

AN ACT concerning State government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the License to Read Act.

Section 5. Findings. The General Assembly finds:

(1) It is in the best interests of the State for the State Librarian to be authorized to facilitate the acquisition and use of digital content by pooling the buying power of the Illinois' libraries and library systems and to provide e-books and e-audiobooks to patrons to the fullest extent possible.

(2) This Act should be administered by the State Librarian to support all libraries within the State.

(3) To achieve the purposes of this Act, the State Librarian should have the authority to make grants under this Act to assist libraries in providing access to e-books and e-audiobooks.

Section 10. Definitions. As used in this Act:

"E-audiobook" means an audio recording of a text document that is read out loud in an electronic format that is listened to on a computer, tablet, smart phone, or other electronic

device.

"E-book" means a text document that has been converted into or published in an electronic format that is read on a computer, tablet, smart phone, or other electronic device.

"Library" means an entity that:

(1) serves, either directly or through contractual services provided by another library, the basic information and library needs of its patrons through a bibliographically organized collection of library materials that has ongoing financial support and is accessible centrally;

(2) is open at least 15 hours per week; and

(3) is staffed by one or more employees serving as librarians working a minimum of 15 hours per week.

Section 15. Electronic licenses.

(a) The State Librarian may negotiate with publishers of e-books and e-audiobooks on behalf of libraries on reasonable terms that would enable libraries to acquire necessary licenses to provide library users with access to e-books or e-audiobooks.

(b) The reasonable terms under subsection (a) must include:

(1) The number of users a library may simultaneously allow to access an e-book or e-audiobook.

(2) The number of days a library may allow a user to

access an e-book or e-audiobook.

(3) The use of technological protection measures that would prevent a user from:

(i) maintaining access to an e-book or e-audiobook beyond the access period specified in the license; and

(ii) allowing other users to access an e-book or e-audiobook.

Section 20. License to Read Grants. The State Librarian may award grants that develop, expand, or support the acquisition of and access to e-books and e-audiobooks in Illinois.

Section 25. Fees and donations; License to Read Fund. The State Library may collect fees to provide the services and grants under this Act. The State Library may also receive donations or grants from the federal government, its agencies, or any other entity or person for the purposes of this Act. All funds received under this Section and appropriated by the General Assembly for implementation of this Act shall be deposited into the License to Read Fund, a special fund hereby created in the State treasury. The moneys in the Fund may be expended as provided in this Act.

Section 30. Assistance. To implement any part of this Act, the State Librarian may request any State agency, department,

division, board, bureau, commission, or other entity or person to provide any services, assistance, or data that will enable the Office of the State Librarian to properly carry out the State Librarian's functions, powers, and duties under this Act. Those entities are authorized to provide any services, assistance, and data that will enable the State Librarian to properly carry out its functions, powers, and duties under this Act.

Section 35. Rules. The Office of the Secretary of State may adopt rules necessary for implementation of this Act.

Section 85. The State Library Act is amended by changing Sections 3, 7, 10, and 11 as follows:

(15 ILCS 320/3) (from Ch. 128, par. 103)

Sec. 3. Declaration of policy-State Library.

It is the policy of the State of Illinois, to promote, support, implement and maintain library services on a State level for all State Officers, Offices, the General Assembly, the Judiciary and all State agencies, bodies and commissions, and to promote, support and implement library services on a statewide basis, including the effective sharing of resources and services among libraries to promote access to information in both print and electronic format. It is the responsibility of government at all levels to promote, support, implement and

maintain library services for the cultural, educational and economic development of the State of Illinois and of the inhabitants of the State of Illinois.

(Source: P.A. 77-1690.)

(15 ILCS 320/7) (from Ch. 128, par. 107)

Sec. 7. Purposes of the State Library. The Illinois State Library shall:

(a) Maintain a library for officials and employees of the State, consisting of informational material and resources pertaining to the phases of their work, and serve as the State's library by extending its resources to citizens of Illinois.

(b) Maintain and provide research library services for all State agencies.

(c) Administer the Illinois Library System Act.

(d) Promote and administer the law relating to Interstate Library Compacts.

(e) Enter into interagency agreements, pursuant to the Intergovernmental Cooperation Act, including agreements to promote access to information by Illinois students and the general public, and cooperate with acquiring and sharing electronic resources, e-books, and e-audiobooks.

(f) Promote and develop a cooperative library network operating regionally or statewide for providing effective coordination of the library resources, including e-books and

e-audiobooks, of public, academic, school, and special libraries.

(g) Administer grants of federal library funds pursuant to federal law and requirements.

(h) Assist libraries in their plans for library services, including funding the State-funded library systems for the purpose of local library development and networking.

(i) Assist local library groups in developing programs, including the provision of electronic resources, by which library services can be established and enhanced in areas without those services.

(j) Be a clearing house, in an advisory capacity, for questions and problems pertaining to the administration and functioning of libraries in Illinois and to publish booklets and pamphlets to implement this service.

(k) Seek the opinion of the Attorney General for legal questions pertaining to public libraries and their function as governmental agencies.

(l) Contract with any other library or library agency to carry out the purposes of the State Library. If any such contract requires payments by user libraries for goods and services, the State Library may distribute billings from contractors to applicable user libraries and may receive and distribute payments from user libraries to contractors. There is hereby created in the State Treasury the Library Trust Fund, into which all moneys payable to contractors which are

received from user libraries under this paragraph (l) shall be paid. The Treasurer shall pay such funds to contractors at the direction of the State Librarian.

