

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois State Library Grant Programs
- 2) Code Citation: 23 Ill. Adm. Code 3035
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
3035.100	Amendment
3035.115	Amendment
3035.120	Amendment
3035.125	Amendment
3035.130	Amendment
3035.135	Amendment
3035.140	Amendment
3035.435	Amendment
3035.450	Amendment
3035.460	Amendment
3035.520	Amendment
3035.640	Amendment
3035.730	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 U.S.C. 9141 et seq.), the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.6, and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/].
- 5) A Complete Description of the Subjects and Issues Involved: Implementing P.A. 103-100 by adding the requirement set forth in the Public Act to the administrative rules setting forth the terms and conditions grant applicants must meet in order to apply for a grant from the State Library.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No

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- 10) Are there any other proposed rulemakings pending on this Part? No

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1030.92	Amendment	47 Ill. Reg. 4237; March 31, 2023

- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenue.

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after publication of this Notice to:

Pamela Wright  
Office of the General Counsel  
298 Howlett Building  
Springfield, IL 62756

[pwright@ilsos.gov](mailto:pwright@ilsos.gov)

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Libraries, Library districts, and school district libraries.

B) Reporting, bookkeeping, or other procedures required for compliance: No additional reporting or bookkeeping required as a result of the amendments

C) Types of professional skills necessary for compliance: None

- 14) Small Business Impact Analysis:

A) Types of businesses subject to the proposed rule:

61	Educational Services
71	Arts, Entertainment, and Recreation

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B) Categories that the agency reasonably believes the rulemaking will impact, including:

- ii. regulatory requirements;
- viii. record keeping;
- x. other potential impacted categories.

15) Regulatory Agenda on which this rulemaking was summarized: July 2023

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATEPART 3035  
ILLINOIS STATE LIBRARY GRANT PROGRAMS

## SUBPART A: STATE GRANTS

Section	
3035.10	Definitions
3035.100	System Area and Per Capita Grants
3035.105	Library System Technology Grants
3035.110	Special Library Services to Persons with a Print Disability
3035.115	Public Library Per Capita and Equalization Aid Grants
3035.120	School District Library Grant Program
3035.125	Library Grants for Veterans' Homes
3035.130	<del>Educate &amp; Automate Automation</del> /Technology Grants
3035.135	Requirements, Denial, and Revocation of Approval
3035.140	Grants, Expenditures, and Audits
3035.150	Appeal Procedure

## SUBPART B: LITERACY GRANT PROGRAM

Section	
3035.200	Purpose
3035.210	Definitions
3035.220	Application for Grant
3035.230	Review of Grant Applications
3035.240	Award of Grants, Accountability and Recordkeeping
3035.250	Cancellation of Grant
3035.260	Fiscal Procedures
3035.270	Other Requirements (Repealed)
3035.280	Penny Severns' Grant Program (Repealed)

## SUBPART C: SCHOLARSHIP PROGRAM GRANTS

Section	
3035.300	Purpose

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3035.310	Definitions
3035.320	Number and Amount of Scholarship Program Grants
3035.330	Illinois Library Schools and Attendance Requirements
3035.340	Eligibility Requirements
3035.350	Application Process
3035.360	Selection of Scholarship Program Grantees
3035.370	Conditions of Scholarship Program Grants

## SUBPART D: PUBLIC LIBRARY CONSTRUCTION GRANTS

Section	
3035.400	Purpose
3035.410	Definitions
3035.420	Duty to Administer
3035.430	Priorities in Library Grant Construction Proposals
3035.435	Grant Funding Limitations
3035.440	Additional Grant Funds
3035.450	Grant Application Procedure
3035.460	Requirements and Conditions of Grant Funds
3035.470	Remodeling for Accessibility
3035.480	Shared Use Facilities
3035.490	Disbursement of Grant Funds

## SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

Section	
3035.500	Purpose
3035.510	Definitions
3035.515	Eligibility Requirements
3035.520	Grant Applications
3035.525	Priority of Public Library Construction Act Projects
3035.530	Grant Amounts and Use
3035.535	Grant Awards
3035.540	Supervision of Public Library Construction Act Projects
3035.550	Carry-over Projects
3035.555	Referendum Requirements
3035.560	Public Library Capital Needs Assessment
3035.565	Public Library Site Selection
3035.570	Eligible Project Costs

