

2857

2013-2014 Regular Sessions

I N S E N A T E

January 24, 2013

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

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

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1 system. In the first year in which any library system changes its
2 reporting from the calendar year to a fiscal year other than the calen-
3 dar year, it shall file any additional reporting schedules deemed neces-
4 sary by the commissioner for the purpose of determining maintenance of
5 effort as required herein, in order that no period of time shall be
6 exempt from such requirement.

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

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

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

43 [(4)] (6) A "local sponsor" shall mean any municipality, district or
44 school district, as defined in the general municipal law, or any combi-
45 nation thereof.

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

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

1 SIONER SHALL REPORT ANY WAIVERS GRANTED UNDER THIS PARAGRAPH TO THE
2 SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE
3 CHAIRS OF THE LEGISLATIVE FISCAL COMMITTEES AND THE DIRECTOR OF THE
4 BUDGET.

5 S 3. This act shall take effect immediately and shall be deemed to
6 have been in full force and effect on and after April 1, 2013.