

2856

2013-2014 Regular Sessions

I N   S E N A T E

January 24, 2013

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

AN ACT to amend the education law, in relation to state aid to libraries and library systems

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

1     Section 1. Paragraphs b, c and d, subparagraph 1 of paragraph f, and  
2     paragraph h of subdivision 1 of section 273 of the education law, as  
3     amended by section 3 of part O of chapter 57 of the laws of 2005, are  
4     amended to read as follows:

5     b. In a library system which submits a plan for further development of  
6     its central library, which plan shall be approved by the commissioner in  
7     relation to standards for such central libraries, the amount of central  
8     library development aid shall be:

9     (1) thirty-two cents per capita of the population within the chartered  
10    area of service of such library system with a minimum amount of one  
11    hundred five thousand dollars, and

12    (2) an additional seventy-one thousand five hundred dollars to the  
13    library system for the purchase of books and materials including  
14    nonprint materials AND ELECTRONIC RESOURCES, as defined in regulations  
15    of the commissioner, for its central library. Ownership of library mate-  
16    rials and equipment purchased with such central library aid provided by  
17    this paragraph shall be vested in the public library system.

18    c. The sum of [ninety-four] ONE DOLLAR AND SIXTY-TWO cents per capita  
19    of population of the area served.

20    d. [(1) An amount equal to the amount by which expenditures by the  
21    library system for books, periodicals, binding and nonprint materials  
22    during the preceding fiscal year exceeds forty cents per capita of popu-  
23    lation of the area served but the total apportionment pursuant to this  
24    subparagraph shall not exceed sixty-eight cents per capita of population  
25    served. In the first year in which any library system changes its

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

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1 reporting from the calendar year to a fiscal year other than the calen-  
2 dar year, it shall file any additional reporting schedules deemed neces-  
3 sary by the commissioner for the purpose of determining state aid for  
4 the calendar year.

5 (2)] Each public library system with an automation program to support  
6 bibliographic control and interlibrary sharing of information resources  
7 of member libraries, and to coordinate and integrate the automated  
8 system or systems of such member libraries consistent with regulations  
9 of the commissioner, shall be eligible to receive an amount equal to  
10 [seven] THREE percent of the amount earned in [subparagraph one] PARA-  
11 GRAPH C of this [paragraph] SUBDIVISION, or seventy-six thousand five  
12 hundred dollars, whichever is more.

13 (1) Local library services aid. Except in cities with a population in  
14 excess of one million inhabitants, each chartered and registered public  
15 and free association library meeting standards of service promulgated by  
16 the commissioner, and each public or free association library serving a  
17 city with a population of one hundred thousand or more which merged with  
18 the public library system on or before January first, nineteen hundred  
19 seventy-six and which meets standards of service promulgated by the  
20 commissioner, shall be eligible to receive annually thirty-one cents per  
21 capita of the population of the library's chartered service area as on  
22 file with the commissioner on January first of the calendar year for  
23 which aid is payable, or, thirty-one cents per capita of the population  
24 of the city with a population of one hundred thousand or more whose  
25 public or free association library merged with the public library system  
26 on or before January first, nineteen hundred seventy-six, with a minimum  
27 amount of one thousand five hundred dollars, except that no library  
28 shall receive less than the amount of local library services aid  
29 received in two thousand [one] ELEVEN. Regulations of the commissioner  
30 shall provide a method for establishing changes in chartered service  
31 areas or determining populations thereof. Local library services aid  
32 shall be paid to the system for distribution within thirty days of  
33 receipt to its member libraries in accordance with this subdivision.  
34 Notwithstanding any contrary provisions of this subparagraph, the  
35 commissioner shall establish procedures under which a public or free  
36 association library may apply for a waiver of the requirements of the  
37 standards of service[; provided, however, that any such waivers may only  
38 be granted in the same year in which the commissioner has apportioned a  
39 reduction adjustment].

40 h. [(1)] Coordinated outreach AND YOUTH services. Each public library  
41 system which provides coordinated outreach AND YOUTH services, as  
42 defined by regulations to be promulgated by the commissioner, to persons  
43 who are educationally disadvantaged or who are members of ethnic or  
44 minority groups in need of special library services, or who are unem-  
45 ployed and in need of job placement assistance, or who live in areas  
46 underserved by a library, or who are blind, physically disabled, have  
47 developmental or learning disabilities, or who are aged or confined in  
48 institutions, shall be entitled to receive annually [forty-three]  
49 SIXTY-FIVE thousand dollars and thirteen cents per capita of the total  
50 population of the area served.

51 [(2)] Adult literacy grants. The commissioner shall award annual grants  
52 for approved expenses for library-based programs conducted by public  
53 library systems and public and free association libraries which are  
54 members of a public library system to assist adults to increase their  
55 literacy skills. The commissioner shall award such grants having deter-  
56 mined that such programs are being operated in direct coordination with

1 local public schools, colleges and other organizations which are operat-  
2 ing similar adult literacy programs. Annual state aid of two hundred  
3 thousand dollars shall be awarded for grants in accordance with regu-  
4 lations promulgated by the commissioner. Ninety percent of the amount of  
5 any such adult literacy grant shall be payable to the library or system  
6 upon approval by the department. The final ten percent shall be payable  
7 upon completion of the project.

