

AN ACT concerning libraries.

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

Section 5. The Illinois Library System Act is amended by
changing Sections 2, 4, 5, 6, 8, and 8.1 as follows:

(75 ILCS 10/2) (from Ch. 81, par. 112)

Sec. 2. Definitions. As used in this Act:

"Library system" means any one of the following:

(1) A multitype library system serving (i) a minimum of 150,000 inhabitants or (ii) an area of not less than 4,000 square miles and serving a minimum 10 or more public libraries, elementary and secondary school libraries, institutions of higher education libraries, and special libraries.

(2) A public library system consisting of a single public library serving a city of over 500,000 population.

(3) A multitype library system that serves the same territory as a library system under subparagraph (2) of this definition that provides service to elementary and secondary school libraries, institutions of higher education libraries, and special libraries.

"Special library" includes, but is not limited to, libraries with unique collections or specialized services recognized by the State Library.

The--term--"library--system"--as--used--in--this--Act--means--an organization--of--one--or--more--tax--supported--public--libraries serving--a--minimum--of--150,000--inhabitants--or--an--area--of--not less--than--4,000--square--miles,--or--of--a--single--public--library serving--a--city--of--over--500,000--population,--which--organization is--or--has--been--created--as--a--library--system--in--accordance--with this--Act.--Such--organization--may--also--include,--subject--to--the

provisions---of---this---Act,--libraries--other--than--public
libraries.-A--library--system--may--consist--of--any--of--the
following:

a)--A--cooperative--public--library-system-in-which-10-or
more-public-libraries--enter--into--a--written--agreement--to
provide-any-or-all-library-services-on-a-cooperative-basis.

b)--A-public-library-system-consisting-of-a-single-public
library-serving-a-city-of-over-500,000-population.

c)--A--multitype--library--system-in-which-(1)-10-or-more
public-libraries-and-in-addition-other-types-of-libraries,--or
(2)-a-single-public-library-and-in-addition--other--types--of
libraries--serving--a--city-of-over-500,000-population,--enter
into-an-agreement-to-provide-any-or-all-library-services-on-a
cooperative-basis.

(Source: P.A. 83-411.)

(75 ILCS 10/4) (from Ch. 81, par. 114)

Sec. 4. (a) A cooperative-public-library-system--or--a
public library system shall be established in the following
manner: The formation of a library system of 10 or more
public libraries or of a public library serving a city of
over 500,000 population shall first be approved by the boards
of directors of the participating public library or
libraries, followed by the election or selection of a board
of directors for the library system as provided in Sections 5
and 6 of this Act. Subject to rules adopted by the State
Librarian, an application for the formation of a cooperative
public-library-system-or-a-public library system shall then
be submitted by the board of directors of the system to the
State Librarian, together with a plan of service describing
the specific purposes for which the system is formed and the
means by which such purposes are to be accomplished. If it
shall appear to the satisfaction of the State Librarian that
the establishment of a cooperative-public-library-system-or-a

public library system will result in improved library service, he shall approve the application.

The--conversion-of-a-cooperative-public-library-system-or a-public-library-system-to-a-multitype-library--system--shall be--accomplished--in-the-following-manner:-when-a-majority-of the-board-of-directors-of-a-cooperative-public-library-system or-a-public-library-system-approves-conversion-to-a-multitype library-system,--and-when-that-action-has-been-approved--by--a majority--of--the--boards--of--the-public-library-members-and those-public-libraries-represent-a-majority-of-the-population served-by-the-public-library-members,--the--system--board--of directors-shall-submit-an-application-to-the-State-Librarian. The--application--shall--include--the-proposed-bylaws-for-the multitype--system--and--a--plan--of--service--describing--the specific-purposes-to-be-accomplished-by-the-multitype-system. If-it-shall-appear-to-the-satisfaction-of-the-State-Librarian that-the-conversion-of-a-cooperative-public-library-system-or a-public-library--system--will--result--in--improved--library service,--he--shall--approve--the-application.--The-effective date-of-the-multitype-library-system-shall-be-the-date-of-the approval-of-the-appropriation--for--the--fiscal--year,--which funding--for--the--newly-approved-system-has-been-included-as provided-in-Section-8-of-this--Act.---Upon--conversion--of--a cooperative--public-library-system-or-a-public-library-system to--a--multitype--library--system,--the--boundaries--of--the multitype--system--shall--be--the--same--as--the--preexisting cooperative--public--library-system-or-public-library-system. The State Librarian shall provide that all areas of the State fall within the boundaries of a library system. The State Librarian shall have the right to grant provisional status for a period of not more than 3 years from the date of submission of the application for creation of a the conversion-of-a-cooperative-public library system or-a-public library-system-to-a--multitype--library--system if, in his

