of Human Relations.

(a) The Division of Human Relations is established, and shall be responsible for the performance of all the administrative, ministerial, fiscal and clerical functions of the State Human Relations Commission. The Director of the Division may appoint and remove employees of the Division as provided by law.

(b) Except as provided in subsection (a) of this section, the membership, remuneration, organization, meetings, powers, duties and functions of the State Human Relations Commission shall remain as prescribed in Chapters 45 and 46 of Title 6 and Chapter 30 of Title 31.

(29 Del. C. 1953, § 8604; 57 Del. Laws, c. 583, § 1; 68 Del. Laws, c. 149, § 7; 75 Del. Laws, c. 356, §§ 1, 2.)

§ 8734. State Council for Persons with Disabilities [Repealed].

Repealed by 76 Del. Laws, c. 391, § 13, effective July 17, 2008.

§ 8735. Division of Professional Regulation.

(a) The Division of Professional Regulation shall have the powers, duties and functions set forth in this section. The Division shall be responsible for the administrative, ministerial, budgetary, clerical and exclusive investigative functions (including but not limited to the appointment, removal, compensation and duties of employees) as provided by law of the following commissions, boards and agencies, with the exception that the Secretary of State shall not be precluded from entering into a memorandum of understanding with the Secretary of the Department of Health and Social Services for the purpose of allowing employees of the Department of Health and Social Services to function as inspectors, investigators and administrative support for the Board of Pharmacy:

- (1) Board of Accountancy as set forth in Chapter 1 of Title 24;
- (2) Board of Landscape Architecture as set forth in Chapter 2 of Title 24;
- (3) Board of Architects as set forth in Chapter 3 of Title 24;
- (4) Board of Podiatry as set forth in Chapter 5 of Title 24;
- (5) Board of Chiropractic as set forth in Chapter 7 of Title 24;
- (6) Licensing of deadly weapons dealers as set forth in Chapter 9 of Title 24;
- (7) State Board of Dentistry and Dental Hygiene as set forth in Chapter 11 of Title 24;
- (8) Board of Electrical Examiners as set forth in Chapter 14 of Title 24;
- (9) Commission on Adult Entertainment Establishments as set forth in Chapter 16 of Title 24;
- (10) Board of Medical Licensure and Discipline as set forth in Chapter 17 of Title 24;
- (11) Board of Nursing as set forth in Chapter 19 of Title 24;
- (12) Board of Occupational Therapy Practice as set forth in Chapter 20 of Title 24;
- (13) Board of Examiners in Optometry as set forth in Chapter 21 of Title 24;
- (14) Board of Pharmacy as set forth in Chapter 25 of Title 24;
- (15) Examining Board of Physical Therapists and Athletic Trainers as set forth in Chapter 26 of Title 24;
- (16) Board of Professional Land Surveyors as set forth in Chapter 27 of Title 24;
- (17) Real Estate Commission as set forth in Chapter 29 of Title 24;
- (18) Board of Mental Health and Chemical Dependency Professionals as set forth in Chapter 30 of Title 24;
- (19) Board of Funeral Services as set forth in Chapter 31 of Title 24;
- (20) Board of Veterinary Medicine as set forth in Chapter 33 of Title 24;
- (21) Board of Examiners of Psychologists as set forth in Chapter 35 of Title 24;
- (22) Board of Geologists as set forth in Chapter 36 of Title 24;
- (23) Board of Examiners of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers as set forth in Chapter 37 of Title 24;
- (24) Board of Clinical Social Work Examiners, as set forth in Chapter 39 of Title 24;
- (25) Board of Cosmetology and Barbering as set forth in Chapter 51 of Title 24;
- (26) Board of Examiners of Nursing Home Administrators as set forth in Chapter 52 of Title 24;
- (27) Board of Pilot Commissioners as set forth in Chapter 1 of Title 23;
- (28) Committee of Dietetics/Nutrition as set forth in Chapter 38 of Title 24;
- (29) Board of Massage and Bodywork, as set forth in Chapter 53 of Title 24;

Part VI
Budget, Fiscal, Procurement and Contracting Regulations
Chapter 66A
Library Construction

§ 6601A. Short title.