8 (3) Family literacy grants. The commissioner shall award annual grants  
9 for approved expenses for library-based family literacy programs for  
10 pre-school and school age children and their parents conducted by public  
11 library systems and public libraries and free association libraries  
12 which are members of a public library system. Annual state aid of three  
13 hundred thousand dollars for grants shall be awarded in accordance with  
14 regulations promulgated by the commissioner. Ninety percent of the  
15 amount of any such family literacy grant shall be payable to the library  
16 or system upon approval by the department. The final ten percent shall  
17 be payable upon completion of the project.]

18 S 2. Subdivisions 7 and 11 of section 273 of the education law, subdi-  
19 vision 7 as amended by section 3 of part 0 of chapter 57 of the laws of  
20 2005, subdivision 11 as added by section 3 of part A-5 of chapter 58 of  
21 the laws of 2006, are amended to read as follows:

22 7. Conservation and preservation of library research materials. a. The  
23 commissioner shall award, BY JULY FIRST in any state fiscal year, an  
24 annual FORMULA grant of one hundred [twenty-six] FIFTY-EIGHT thousand  
25 dollars for a program of conservation and/or preservation of library  
26 research materials to each of the following comprehensive research  
27 libraries: Columbia university libraries, Cornell university libraries,  
28 New York state library, New York university libraries, university of  
29 Rochester libraries, Syracuse university libraries, the research  
30 libraries of the New York public library, state university of New York  
31 at Albany library, state university of New York at Binghamton library,  
32 state university of New York at Buffalo library, and state university of  
33 New York at Stony Brook library.

34 b. To be eligible for such FORMULA grants, each such comprehensive  
35 research library must submit both a five-year plan and an annual program  
36 budget. The plan must satisfy criteria to be established by the commis-  
37 sioner in regulations relating to the identification of library research  
38 materials, the need for their preservation, and the means of their  
39 conservation.

40 c. [Additional grants, the sum of which shall not exceed three hundred  
41 fifty thousand dollars in any state fiscal year, may be made to any or  
42 all of the eleven comprehensive research libraries for preservation  
43 and/or conservation of library research materials on the basis of  
44 project proposals. Approval of such proposals, and determination of  
45 funding level, shall be based upon their contribution to development of  
46 cooperative programs and/or facilities for conservation and/or preserva-  
47 tion works in the state, including but not limited to such factors as:  
48 institutional commitment to development of a collective capacity and  
49 coordinated approach to conservation and preservation of research mate-  
50 rials important to the people of the state; research value of materials  
51 to be preserved and/or conserved; appropriateness of conservation and  
52 preservation techniques in accordance with statewide planning and  
53 national standards; institutional capacity for successful completion of  
54 the project, including facilities, experience, and technical expertise;  
55 availability of staff with appropriate training and expertise; contrib-  
56 ution of the institution to the project in matching funds and staff

resources; and volume of interlibrary lending and access to holdings by the public. Ninety percent of each such grant shall be payable upon approval by the department and the remaining ten percent shall be payable upon project completion.

d.] Other agencies and libraries, as defined in regulations promulgated by the commissioner, which are not eligible for funding under paragraph a of this subdivision, may receive separate grants the sum of which shall not exceed five hundred thousand dollars in any state fiscal year to support the preservation and/or conservation of unique library research materials. Such agencies and libraries shall submit proposals which shall be evaluated and determinations of approval and funding shall be made [on the same basis set forth in paragraph c of this subdivision]. Ninety percent of each such grant shall be payable upon approval by the department and the remaining ten percent shall be payable upon project completion.

[e.] D. Funds made available under the provisions of this section may be used by comprehensive research libraries and other agencies eligible for funding to obtain matching funds from the national endowment for the humanities preservation program.

[f.] E. The commissioner shall establish an office for coordination of conservation and/or preservation of library research materials to identify the conservation and/or preservation needs of libraries within the state, to assess the technology available for such conservation and preservation, and to coordinate the conservation and preservation efforts resulting from this legislation.

11. Notwithstanding any other provision of law to the contrary, each year commencing with the two thousand [six] THIRTEEN calendar year, no library or library system shall receive less aid pursuant to this section or section two hundred seventy-one or two hundred seventy-two of this part than it would have been eligible to receive for the two thousand [one] ELEVEN calendar year solely by reason of a decrease in the population of the area served as a result of the latest approved federal census.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2013; provided, that the amendments to paragraph h of subdivision 1 of section 273 of the education law made by section one of this act shall take effect April 1, 2014; and provided further, that the amendments to paragraphs a, c, d, e and f of subdivision 7 of section 273 of the education law made by section two of this act shall take effect April 1, 2015.