

STATE OF NEW YORK

10835

IN ASSEMBLY

May 23, 2018

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Libraries and Education Technology

AN ACT to amend the education law, in relation to coordinated project applications

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 273-a of the education law, as amended by chapter
2 498 of the laws of 2011, subdivision 1 as amended by chapter 480 of the
3 laws of 2015, is amended to read as follows:

4 § 273-a. State aid for library construction. 1. State aid shall be
5 provided for up to fifty percent of the total project approved costs,
6 excluding feasibility studies, plans or similar activities, for projects
7 for the installation and infrastructure of broadband services, and for
8 the acquisition of vacant land and the acquisition, construction, reno-
9 vation or rehabilitation, including leasehold improvements, of buildings
10 of public libraries and library systems chartered by the regents of the
11 state of New York or established by act of the legislature subject to
12 the limitations provided in subdivision [~~five~~ six of this section and
13 upon approval by the commissioner, except that state aid may be provided
14 for up to seventy-five percent of the total project approved costs for
15 buildings of public libraries that are located in an economically disad-
16 vantaged community. Provided however that the state liability for aid
17 paid pursuant to this section shall be limited to funds appropriated for
18 such purpose. Aid shall be provided on approved expenses incurred during
19 the period commencing July first and ending June thirtieth for up to
20 three years, or until the project is completed, whichever occurs first.
21 Fifty percent of such aid shall be payable to each system or library
22 upon approval of the application by the department. Forty percent of
23 such aid shall be payable in the next state fiscal year. The remaining
24 ten percent shall be payable upon project completion.

25 2. Each single building project application for state aid shall be
26 submitted by the board of trustees of the library or library system
27 responsible for the operation of the subject building to the commission-
28 er for his or her review and approval, after having been reviewed and

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

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1 approved by the governing board of the public library system of which
2 such library is a member. Each single building project application
3 shall:

4 a. demonstrate that resources are or shall be available to provide for
5 maximum utilization of the project if approved;

6 b. contain verification in such form as may be acceptable to the
7 commissioner that the total cost of the project, exclusive of state aid,
8 has been or will be obtained;

9 c. demonstrate that library operations would be made more economical
10 as a consequence of approval;

11 d. be limited to one project concerning such building, provided that
12 no building shall be the subject of more than one single building
13 project application per year;

14 e. contain documentation, where such an application requests state aid
15 in an amount greater than fifty percent, demonstrating how the project
16 will address the service needs of one or more economically disadvantaged
17 communities. Such documentation may demonstrate need through poverty
18 rates, concentrations of English language learners, low high school
19 graduation rates, limited fiscal capacity or other relevant factors; and

20 f. provide such other information as may be required by the commis-
21 sioner.

22 3. Coordinated applications for state aid allocated under paragraph b
23 of subdivision six of this section shall be submitted by the public
24 library system. The public library system shall be responsible for
25 managing all coordinated projects. Each coordinated project application
26 shall be approved by the board of trustees of each participating library
27 and library system responsible for the operation of the said buildings.
28 Coordinated project applications shall be submitted to the commissioner
29 for his or her review and approval, after having been reviewed and
30 approved by the governing board of the public library system of which
31 such libraries are members. Each coordinated project application shall:

32 a. demonstrate that resources are or shall be available to provide for
33 maximum utilization of the project if approved;

34 b. contain verification in such form as may be acceptable to the
35 commissioner that the total cost of the project, exclusive of state aid,
36 has been or will be obtained;

37 c. demonstrate that library operations would be made more economical
38 as a consequence of approval;

39 d. provide that no one building shall be the subject of more than one
40 coordinated project application per year; and

41 e. provide such other information as may be required by the commis-
42 sioner.

43 4. In approving any single building project application that would
44 receive state aid beyond fifty percent of the total project approved
45 costs, the board of trustees of the library system shall give particular
46 attention to addressing the library service needs of economically disad-
47 vantaged communities as provided for in paragraph e of subdivision two
48 of this section.

49 [~~4.~~] 5. In approving any new single building or coordinated project
50 application the commissioner shall consider the condition of existing
51 libraries and, where appropriate, the needs of isolated or economically
52 disadvantaged communities, provided that no application shall be
53 approved for a project that is deemed by the commissioner to have been
54 completed prior to the date of the application.

55 [~~5.~~] 6. Aid shall be distributed pursuant to this section as follows:

1 a. sixty percent of the funds appropriated pursuant to this section
2 shall be made available to libraries within each system by the commis-
3 sioner in such manner as to insure that the ratio of the amount received
4 within each system to the whole of the aid made available pursuant to
5 this paragraph is no greater than the ratio of the population served by
6 such system to the population of the state;

7 b. forty percent of the funds appropriated pursuant to this section
8 shall be made available to library systems or libraries within each
9 system by the commissioner in such manner as to insure that an equal
10 amount is received within each system in the state;

11 c. any funds made available pursuant to paragraph a or b of this
12 subdivision which by April first of each succeeding fiscal year, are
13 declined by such libraries or library systems for any reason, or which
14 cannot otherwise be used by such libraries or library systems for any
15 reason, shall be made available by the commissioner to other eligible
16 libraries within such system, or if no such library can use such funds
17 shall be reallocated among the other library systems and their libraries
18 in a manner that will to the extent possible provide from such reallo-
19 cated funds an equal amount to each such system.

20 [~~6-~~] 7. The commissioner shall adopt rules and regulations as are
21 necessary to carry out the purposes and provisions of this section.

22 [~~7-~~] 8. The commissioner shall submit to the temporary president of
23 the senate and the speaker of the assembly an annual report describing
24 those projects that have received state funding of greater than fifty
25 percent of project costs and the communities to be served by those
26 projects.

27 § 2. This act shall take effect immediately, provided, however that
28 the amendments to section 273-a of the education law made by section one
29 of this act shall not affect the expiration and reversion of such
30 section and shall be deemed to expire therewith.