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- 3035.575 General Standards and Guidelines for the Appropriate Utilization of Bond Proceeds  
3035.580 Standardized Definitions and Guidelines  
3035.585 Limitations on Expenditures of Bond Proceeds

## SUBPART F: TALKING BOOK AND BRAILLE SERVICE (TBBS)

## Section

- 3035.600 Purpose  
3035.610 Definitions  
3035.620 Eligibility  
3035.630 Application for Service  
3035.640 Application for Grant  
3035.650 Provision of Information Transmission Services  
3035.660 Remittance for Information Transmission Services

## SUBPART G: LIBRARY SERVICES AND TECHNOLOGY ACT GRANTS (LSTA)

## Section

- 3035.700 Purpose  
3035.710 Definitions  
3035.720 Duty to Administer  
3035.730 Grant Application and Awards

- 3035.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs  
3035.EXHIBIT B Guidelines for Rating Life Safety/Legal Issues (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 U.S.C. 9141 et seq.), the Accessible Electronic Information Act [15 ILCS 323] and 36 CFR 701.6, and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3].

SOURCE: Adopted at 31 Ill. Reg. 16310, effective November 20, 2007; amended at 32 Ill. Reg. 9666, effective June 23, 2008; amended at 33 Ill. Reg. 4180, effective February 27, 2009; amended at 35 Ill. Reg. 18366, effective October 18, 2011; amended at 36 Ill. Reg. 12385, effective July 18, 2012; amended at 37 Ill. Reg. 4348, effective March 19, 2013; amended at 37 Ill. Reg. 18922, effective November 7, 2013; amended at 39 Ill. Reg. 5218, effective March 20, 2015; amended at 40 Ill. Reg. 2808, effective January 22, 2016; amended at 44 Ill. Reg. 1990,

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effective January 7, 2020; emergency amendment at 44 Ill. Reg. 6157, effective April 6, 2020, for a maximum of 150 days; emergency expired September 2, 2020; amended at 46 Ill. Reg. 6614, effective April 7, 2022; amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: STATE GRANTS

**Section 3035.100 System Area and Per Capita Grants**

Application for Annual Per Capita and Area Grants to the library systems shall be made to the State Librarian prior to July 1 of each year and shall consist of the following:

- a) An annually updated plan of service. The plan of service shall clearly indicate how the proposed expenditure of State funds in the ensuing fiscal year will be utilized for the provision of member services within the goals for Illinois Library systems.
- b) The estimated system budget for the ensuing fiscal year based on current year funding with a contingency plan for anticipated funding for the ensuing year.
- c) Certification that the library system has adopted the American Library Association's Library Bill of Rights that indicates material should not be proscribed or removed because of partisan or doctrinal disapproval.
- d) A written policy, adopted by the library system's board of directors, that indicates the library system will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material.
- e) Certification that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the library system agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.115 Public Library Per Capita and Equalization Aid Grants**

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- a) To be eligible for a per capita [or an annual equalization](#) grant, a public library shall show that it will either meet or show progress toward meeting Serving Our Public 4.0: Standards for Illinois Public Libraries (2019) (produced by the Illinois Library Association, 33 West Grand Avenue, Suite 401, Chicago IL 60654-6799). The material incorporated by reference includes no later amendments or editions. A grant applicant must raise or improve its performance levels in relation to the standards, when those levels are below the standards, according to objectives, time frames, and priorities the library shall state in its application for a grant, and that it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (See Section 8.1(1) of the Illinois Library System Act [75 ILCS 10].) The applying library must be in good standing and meet the criteria of a "full member library" or a "developmental member library" as defined in 23 Ill. Adm. Code 3030.110. [The applying library must certify that it has adopted the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy, adopted by the public library's board of trustees, that indicates the library will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material, pursuant to 75 ILCS 10/3. The applicant library shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the library agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.](#)
- b) *Application for annual equalization grants and per capita grants to public libraries shall be made each year.* (Section 8 of the Act) Whenever an applicant library reports any changes in the population count for the eligible service area population, then the applicant library shall submit with the grant application the appropriate supporting legal documentation for the population count change. The Illinois State Library shall validate the eligible service area population of a public library using the latest census of population of Illinois, or a municipality or parts of a municipality, as prepared and submitted to the Secretary of State's Index Department by the federal government and certified by the Secretary of State in accord with the application deadline date established by the Illinois State Library.
- c) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant



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funds will be used to meet or make progress in meeting Illinois library standards cited in subsection (a).

