

Colorado Library Law – The Quick Guide

CRS 24-90-101 et seq.

24-90-102. Legislative declaration	
<p>The general assembly hereby declares that it is the policy of this state, as a part of its provision for public education, to promote the establishment and development of all types of publicly supported free library service throughout the state to ensure equal access to information without regard to age, physical or mental health, place of residence, or economic status, to aid in the establishment and improvement of library programs, to improve and update the skills of persons employed in libraries through continuing education activities, and to promote and coordinate the sharing of resources among libraries in Colorado and the dissemination of information regarding the availability of library services.</p>	
Part 1: Formation and Duties	Rough, non-legal summary of statute: Colorado Library Law *
24-90-103 Definitions.	Defines major terms used throughout the Library Law.
24-90-103.5 Acts and elections conducted pursuant to provisions that refer to qualified electors or registered electors.	Any elections completed before July 1, 2003 are legal and valid.
24-90-104 State library created - administration.	Creates the State Library as a division of the Department of Education. Commissioner of Education appoints a deputy state librarian to carry out provisions of the law.
24-90-105 Powers and duties of state librarian.	Defines what the State Library and State Librarian can do to serve all libraries. The State Library serves as the repository of the bylaws and the legal service area maps of all library districts within the state.
24-90-105.5 Radio Reading Services.	A pass-through appropriation by the state legislature. [This program is not administered by the State Library, but annual plans and activity evaluations are necessary for funding].
24-90-106 Participation of existing libraries in the formation of new libraries	Describes how libraries may be formed to provide services to communities.
24-90-106.3 Inclusion of a governmental unit into an existing library district – procedure. **	Describes how a town or other governmental unit may become part of an existing library district
24-90-106.5 Establishment or removal of a municipal library in an existing county library or library district.	Explains how a municipality within another county or library district shall receive service. It may create its own library so long as it does not affect the finances of the library district, unless the library district agrees to revenue sharing.
24-90-107 Method of establishment. **	Lengthy description of the process for forming any of the four types of public libraries: city, county, district, or joint library.

Part 1: Formation and Duties	
24-90-108 Board of trustees of public libraries. **	Describes public board formation and requirements.
24-90-109 Powers and duties of board of trustees. **	Outlines Board powers and duties. A copy of all library district bylaws shall be filed with the legislative body of each participating governmental unit and the state library.
24-90-110.7 Regional library authorities. **	Lengthy description of a Regional Library Authority, how to create one, and its powers.
24-90-112 Tax support - elections.	Describes methods and procedures for tax-related elections and use of taxes raised for use by the library.
24-90-112.5 Issuance of bonds.	Lengthy description of Board responsibility and procedures for dealing with general obligation indebtedness.
24-90-113.3 Contract to receive library service.	A city or county legislative body or school district may contract for library in lieu of creating its own library.
24-90-114 Abolishment of libraries.	A library [meaning the complete entity, not just one building or branch] may dissolve itself on a vote of electors. Outlines necessary actions if this occurs.
24-90-115 Regional library service system - governing board.	Created the regional library service systems. [The seven regional systems were reconstituted into one in 2004 due to budget cuts].
24-90-116 Existing libraries to comply.	Any library formed before or after July 1, 1979 is legal.
24-90-117 Theft or mutilation of library property.	People who destroy or don't return materials may be charged with a class 3 misdemeanor. [See CRS 18-1.3-105]
24-90-118 Colorado libraries automated catalog project.	Provides the authority to create the Colorado Virtual Library (CVL).
24-90-119 Privacy of user records. [Also known as the Privacy Law] **	<p>(1) ...a publicly-supported library shall 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.</p> <p>(2) Records may be disclosed in the following instances:</p> <p>(a) Pursuant to subpoena, upon court order, or where otherwise required by law;</p> <p>(b) Upon written consent of the user;</p> <p>(c) To a custodial parent or legal guardian who has access to a minor's library card or its authorization number for the purpose of accessing by electronic means library records of the minor; or</p> <p>(d) When necessary for the reasonable operation of the library;</p> <p>(3) Any library official, employee, or volunteer who discloses information in violation of this section commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars.</p>

Part 2: State Publications	
24-90-201 through 208 State publications depository and distribution center.	Sections 201—208 Establishes the State Publications Library. Describes the need for, and procedures for all state agencies to provide printed or electronic materials for cataloging and distribution to designated depository libraries in the state.
Part 3: Colorado Computer Information Network (Colorado Virtual Library)	
24-90-302 Colorado Virtual Library - creation - components - access.	Creates the Colorado Virtual Library (CVL), a service used to: <ul style="list-style-type: none"> ▪ connect to the on-line catalogs of Colorado libraries; ▪ connect to locally produced databases; ▪ access to digitized collections of Colorado resources and Indexes of full text database products to serve the needs of the people of the state; ▪ operate an interlibrary loan system for resource sharing; and ▪ perform other services associated with providing computer-based library services.
Part 4: Library Grants	
24-90-401 through 408 Library Grants [Also known as State Aid for Libraries]	Provides authority for appropriation of \$2 million in state aid for school, public, and academic libraries. Outlines procedures for distribution, including need to meet filtering requirements on internet access. These funds have not been appropriated for libraries since 2002.
Part 5: Library Capital Facilities Districts	
24-90-501 through 519 Library Capital Facilities Districts **	Outlines the procedures for a library district to establish a capital facilities district to generate a tax-base or revenue for building improvements, or land, collection, or other needs. References various other sections of state law dealing with taxes, elections, expenditures, and bonds.
Part 6: Internet Protection in Public Libraries	
24-90-601 through 606	Outlines the expectations and responsibilities for policies on internet content in public libraries.

* Consult with your respective city, county, or district lawyers for legal advice on, and implications of, Colorado Library Law, or call the Colorado State Library for additional information.

** Indicates a Quick Guide for this section.

For further Public Library Information:

www.ColoradoStateLibrary.org/LibraryDevelopment/PublicLibraries/Index

Contact Jacqueline Murphy for additional information at 303-866-6891 or muphy_j@cde.state.co.us



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