

4664--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 7, 2013

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Introduced by M. of A. KELLNER, PAULIN, JAFFEE, PALMESANO, OTIS --  
Multi-Sponsored by -- M. of A. SOLAGES, SWEENEY -- 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 -- reported and referred to the Commit-  
tee on Ways and Means -- committee discharged, bill amended, ordered  
reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the conservation and  
preservation of library research materials program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1.     Subdivision 7 of section 273 of the education law, as  
2 amended by section 3 of part O of chapter 57 of the laws of 2005, is  
3 amended to read as follows:  
4     7. Conservation and preservation of library research materials. a. The  
5 commissioner shall award in any state fiscal year, an annual FORMULA  
6 grant of one hundred [twenty-six] FIFTY-EIGHT thousand dollars for a  
7 program of conservation and/or preservation of library research materi-  
8 als to each of the following comprehensive research libraries: Columbia  
9 university libraries, Cornell university libraries, New York state  
10 library, New York university libraries, university of Rochester  
11 libraries, Syracuse university libraries, the research libraries of the  
12 New York public library, state university of New York at Albany library,  
13 state university of New York at Binghamton library, state university of  
14 New York at Buffalo library, and state university of New York at Stony  
15 Brook library.  
16     b. To be eligible for such FORMULA grants, each such comprehensive  
17 research library must submit both a five-year plan and an annual program  
18 budget. The plan must satisfy criteria to be established by the commis-  
19 sioner in regulations relating to the identification of library research  
20 materials, the need for their preservation, and the means of their  
21 conservation.  
22     c. [Additional grants, the sum of which shall not exceed three hundred  
23 fifty thousand dollars in any state fiscal year, may be made to any or

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

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1 all of the eleven comprehensive research libraries for preservation  
2 and/or conservation of library research materials on the basis of  
3 project proposals. Approval of such proposals, and determination of  
4 funding level, shall be based upon their contribution to development of  
5 cooperative programs and/or facilities for conservation and/or preserva-  
6 tion works in the state, including but not limited to such factors as:  
7 institutional commitment to development of a collective capacity and  
8 coordinated approach to conservation and preservation of research mate-  
9 rials important to the people of the state; research value of materials  
10 to be preserved and/or conserved; appropriateness of conservation and  
11 preservation techniques in accordance with statewide planning and  
12 national standards; institutional capacity for successful completion of  
13 the project, including facilities, experience, and technical expertise;  
14 availability of staff with appropriate training and expertise; contrib-  
15 ution of the institution to the project in matching funds and staff  
16 resources; and volume of interlibrary lending and access to holdings by  
17 the public. Ninety percent of each such grant shall be payable upon  
18 approval by the department and the remaining ten percent shall be paya-  
19 ble upon project completion.

20 d.] Other agencies and libraries, as defined in regulations promulgat-  
21 ed by the commissioner, which are not eligible for funding under para-  
22 graph a of this subdivision, may receive separate grants the sum of  
23 which shall not exceed five hundred thousand dollars in any state fiscal  
24 year to support the preservation and/or conservation of unique library  
25 research materials. Such agencies and libraries shall submit PROJECT  
26 proposals [which shall be evaluated and determinations of approval and  
27 funding shall be made on the same basis set forth in paragraph c of this  
28 subdivision]. APPROVAL OF SUCH PROJECT PROPOSALS, AND DETERMINATION OF  
29 FUNDING LEVEL, SHALL BE BASED UPON, BUT NOT LIMITED TO, FACTORS SUCH AS:  
30 THE RESEARCH VALUE OF MATERIALS TO BE PRESERVED AND/OR CONSERVED; APPRO-  
31 PRIATENESS OF CONSERVATION AND PRESERVATION TECHNIQUES IN ACCORDANCE  
32 WITH STATEWIDE PLANNING AND NATIONAL STANDARDS; INSTITUTIONAL CAPACITY  
33 FOR SUCCESSFUL COMPLETION OF THE PROJECT, INCLUDING FACILITIES, EXPERI-  
34 ENCE, AND TECHNICAL EXPERTISE; AVAILABILITY OF STAFF WITH APPROPRIATE  
35 TRAINING AND EXPERTISE; CONTRIBUTION OF THE INSTITUTION TO THE PROJECT  
36 IN MATCHING FUNDS AND STAFF RESOURCES; AND THE VOLUME OF INTERLIBRARY  
37 LENDING AND ACCESS TO HOLDINGS BY THE PUBLIC. Ninety percent of each  
38 such grant shall be payable upon approval by the department and the  
39 remaining ten percent shall be payable upon project completion.

40 [e.] D. Funds made available under the provisions of this section may  
41 be used by comprehensive research libraries and other agencies eligible  
42 for funding to obtain matching funds from the national endowment for the  
43 humanities preservation program AND OTHER FEDERAL PROGRAMS.

44 [f.] E. The commissioner shall establish an office for coordination of  
45 conservation and/or preservation of library research materials to iden-  
46 tify the conservation and/or preservation needs of libraries within the  
47 state, to assess the technology available for such conservation and  
48 preservation, and to coordinate the conservation and preservation  
49 efforts resulting from this legislation.

50 S 2. This act shall take effect immediately and shall be deemed to  
51 have been in full force and effect on and after April 1, 2013; provided,  
52 however, that the amendments made to paragraphs a and c of subdivision 7  
53 of section 273 of the education law by section one of this act shall  
54 take effect April 1, 2014.