- d) A public library that receives a per capita grant and or equalization aid and contracts for service with another public library must, within 30 days after receipt of the grant funds, remit the entire amount to the public library that provides the service.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.120 School District Library Grant Program**

- a) To be eligible for a School Library Grant, the applicant must be an Illinois public school district and a member in good standing of a regional multitype library system; or have made application for system membership 90 day prior to the grant application deadline and be approved for membership prior to the following January 15. The applying public school district must certify that the public school district has adopted the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide written procedures, currently in effect at the school district, that indicates its library(s) will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material, pursuant to 75 ILCS 10/3. The applicant public school district shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the public school district agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.
- b) To qualify for a grant under this Part, a school library must meet the criteria in Section 8.4 of the Act.
- c) Application for School Library Grants shall be made each year.
- d) The applicant shall show that grant funds will be used to support the services of the district's school library media program. The grant may not be used for the construction of a new library or for capital improvements to the existing library.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 3035.125 Library Grants for Veterans' Homes**

- a) Pursuant to Section 8.6 of the Act, this Section establishes the application procedures for veterans' home library grants.
- b) The application shall be submitted to the Illinois State Library in a manner prescribed by the State Librarian. The applicant shall provide the information stipulated in Section 3035.135(d). The application shall include:
  - 1) A statement on the proposed use of the grant for which application is being made that shall show how grant funds will be used for library services to residents. Grant funds are eligible to be used in support of library services and activities, including library staffing, materials, and equipment.
  - 2) The applicant must certify that the applicant has adopted the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material, pursuant to 75 ILCS 10/3. The applicant shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the applicant agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.
  - ~~3~~) Other requirements established by the Illinois State Library.
- c) Illinois State Library staff will evaluate the applications, and the State Librarian will make final funding decisions.
- d) The application will be funded according to the amount of funding available based on demonstrated need. Criteria will also include whether the plan of operation contains information about the project goals and objectives, the methods used to achieve these goals and objectives, and the involvement of staff in providing library service.

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- e) In order for an application to be considered, the veterans' home must be providing library services to the residents at the time of application.
- f) In accordance with Section 3035.140(b), the applicant shall submit reports on the use of grant funds as required by the Illinois State Library

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.130 ~~Educate & Automate Automation~~/Technology Grants**

- a) Competitive Grants
  - 1) Application for purchases of equipment and services that support library development and technological advancement (see Section 8.5 of the Act) in libraries shall be made prior to July 1. Applicants shall use the forms prepared and made available by the State Librarian for this purpose.
  - 2) Criteria will include whether the project plan contains information about the project goals and objectives, the methods used to achieve these goals and objectives, the number of people to be served, and whether the proposed budget is reasonable in view of the proposed goals.
  - 3) The applicant must certify that the applicant has adopted the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material, pursuant to 75 ILCS 10/3. An individual school library or public school district applicant may provide written procedures, currently in effect at the school or school district, that indicates its library(s) will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material, pursuant to 75 ILCS 10/3. The applicant shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the applicant agrees to provide the Illinois State Library

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with any final decision for the reconsideration of library materials during the term of the grant award.

- ~~43~~) The number of grants to be awarded is at the discretion of the State Librarian.
- ~~54~~) Applicants must meet requirements designated by the State Library for public access to electronic information and technology.
- b) Direct expenditures by the State Librarian may be made to support library development and technological advancement in libraries (e.g., upgrading library catalogs and databases, webinar platforms, digitization of newspapers, online catalog for talking books for the blind) (see Section 8.5 of the Act).
- c) Funding awarded under subsections (a) and (b) may be used for any or all of the following purposes:
- 1) Telecommunications costs for electronic networks for ILLINET libraries and library systems;
  - 2) Computer hardware and software for ILLINET libraries and library systems;
  - 3) Access to electronic information by the general public through ILLINET libraries;
  - 4) Converting special collections and rare materials in ILLINET libraries into digital format, making them accessible by computer to students, researchers and the general public;
  - 5) Library organizations are eligible for ~~Educate & Automate Automation~~/Technology Grants for purposes stipulated in this subsection (c). Library organizations must draw their membership from librarians or various types of libraries as defined in Section 3035.10. Their headquarters must be within the State of Illinois. Their mission must have the charge for promotion, provision, development, and improvement of libraries and library services, and be based in Illinois.

