

STATE OF NEW YORK

9076--A

IN ASSEMBLY

February 6, 2024

Introduced by M. of A. SANTABARBARA -- 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 state aid eligibility for library construction and making technical corrections thereto; to amend chapter 498 of the laws of 2011 amending the education law relating to the public library construction grant program, in relation to the effectiveness thereof; and to repeal certain provisions of the education law relating thereto

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
2 381 of the laws of 2019, subdivision 1 as amended by section 1 of chap-
3 ter 333 of the laws of 2022, subdivision 4 as amended by chapter 627 of
4 the laws of 2021, is amended to read as follows:
5 § 273-a. State aid for library construction. 1. State aid shall be
6 provided for up to fifty percent of the total project approved costs,
7 excluding feasibility studies, plans or similar activities, for projects
8 for the installation and infrastructure of broadband services, and for
9 the acquisition of vacant land and the acquisition, construction, reno-
10 vation or rehabilitation, including leasehold improvements, of buildings
11 of public libraries and library systems chartered by the regents of the
12 state of New York or established by act of the legislature subject to
13 the limitations provided in subdivision six of this section and upon
14 approval by the commissioner, except that state aid may be provided for
15 up to [~~seventy-five~~] ninety percent of the total project approved costs
16 for buildings of public libraries that are located in an economically
17 disadvantaged community [~~and that state aid may be provided for up to~~
18 ~~ninety percent of the total project approved costs for buildings of~~
19 ~~public libraries that are located in an economically distressed communi-~~
20 ~~ty~~]. Provided however that the state liability for aid paid pursuant to
21 this section shall be limited to funds appropriated for such purpose.
22 Aid 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 six years, or
2 until the project is completed, whichever occurs first. Provided, howev-
3 er, that public libraries that received aid for projects pursuant to
4 this section commencing July first, two thousand seventeen through July
5 first, two thousand nineteen and are unable to complete such projects
6 due to the state disaster emergency declared pursuant to executive order
7 number two hundred two of two thousand twenty, as amended, shall be
8 provided an additional twelve months from the statutory project end date
9 to complete such projects. Fifty percent of such aid shall be payable
10 to each system or library upon approval of the application by the
11 department. Forty percent of such aid shall be payable in the next state
12 fiscal year. The remaining ten percent shall be payable upon project
13 completion.

14 2. Each single building project application for state aid shall be
15 submitted by the board of trustees of the library or library system
16 responsible for the operation of the subject building to the commis-
17 sioner for ~~[his or her]~~ the commissioner's review and approval, after having
18 been reviewed and approved by the governing board of the public library
19 system of which such library is a member. Each single building project
20 application shall:

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

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

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

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

31 e. contain documentation, where such an application requests state aid
32 in an amount greater than ~~[fifty]~~ seventy-five percent, demonstrating
33 how the project will address the service needs of one or more econom-
34 ically disadvantaged communities. Such documentation may demonstrate
35 need through poverty rates, concentrations of English language learners,
36 low high school graduation rates, limited fiscal capacity or other rele-
37 vant factors; and

38 ~~f. [contain documentation, where such an application requests state~~
39 ~~aid in an amount greater than seventy-five percent, demonstrating how~~
40 ~~the project will address the service needs of one or more economically~~
41 ~~distressed communities. An application must demonstrate that the average~~
42 ~~poverty rate within the library's service area is equal to or greater~~
43 ~~than the New York state average poverty rate using federal census data,~~
44 ~~and the library must demonstrate that it lacks the capacity to provide~~
45 ~~twenty-five percent of the project costs, and~~

46 ~~g.]~~ provide such other information as may be required by the commis-
47 sioner.

48 3. Coordinated applications for state aid allocated under paragraph b
49 of subdivision six of this section shall be submitted by the public
50 library system. The public library system shall be responsible for
51 managing all coordinated projects. Each coordinated project application
52 shall be approved by the board of trustees of each participating library
53 and library system responsible for the operation of the said buildings.
54 Coordinated project applications shall be submitted to the commissioner
55 for the commissioner's review and approval, after having been reviewed
56 and approved by the governing board of the public library system of

1 which such libraries are members. Each coordinated project application
2 shall:

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

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

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

10 d. provide that no one building shall be the subject of more than one
11 coordinated project application per year;

12 e. contain documentation, where such an application requests state aid
13 in an amount greater than seventy-five percent, demonstrating how the
14 project will address the service needs of one or more economically
15 disadvantaged communities. Such documentation may demonstrate need
16 through poverty rates, concentrations of English language learners, low
17 high school graduation rates, limited fiscal capacity or other relevant
18 factors; and

19 f. provide such other information as may be required by the commis-
20 sioner.

