S T A T E O F N E W Y O R K

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I N S E N A T E

February 15, 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:

Section 1. Subparagraphs 1, 2 and 3 of paragraph j of subdivision 1 of section 272 of the education law, as amended by section 2 of part O of chapter 57 of the laws of 2005, are amended to read as follows:

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

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

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

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effort as required herein, in order that no period of time shall be exempt from such requirement.

[(2) In the event that the total sum raised by local taxation, exclusive of the sum raised for capital expenditures, for the support of a central library of a public library system in a twelve month period, is less than ninety-five per centum of the average of the amounts raised for such purposes by local taxation for the two preceding twelve month periods, the state aid to which such library system would otherwise be entitled for the development of its central library shall be reduced by twenty-five per centum. Upon receipt of annual central library activity reports satisfactory to the commissioner, the commissioner shall determine the amount of any underpayment or overpayments related to maintenance of effort and shall apply such adjustment to the next annual payment due such library system. In the first year in which any library system changes its reporting from the calendar year to a fiscal year other than the calendar year, it shall file any additional reporting schedules deemed necessary by the commissioner for the purpose of determining maintenance of effort as required herein, in order that no period of time shall be exempt from such requirement.]

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

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

M. THE COMMISSIONER MAY WAIVE THE REQUIREMENTS OF PARAGRAPHS B AND H OF SUBDIVISION ONE, PARAGRAPHS B AND C OF SUBDIVISION FOUR AND SUBDIVISION SIX OF SECTION TWO HUNDRED SEVENTY-THREE AND PARAGRAPH G OF SUBDIVISION ONE OF SECTION TWO HUNDRED EIGHT-FOUR OF THIS PART IF, IN ANY STATE FISCAL YEAR BEGINNING WITH THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND TWELVE, THE FORMULA FUNDS APPROPRIATED BY THE STATE FOR THE PURPOSES OF SUCH SECTIONS ARE LESS THAN EIGHTY PERCENT OF THE STATUTORY AMOUNTS. APPROVAL OF SUCH A WAIVER SHALL BE BASED ON CRITERIA TO BE DEVELOPED BY THE COMMISSIONER. THE COMMISSIONER WILL GRANT SUCH WAIVERS ON AN ANNUAL BASIS. THE COMMISSIONER SHALL REPORT ANY WAIVERS GRANTED UNDER THIS PARAGRAPH TO THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIRS OF THE LEGISLATIVE FISCAL COMMITTEES AND THE DIRECTOR OF THE BUDGET.

S 3. Paragraphs b, c and d, subparagraph 1 of paragraph f, and paragraph h of subdivision 1 of section 273 of the education law, as amended by section 3 of part O of chapter 57 of the laws of 2005, are amended and a new paragraph o is added to read as follows:

b. In a library system which submits a plan for [further] COOPERATIVE development of [its central library] LIBRARY RESOURCES AND COLLECTIONS, which plan shall be approved by the commissioner [in relation to stand-

ards for such central libraries], the amount of [central library] COOPERATIVE RESOURCE AND COLLECTION development aid shall be:

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

(2) an additional seventy-one thousand five hundred dollars to the library system for the purchase of books and materials including nonprint materials AND ELECTRONIC RESOURCES, as defined in regulations of the commissioner[, for its central library]. Ownership of library materials and equipment purchased with such [central library] COOPERATIVE RESOURCE AND COLLECTION DEVELOPMENT aid provided by this paragraph shall be vested in the public library system.

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

d. [(1) An amount equal to the amount by which expenditures by the library system for books, periodicals, binding and nonprint materials during the preceding fiscal year exceeds forty cents per capita of population of the area served but the total apportionment pursuant to this subparagraph shall not exceed sixty-eight cents per capita of population served. In the first year in which any library system changes its reporting from the calendar year to a fiscal year other than the calendar year, it shall file any additional reporting schedules deemed necessary by the commissioner for the purpose of determining state aid for the calendar year.

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

(1) Local library services aid. Except in cities with a population in excess of one million inhabitants, each chartered and registered public and free association library meeting standards of service promulgated by the commissioner, and each public or free association library serving a city with a population of one hundred thousand or more which merged with the public library system on or before January first, nineteen hundred seventy-six and which meets standards of service promulgated by the commissioner, shall be eligible to receive annually thirty-one cents per capita of the population of the library's chartered service area as on file with the commissioner on January first of the calendar year for which aid is payable, or, thirty-one cents per capita of the population of the city with a population of one hundred thousand or more whose public or free association library merged with the public library system on or before January first, nineteen hundred seventy-six, with a minimum amount of one thousand five hundred dollars, except that no library shall receive less than the amount of local library services aid received in two thousand [one] ELEVEN. Regulations of the commissioner shall provide a method for establishing changes in chartered service areas or determining populations thereof. Local library services aid shall be paid to the system for distribution within thirty days of receipt to its member libraries in accordance with this subdivision. Notwithstanding any contrary provisions of this subparagraph, the commissioner shall establish procedures under which a public or free association library may apply for a waiver of the requirements of the

standards of service[; provided, however, that any such waivers may only be granted in the same year in which the commissioner has apportioned a reduction adjustment].