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- d) The applicant shall submit reports, in accordance with Section 3035.140(b), on the use of grant funds as required by the Illinois State Library.
- e) Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.135 Requirements, Denial, and Revocation of Approval**

- a) Libraries shall complete, on an annual basis, the certification process required for library system membership in order to apply for a grant under this Part.
- b) ~~A grant applicant~~ Grant applicants must demonstrate in ~~its~~their grant applications that ~~it has~~they have satisfactorily met all requirements and ~~possesses~~they possess the administrative capacity to perform the program, fiscal, and reporting functions stipulated in this Part.
- c) The Illinois State Library may deny a grant application if the requirements in this Part are not met, or are inadequately met.
- d) Grant applicants shall use the grant application format prepared and made available by the State Librarian for this purpose. The applications are available at <http://www.ilsos.gov/departments/library/grants/home.html> ~~<http://www.cyberdriveillinois.com/departments/library/grants/home.html>~~. The applicant shall provide:
  - 1) Project Director
  - 2) Administrative Capacity
  - 3) Project Title
  - 4) Abstract
  - 5) Primary Purpose

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- 6) Project Description
  - 7) Target Audience and Need
  - 8) Project Schedule
  - 9) Outcomes, Evaluations, and Methods
  - 10) Detail and Explanation of Expenses
- e) Grant applications not submitted in the required format by the deadline date, or not completed, shall not be considered for funding by the Illinois State Library.
  - f) Any agency submitting a grant application not considered for funding by the Illinois State Library shall be notified, explaining the reason for denial.
  - g) The Illinois State Library shall provide for hearings to reconsider decisions made in the administration of this Part, as provided for in Section 3035.150.
  - h) Grants made under this Subpart are subject to the provisions of the Illinois Grant Funds Recover Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Fund Recovery Act controls.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.140 Grants, Expenditures, and Audits**

- a) The Illinois State Library staff shall review grant applications. Additional qualified reviewers may be selected by the Director of the Illinois State Library as needed. If a grant reviewer has an application in competition or a conflict of interest during a review cycle, that grant reviewer shall not serve on the related review committee during that cycle. The decision of the State Librarian is final.
- b) The Illinois State Library will notify the submitting agency when the application is approved for contractual purposes. As stipulated by the grant agreement, the following reports will be completed and transmitted to the Illinois State Library:
  - 1) Quarterly narrative and financial reports showing expenditures made from grant funds by line item.

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- 2) Final narrative and financial reports evaluating the degree to which the grantee achieved the goals and objectives of the project.
- c) Changes in the project budget of over 10 percent of the grant award shall have prior approval in writing from the Illinois State Library. Recipients of the Public Library Per Capita and Equalization Aid Grants, the School Per Capita Grant, ~~Live and Learn Construction Grant~~ and Public Library Construction Grant shall follow the requirements in Sections 3035.115, 3035.120, 3035.450(b)(2)(H) and 3035.540(h), respectively.
- d) Failure to spend funds in accordance with the application or approved amendment and the reporting procedures stipulated in this Part shall result in ineligibility for future grants for a period of one year.
- e) Failure to maintain and abide by the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or the applicant's/grantee's written policy or procedure declaring the inherent authority of the applicant to include a prohibition of the practice of banning specific books or resources, pursuant to 75 ILCS 10/3, shall result in revocation of the grant award pursuant to the Grant Funds Recovery Act [30 ILCS 705].
- f) All State funded grantees receiving grants under Subparts A, B, D, E, F and G at a combined cumulative total of \$175,000 or more in Secretary of State grant awards in the same fiscal year shall submit an agency-wide audit upon completion of the grant activity.
  - 1) All governmental unit audits shall comply with Government Auditing Standards (also known as "GAGAS" or the "Yellow Book") (2018 Revision), published by the Comptroller General of the United States, Government Accountability Office, 441 G. Street, NW, Washington DC 20548 (<http://www.gao.gov/yellowbook>). No later amendments to these standards are incorporated in this Section.
  - 2) All not-for-profit agency audits will comply with Not-for-Profit Entities AICPA Audit and Accounting Guide: April 2017, published by the American Institute of Certified Public Accountants, 1345 Avenue of the Americas, 27<sup>th</sup> Floor, New York NY 10105 (<http://www.aicpa.org>). No later amendments to these standards are incorporated in this Section.