21 4. In approving any single or coordinated building project application
22 that would receive state aid beyond [~~fifty~~] seventy-five percent of the
23 total project approved costs, the board of trustees of the library
24 system shall give particular attention to addressing the library service
25 needs of economically disadvantaged communities as provided for in para-
26 graph e of subdivision two of this section or paragraph e of subdivision
27 three of this section, as applicable.

28 [~~4. In approving any application that would receive state aid beyond~~
29 ~~seventy-five percent of the total project approved costs, the board of~~
30 ~~trustees of the library system shall give particular attention to~~
31 ~~addressing the library service needs of economically distressed communi-~~
32 ~~ties as provided for in paragraph f of subdivision two of this section.~~
33 ~~No more than fifty percent of the total funds appropriated to a library~~
34 ~~system in subdivision six of this section may be used to support the~~
35 ~~total costs for projects that would receive state aid beyond seventy-~~
36 ~~five percent of the total project approved costs.]~~

37 5. In approving any new single building or coordinated project appli-
38 cation the commissioner shall consider the condition of existing
39 libraries and, where appropriate, the needs of isolated or economically
40 disadvantaged communities, provided that no application shall be
41 approved for a project that is deemed by the commissioner to have been
42 completed prior to the date of the application.

43 6. Aid shall be distributed pursuant to this section as follows:

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

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

54 c. any funds made available pursuant to paragraph a or b of this
55 subdivision which by April first of each succeeding fiscal year, are
56 declined by such libraries or library systems for any reason, or which

1 cannot otherwise be used by such libraries or library systems for any
2 reason, shall be made available by the commissioner to other eligible
3 libraries within such system, or if no such library can use such funds
4 shall be reallocated among the other library systems and their libraries
5 in a manner that will to the extent possible provide from such reallo-
6 cated funds an equal amount to each such system.

7 7. The commissioner shall adopt rules and regulations as are necessary
8 to carry out the purposes and provisions of this section.

9 8. The commissioner shall submit to the temporary president of the
10 senate and the speaker of the assembly an annual report describing those
11 projects that have received state funding of greater than fifty percent
12 of project costs and the communities to be served by those projects.

13 § 2. Subdivision 1 of section 273-a of the education law, as amended
14 by section 2 of chapter 333 of the laws of 2022, is amended to read as
15 follows:

16 1. State aid shall be provided for up to fifty percent of the total
17 project approved costs, excluding feasibility studies, plans or similar
18 activities, for projects for the installation and infrastructure of
19 broadband services, and for the acquisition of vacant land and the
20 acquisition, construction, renovation or rehabilitation, including
21 leasehold improvements, of buildings of public libraries and library
22 systems chartered by the regents of the state of New York or established
23 by act of the legislature subject to the limitations provided in subdivi-
24 sion six of this section and upon approval by the commissioner, except
25 that state aid may be provided for up to [~~seventy-five~~] ninety percent
26 of the total project approved costs for buildings of public libraries
27 that are located in an economically disadvantaged community [~~and that~~
28 ~~state aid may be provided for up to ninety percent of the total project~~
29 ~~approved costs for buildings of public libraries that are located in an~~
30 ~~economically distressed community~~]. Provided however that the state
31 liability for aid paid pursuant to this section shall be limited to
32 funds appropriated for such purpose. Aid shall be provided on approved
33 expenses incurred during the period commencing July first and ending
34 June thirtieth for up to six years, or until the project is completed,
35 whichever occurs first. Fifty percent of such aid shall be payable to
36 each system or library upon approval of the application by the depart-
37 ment. Forty percent of such aid shall be payable in the next state
38 fiscal year. The remaining ten percent shall be payable upon project
39 completion.

40 § 3. Section 273-a of the education law, as amended by chapter 389 of
41 the laws of 2019, is REPEALED.

42 § 4. Section 2 of chapter 498 of the laws of 2011 amending the educa-
43 tion law relating to the public library construction grant program, as
44 amended by section 32-a of part A of chapter 56 of the laws of 2023, is
45 amended to read as follows:

46 § 2. This act shall take effect on the first of April next succeeding
47 the date on which it shall have become a law [~~and shall expire and be~~
48 ~~deemed repealed March 31, 2026~~].

49 § 5. This act shall take effect immediately; provided, however that
50 the amendments to subdivision 1 of section 273-a of the education law
51 made by section one of this act shall be subject to the expiration and
52 reversion of such subdivision pursuant to section 2 of chapter 120 of
53 the laws of 2020, as amended, when upon such date the provisions of
54 section two of this act shall take effect.