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

[(2) Adult literacy grants. The commissioner shall award annual grants for approved expenses for library-based programs conducted by public library systems and public and free association libraries which are members of a public library system to assist adults to increase their literacy skills. The commissioner shall award such grants having determined that such programs are being operated in direct coordination with local public schools, colleges and other organizations which are operating similar adult literacy programs. Annual state aid of two hundred thousand dollars shall be awarded for grants in accordance with regulations promulgated by the commissioner. Ninety percent of the amount of any such adult literacy grant shall be payable to the library or system upon approval by the department. The final ten percent shall be payable upon completion of the project.

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

O. ANY NEW PUBLIC LIBRARY SYSTEM ESTABLISHED THROUGH MERGER ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, SHALL RECEIVE NO LESS STATE FORMULA AID THAN THE COMPONENT PUBLIC LIBRARY SYSTEMS WERE ENTITLED TO RECEIVE UNDER SECTIONS TWO HUNDRED SEVENTY-TWO, TWO HUNDRED SEVENTY-THREE AND TWO HUNDRED EIGHTY-FIVE OF THIS PART IN THE FISCAL YEAR IMMEDIATELY PRECEEDING THE YEAR IN WHICH SUCH MERGER IS APPROVED BY THE COMMISSIONER.

S 4. Subdivision 4 of section 273 of the education law is amended by adding a new paragraph d to read as follows:

D. ANY NEW REFERENCE AND RESEARCH LIBRARY RESOURCES SYSTEM ESTABLISHED THROUGH MERGER ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, SHALL RECEIVE NO LESS STATE FORMULA AID THAN THE COMPONENT REFERENCE AND RESEARCH LIBRARY RESOURCES SYSTEMS WERE ENTITLED TO RECEIVE UNDER SECTIONS TWO HUNDRED SEVENTY-TWO AND TWO HUNDRED SEVENTY-THREE OF THIS PART IN THE FISCAL YEAR IMMEDIATELY PRECEDING THE YEAR IN WHICH SUCH MERGER IS APPROVED BY THE COMMISSIONER.

S 5. Subdivisions 7, 8 and 11 of section 273 of the education law, as amended by section 3 of part O of chapter 57 of the laws of 2005, subdi-

vision 11 as added by section 3 of part A-5 of chapter 58 of the laws of 2006, are amended to read as follows:

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

b. To be eligible for such FORMULA grants, each such comprehensive research library must submit both a five-year plan and an annual program budget. The plan must satisfy criteria to be established by the commissioner in regulations relating to the identification of library research materials, the need for their preservation, and the means of their conservation. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE ANNUAL APPROPRIATION UNDER THE PROVISIONS OF PARAGRAPH A OF THIS SUBDIVISION FOR THE NEW YORK STATE LIBRARY IN THE STATE OPERATIONS BUDGET SHALL BE EQUAL TO AND NO LESS THAN THE APPROPRIATION AMOUNT PROVIDED FOR EACH OF THE OTHER COMPREHENSIVE RESEARCH LIBRARIES IN THE STATE LOCAL ASSISTANCE BUDGET.

c. [Additional grants, the sum of which shall not exceed three hundred fifty thousand dollars in any state fiscal year, may be made to any or all of the eleven comprehensive research libraries for preservation and/or conservation of library research materials on the basis of project proposals. Approval of such proposals, and determination of funding level, shall be based upon their contribution to development of cooperative programs and/or facilities for conservation and/or preservation works in the state, including but not limited to such factors as: institutional commitment to development of a collective capacity and coordinated approach to conservation and preservation of research materials important to the people of the state; research value of materials to be preserved and/or conserved; appropriateness of conservation and preservation techniques in accordance with statewide planning and national standards; institutional capacity for successful completion of the project, including facilities, experience, and technical expertise; availability of staff with appropriate training and expertise; contribution 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.

8. New York state talking book and braille library. The New York state talking book and braille library shall be entitled to receive annually an amount equal to the product of the aid ceiling multiplied by the number of registered borrowers of such materials of such library as of the November report for the November immediately preceding the state fiscal year for which the payment will be made. Such amount shall be used to improve the quality of services provided to such borrowers. For aid payable in each state fiscal year, the aid ceiling per registered borrower shall be nineteen dollars. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN THE EVENT THAT THE STATUTORY FORMULA FUNDS APPROPRIATED FOR THE NEW YORK STATE TALKING BOOK AND BRAILLE LIBRARY UNDER THIS SUBDIVISION IN THE STATE OPERATIONS BUDGET ARE SUBJECT TO A REDUCTION ADJUSTMENT, SUCH REDUCTION ADJUSTMENT SHALL NOT EXCEED ANY REDUCTION ADJUSTMENT APPLIED TO LIBRARY LOCAL ASSISTANCE PROGRAMS UNDER THIS SECTION. Notwithstanding any other provision of law, the New York state talking book and braille library shall be the successor in interest to the New York state library for the blind and visually handicapped for all purposes, or the library for the blind and physically handicapped, and the change in name shall not affect the rights or interests of any party. Except where the context indicates a contrary intent, any reference in any other general or special law to the New York state library for the blind and visually handicapped or the library for the blind and physically handicapped shall be deemed a reference to the New York state talking book and braille library.

11. Notwithstanding any other provision of law to the contrary, each year commencing with the two thousand [six] TWELVE 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 6. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012; provided, that the amendments to paragraph h of subdivision 1 of section 273 of the education law made by section three of this act shall take effect April 1, 2013; 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 five of this act shall take effect April 1, 2014.