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- gf) The Illinois State Library may request additional information and data from any governmental unit, not-for-profit agency, public corporation, or other entity submitting a grant application.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: LIVE AND LEARN CONSTRUCTION GRANTS

**Section 3035.435 Grant Funding Limitations**

Fiscal limitations on library building construction grants under Section 8 of the Illinois Library System Act shall include the following:

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.
- b) The maximum grant for each library political unit shall be \$125,000 per annual funding cycle, unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection (c).
- c) The minimum grant awarded for mini-grants shall be \$2,500. The minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be \$25,000. The maximum grant awarded for mini-grants shall not exceed \$35,000; the maximum grant awarded for remodeling for accessibility projects shall not exceed \$50,000; and the maximum grant awarded for other projects shall not exceed \$125,000.
- d) Priority will be given to a library that has not received any construction funding, whether under a library construction grant program or a specific appropriation from the Secretary of State, during the three prior State fiscal years, including the current State fiscal year.
- e) For projects of a unique nature or resulting from a disaster, the Secretary of State, on the advice of the Illinois State Library, may raise the ceiling, award less than the minimum grant amount, make a special grant award and/or allow for consecutive years of funding.



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- f) Grant contracts awarded under this Part must be signed within 90 days after the grant award notification.
- g) A public library may only apply for either a [Public Library](#)~~Live and Learn~~ Construction Grant or a Public Library Construction [Act](#) Grant in the same award year.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.450 Grant Application Procedure**

The following application procedures shall apply:

- a) The Illinois State Library shall issue application forms for library construction grants under this program.
- b) Applying libraries and library systems shall submit a signed, completed current library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants. To be eligible for a [Public Library Construction](#)~~Live and Learn~~ Grant, the applicant shall provide:
  - 1) Application Phase
    - A) The assurances contained in this Section, as listed in the Construction Grant Application Form.
    - B) A statement describing the necessity for the proposed project.
    - C) A statement of plans to meet existing library standards of service, *Serving Our Public 4.0: Standards for Illinois Public Libraries* (2019), incorporated by reference in Section 3035.115. This subsection (b)(1)(C) shall not apply to library systems.
    - D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.

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- E) An affirmative statement that the applicant or its officers, directors, or managers do not have any conflicts of interest or apparent conflicts of interest that may impair the fairness and impartiality of the grant process. A conflict of interest may arise when an entity or person may benefit financially from a decision that could be made in that capacity, including indirect benefits such as to family members or businesses with which the person is closely associated.
- F) A facility plan. For projects with a total cost of over \$150,000, a library building consultant may work with the library in developing the facility plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
- G) For projects with a total cost equal to or greater than \$75,000, assurance that an architect or engineer licensed to practice in Illinois is being utilized.
- H) Project design, with a site plan, outline of specifications and an estimated cost per square foot.
- I) A letter from the Historic Preservation Division of the Illinois Department of Natural Resources evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- J) For new construction, additions and projects involving evacuation of soil:
  - i) Documentation stating whether the project site is located in a Special Flood Hazard Area found at the Illinois State Water Survey's Illinois Floodplain Map website (<http://www.illinoisfloodmaps.org/>). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Office of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 2006-5 regarding flood damages.

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- ii) A subsurface soil analysis by a soils engineer.
  - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos, lead paint or any toxic substance. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) has occurred or is necessary.
- K) Assurance that the real estate affected by the proposed construction is available to the library or library system, as is the legal description of the affected real estate. A deed of ownership or proof of long-term occupancy (20-year minimum) shall be provided, except for [mini grants](#)~~mini-grants~~. The applicant shall provide assurance that the building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the Director of the Illinois State Library.
- L) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that a referendum is pending or various fundraising activities will be undertaken in the future, with the amount to be raised remaining uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3035.400.
- 2) Construction Phase
- A) An assurance that the grantee library will expend 100% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. If the grantee fails to submit a final report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the Director of the Illinois State Library.