(m) Compile, preserve and publish public library statistical information.

(n) Compile the annual report of local public libraries and library systems submitted to the State Librarian pursuant to law.

(o) Conduct and arrange for library training programs for library personnel, library directors and others involved in library services.

(p) Prepare an annual report for each fiscal year.

(q) Make available to the public, by means of access by way of the largest nonproprietary nonprofit cooperative public computer network, certain records of State agencies.

As used in this subdivision (q), "State agencies" means all officers, boards, commissions and agencies created by the Constitution; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, and bodies politic and corporate of the State; administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor; however, "State agencies"

does not include any agency, officer, or other entity of the judicial or legislative branch.

As used in this subdivision (q), "records" means public records, as defined in the Freedom of Information Act, that are not exempt from inspection and copying under that Act.

The State Librarian and each appropriate State agency shall specify the types and categories of records that shall be accessible through the public computer network and the types and categories of records that shall be inaccessible. Records currently held by a State agency and documents that are required to be provided to the Illinois State Library in accordance with Section 21 shall be provided to the Illinois State Library in an appropriate electronic format. The cost to each State agency of making records accessible through the public computer network or of providing records in an appropriate electronic format shall be considered in making determinations regarding accessibility.

~~The~~ As soon as possible and no later than 18 months after the effective date of this amendatory Act of 1995, the types and categories of information, specified by the State Librarian and each appropriate State agency, shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible access to the general public in this State.

Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means of access that would facilitate public access to the information. The information shall be made available in the shortest feasible time after it is publicly available.

Any documentation that describes the electronic digital formats of the information shall be made available by means of access by way of the same public computer network.

Personal information concerning a person who accesses the information may be maintained only for the purpose of providing service to the person.

The electronic public access provided by way of the public computer network shall be in addition to other electronic or print distribution of the information.

No action taken under this subdivision (q) shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of Illinois relating to any of the information made available under this subdivision (q).

(r) Coordinate literacy programs for the Secretary of State.

(s) Provide coordination of statewide preservation planning, act as a focal point for preservation advocacy, assess statewide needs and establish specific programs to meet those needs, and manage state funds appropriated for

preservation work relating to the preservation of the library and archival resources of Illinois.

(t) Create and maintain a State Government Report Distribution Center for the General Assembly. The Center shall receive all reports in all formats available required by law or resolution to be filed with the General Assembly and shall furnish copies of such reports on the same day on which the report is filed with the Clerk of the House of Representatives and the Secretary of the Senate, as required by the General Assembly Organization Act, without charge to members of the General Assembly upon request. This paragraph does not affect the requirements of Section 21 of this Act relating to the deposit of State publications with the State library.

(u) Provide a digital platform to expand access to the State Library's collection.

(Source: P.A. 91-507, eff. 8-13-99; 92-16, eff. 6-28-01; 92-617, eff. 1-1-03.)

(15 ILCS 320/10) (from Ch. 128, par. 110)

Sec. 10. Users of the State Library. Library services, including electronic resources to the fullest extent possible, shall be supplied to: State Officers and Officials; members of the General Assembly and staff; State agency employes; patrons of libraries with whom consortial agreements have been established; and the general public.

(Source: P.A. 91-507, eff. 8-13-99.)

(15 ILCS 320/11) (from Ch. 128, par. 111)

Sec. 11. Services of the State Library. Services provided to users of the State Library include but are not limited to circulation, reference, and interlibrary loan.

(a) Circulation.

(1) Library materials designated as circulating shall be directly loaned on site to: State officials; members of the General Assembly and staff; State agency employees; individuals who hold valid Illinois public library cards; individuals who hold valid library cards from libraries with whom consortial agreements have been reached that specify reciprocal borrowing privileges; and other individuals as specified by the State Librarian or his or her designee.

(2) Any individual requesting circulation of material from the State Library must fill in an application for this service, thereby becoming officially recorded as a registered borrower of the State Library.

(3) All requests for materials or information will be kept confidential in accordance with the Library Records Confidentiality Act.

(b) Reference.

(1) Instructions on how to use the library and its resources are available to any patron.

(2) The quick provision of factual information shall

be provided to any individual.

(3) Provision of research assistance shall be provided to officials and employees of State government for work-related purposes.

(c) Interlibrary loan.

(1) Borrowing. Materials shall be borrowed from other libraries on behalf of State officials, members of the General Assembly and staff, and State agency employees who are registered borrowers of the State Library for their work-related needs. Any fees for interlibrary loan lending shall be paid by the requesting patron or agency.

(2) Lending. Circulating State Library materials shall be loaned to other libraries that request the materials on behalf of their patrons.

(d) Electronic resources. To the fullest extent possible, electronic resources shall be available, accessible, and subject to reasonable limitations as negotiated by the State Librarian.

(Source: P.A. 91-507, eff. 8-13-99.)

Section 90. The State Finance Act is amended by adding Section 5.990 as follows:

(30 ILCS 105/5.990 new)

Sec. 5.990. The License to Read Fund.

Section 99. Effective date. This Act takes effect upon

Public Act 103-0267

SB2419 Enrolled

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becoming law.