

ILLINOIS STATE LIBRARY
300 South Second Street
Springfield, Illinois 62701-1796

**SYSTEM DIRECTOR'S
MEMO #03-001**

TO: Directors, Illinois Library Systems

FROM: Mike Ragen, Chief Deputy Director
Illinois State Library

DATE: July 8, 2002

RE: Non-Resident Service

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The attached is the third response to inquiries regarding the application of the Administrative Rules for Non-Resident Services promulgated by the Illinois State Library. Either public library staff or system staff submitted the questions. The individuals who submitted inquiries are being sent these responses but their names are being withheld for purposes of confidentiality. The responses will also be posted on the Illinois State Library web site, which is listed below. Members of the Illinois State Library staff developed the responses to the questions. The responses will also be posted on the Illinois State Library web site. The responses will be posted based upon the date of issuance. Future questions will be responded to in a like manner. Please allow 25 days for a response.

We appreciate your input and concern about this issue.

Illinois State Library Web Page: <http://www.cyberdriveillinois.com/library/isl/isl.html>

Enclosure

cc: ISL Managers
ISL Consultants

MR:jlh

**Illinois State Library: Response to questions regarding the Non-Resident Rules
July 8, 2002**

- 1) **For libraries that are using the tax bill method for calculating the non-resident fee, how should the library use all the non-resident's property for the basis of the calculation or must they limit the calculation to only the non-resident's principal residence?**

Response: The library should base the calculation on the tax bill that the non-resident submits as application for a non-resident card and that indicates the non-resident's domicile. If additional property is part of the tax bill, that property would be included in the calculation.

- 2) **Length of time for non-resident cards?**

Response: Both the Illinois Local Library Act and the Library District Act of 1991 speak only of nonresident cards with no variation on the types of cards that could be issued to nonresidents. The Administrative Rules for Public Library Nonresident Services requires that nonresident cards be issued for a full 12 months (Section 3050.50-a). The reason for this is that both of affected laws specifically state that a non-resident fee shall be at least equal to the cost paid by residents. Resident taxpayers that support a library do not have an option for the payment of taxes. To issue short-term cards for any purpose undercuts the spirit of the law.

- 3) **Regarding students living at school during the school year. Should they be treated as intersystem reciprocal borrowers or should the college town library register them based on their local address at school? In the latter case, the library closest to their school address would issue the cards either a resident or non-resident card as appropriate. In some cases such students live in areas outside of the boundary of their college town, yet live inside the service area of their hometown library. This is complicated by the fact that the college town library must register the user in order to circulate items, so even if such users are considered inter-system reciprocal borrowers, the library still must register them locally and issue a card. If the student lives outside the service area of the college town library, but has a card at the hometown library, should the college town library charge a non-resident fee or issue the card without a fee?**

Response: Resident cards should be issued based upon the proof of residency that is required by a library. Such proof can include a proof of mail receipt, utility payments, etc. Non-resident cards are issued based upon the Administrative Rules of the State Library. A library can accept library cards issued by other libraries for reciprocal borrowing purposes.

- 4) **Can a library charge a higher fee for additional services to individuals who are non-residents of the same system? The services involved would be those above and beyond the loaning of materials.**

Response: Both the Illinois Local Library Act and the Library District Act stipulate that the non-resident fee should be at least equal to the cost paid by residents and that such fee affords the non-resident right to borrow materials, etc. If a library offers "premium" services for a fee that fee should be equitably applied to both residents and non-residents for such services.

- 5) **What if a municipality does not impose a property tax? What type of formula should a library use to determine the non-resident fee?**

Response: For a library that does not receive income from a property tax, the library should probably use the General Mathematical Formula as specified in Section 3050.60 (a) of the Non-Resident Rules. That formula basically requires a library to add all the income received by the library for its annual budget and other resources and divide that amount by the population served for the net amount per individual. This amount is multiplied by the average household size to determine the non-resident fee. The law(s) require the fee to be no less than paid by residents and the rules call for the fee to be "equitable and proportionate" to the cost paid by taxpayers. Therefore, if a library uses the per capita method or the tax bill method, a library may charge an amount slightly higher to accommodate any administrative handling costs, etc. non-resident fee.

- 6) **What if library has an agreement with a local school, within the library service area, to allow the teachers to use the library for the purpose of obtaining instructional materials? What if the teacher is a non-resident?**

Response: Any such agreement should be based upon a "reciprocal" agreement with the school district as permitted by law. Such an agreement should be between the libraries and allow for a mutual access to materials. However, in the case of the school library, obviously only the materials could be accessed through a delivery/interlibrary loan situation. The general public should not have direct personal access to the school library.

- 7) **Should non-resident business renters be eligible for a card? What if the non-resident business renter is a day care center, should it be treated any differently?**

Response: The June 13, 2002 memorandum (System's Director's memo #02-026) states that non-resident business renters should be afforded the opportunity to obtain a card. As for day-care centers or any other type of business, the circulation policy of the library may include a provision that would restrict the number of items that a patron, regardless of resident or non-resident status, can check-out at any given time.

- 8) **Can a library offer a “temporary business card” for persons who are only temporarily living in the library service area? For example, there are numerous extended stay hotels which house people on a temporary basis while they perform work for an area business. Can a library offer these non-residents a “temporary business card” with a deposit fee of \$10.00 so they can borrow materials?**

Response: The State Library’s basic provision on short-term or pro-rated cards remains the same. What a library can do under this type of situation is establish a contract with the extended stay hotel. Contracts for such services are permissible under both the Local Library Act (75 ILCS 5/4-7-8) and the Public Library District Act (75 ILCS 16/30-55.60).

- 9) **A library operates a bookmobile that serves nearly 1500 non-resident K-12 students. The Library charges the students a \$6 annual fee plus \$3 for a summer reading club. Can the Library continue to offer this service under the new non-resident law and rules?**

Response: In this situation a library should contract with the school district to provide service to the school children who are non-residents (see question no. 6).

- 10) **Can a library offer a “temporary deposit card” for persons who reside at a temporary shelter facility located within a library service area?**

Response: As noted with the extended stay hotels, a library could contract with the managers of such facilities to offer services. Of course, if the residents of these facilities are residents of the library service area there is no issue.

- 11) **Are cards issued to Non-Residents who live in Indiana valid for reciprocal borrowing anywhere in Illinois? I imagine this same question may apply in other border areas around the state.**

Response: Neither the Illinois Local Library Act, the Illinois Library District Act of 1991 or the Non-Resident Service rules govern out-of-state non-resident issues. An Illinois public library may have an established relationship with an out-of-state library for the mutual benefit of their patrons. However, such a relationship does not extend to other Illinois public libraries for reciprocal borrowing or other services. An individual out-of-state non-resident, who does not even have a temporary residence in Illinois and who is seeking library privileges in Illinois should be advised to obtain library services in their home state.