judgment, provisions in the bylaws or plan of service of the proposed multitype library system fail to meet the criteria established in this Act or in the rules and regulations authorized by this Act. If the deficiencies noted by the State Librarian in granting provisional status are not corrected within the 3 year period, the provisional multitype system status of the system shall be rescinded and the assets of the provisional multitype system shall be liquidated as provided for in Section 13 or the provisional system shall submit a plan for consolidation with an adjoining existing system revert---to---the---preexisting---and---reestablished cooperative--public--library-system-or-public-library-system. In such case the State Librarian shall assume fiscal and administrative responsibility for maintenance of services until a library system status is reestablished or a determination is made by the State Librarian as to the most efficient means of delivering service to the libraries of the system.

Upon the finding of the State Librarian that an existing library system has failed to meet the criteria established by this Act or the rules authorized by this Act, the State Librarian shall give due notice to the library system board to respond to and address the finding. Upon the failure of the library system board to adequately respond to the finding, the State Librarian may assume fiscal and administrative responsibility for the library system. Upon taking such action, the State Librarian may hold a public hearing on the action. The process for these actions shall be prescribed by administrative rule.

(b) A multitype library system as defined in subparagraph (3) of the definition of "library system" in Section 2 that, prior to the effective date of this amendatory Act of the 93rd General Assembly, was organized and provided service as a multitype library system that

served a public library in a city with a population of 500,000 or more need not reorganize for formation as a new library system but may, at the discretion of the State Librarian, continue as a library system subject to conditions and restrictions of this Act and any stipulations of the State Librarian.

(Source: P.A. 83-411.)

(75 ILCS 10/5) (from Ch. 81, par. 115)

Sec. 5. Each ~~cooperative~~ public library system or multitype library system created by conversion of a cooperative public library system as provided in Section 4 of this Act shall be governed by a board of directors numbering at least 5 and no more than 15 persons, except as required by Section 6 for library systems in cities with a population of 500,000 or more. In ~~cooperative public library systems~~ the members shall be elected or selected from the governing boards of the participating public libraries. In multitype library systems The board shall be representative of the variety of library interests in the system, and at least a majority shall be elected or selected from the governing boards of the member public libraries, with not more than one director representing a single member library. For library systems as defined in subparagraph (3) of the definition of "library system" in Section 2, the board members shall be representative of the types of libraries that library system serves. The number of directors, the manner of election or selection, the term of office and the provision for filling vacancies shall be determined by the system governing board except that all board members must be eligible electors in the geographical area of the system. No director of any library system, however, shall be permitted to serve for more than a total of 6 years unless 2 years have elapsed since his sixth year of service.

The board of directors shall elect a president, secretary and treasurer. Before entering upon his duties, the treasurer shall be required to give a bond in an amount to be approved by the board, but in no case shall such amount be less than 50% of the system's area and per capita grant for the previous year, conditioned that he will safely keep and pay over upon the order of such board all funds received and held by him for the library system. The funds of the library system shall be deposited in a bank or savings and loan association designated by the board of directors and shall be expended only under the direction of such board upon properly authenticated vouchers.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of the Public Funds Investment Act.

The members of the board of directors of the library system shall serve without compensation but their actual and necessary expenses shall be a proper charge against the library fund.

(Source: P.A. 91-357, eff. 7-29-99.)

