S T A T E O F N E W Y O R K

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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:

Section 1. The commissioner of the state education department is hereby authorized and directed to study and develop a comprehensive plan for increasing access to and lending of electronic books in public libraries and public library systems across New York state. In preparing such study, the commissioner shall consult with individuals who have experience and expertise in public libraries and public library systems, publishing electronic books, or distributing electronic books.

1. Definitions. For the purposes of this act, the following terms shall be defined as follows:

(a) "Electronic book" shall mean an electronic version of a printed book that can be read on any digital device used for personal or public use.

(b) "Public library" shall mean any public or association library, other than professional, technical or public school library, established for free public purposes by official action of a municipality or district or the legislature, where the whole interests belong to the public; the term "association" library shall be construed to mean a library established and controlled, in whole or in part, by a group of private individuals operating as an association, closed corporation or as trustees under the provisions of a will or deed of trust; and the term "free" as applied to a library shall be construed to mean a library maintained for the benefit and free use on equal terms of all the people of the community in which the library is located.

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

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

(a) Examining how electronic books are sold and distributed to public libraries and public library systems in New York state;
(b) Identifying challenges public libraries and public library systems face in acquiring electronic books;
(c) Examining how public libraries and public library systems are lending electronic books to their patrons;
(d) Assessing to what degree publishers and distributors are making their electronic books available to public libraries and public library systems in New York state;
(e) Reviewing the lending and licensing agreements offered by distributors and publishers of electronic books to public libraries and public library systems;
(f) Examining the restrictions on use placed by publishers and distributors on electronic books; and
(g) Recommending reasonable terms that would allow public libraries and public library systems to purchase electronic books from publishers or distributors at affordable costs with minimal restrictions on access and use.

S 2. Such study and plan shall be provided to the governor, the speaker of the assembly, the temporary president of the senate, the chair of the assembly libraries and education technology committee, and the chair of the senate select committee on libraries by January 1, 2015.

S 3. This act shall take effect immediately.