

## COLORADO LIBRARY LAW HIGHLIGHTS

PART 1, Section 104 is about the **state library**. The commissioner of education is the ex officio state librarian. The commissioner, who has many other responsibilities, delegates the actual running of the state library to an assistant commissioner, currently called the director of the state library.

Although the state library is not an actual library in and of itself, it is charged with the development and improvement of libraries throughout the state. Its designated responsibilities include rules and regulations, institutional libraries, the library for the blind and physically handicapped, library development, resource sharing, state funding, coordination of the regional service systems, contracting for the Colorado resource center, promulgating service standards, and administering federal funds. The state library serves as the repository for Library District bylaws and the legal service area maps of all library districts within the state.

Sections 106 and 107 are about the **formation and establishment** of public libraries. In general, libraries can be formed by resolution or public petition, but in all cases, any new or increased tax must be approved by a vote of the people.

Section 106.3 says that a governmental entity with a common boundary may be **included** into a library district as long as any new tax is approved by a vote.

Section 106.5 says that a city seeking to form a city library within a library district service area may do so only if it doesn't affect the financial support previously established for the county library or library district, i.e., the library district and city contract for revenue sharing under 24-90-106.5.

Sections 108 and 109 are about the **board of trustees**. Section 108 details the appointment process and says that trustees cannot receive a salary and can be removed by a majority vote of the appointing legislative body or bodies, but only upon showing good cause as defined in, but not limited to, the board's bylaws. Section 109 lists the specific powers and duties of the board of trustees and calls for two reports at the end of each calendar year – one to the governmental body unit(s) and one to the state library.

Section 110.7 tells how any combination of cities, counties and library districts may form a separate governmental entity called a **regional library authority** to levy a voter-approved sales or property tax to provide library service on a regional basis.

Section 112 provides for **library tax** elections, collection and distribution.

**Section 112.5** describes the requirements and responsibilities for library districts when **issuing bonds**.

Section 113.3 says that a city or county or school district may **contract with an existing library** in lieu of creating its own library.

Section 114 says that a public library (the complete entity, not just one building or branch) may be **abolished** only through a vote of the electors.

Section 115 sets up **regional library service systems** to provide cooperative services throughout the state. In 2004, due to lack of funds at the state level, seven regional systems were reduced to one, called the Colorado Library Consortium, of "CLiC". (Statewide courier is on the services coordinated through CLiC.)

Section 117 says **stealing**, destroying or not returning library materials is a class 3 misdemeanor.

Section 119 is known as the "**privacy law**." It says that a library may not disclose any record or other information that identifies a person as having requested or obtained specific materials or service, or as otherwise having used the library. The only exceptions to this are:

- When it is necessary for the reasonable operation of the library;
- Upon written consent of the user;
- Pursuant to subpoena, upon court order, or when required by law; or
- To a parent or guardian who has access to a minor's library card or card number for the purposes of accessing the minor's records on the computer.

PART 2, **STATE PUBLICATIONS**, describes the procedures for all state agencies to provide the printed and electronic materials for cataloging and distribution to designated libraries in the state.

PART 3, COLORADO COMPUTER INFORMATION NETWORK, creates the **Colorado Virtual Library** (CVL) to provide statewide access to the on-line catalogs of Colorado libraries, digitized collections, data base indexes and products, and an interlibrary loan system for resource sharing.

PART 4, LIBRARY GRANTS, authorizes **state funds** to be appropriated for education resources for school, public and academic libraries, lists qualifications for receiving these funds, and designates the state library as the administrator of the funds. Due to lack of state revenues, appropriations are longer being made.

PART 5, LIBRARY CAPITAL FACILITIES DISTRICTS, authorizes library districts to create a **capital facilities district** to generate revenue for buying land,

building a facility, or other capital improvements. The amount of the tax must be approved by the voters. The tax levy ends when the bonds are fully paid.

PART 6, INTERNET PROTECTION IN PUBLIC LIBRARIES, requires public libraries to adopt and implement a policy of **internet safety** for minors that includes a technology protection measure (filter0 on computers accessible to a minor, and provides for temporary disabling of the filter upon request of an adult. A library does not need to comply if not moneys exist in the budget, or if after a good faith effort, a filter cannot be found free of charge.

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Rev. 5/10