

# STATE OF NEW YORK

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3771--A

2019-2020 Regular Sessions

## IN ASSEMBLY

January 31, 2019

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Introduced by M. of A. BARRETT, PALMESANO, LUPARDO -- Multi-Sponsored by -- M. of A. BYRNES -- read once and referred to the Committee on Libraries and Education Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to project costs for buildings of public libraries located in economically distressed communities

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  
2 498 of the laws of 2011, subdivision 1 as amended by chapter 480 of the  
3 laws of 2015, is amended to read as follows:  
4 § 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 installation and infrastructure of broadband services, and for  
8 the acquisition of vacant land and the acquisition, construction, renovation  
9 or rehabilitation, including leasehold improvements, of buildings  
10 of public libraries and library systems chartered by the regents of the  
11 state of New York or established by act of the legislature subject to  
12 the limitations provided in subdivision [~~five~~] six of this section and  
13 upon approval by the commissioner, except that state aid may be provided  
14 for up to seventy-five percent of the total project approved costs for  
15 buildings of public libraries that are located in an economically disadvantaged  
16 community and that state aid may be provided for up to ninety  
17 percent of the total project approved costs for buildings of public  
18 libraries that are located in an economically distressed community.  
19 Provided however that the state liability for aid paid pursuant to this  
20 section shall be limited to funds appropriated for such purpose. Aid  
21 shall be provided on approved expenses incurred during the period

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

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1 commencing July first and ending June thirtieth for up to three years,  
2 or until the project is completed, whichever occurs first. Fifty percent  
3 of such aid shall be payable to each system or library upon approval of  
4 the application by the department. Forty percent of such aid shall be  
5 payable in the next state fiscal year. The remaining ten percent shall  
6 be payable upon project completion.

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

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

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

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

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

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;  
28 [and]

29 f. contain documentation, where such an application requests state aid  
30 in an amount greater than seventy-five percent, demonstrating how the  
31 project will address the service needs of one or more economically  
32 distressed communities. An application must demonstrate that the average  
33 poverty rate within the library's service area is equal to or greater  
34 than the New York state average poverty rate using federal census data;  
35 and the library must demonstrate that it lacks the capacity to provide  
36 twenty-five percent of the project costs; and

37 g. provide such other information as may be required by the commis-  
38 sioner.

39 3. In approving any application that would receive state aid beyond  
40 fifty percent of the total project approved costs, the board of trustees  
41 of the library system shall give particular attention to addressing the  
42 library service needs of economically disadvantaged communities as  
43 provided for in paragraph e of subdivision two of this section.

44 4. In approving any application that would receive state aid beyond  
45 seventy-five percent of the total project approved costs, the board of  
46 trustees of the library system shall give particular attention to  
47 addressing the library service needs of economically distressed communi-  
48 ties as provided for in paragraph f of subdivision two of this section.  
49 No more than ten percent of the total funds appropriated to a library  
50 system in subdivision six of this section may be used to support the  
51 total costs for projects that would receive state aid beyond seventy-  
52 five percent of the total project approved costs.

53 5. In approving any application the commissioner shall consider the  
54 condition of existing libraries and, where appropriate, the needs of  
55 isolated or economically disadvantaged communities, provided that no  
56 application shall be approved for a project that is deemed by the

1 commissioner to have been completed prior to the date of the applica-  
2 tion.

3 ~~[5-]~~ 6. Aid shall be distributed pursuant to this section as follows:

4 a. sixty percent of the funds appropriated pursuant to this section  
5 shall be made available to libraries within each system by the commis-  
6 sioner in such manner as to insure that the ratio of the amount received  
7 within each system to the whole of the aid made available pursuant to  
8 this paragraph is no greater than the ratio of the population served by  
9 such system to the population of the state;

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

14 c. any funds made available pursuant to paragraph a or b of this  
15 subdivision which by April first of each succeeding fiscal year, are  
16 declined by such libraries or library systems for any reason, or which  
17 cannot otherwise be used by such libraries or library systems for any  
18 reason, shall be made available by the commissioner to other eligible  
19 libraries within such system, or if no such library can use such funds  
20 shall be reallocated among the other library systems and their libraries  
21 in a manner that will to the extent possible provide from such reallo-  
22 cated funds an equal amount to each such system.

23 ~~[6-]~~ 7. The commissioner shall adopt rules and regulations as are  
24 necessary to carry out the purposes and provisions of this section.

25 ~~[7-]~~ 8. The commissioner shall submit to the temporary president of  
26 the senate and the speaker of the assembly an annual report describing  
27 those projects that have received state funding of greater than fifty  
28 percent of project costs and the communities to be served by those  
29 projects.

30 § 2. This act shall take effect immediately; provided, however, that  
31 the amendments to section 273-a of the education law made by section one  
32 of this act shall not affect the expiration of such section and shall be  
33 deemed to expire therewith.