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- B) An assurance that the construction work will be performed under the lump sum (fixed price) contract method.
- C) An assurance that the library will publicly announce all requirements for architectural, engineering and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].
- D) Architectural, engineering and land surveying contracts made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
- E) An assurance that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.
- F) No person or business shall bid, offer, make a submission, or enter into a contract with the grantee if the person or business assisted the grantee or any agent or employee of the grantee, who by the nature of the agent or ~~employee's~~ ~~empoyee's~~ duties has the authority to participate personally or substantially in the contract specifications, requests for bids or proposals, or otherwise by reviewing, drafting, directing, or preparing any invitation for bids, a request for proposal, or request for information or provided similar assistance except as part of a publicly issued opportunity to review drafts of all or part of these documents. This subsection does not prohibit a person or business from submitting a bid or offer or entering into a contract if the person or business:

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- i) initiates a communication with an employee to provide general information about products, services, or industry best practices;
  - ii) responds to a communication initiated by an employee of the Library for the purposes of providing information to evaluate new products, trends, services, or technologies; or
  - iii) asks for clarification regarding a solicitation, so long as there is no competitive advantage to the person or business and the question and answer, if material, are publicly posted and made available to other bidders or offerors as an addendum to the solicitation.
- G) When, for any reason, any vendor, bidder, offeror, potential contractor, contractor, or other person suspects collusion or other anti-competitive practice among any bidders, offerors, potential contractors, contractors, or employees of the State, that person shall transmit a notice of the relevant facts to the State Librarian.
- H) An assurance that all laborers and mechanics employed by the contractor or subcontractors on all construction projects will be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
- I) An assurance that a copy of the building permit will be supplied to the Illinois State Library prior to the actual construction and that the permit will be posted in a prominent place on the construction site.
- J) An assurance that any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve or deny any change orders of \$20,000 or more and the modification of any public areas of the grantee library from the proposed original plans

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of the approved grant application. The change order will be accompanied by a letter stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.

- K) An assurance that contractors and subcontractors will comply with:
- i) all applicable provisions of the Illinois Human Rights Act [775 ILCS 5];
  - ii) all federal and State laws, rules and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age and physical or mental disability; and
  - iii) the ~~conflict-of-interest~~ ~~conflict-of-interest~~ provisions specified in the Illinois Procurement Code [30 ILCS 500].
- L) Construction contracts signed by both the library board (or library system board) and contractors that are, or are comparable to, the Standard Form of Agreement Between Owner & Contractor A101-2017, published by the American Institute of Architects, 1735 New York Ave., NW, Washington DC 20006-5292 (<http://www.aia.org>). No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any contracts between the library board or library system board and contractors if:
- i) The bidding procedure outlined in subsection (b)(2)(E) was not followed.
  - ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.

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- iii) The requirements in subsection (b)(2)(K) were not followed.
- M) An assurance that a sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction and that a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the project.
- N) An assurance that construction will not begin until a contract is executed with the State Librarian.
- O) An assurance that construction will commence within 140 days after the effective date of the grant contract.
- P) An assurance that any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, will have full access to, and the right to examine, any records, books, papers, or documents of the grantee involving transactions related to the grant.
- Q) An assurance that the following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the Director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.
  - i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest

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- earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
- ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
  - iii) The final narrative report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The final narrative report shall include a project audit according to Section 3035.140(e).
  - iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% stage of completion.
- R) An assurance that, when construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State and local requirements.
  - S) An assurance that any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.
- c) Some of the documentation and written assurances may be waived in the application, upon approval of the Illinois State Library, except that subsections (b)(2)(F), (b)(2)(G) and (b)(2)(K) will not be waived.
  - d) Applications will be considered in accordance with Section 3035.420(c).
  - e) Grant applications are subject to the conditions stipulated in Section 3035.135.
  - f) Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs.



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(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 3035.460 Requirements and Conditions of Grant Funds**

- a) Building Construction Plans
  - 1) Library buildings are to be planned for ~~20-year~~<sup>20-year</sup> population projection (for new construction, conversions, and additions to buildings).
  - 2) A library building consultant may work with the library in developing and implementing the public library facilities plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
  - 3) An architect and/or engineer licensed to practice in Illinois shall be retained by the grantee throughout the design and construction if the total cost of the project is equal to or greater than \$75,000.
  - 4) The library must meet the eligibility criteria to qualify for per capita grants provided in Section 8.1 of the Illinois Library System Act [75 ILCS 10], and must have submitted applications for, and have been awarded, those grants for three previous fiscal years. This subsection (a)(4) shall not apply to library systems.
  - 5) The library or library system facility shall provide access for persons with disabilities as required in the Illinois Capital Development Board's Illinois Accessibility Code (71 Ill. Adm. Code 400) and shall display the symbol of accessibility.
- b) No grant shall be awarded to any public library or regional library system unless the building and the property is owned fee simple by the municipality, library district or library system, as applicable, or proof of long term (20 year) occupancy exists. The State Librarian may grant an exception for any property or building owned in fee simple by a non-profit community organization that is incorporated in Illinois, has federal Internal Revenue Service 501(c)(3) status, and has a charter specifying that the ownership of the property or building shall revert to the public library upon the dissolution of the organization. No such exception shall be granted for a regional library system.

