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

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:

Section 1. Subparagraphs 1, 2, 3 and 4 of paragraph j of subdivision 1 of section 272 of the education law, subparagraphs 1, 2 and 3 as amended by section 2 of part O of chapter 57 of the laws of 2005, subparagraph 4 as added by chapter 386 of the laws of 1996, 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-FIVE PERCENT OF THE STATUTORY FORMULA AMOUNTS IN SUCH SECTION, THE PROVISIONS OF SUBPARAGRAPHS TWO AND FIVE 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 neces-

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

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sary 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.

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

(4) 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)] (5) The commissioner may waive the requirements of subparagraphs [one and] two AND FOUR of this paragraph, if the commissioner determines that the application of such subparagraphs 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.

[(4)] (6) A "local sponsor" shall mean any municipality, district or school district, as defined in the general municipal law, or any combination thereof.

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 C OF SUBDIVISION FOUR AND SUBDIVISION SIX OF SECTION TWO HUNDRED SEVENTY-THREE AND PARAGRAPH G OF SUBDIVISION ONE OF SECTION TWO HUNDRED EIGHTY-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-FIVE 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. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2012.