

ILLINOIS REGISTER

18660

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SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Library Non-Resident Services
- 2) Code Citation: 23 Ill. Adm. Code 3050
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
3050.10	Amendment
3050.45	New Section
3050.60	Amendment
3050.75	New Section
- 4) Statutory Authority: Implementing and authorized by Section 4-17 of the Illinois Local Library Act [75 ILCS 5/4-7], and authorized by Section 30-55.60 of the Public Library District Act of 1991 [75 ILCS 16/30-55.60] and Section 8.25 of The State Mandates Act [30 ILCS 805/8.25].
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking includes new Sections addressing access to electronic resources for non-residents (Section 3050.45); the Cards for Kids program (Section 3050.75); and reduced or free non-resident cards for disabled veterans (Section 3050.60). The terms "E-Resources", "Student" and "Veteran" are defined in Section 3030.10. The E-Resource Card will allow non-residents to access the digital content that the closest public library can provide at no charge. The Cards for Kids program that was enacted in PA 101-632 will provide at no fee library cards to non-resident K-12 students whose household falls at or below the United States Department of Agriculture's Income Eligibility Guidelines. The non-resident fee shall not apply to veterans with a service-connected disability of at least 70% and who are exempt from paying property taxes on their primary residence in compliance with the Disabled Veterans' Standard Homestead Exemption [35 ILCS 200/15-169].
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain any automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective: The policy objective of this rulemaking is to expand library services to non-residents.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Joseph Natale
Chief Deputy Director
Illinois State Library
Gwendolyn Brooks Building
Springfield IL 62701-1796
- 217/558-4185
jnatale@ilsos.net
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Public libraries
- B) Reporting, bookkeeping or other procedures required for compliance: Public libraries are required to annually report to library systems their participation in non-resident program.
- C) Types of professional skills necessary for compliance: Basic recordkeeping of non-resident library card holders.
- 14) Small Business Impact Analysis: There is no impact on small businesses.
- 15) Regulatory Agenda on which these rules were summarized: July 2020

The full text of the Proposed Amendments begins on the next page:

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- 2) The non-resident fee shall not apply to an unmarried surviving spouse of a service member killed in the line of duty.
- 3) Qualifying veterans or surviving spouses must present documentation from the county where they reside that indicates their residence is exempt from paying property taxes.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 3050.75 Cards for Kids

- a) The non-resident fee shall not apply to a student whose principal residence is not within a public library service area and who is eligible to receive free or reduced price lunches under the National School Lunch Program, as determined by Income Eligibility Guidelines established by the U.S. Department of Agriculture (USDA).
- b) The non-resident fee shall not apply to a student whose principal residence is not within a public library service area and who attends a school or school district that operates under the Community Eligible Provision of the USDA National School Lunch Program.
- c) When applying for a non-resident card, the qualifying student must present to the public library documentation from the school or school district that indicates his/her eligibility for free or reduced price lunches.
- d) The student shall apply for a non-resident card at a participating public library as stipulated in Section 3050.25.
- e) The library card shall accord the student cardholder all the services the issuing library provides its residents, including reciprocal borrowing. The library card shall be issued compliant with any policy or guideline that the public library board has implemented for issuance of cards to minors.

(Source: Added at 45 Ill. Reg. _____, effective _____)

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- b) Tax Bill Methods
- 1) Non-Resident Taxpayer: The library tax rate or equivalent, including all special levies, is applied to the non-resident property owner's principal residence assessed valuation on an individual, case by case basis. The most recent property tax bill will be used. The property owner will pay the same amount as would be paid if the property were in the library service area.
 - 2) Non-Resident Renter: The library shall either charge a minimum of 15 percent of the monthly rent as the annual non-resident fee, or devise its own formula. The local formula shall take into account the average local rent of the general community of the public library, the property tax rate, and the non-resident fee for residential homeowners. The library board shall annually determine the percent to be applied to non-resident renters. The renter shall provide to the public library a current rent receipt or a cancelled rent check for verification purposes.
- c) Adoption of the Average Non-Resident Fee in the System Area
- 1) In public library service areas with a disproportionately large share of the property valuation in agricultural, industrial, mining, commercial or other non-residential property, the library board of trustees may ask the Director of the Illinois State Library for authorization to adopt as its non-resident fee the average non-resident fee in the system in which the library is located.
 - 2) This exception is not a general alternative to the formula and will apply only under the conditions stated in subsection (c)(1), with the approval of the Illinois State Library.
- d) The non-resident fee shall not apply to veterans with a service-connected disability of at least 70% who are exempt from paying property taxes on their primary residence.
- 1) The non-resident fee shall not apply to the unmarried surviving spouse of a veteran who has previously qualified for this exemption prior to his/her death.