(75 ILCS 10/6) (from Ch. 81, par. 116)

Sec. 6. The board and officers of the public library served by the library system defined in subparagraph (2) of the definition of "library system" in Section 2 shall administer that library system. That public library system shall annually submit a plan of service to be approved by the State Librarian. The plan of service shall include the provision of specified services for all types of libraries operating within the municipal territory of the system subject to approval or revision by the State Librarian. The multitype services shall be provided in consultation with the multitype library system defined in subparagraph (3) of the

definition of "library system" in Section 2 serving the same municipal territory. A public library system as provided in paragraph "b" of Section 2 of this Act shall be governed by the same board and officers that govern the existing public library of that area. The funds received from the state shall be expended only under the direction of such board upon properly authenticated vouchers. When such public library system becomes a multitype library system under the provisions of this Act, the board shall consist of at least 12 and no more than 15 persons representing the variety of library interests in the system. The number of directors, the manner of election or selection, the term of office and the provision for filling vacancies shall be determined by the bylaws of the multitype system.

The board shall elect a president and a secretary, shall designate a treasurer, and may designate such other officers as the board may deem necessary. Before entering upon his duties, the treasurer shall be required to give a bond in an amount to be approved by the board, but in no case less than 50% of the system's area and per capita grant for the previous year, conditioned that he will safely keep and pay over upon the order of such board all funds received and held by him for the library system. The funds of the library system shall be deposited in a bank designated by the board of directors and shall be expended only under the direction of such board upon properly authenticated vouchers. The members of the board shall serve without compensation but their actual and necessary expenses shall be a proper charge against the library fund.

(Source: P.A. 83-411.)

(75 ILCS 10/8) (from Ch. 81, par. 118)

Sec. 8. State grants.

(a) There shall be a program of State grants within the

limitations of funds appropriated by the Illinois General Assembly together with other funds made available by the federal government or other sources for this purpose. This program of State grants shall be administered by the State Librarian in accordance with rules and regulations as provided in Section 3 of this Act and shall include the following: (i) annual equalization grants; (ii) Library System grants; (iii) ~~annual-grants-to-Research-and--Reference Centers;~~ ~~(iv)~~ per capita grants to public libraries; and (iv) ~~(v)~~ planning and construction grants to public libraries and library systems. Libraries, in order to be eligible for grants under this Section, must be members of a library system.

(b) An annual equalization grant shall be made to all public libraries for which the corporate authorities levy a tax for library purposes at a rate not less than .13% of the value of all the taxable property as equalized and assessed by the Department of Revenue if the amount of tax revenue obtained from a rate of .13% produces less than \$4.25 per capita. In that case, the State Librarian is authorized to make an equalization grant equivalent to the difference between the amount obtained from a rate of .13% and an annual income of \$4.25 per capita. If a library receiving an equalization grant reduces its tax levy below the amount levied at the time the original application is approved, it shall be ineligible to receive further equalization grants.

If a library is subject to the Property Tax Extension Limitation Law in the Property Tax Code and its tax levy for library purposes has been lowered to a rate of less than .13%, the library will qualify for this grant if the library levied a tax for library purposes that met the requirements for this grant in the previous year and if the tax levied for library purposes in the current year produces tax revenue for the library that is an increase over the previous year's

extension of 5% or the percentage increase in the Consumer Price Index, whichever is less, and the tax revenue produced by this levy is less than \$4.25 per capita. In this case, the State Librarian is authorized to make an equalization grant equivalent to the difference between the amount of tax revenue obtained from the current levy and an annual income of \$4.25 per capita. If a library receiving an equalization grant reduces its tax levy below the amount levied at the time the original application is approved, it shall be ineligible to receive further equalization grants.

(c) Annual Library System grants shall be made, upon application, to each library system approved by the State Librarian on the following basis:

~~{0.5}--The--distribution--of--annual--library-system grants,--from--all--fund--sources--for--this--purpose,--at--the rate--of--90%--for--distribution--by--means--of--area--and--per capita--served,--as--provided--in--paragraph--(1)--of--this subsection.---Additionally,--the--remaining--10%--of--funds available--for--annual--library--system--grants--shall--be--made available---for---distribution---based---upon---approved application,--by--the--State--Librarian,--for--the--provision--of services--to--member--libraries--and--for---technological developments.~~

(1) For ~~cooperative-public-library-systems,--public library-systems,--or--multitype~~ library systems, the sum of \$1.46 per capita of the population of the area served plus the sum of \$50.75 per square mile or fraction thereof of the area served except as provided in paragraph (4) of this subsection.

