

4101--A

2011-2012 Regular Sessions

I N S E N A T E

March 17, 2011

Introduced by Sens. FARLEY, ADDABBO, DeFRANCISCO, GRIFFO, HANNON, JOHNSON, LARKIN, LAVALLE, MAZIARZ, RANZENHOFER, SEWARD, VALESKY, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the public library construction grant program; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Section 273-a of the education law, as amended by chapter
2 572 of the laws of 2003, subdivision 1 as amended by section 4 of part A
3 of chapter 57 of the laws of 2009, is amended to read as follows:
4 S 273-a. State aid for library construction. 1. State aid shall be
5 provided for up to fifty percent of the total project approved costs,
6 excluding feasibility studies, plans or similar activities, for projects
7 for the acquisition OF VACANT LAND AND THE ACQUISITION, construction,
8 renovation or rehabilitation, including leasehold improvements, of
9 buildings of public libraries and library systems chartered by the
10 regents of the state of New York or established by act of the legisla-
11 ture subject to the limitations provided in subdivision [four] FIVE of
12 this section and upon approval by the commissioner, EXCEPT THAT STATE
13 AID MAY BE PROVIDED FOR UP TO SEVENTY-FIVE PERCENT OF THE TOTAL PROJECT
14 APPROVED COSTS FOR BUILDINGS OF PUBLIC LIBRARIES THAT ARE LOCATED IN AN
15 ECONOMICALLY DISADVANTAGED COMMUNITY. Provided however that the state
16 liability for aid paid pursuant to this section shall be limited to
17 funds appropriated for such purpose. Aid shall be provided on approved
18 expenses incurred during the period commencing July first and ending
19 June thirtieth for up to three years, or until the project is completed,

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

LBD00907-03-1

1 whichever occurs first. Fifty percent of such aid shall be payable to
2 each system or library upon approval of the application BY THE DEPART-
3 MENT. Forty percent of such aid shall be payable in the next state
4 fiscal year. The remaining ten percent shall be payable upon project
5 completion.

6 2. Each application for state aid shall be submitted by the board of
7 trustees of the library or library system responsible for the operation
8 of the subject building to the commissioner for his review and approval,
9 after having been reviewed and approved by the governing board of the
10 public library system of which such library is a member. Each applica-
11 tion shall:

12 a. demonstrate that resources are or shall be available to provide for
13 maximum utilization of the project if approved;

14 b. contain verification in such form as may be acceptable to the
15 commissioner that the total cost of the project, exclusive of state aid,
16 has been or will be obtained;

17 c. demonstrate that library operations would be made more economical
18 as a consequence of approval;

19 d. be limited to one project concerning such building, provided that
20 no building shall be the subject of more than one application per year;
21 [and]

22 e. CONTAIN DOCUMENTATION, WHERE SUCH AN APPLICATION REQUESTS STATE AID
23 IN AN AMOUNT GREATER THAN FIFTY PERCENT, DEMONSTRATING HOW THE PROJECT
24 WILL ADDRESS THE SERVICE NEEDS OF ONE OR MORE ECONOMICALLY DISADVANTAGED
25 COMMUNITIES. SUCH DOCUMENTATION MAY DEMONSTRATE NEED THROUGH POVERTY
26 RATES, CONCENTRATIONS OF ENGLISH LANGUAGE LEARNERS, LOW HIGH SCHOOL
27 GRADUATION RATES, LIMITED FISCAL CAPACITY OR OTHER RELEVANT FACTORS; AND

28 F. provide such other information as may be required by the commis-
29 sioner.

30 3. IN APPROVING ANY APPLICATION THAT WOULD RECEIVE STATE AID BEYOND
31 FIFTY PERCENT OF THE TOTAL PROJECT APPROVED COSTS, THE BOARD OF TRUSTEES
32 OF THE LIBRARY SYSTEM SHALL GIVE PARTICULAR ATTENTION TO ADDRESSING THE
33 LIBRARY SERVICE NEEDS OF ECONOMICALLY DISADVANTAGED COMMUNITIES AS
34 PROVIDED FOR IN PARAGRAPH E OF SUBDIVISION TWO OF THIS SECTION.

35 4. In approving any application the commissioner shall consider the
36 condition of existing libraries and, where appropriate, the needs of
37 isolated or economically disadvantaged communities, provided that no
38 application shall be approved for a project that is deemed by the
39 commissioner to have been completed prior to the date of the applica-
40 tion.

41 [4.] 5. Aid shall be distributed pursuant to this section as follows:

42 a. sixty percent of the funds appropriated pursuant to this section
43 shall be made available to libraries within each system by the commis-
44 sioner in such manner as to insure that the ratio of the amount received
45 within each system to the whole of the aid made available pursuant to
46 this paragraph is no greater than the ratio of the population served by
47 such system to the population of the state;

48 b. forty percent of the funds appropriated pursuant to this section
49 shall be made available to library systems or libraries within each
50 system by the commissioner in such manner as to insure that an equal
51 amount is received within each system in the state;

52 c. any funds made available pursuant to paragraph a or b of this
53 subdivision which by April first of each succeeding fiscal year, are
54 declined by such libraries or library systems for any reason, or which
55 cannot otherwise be used by such libraries or library systems for any
56 reason, shall be made available by the commissioner to other eligible

1 libraries within such system, or if no such library can use such funds
2 shall be reallocated among the other library systems and their libraries
3 in a manner that will to the extent possible provide from such reallo-
4 cated funds an equal amount to each such system.

5 [5.] 6. The commissioner shall adopt rules and regulations as are
6 necessary to carry out the purposes and provisions of this section.

7 7. THE COMMISSIONER SHALL SUBMIT TO THE TEMPORARY PRESIDENT OF THE
8 SENATE AND THE SPEAKER OF THE ASSEMBLY AN ANNUAL REPORT DESCRIBING THOSE
9 PROJECTS THAT HAVE RECEIVED STATE FUNDING OF GREATER THAN FIFTY PERCENT
10 OF PROJECT COSTS AND THE COMMUNITIES TO BE SERVED BY THOSE PROJECTS.

11 S 2. This act shall take effect on the first of April next succeeding
12 the date on which it shall have become a law and shall expire and be
13 deemed repealed March 31, 2015.