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- b) E-Resource access does not allow the non-resident to:
- 1) checkout traditional circulating items;
 - 2) access interlibrary loan services; or
 - 3) access the collections of other libraries in the State.
- c) The non-resident shall apply for access to E-Resources as stipulated in Section 3050.25.

(Source: Added at 45 Ill. Reg. _____, effective _____)

Section 3050.60 Non-Resident Fee Formula

A public library can use three options to determine its *non-resident fee according to the formula established by the Illinois State Library* [75 ILCS 5/4-7(12) and 16/30-55.60]. In subsections (a) and (b) of this Section, the non-resident fee shall be equitable and proportionate to the fee paid by residents.

- a) **General Mathematical Formula**
- 1) To determine the minimum non-resident fee, a local library should divide the library income from public property tax sources or its equivalent by the local population to determine the cost of service per capita. In the case of endowed libraries that receive no income from local tax sources of any kind and meet the requirements for library system membership, the endowed library may determine the minimum non-resident fee by dividing the amount of income it receives from non-tax sources that is required to qualify for per capita grants provided in Section 8.1 of the Illinois Library System Act by the local population to determine the cost of service per capita. All public libraries should then multiply the per capita figure by the average number of persons per household in the community to obtain the average cost per household on which to base a fee for a family card. The most recent federal census information available shall be used in determining population and household size.
 - 2) Library income from local property tax sources excludes State and federal funds.

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institutions and recreation.

"E-Resources" means materials in a digital format that are accessible electronically. E-resources may be created or acquired for providing library services. Examples include, but are not limited to, e-journals, e-books, electronic database collections, and downloadable audio or video files.

"Non-resident" means an individual residing in Illinois who does not have his or her principal residence within thea public library service area.

"Non-resident library card" means the library card purchased by an individual residing in an area not taxed for public library service from a participating public library.

"Participating public library" means the public library whose board of trustees authorizes the issuance of non-resident library cards.

"Public library" has the definition ascribed at 23 Ill. Adm. Code 3030.110.

"Public library service area" means the legal territory served by the public library.

"School district" means high school district or unit district.

"Student", for purposes of this Part, means an individual currently enrolled in a public or nonprofit private school (K-12) who does not have his or her principal residence within a public library service area.

"Veteran" means an Illinois resident who has served as a member of the United States Armed Forces on active duty or State active duty, a member of the Illinois National Guard, or a member of the United States Reserve Forces who has received an honorable discharge.

(Source: Amended at 45 Ill. Reg. _____, effective _____)

Section 3050.45 E-Resources to Non-Residents

- a) The public library board of trustees may annually take action to offer non-residents access to E-Resources, free of charge.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE B: CULTURAL RESOURCES
 CHAPTER I: SECRETARY OF STATE

PART 3050
 PUBLIC LIBRARY NON-RESIDENT SERVICES

Section	
3050.10	Definitions
3050.20	Public Library Responsibilities
3050.25	Applying for a Non-Resident Library Card
3050.30	Regional Library System Responsibilities
3050.40	Options for Non-Resident Library Cards
<u>3050.45</u>	<u>E-Resources to Non-Residents</u>
3050.50	Criteria for Non-Resident Library Cards
3050.60	Non-Resident Fee Formula
3050.70	Non-Resident Property Owner and Leasee
<u>3050.75</u>	<u>Cards for Kids</u>
3050.80	Contractual Services
3050.90	State Mandates Act Exemption

AUTHORITY: Implementing and authorized by Section 4-7 of the Illinois Local Library Act [75 ILCS 5], and authorized by Section 30-55.60 of the Public Library District Act of 1991 [75 ILCS 16] and Section 8.25 of the State Mandates Act [30 ILCS 805].

SOURCE: Adopted at 26 Ill. Reg. 5974, effective July 1, 2002; amended at 39 Ill. Reg. 5253, effective March 20, 2015; amended at 44 Ill. Reg. 2010, effective January 7, 2020; emergency amendment at 44 Ill. Reg. 11910, effective July 1, 2020, for a maximum of 150 days; emergency expired November 27, 2020; amended at 45 Ill. Reg. _____, effective _____.

Section 3050.10 Definitions

"Closest public library" means a participating public library that issues non-resident library cards that meet the conditions of Section 3050.25. The closest public library for the non-resident shall be determined by the location of a participating public library.

"Commonality of community interests" means activities involving, but not limited to, education, retail, commercial, cultural, civic, health facilities, financial