(2) If the amounts appropriated for grants are is different from the amount provided for in paragraph (1) of this subsection, the area and per capita funding shall be proportionately reduced or increased accordingly. ~~Remaining--funding--comprising--10%--of--the--annual--library~~

systems-grants-shall-be-distributed-upon-approval-of application-for-initiatives-of-library-development-and technological-innovations-according-to-rules-and regulations-promulgated-by-the-State-Librarian-on criteria-for-awarding-the-grants.

(3) For multitype library systems, additional funds may be appropriated. The appropriation shall be distributed on the same proportional per capita and per square mile basis as provided in paragraphs paragraph (1) and (4) of this subsection.

(4) Per capita and area funding for a multitype library system as defined in subparagraph (3) of the definition of "library system" in Section 2 and a public library system in cities with a population of 500,000 or more as defined in subparagraph (2) of the definition of "library system" in Section 2 shall be apportioned with 25% of the funding granted to the multitype library system and 75% of the funding granted to the public library system.

(d) The "area served" for the purposes of this Act means the area that lies within the geographic boundaries of the library system as approved by the State Librarian. In determining the population of the area served by the library system, the Illinois State Library shall use the latest federal census for the political subdivisions in the area served.

(e) In order to be eligible for a grant under this Section, the corporate authorities, instead of a tax levy at a particular rate, may provide ~~from-a-source-other-than~~ federal-revenue-sharing an amount equivalent to the amount produced by that levy.

(Source: P.A. 89-188, eff. 7-19-95; 90-169, eff. 7-23-97.)

(75 ILCS 10/8.1) (from Ch. 81, par. 118.1)

Sec. 8.1. The State Librarian shall make grants annually under this Section to all qualified public libraries in the State from funds appropriated by the General Assembly. Such grants shall be in the amount of up to \$1.25 per capita for the population of the area served by the respective public library and, in addition, the amount of up to \$0.19 per capita to libraries serving populations over 500,000 under the Illinois Major Urban Library Program. If the moneys appropriated for grants under this Section are not sufficient the State Librarian shall reduce the per capita amount of the grants so that the qualifying public libraries receive the same amount per capita.

To be eligible for grants under this Section, a public library must:

(1) Provide, as determined by the State Librarian, library services which either meet or show progress toward meeting the Illinois library standards, as most recently adopted by the Illinois Library Association.

(2) Be a public library for which is levied a tax for library purposes at a rate not less than .13% or a county library for which is levied a tax for library purposes at a rate not less than .07%. If a library is subject to the Property Tax Extension Limitation Law in the Property Tax Code and its tax levy for library purposes has been lowered to a rate of less than .13%, this requirement will be waived if the library qualified for this grant in the previous year and if the tax levied for library purposes in the current year produces tax revenue for library purposes that is an increase over the previous year's extension of 5% or the percentage increase in the Consumer Price Index, whichever is less.

Any other language in this Section to the contrary notwithstanding, grants under this Section 8.1 shall be made only upon application of the public library concerned, which

applications shall be entirely voluntary and within the sole discretion of the public library concerned.

Notwithstanding the first paragraph of this Section, during fiscal year 1978, the amount of grants under this Section shall be \$0.25 per capita, during fiscal year 1979 the amount of grants under this Section shall be \$0.50 per capita, during fiscal year 1980 the amount of grants under this Section shall be \$0.75 per capita, during fiscal year 1981 through fiscal year 1993 the amount of grants shall be \$1 per capita, and during fiscal year 1994 and thereafter the amount of public library grants shall be \$1.25 per capita, and the amount of the Major Urban Library Program grants shall be \$0.19 per capita. If the monies appropriated for these grants are not sufficient, the State Librarian shall reduce the per capita amount of the grants proportionately.

In order to be eligible for a grant under this Section, the corporate authorities, in lieu of a tax levy at a particular rate, may provide funds from other sources, an amount equivalent to the amount to be produced by that levy.

(Source: P.A. 90-169, eff. 7-23-97; 91-357, eff. 7-29-99.)

Section 99. Effective date. This Act takes effect upon becoming law.