This chapter shall be known as the “Delaware Public Library Construction Assistance Act.”

(67 Del. Laws, c. 412, § 1.)

§ 6602A. Definitions.

As used in this chapter:

(1) “Library construction” includes, but is not limited to, the acquisition, construction, reconstruction, alteration, remodeling or enlargement of library buildings, the acquisition or installation of apparatus or equipment or the acquisition of land required as sites for such buildings, including land or rights in land needed to provide access to sites, and the grading or other improvements of such sites, land or rights in land, including the construction of sidewalks where authorized by law, the construction of any sewers or water mains needed to connect such buildings to any publicly-owned sewer system or water system. The following items are not considered to be included within the definition of “library construction:” Supplies, computers, debt service on loans, maintenance items and operating costs.

(2) “Non-state share” means:

a. A sum of money from sources other than state funds;

b. The fair market value of:

1. Developed and/or undeveloped land not currently used as a public library site but to be used as the location for “library construction” as defined herein, including parking lots; or

2. An existing facility under development not currently used as a public library but to be used as the location for “library construction”, as defined herein; or

3. An existing facility and/or land currently used as a public library site, including parking lots, to which deed title was conveyed to the public library governing authority after July 1, 1992.

The aggregate value of the money, lands and facilities described in paragraphs (2)a. and b. of this section, when provided by any source other than the state and matched with the state share, will equal the total cost of the proposed library construction.

(3) “State share” means that maximum sum of money which may be paid from state sources for a library construction project.

(4) “Total cost” means the maximum sum or sums of money which may be spent for a library construction project, provided that nothing contained in this chapter shall prevent any non-state source from increasing said total cost by providing a larger amount from non-state sources than that stated as that non-state share, nor prevent the acceptance and use of any funds appropriated by the Congress of the United States for these purposes.

(67 Del. Laws, c. 412, § 1; 68 Del. Laws, c. 405, §§ 27(a), (b); 82 Del. Laws, c. 244, § 65.)

§ 6603A. Eligibility.

Any public library, including privately incorporated public libraries, the Dover Public Library established pursuant to 60 Del. Laws, c. 158 and public library systems established pursuant to Chapter 8 of Title 9 may be eligible for state assistance in library construction costs, with the state share representing up to 50% of the total cost of such library construction project. State funding of library construction may be requested in phases and could be authorized over more than 1 fiscal year.

(67 Del. Laws, c. 412, § 1; 68 Del. Laws, c. 405, § 27(d); 71 Del. Laws, c. 378, § 31.)

§ 6604A. Review of proposals.

The Department of State, upon receipt of a request for state assistance under this chapter, shall refer each proposal to the Division of Libraries and the Delaware Council on Libraries for their comments. The Division of Libraries and the Delaware Council on Libraries shall provide the Department of State with their comments on each such proposal within 30 days of receipt of the proposal. The Department of State shall forward all proposals and comments to the Director of the Office of Management and Budget. The Director of the Office of Management and Budget shall review all proposals for funding under this chapter and include all proposals as part of the annual capital budget. This review shall include, but not be limited to, a determination of need of the project, scope of the project, total cost of the project, and the availability of the non-state share.

(67 Del. Laws, c. 412, § 1; 68 Del. Laws, c. 405, § 27(c); 69 Del. Laws, c. 10, § 8; 75 Del. Laws, c. 88, § 21(13).)

§ 6605A. Expenditure of funds.

The Director of the Office of Management and Budget, as part of the annual capital budget responsibilities set forth in § 6342 of this title, shall insure that the State share and non-state share on all projects funded under this chapter are expended in conformance with the provisions of this chapter.

