STATE OF NEW YORK

1685

2017-2018 Regular Sessions

IN ASSEMBLY

January 12, 2017

Introduced by M. of A. PRETLOW -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Libraries and Education Technology

AN ACT to amend the education law and the state finance law, in relation to establishing the "New Century Libraries: Libraries 2017 act"

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

Section 1. Legislative intent. It is the intent of the legislature to provide the people of New York with access to the information and library services they need today and will need tomorrow by establishing a New Century Libraries Initiative.

§ 2. This act shall be known and may be cited as the "New Century Libraries: Libraries 2017 act".

§ 3. Section 271 of the education law, as amended by section 1 of part O of chapter 57 of the laws of 2005, is amended to read as follows:

§ 271. Apportionment of state aid to Indian libraries. Any Indian library chartered by the regents or in the absence of such library any tribal government contracting for service from a chartered and registered library or approved library system, shall be entitled to receive state aid during each calendar year consisting of the following amounts:

1. [~~Eighteen~~] **Nineteen** thousand dollars, and

2. The sum of [~~eighteen~~] **nineteen** dollars and [~~twenty~~] **twenty-five** cents per capita for persons residing on the reservation served by the Indian library or contract as shown by the latest federal census or certified by the New York state director of Indian services, and

3. The sum of one dollar and [~~fifty~~] **fifty-five** cents per acre of area served by the Indian library or contract.

Such sums shall be paid annually to the Indian library board of trustees for the use of the Indian library, or in the absence of such a board, to the tribal government for a contract for library service. Nothing contained in this section shall be construed to diminish the

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

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funds, services or supplies provided to any Indian library by a library system as defined in section two hundred seventy-two of this [~~article~~] **part**. Increases in appropriations for such purposes during a calendar year shall be pro rated.

§ 4. Section 273 of the education law, as amended by section 3 of part O of chapter 57 of the laws of 2005, subdivision 7 as amended by chapter 362 of the laws of 2013, subdivision 11 as added by section 3 of part A-5 of chapter 58 of the laws of 2006 and subdivision 12 as amended by section 3 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

§ 273. Apportionment of state aid to libraries and library systems. 1. Any public library system providing service under an approved plan during a calendar year shall be entitled to receive during that calendar year state aid consisting of the following amounts:

a. An annual grant of:

(1) Ten thousand **five hundred** dollars where the library system serves less than one county, or

(2) [~~Twenty~~] **Twenty-one** thousand dollars where the library system serves one entire county, or

(3) Where the library system serves more than one county the system shall be entitled to receive [~~twenty-five~~] **twenty-six** thousand **two hundred fifty** dollars for each entire county served and/or ten thousand **five hundred** dollars for each county, any part of which is served by the library system. If an entire county is served by two or more library systems, each of which serves a part thereof, each of such library systems shall be entitled to receive a grant of ten thousand **five hundred** dollars and in addition, a pro rata share of an additional sum of ten thousand **five hundred** dollars, such share to be computed in accordance with the ratio which the population of the area of the county served by such library system bears to the total population of the county, as determined under subdivision one of section two hundred seventy-two of this [~~article~~] **part**.

b. In a library system which submits a plan for further development of its central library, which plan shall be approved by the commissioner in relation to standards for such central libraries, the amount of central library development aid shall be:

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

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

c. The sum of [~~ninety-four~~] **ninety-eight and seven-tenths** 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~~] **seventy-one and four-tenths** 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 report-

ing 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 of this paragraph, or [~~seventy-six~~] **eighty** thousand [~~five~~] **three** hundred **twenty-five** dollars, whichever is more.

e. The sum of [~~fifty-two~~] **fifty-five** dollars **and twenty-five cents** per square mile of area served by the library system in the case of library systems serving one county or less. Such sum shall be increased by five dollars for each additional entire county served, provided, however, that no apportionment pursuant to this paragraph shall exceed [~~seventy-two~~] **seventy-five** dollars **and twenty-five cents** per square mile of area served. If an entire county is served by two or more library systems, each of which serves a part thereof, each of such library systems shall be entitled to receive, in addition to the aid computed in accordance with the foregoing provisions of this paragraph, a pro rata share of an increase of five dollars to be computed as follows: the sum resulting from the computation of five dollars per square mile of area served by the one of such library systems which would receive the largest amount of aid pursuant to this paragraph shall be pro rated among the library systems serving such county in accordance with the ratio which the population of the area served by each of such library systems bears to the population of the county as determined under subdivision one of section two hundred seventy-two of this [~~article~~] **part**.

f. (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~~] **thirty-two and fifty-five hundredths** 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~~] **thirty-two and fifty-five hundredths** 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 **seventy-five** dollars, except that no library shall receive less than the amount of local library services aid received in two thousand one. 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.

(2) Local services support aid. Except in cities with a population in excess of one million inhabitants, each public library system operating under an approved plan of service shall be eligible to receive annually local services support aid equal to two-thirds of the total dollar amount paid in local library services aid to the member libraries of the system plus [~~thirty-one~~] **thirty-two and fifty-five hundredths** cents per capita of the system's population who do not reside within the chartered service area of a member library.

