

Below is the Public Library Non-resident Services (23 Ill. Adm. Code 3050) that was unanimously approved by the Joint Committee on Administrative Rules on April 10. The effective date of the rules will be July 1, 2002. By Sept. 1, 2002, the systems have to notify the state library and post on their Web sites a list of the public libraries and whether they are going to participate or not in the non-resident program.

TITLE 23
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
3050.50	Criteria for Non-Resident Library Cards
3050.60	Non-Resident Fee Formula
3050.70	Non-Resident Property Owner
3050.80	Contractual Services
3050.90	State Mandate Act Exemption

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]

SOURCE: Adopted at 26 Ill. Reg. _____, effective July 1, 2002.

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 of this Part. The factor for determining 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 institutions and recreation.

"Non-resident" means an individual residing in Illinois who does not have his or her principal residence within the territory of a 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" means the same as defined at 23 Ill. Adm. Code 3030.10.

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

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

Section 3050.20 Public Library Responsibilities

a) The public library board of trustees shall annually take action to decide whether to issue non-resident library cards during the ensuing 12 months. At that time, the non-resident library card fee formula and fee, if applicable, to be used will be determined and adopted.

b) The public library board of trustees shall notify the regional library system within 30 days of the action taken and effective dates and fee formula as determined in this Part.

c) The participating public library shall continue to honor the non-resident library cards it issued by the library for the full term of purchase.

d) Participating public libraries shall cooperate with other participating area public libraries and the regional library system and adjacent regional library system to determine the appropriate non-resident service areas as stated in Section 3050.25 of this part.

e) Nothing in this Part requires a public library to participate in the non-resident library card reciprocal borrowing program of a regional library system. Non-participation in the non-resident library card program does not preclude a public library from applying for and receiving grant funds from the Illinois State Library as long as the public library complies with requirements of the specific grant program.

Section 3050.25 Applying for a Non-Resident Library Card

a) A non-resident shall apply for a non-resident library card at the closest public library. The factor for determining the closest public library shall be determined by the residence of the non-resident. Non-residents shall apply at the participating public library in the school district in which the non-resident has his or her principal residence unless, due to the commonality of community interests, library services at another library which is physically closer may better serve the needs of the non-resident.

b) If there are two or more public libraries in the school district in which a non-resident resides, the participating public libraries in such school district, in cooperation

with the applicable regional library system, shall determine the appropriate library service area for non-residents to make application for a non-resident library card.

c) If there is no participating public library in the school district in which the non-resident resides, the applicable regional library system that serve the school district shall, in cooperation with participating libraries in the general area of the school district, determine the non-resident service area. The factor to be used for determining a non-resident service area shall be the commonality of community interests that influence the activities of all the residents of service area. Section 3050.

3 0 Regional Library System Responsibilities

a) The regional library systems by September 1, 2002 shall submit to the Illinois State Library, and post on their Internet sites, the names of public libraries participating and non-participating public libraries. During this period, the regional library systems shall assist public libraries in complying with Section 3050.25 of this Part.

b) Beginning in 2003, the regional library systems shall submit the names of participating and non-participating public libraries as of July 1 of each year in the annual report to the Illinois State Library. The report shall include the action public libraries take in compliance with Section 3050.20(a) of this Part.

c) The regional library systems shall maintain an up-to-date list on its Internet site of participating and non-participating public libraries and the effective dates of the 12 month period. This list shall also be available in print upon request and available for public inspection at the regional library system headquarters.

Section 3050.40 Options for Non-Resident Library Cards

a) The public library board of trustees' policy for service to non-residents, including a description of the public library's service areas and methods of calculating fees (if the library participates) shall be available for public inspection at the library.

b) A valid non-resident library card shall accord the non-resident library cardholder all the services the issuing public library provides to its residents including reciprocal borrowing privileges.

Section 3050. 50 Criteria for Non-Resident Library Cards

a) The non-resident library card issued by a participating public library should include, at a minimum, the name of the library; the expiration date of the non-resident library card; and the words "Non-Resident". The non-resident library card shall be issued for 12 months subject to the exemptions in Section 30-55.60 of the Public Library District Act of 1991 [75 ILCS 16/30-55.60] and the Illinois Local Library Act [75 ILCS 5/4-7(8)] .

b) A local use only card may not be issued to a non-resident whether or not a library participates in the non-resident library card program.

Section 3050.60 Non-Resident Fee Formula

There are three options that a public library can use to determine its non-resident fee according to the formula established by the Illinois State Library [75 ILCS 5/4-7 (12) and 75 ILCS 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 local property tax sources or its equivalent by the local population to determine the cost of service per capita. The library should 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.

a) 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, 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.

a) 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. Such average will be taken from "Illinois Public Library Statistics: Analyses" (<http://lrc.lis.uiuc.edu/IPLAR/> produced by the Library Research Center, University of Illinois at Urbana-Champaign, 501 E. Daniel Street, Champaign IL 61820.

2) This exception is not a general alternative to the formula, and will apply only under the conditions stated above, with the approval of the Illinois State Library.

Section 3050.70 Non-Resident Property Owner

a) The non-resident fee shall not apply to a non-resident who, as an individual or as a partner, principal stockholder, or other joint owner, owns taxable property or is a senior administrative officer of a firm, business, or other corporation owning taxable property within the district, upon presentation of the most recent tax bill upon that taxable property, provided that the privileges and use of the library is extended to only one such non-resident for each parcel of taxable property. [75 ILCS 5/4-7 (12) and 75 ILCS 16/30-55.60(3)].

b) The library card shall accord avail the non-resident property owner cardholder all the services the issuing public library provides its residents, including reciprocal borrowing privileges.

Section 3050.80 Contractual Services

The rules providing for non-resident status shall not apply to any person residing in any territory for which the corporate authority of that territory, or a private corporation, has contracted for library service on behalf of the residents with a public library as provided in Section 4-7(8) of the Illinois Local Library Act [75 ILCS 5/4-7(8)] and Section 30-55.40 of the Public Library District Act of 1991 [75 ILCS 16/30-55.40].

Section 3050.90 State Mandates Act Exemption

No reimbursement is required by the State for the implementation of any mandate created by this Part as provided in Section 90 of Public Act 92-0166.