(67 Del. Laws, c. 412, § 1; 69 Del. Laws, c. 10, § 9; 75 Del. Laws, c. 88, § 21(13).)

§ 6606A. Retroactivity.

Any library construction project certified by the Delaware Division of Libraries and the Delaware Council on Libraries may proceed with planning, design and other construction expenditures using local funds and any state assistance may be applied retroactively to such costs incurred after the date of such certification, provided however, that certification of such project shall not bind the State to provide assistance.

(78 Del. Laws, c. 76, § 61.)

Part VI
Budget, Fiscal, Procurement and Contracting Regulations
Chapter 66
Contracts With Public Library System

§ 6601. State library policy.

It is hereby declared to be the policy of the State, as part of its provision for public education, to promote the establishment and development of public library service throughout the State and its political subdivisions.

(64 Del. Laws, c. 400, § 1.)

§ 6602. Contracting for library services.

(a) In order to encourage the maintenance and development of proper standards, including personnel standards, hours of operation, library materials, collection standards and interlibrary resource sharing, and to provide for the development of statewide public library service, the Delaware Division of Libraries may contract with any public library, including privately incorporated public libraries or public library systems established pursuant to Chapter 8 of Title 9, which qualifies under standards established by the Division with the approval of the Delaware Council on Libraries, to provide library services.

(b) The formula for services purchased by the Division of Libraries shall be as follows for fiscal year 2012 and in each succeeding fiscal year:

(1) Forty percent of the total funds appropriated under this chapter shall be allocated among each of the contracting public libraries based upon actual expenditures, exclusive of state or federal funds, for public library services by such contracting public library and by the political subdivision or subdivisions operating or participating in the public library or public library system in the most recently completed fiscal year or in the case of a newly-constructed or renovated public library project based upon expenditures in the current fiscal year subject to adjustment for actual expenditures at fiscal year end, as determined by the Division of Libraries and Delaware Council on Libraries; and

(2) Forty percent of the total funds appropriated under this chapter shall be allocated among each of the contracting public libraries on a per capita basis for persons served by the public library or public library system as determined by the Division of Libraries with the approval of the Council on Libraries; and

(3) Ten percent of the total funds appropriated under this chapter shall be allocated to the Division of Libraries to fund statewide library services, cooperative planning and evaluation services, and to enable public libraries and public library systems to meet standards established by the Division of Libraries with the approval of the Council on Libraries; and

(4) Up to 10% of the total funds appropriated under this chapter may be allocated to fund countywide and/or regional public library services provided through anchor public libraries approved by the Division of Libraries and Council on Libraries. The Division of Libraries may with the approval of the Council on Libraries use any portion of the funds set aside pursuant to this subsection to temporarily assist a contracting public library impacted by changes to the funding allocations as a result of a decennial census or the addition or expansion of a contracting public library. Any funds not allocated under this subsection shall be distributed to the contract public libraries on the same pro-rata basis as funds are allocated pursuant to paragraphs (b)(1) and (2) of this section to enable contract public libraries to improve collections, staffing or other priorities as mutually agreed by each public library and the Division of Libraries with the approval of the Council on Libraries.

[Repealed.]

(64 Del. Laws, c. 400, § 1; 71 Del. Laws, c. 110, § 1; 72 Del. Laws, c. 93, § 1; 75 Del. Laws, c. 350, § 152; 78 Del. Laws, c. 172, § 1.)

§ 6603. Limitation on expenditures.

(a) In no case shall the Division pay, for the services received, more than was expended, exclusive of state and federal aid, by the political subdivision or organization operating the library.

(b) If in any year the state appropriations to the Division for services under this chapter are not sufficient to meet the cost of approved contracts for services or state appropriations exceed the formula designated in § 6602(b) of this title, the Division shall prorate the available funds in such manner so that each public library or public library system shall receive its proportionate share.