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- c) A letter of certification from the project architect or engineer, stating that the drawings represent the project as presented with the grant application, must be submitted to the Illinois State Library for approval prior to going out to bid.
- d) All contracts for library construction shall be awarded to the lowest, qualified bidder on the basis of open competitive bidding; however, if one or more items of construction are covered by an established alternative procedure used by a unit of local government and approved by the Illinois State Library as designed to assure construction in an economical manner consistent with sound business practices, the alternative procedure may be followed, to the extent consistent with State statutes and local ordinances.
- e) The library board shall establish and maintain records and accounts as will permit accurate and expeditious audits at any time before, during, and after completion of construction. The records shall be retained for not less than the time provided for by the Local Records Act [50 ILCS 205].
- f) The library board shall comply with all applicable provisions in local bidding ordinances.
- g) The applicant must certify that the applicant has adopted the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval, or provide a written policy, adopted by the applicant's board of trustees or its board of directors, that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material.
- h) The applicant must certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian the applicant agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the terms of the grant award.
- i) The library must permit statewide reciprocal borrowing.
- j) Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a

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provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

**Section 3035.520 Grant Applications**

- a) For projects with a total cost equal to or greater than \$75,000, an architect or engineer licensed to practice in Illinois is required. The selection of an architect-engineer shall be in accordance with the Local Government Professional Services Selection Act [50 ILCS 510]. Public libraries are allowed to choose the architect and engineer for their public library construction projects. No project may be disapproved by the State Librarian solely due to a public library's selection of an architect or engineer as stipulated in this subsection.
- b) To qualify for and be eligible for a public library construction grant, public libraries shall apply to the State Librarian for public library construction project grants on the forms prepared and made available for this purpose. The grant application shall include these components:
  - 1) A service plan statement of no more than two pages that states:
    - A) How the project addresses one or more to the five levels of priority described in Section 15-30 of the Act.
    - B) The necessity for the proposed project.
    - C) Plans to meet Serving Our Public 4.0: Standards for Illinois Public Libraries (2019), incorporated by reference in Section 3035.115(a).
    - D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
    - E) An affirmative statement that the applicant and its employees do not have any conflicts of interest or apparent conflicts of interest that may impair the fairness and impartiality of the grant process.

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F) The applicant must certify that it has adopted the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy, adopted by the library's board of trustees, that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material, pursuant to 75 ILCS 10/3. The applicant shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the library agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.

2) A public library facilities plan with the following components:

- A) An examination of the present and future public library facility needs of present and anticipated public library programming. Library buildings are to be planned for ~~20-year~~ 20-year population projection (for new construction, conversions, and additions to buildings).
- B) A site analysis, space needs assessment, and project design.
- C) How the library facility will provide access for the physically disabled, as required in the Illinois Capital Development Board's Illinois Accessibility Code (71 Ill. Adm. Code 400), and shall display the symbol of accessibility.

3) Supporting Documentation

- A) A letter from the Illinois Historic Preservation Office evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- B) For new construction, additions, and projects involving evacuation of soil:

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- i) Documentation stating whether the project site is located in a Special Flood Hazard Area (found at the Illinois State Water Survey's Illinois Floodplain Map website, <http://www.illinoisfloodmaps.org/>). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Office of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 2006-5 regarding flood damages.
  - ii) A subsurface soil analysis by a soils engineer and environmental site assessment, if applicable.
  - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.
- C) Documentation that a deed of ownership or proof of long-term occupancy (20-year minimum) is or will be available to the public library. The deed or lease agreement shall include a legal description of the affected real estate. The building must remain in use as a public library facility for not less than 20 years after its construction unless other use is approved by the State Librarian.
- D) Funding sources and cost estimates, including the availability of local financial resources, current revenues, fund balances, and unused bonding capacity, and a fiscal plan for meeting present and anticipated debt service obligations.
- E) A timeline of major events, including dates of the letting of bids, groundbreaking, substantial completion, occupancy, and dedication.
- F) A maintenance plan and schedule that contains necessary assurances that new, renovated, and existing facilities are being or will be properly maintained.

