

7238

I N S E N A T E

May 2, 2012

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. Subparagraphs 1, 2, 3 and 4 of paragraph j of subdivision 1  
2 of section 272 of the education law, subparagraphs 1, 2 and 3 as amended  
3 by section 2 of part O of chapter 57 of the laws of 2005, subparagraph 4  
4 as added by chapter 386 of the laws of 1996, are amended to read as  
5 follows:

6 (1) IN THE EVENT THAT THE STATE AID FORMULA FUNDS APPROPRIATED FOR A  
7 PUBLIC LIBRARY SYSTEM UNDER SECTION TWO HUNDRED SEVENTY-THREE OF THIS  
8 PART ARE LESS THAN EIGHTY-FIVE PERCENT OF THE STATUTORY FORMULA AMOUNTS  
9 IN SUCH SECTION, THE PROVISIONS OF SUBPARAGRAPHS TWO AND FIVE OF THIS  
10 PARAGRAPH SHALL NOT APPLY.

11 (2) In the event that the sum total of local sponsor support raised by  
12 local taxation exclusive of the sum raised for capital expenditures for  
13 the support of a public library system and participating libraries in a  
14 twelve month period is less than ninety-five per centum of the average  
15 of the amounts raised for such purposes by local taxation for the two  
16 preceding twelve month periods, the state aid to which such library  
17 system would otherwise be entitled shall be reduced by twenty-five per  
18 centum. Such state aid shall likewise be reduced by twenty-five per  
19 centum in the event that the public library system shall refuse after  
20 reasonable notice to make provision for the expansion of the area served  
21 in accordance with the regulations of the commissioner. Upon receipt of  
22 annual systems and participating libraries activity reports satisfactory  
23 to the commissioner, the commissioner shall determine the amount of any  
24 underpayment or overpayments related to maintenance of effort and shall  
25 apply such adjustment to the next annual payment due such library  
26 system. In the first year in which any library system changes its  
27 reporting from the calendar year to a fiscal year other than the calen-  
28 dar year, it shall file any additional reporting schedules deemed neces-

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

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1 sary by the commissioner for the purpose of determining maintenance of  
2 effort as required herein, in order that no period of time shall be  
3 exempt from such requirement.

4 [(2)] (3) IN THE EVENT THAT THE STATE AID FORMULA FUNDS APPROPRIATED  
5 FOR THE SUPPORT OF A CENTRAL LIBRARY OF A PUBLIC LIBRARY SYSTEM UNDER  
6 SECTION TWO HUNDRED SEVENTY-THREE OF THIS PART ARE LESS THAN EIGHTY-FIVE  
7 PERCENT OF THE STATUTORY FORMULA AMOUNTS IN SUCH LAW, THE PROVISIONS OF  
8 SUBPARAGRAPHS FOUR AND FIVE OF THIS PARAGRAPH SHALL NOT APPLY.

9 (4) In the event that the total sum raised by local taxation, exclu-  
10 sive of the sum raised for capital expenditures, for the support of a  
11 central library of a public library system in a twelve month period, is  
12 less than ninety-five per centum of the average of the amounts raised  
13 for such purposes by local taxation for the two preceding twelve month  
14 periods, the state aid to which such library system would otherwise be  
15 entitled for the development of its central library shall be reduced by  
16 twenty-five per centum. Upon receipt of annual central library activity  
17 reports satisfactory to the commissioner, the commissioner shall deter-  
18 mine the amount of any underpayment or overpayments related to mainte-  
19 nance of effort and shall apply such adjustment to the next annual  
20 payment due such library system. In the first year in which any library  
21 system changes its reporting from the calendar year to a fiscal year  
22 other than the calendar year, it shall file any additional reporting  
23 schedules deemed necessary by the commissioner for the purpose of deter-  
24 mining maintenance of effort as required herein, in order that no period  
25 of time shall be exempt from such requirement.

26 [(3)] (5) The commissioner may waive the requirements of subparagraphs  
27 [one and] two AND FOUR of this paragraph, if the commissioner determines  
28 that the application of such subparagraphs would result in excessive  
29 hardship for the public library system or central library brought about  
30 by an extraordinary change in a local sponsor's economic condition, loss  
31 by a local sponsor of state aid to local governments provided under  
32 section fifty-four of the state finance law, or by a natural disaster.  
33 Such waiver may be granted only one time to each public library system  
34 or central library within five calendar years. The commissioner may  
35 grant such waiver for a period of up to two consecutive calendar years.  
36 The commissioner shall report any waivers granted under this subpara-  
37 graph to the speaker of the assembly, the temporary president of the  
38 senate, the chairs of the legislative fiscal committees and the director  
39 of the division of the budget.

40 [(4)] (6) A "local sponsor" shall mean any municipality, district or  
41 school district, as defined in the general municipal law, or any combi-  
42 nation thereof.

43 S 2. Subdivision 1 of section 272 of the education law is amended by  
44 adding a new paragraph m to read as follows:

45 M. THE COMMISSIONER MAY WAIVE THE REQUIREMENTS OF PARAGRAPHS B AND C  
46 OF SUBDIVISION FOUR AND SUBDIVISION SIX OF SECTION TWO HUNDRED SEVENTY-  
47 THREE AND PARAGRAPH G OF SUBDIVISION ONE OF SECTION TWO HUNDRED EIGHTY-  
48 FOUR OF THIS PART IF, IN ANY STATE FISCAL YEAR BEGINNING WITH THE STATE  
49 FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND TWELVE, THE FORMULA  
50 FUNDS APPROPRIATED BY THE STATE FOR THE PURPOSES OF SUCH SECTIONS ARE  
51 LESS THAN EIGHTY-FIVE PERCENT OF THE STATUTORY AMOUNTS. APPROVAL OF SUCH  
52 A WAIVER SHALL BE BASED ON CRITERIA TO BE DEVELOPED BY THE COMMISSIONER.  
53 THE COMMISSIONER WILL GRANT SUCH WAIVERS ON AN ANNUAL BASIS. THE COMMIS-  
54 SIONER SHALL REPORT ANY WAIVERS GRANTED UNDER THIS PARAGRAPH TO THE  
55 SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE

1 CHAIRS OF THE LEGISLATIVE FISCAL COMMITTEES AND THE DIRECTOR OF THE  
2 BUDGET.

3 S 3. This act shall take effect immediately and shall be deemed to  
4 have been in full force and effect on and after April 1, 2012.