(c) In the event that no moneys are appropriated for the purpose of this chapter in any year, no public library or public library system shall have any claim to any other moneys appropriated to the Division.

(64 Del. Laws, c. 400, § 1.)

§ 6604. Requirements for contracting with Division.

Public libraries or public library systems contracting with the Division must meet, or provide evidence of attempting to meet, minimum standards of operations as established by the Division and approved by the Council. The Division shall publish guidelines for the disposition of library materials purchased with state funds.

(64 Del. Laws, c. 400, § 1.)

Part VI
Budget, Fiscal, Procurement and Contracting Regulations
Chapter 66B
Public Library Technology Act

§ 6601B. Short title.

This chapter shall be known as the “Delaware Public Library Technology Assistance Act.”
(71 Del. Laws, c. 455, § 1.)

§ 6602B. Definitions.

As used in this chapter:

(1) “Library technology” includes, but is not limited to, technologies that support the storage, retrieval, processing and dissemination of information necessary for the efficient and effective operation of libraries in meeting the information needs of their users. The following items and services are considered to be included within the definition of “library technology:” hardware, software, training, installation, networking, telecommunication, database migration and consultant costs.

(2) “Networked integrated library system” is a computer system that uses a bibliographic database to support multiple library operations and online terminals.

(3) “Non-state share” means a sum of money from sources other than state funds.

(4) “Total cost” means the maximum sum or sums of money which may be spent for library technology projects, provided that nothing contained in this chapter shall prevent any non-state source from increasing said total cost by providing a larger amount from non-state sources than that stated as that non-state share, nor prevent the acceptance and use of any future funds appropriated by the Congress of the United States for these purposes.

(71 Del. Laws, c. 455, § 1.)

§ 6603B. Eligibility for Library Improvement Grants.

Any networked integrated public library system, approved by the Division of Libraries with the advice of the Delaware Council on Libraries, may be eligible to receive a library technology Improvement Grant to support library technology costs.

(71 Del. Laws, c. 455, § 1; 79 Del. Laws, c. 78, § 120.)

§ 6604B. Standards of eligibility.

The Division of Libraries, with the advice of the Delaware Council on Libraries, shall establish and publish technical standards that networked integrated public library systems must meet to be eligible to receive an Improvement Grant. The Division of Libraries may require statistics and reports on the operations of networked integrated public library systems that receive Improvement Grants.

(71 Del. Laws, c. 455, § 1.)

§ 6605B. Review and recommendation of proposals.

The Division of Libraries shall annually request proposals from eligible automated and networked integrated public library systems for Improvement Grants. The Division of Libraries, with the advice of the Delaware Council on Libraries, shall establish and publish criteria for reviewing, giving priority to and recommending projects for Improvement Grants. The Division of Libraries, upon receipt of a request for an Improvement Grant under this chapter, shall refer each proposal, determined by the Division of Libraries to be eligible, to the Office of Information Systems and the Delaware Council on Libraries for their comments. The Office of Information Systems and the Delaware Council on Libraries shall provide the Division of Libraries with comments on each proposal within 45 days of receipt of the proposal. The Delaware Division of Libraries, with the approval of the Secretary of State, may award annually the total funds appropriated for Improvement Grants under this chapter, to networked integrated public library systems to fund contracts for technology projects as defined in this chapter. For the purpose of this chapter, the Division of Libraries shall be considered a networked integrated library system that may apply directly to the Secretary of State for improvement grants that have statewide benefits. Such grants may be awarded with the advice of the Delaware Council on Libraries and shall not require a non-state share.

(71 Del. Laws, c. 455, § 1; 73 Del. Laws, c. 74, § 128.)

§ 6606B. Expenditure of funds.

The Department of State shall insure that the state share and non-state share on all projects funded by Improvement Grants under this chapter are expended in conformance with this chapter.

(71 Del. Laws, c. 455, § 1.)