

5677

2013-2014 Regular Sessions

I N S E N A T E

June 4, 2013

Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT directing the state department of education to develop a comprehensive plan for increasing access to and lending of electronic books in public libraries and public library systems across New York state

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The commissioner of the state education department is here-
2 by authorized and directed to study and develop a comprehensive plan for
3 increasing access to and lending of electronic books in public libraries
4 and public library systems across New York state. In preparing such
5 study, the commissioner shall consult with individuals who have experi-
6 ence and expertise in public libraries and public library systems,
7 publishing electronic books, or distributing electronic books.
8 1. Definitions. For the purposes of this act, the following terms
9 shall be defined as follows:
10 (a) "Electronic book" shall mean an electronic version of a printed
11 book that can be read on any digital device used for personal or public
12 use.
13 (b) "Public library" shall mean any public or association library,
14 other than professional, technical or public school library, established
15 for free public purposes by official action of a municipality or
16 district or the legislature, where the whole interests belong to the
17 public; the term "association" library shall be construed to mean a
18 library established and controlled, in whole or in part, by a group of
19 private individuals operating as an association, closed corporation or
20 as trustees under the provisions of a will or deed of trust; and the
21 term "free" as applied to a library shall be construed to mean a library
22 maintained for the benefit and free use on equal terms of all the people
23 of the community in which the library is located.
24 (c) "Public library system" shall mean:

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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- 1 (i) A library established by one or more counties.
2 (ii) A group of libraries serving an area including one or more coun-
3 ties in whole or in part.
4 (iii) A library of a city containing one or more counties.
5 (iv) A cooperative library system established pursuant to section two
6 hundred fifty-five of the education law, the plan of library service of
7 any of which shall have been approved by the commissioner.

8 2. Such study carried out pursuant to this section shall include, but
9 not be limited to, the following issues:

10 (a) Examining how electronic books are sold and distributed to public
11 libraries and public library systems in New York state;

12 (b) Identifying challenges public libraries and public library systems
13 face in acquiring electronic books;

14 (c) Examining how public libraries and public library systems are
15 lending electronic books to their patrons;

16 (d) Assessing to what degree publishers and distributors are making
17 their electronic books available to public libraries and public library
18 systems in New York state;

19 (e) Reviewing the lending and licensing agreements offered by distrib-
20 utors and publishers of electronic books to public libraries and public
21 library systems;

22 (f) Examining the restrictions on use placed by publishers and
23 distributors on electronic books; and

24 (g) Recommending reasonable terms that would allow public libraries
25 and public library systems to purchase electronic books from publishers
26 or distributors at affordable costs with minimal restrictions on access
27 and use.

28 S 2. Such study and plan shall be provided to the governor, the speak-
29 er of the assembly, the temporary president of the senate, the chair of
30 the assembly libraries and education technology committee, and the chair
31 of the senate select committee on libraries by January 1, 2015.

32 S 3. This act shall take effect immediately.