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- c) Each public library that is determined to be eligible shall annually update its public library facilities plan and submit the revised plan to the State Librarian for approval.
- d) Eligible libraries are qualified for a library construction project grant, but are not guaranteed receipt of a grant.
- e) Grant applications are subject to the conditions stipulated in Section 3035.140.
- f) In Fiscal Year 2013 and in subsequent fiscal years, grant applications are due on April 15 prior to the fiscal year in which a grant award will be made. In the case of a disaster described in Section 3035.525(a)(1), a library may submit an application for a Public Library Construction Act grant at any time.
- g) In all projects in which the acquisition of property is pending as permitted in Section 3035.565(c), supporting documentation related to the project site shall be provided before a grant award is made.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: TALKING BOOK AND BRAILLE SERVICE (TBBS)

**Section 3035.640 Application for Grant**

- a) The geographic boundaries of a TBC, AOC<sub>2</sub> and MSLA shall be those boundaries approved by the State Librarian. In setting TBC, AOC<sub>2</sub> and MSLA boundaries, the State Librarian shall place primary importance on the statewide implication of resource sharing, the efficient use of public funds, the impact on affected eligible patrons, and the impact on services provided by the affected TBC, AOC<sub>2</sub> and MSLA.
- b) To qualify for an annual grant as a TBC, AOC<sub>2</sub> or MSLA, the applicant entity shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped to serve as a TBC, AOC<sub>2</sub> or MSLA. An annual contract with the State Library shall be executed that specifies the objectives and budget for the service. The applicants shall provide the information stipulated in Section 3035.135(d). The application shall also contain:

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- 1) A statement on the proposed use of the grant for which application is being made that shall ~~detail~~ show how grant funds will be used to expand TBC, AOC, and MSLA services to eligible patrons. Grant funds may be used for staff, materials, equipment, and services.
  - 2) A report on the use of the previous year's grant, if a grant was received, that shall ~~detail~~ show how the grant was used and an evaluation detailing the impact of the program.
  - 3) A certification stating that:
    - A) the grant funds will be kept in a separate account;
    - B) local funding for library service will not diminish as a result of the program;
    - C) the library shall submit reports, in accordance with Section 3035.140(b), on the use of grant funds as required by the Illinois State Library. The applicant must certify that the applicant has adopted the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material, pursuant to 75 ILCS 10/3. The applicant shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the applicant agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.
- c) Funds allocated for statewide services under this program are awarded in the form of grants to units of government that are exempt from the Illinois Procurement Code.

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- d) The State Library will maintain an updated list of TBCs, AOCs<sub>2</sub> and MSLAs on its ~~website~~<sup>Web site</sup>.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: LIBRARY SERVICES AND TECHNOLOGY ACT GRANTS (LSTA)

**Section 3035.730 Grant Application and Awards**

- a) Applications shall be submitted to the Illinois State Library in a manner prescribed by the State Librarian. Applicants shall provide the information stipulated in Section 3035.135(d).
- b) The Illinois State Library shall award grants subject to the conditions stipulated in Sections 3035.135 and 3035.140, 2 CFR 215 (2004) and 2 CFR 200 (2014).
- c) Awards shall be made on or after July 1 of every year for the fiscal year then commencing.
- d) The grant period shall be contained within the fiscal year in which the grant is awarded, unless otherwise specified in the grant agreement, but in no event shall the grant period continue for more than 3 years.
- e) The applicant must certify that the applicant has adopted the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material, pursuant to 75 ILCS 10/3. An individual school library or public school district applicant may provide written procedures, currently in effect at the school or school district, that indicates its library(s) will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material, pursuant to 75 ILCS 10/3. The applicant shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the applicant agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.



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- f**) The applicant shall submit reports, in accordance with Section 3035.140(b), on the use of grant funds as required by the Illinois State Library.
- g**) Obligations of the Illinois State Library to fund this grant program will cease immediately without penalty or further payment being required if the Institute of Museum and Library Services or the United States Congress fails to appropriate or otherwise make available sufficient funds. Award notification will be released upon legislative and gubernatorial approval of an appropriation.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)