(3) Local consolidated systems aid. In cities with a population in excess of one million inhabitants, each public library system operating under an approved plan of service shall be eligible to receive annually local consolidated system aid equal to the sum of (i) [~~thirty-one~~] **thirty-two and fifty-five hundredths** cents per capita of the population served by the system, but not less than the amount of local library incentive aid received in nineteen hundred ninety-one as reported on the library's nineteen hundred ninety-one annual report **increased by five percent of that amount**; and (ii) an additional amount equal to two-thirds of the total dollar amount computed for the system pursuant to clause (i) of this subparagraph.

g. In addition to the sums otherwise provided in [~~paragraphs a, b, c, d, e, f, h and i of~~] this subdivision, the New York Public Library shall receive an amount equal to its actual expenditures for books, periodicals and binding for its research libraries which expenditures are not otherwise reimbursed or [~~seven~~] **eight** hundred [~~sixty-seven~~] **five** thousand **three hundred fifty** dollars, whichever is less, and the additional sum of five million [~~six~~] **nine** hundred [~~forty-nine~~] **thirty-two** thousand [~~six hundred~~] **eighty** dollars for the general support of such research libraries. In addition to any other sums provided to such library, the sum of two million dollars shall be payable annually to the New York Public Library for the general support of library services provided by the New York Public Library to the students of the City University of New York and the sum of one million dollars shall be payable annually to the New York Public Library for the general support of its science, industry and business library.

h. (1) Coordinated outreach services. Each public library system which provides coordinated outreach 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~~] **forty-five** thousand **one hundred fifty** dollars and [~~thirteen~~] **fourteen** 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~~] **four** hundred **sixty** 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~~] six hundred sixty-five 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.

i. In addition to any other sums provided for such purposes, the New York Public Library shall receive annually the sum of seven hundred [~~thirty-four~~] seventy thousand seven hundred dollars for the program of the Schomburg center for research in black culture, and the additional sum of [~~nine~~] one million three hundred [~~eighty-four~~] thirty-three thousand two hundred dollars for the program of the library for the blind and physically handicapped.

j. In addition to any other sums provided to such library, the sum of two hundred [~~fifty~~] sixty-two thousand five hundred dollars shall be paid annually to the New York Historical Society for making its library services available to the public.

k. In addition to any other sums provided to such library the sum of three hundred [~~fifty~~] sixty-seven thousand five hundred dollars shall be payable annually to the Brooklyn Public Library for its business library for each calendar year.

l. In addition to any other sums provided to such library, the sum of [~~fifty~~] fifty-two thousand five hundred dollars shall be payable annually to the Buffalo and Erie County Public Library for a continuity of service project approved by the commissioner for each calendar year.

m. In addition to any other sums provided to such library system, the sum of [~~thirty~~] thirty-one thousand five hundred dollars shall be payable annually to the Nassau library system for a continuity of service project approved by the commissioner for each calendar year.

n. In addition to any other sum provided in this subdivision, each public library system with an electronic information program consistent with regulations of the commissioner, shall be eligible to receive annually an amount equal to eight and four hundred and thirty-five one thousandth percent of the total amount earned under paragraphs a, c, e and subparagraph one of paragraph d and paragraph o of this subdivision. The minimum grant available shall be sixty thousand dollars.

o. The minimum annual grant available to a library system under paragraphs a, c and e and subparagraph one of paragraph d of this subdivision shall be [~~six~~] seven hundred [~~seventy-five~~] ten thousand dollars.

p. (1) In calendar year two thousand seventeen and thereafter, each chartered and registered public and free association library meeting standards of service promulgated by the commissioner and serving a city as defined by the federal census shall be eligible to receive annually urban library services aid equal to one dollar per capita of the population of the city as determined by the latest federal census, provided that in the case of a city having a population of one million or more, such aid shall be determined based on the population of the borough in which the library is located. This annual state aid shall be awarded in accordance with regulations promulgated by the commissioner. Urban library services aid shall be paid to the library system for distrib-

ution within thirty days of receipt to its eligible member libraries in accordance with this subdivision.

(2) In the event that the sum total of local sponsor support raised by local taxation exclusive of the sum raised for capital expenditures or debt service in the 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 urban library services aid to which such library would otherwise be entitled shall be reduced by the same ratio.

(3) The commissioner may waive the requirements of subparagraph two of this paragraph, if the commissioner determines that the application of such subparagraph would result in excessive hardship for the public or free association 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. The commissioner may grant such a waiver annually.

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

q. (1) In calendar year two thousand seventeen and thereafter, up through and including calendar year two thousand twenty-one, except in cities with a population in excess of one million inhabitants, the commissioner is hereby authorized to expend each year up to seven million dollars for grants to public library systems operating under an approved plan of service and with an approved program for assisting local communities to create and strengthen local public library districts so that all New Yorkers may live within the boundaries of a local public library district. Such grants shall be awarded for a period of three years, shall be determined on the basis of criteria to be developed by the commissioner and shall assist member public and free association libraries in meeting and exceeding standards established by the regents in accordance with section two hundred fifty-four of this part. Notwithstanding any other provision of law to the contrary, any portion of a grant award that remains unexpended at the end of a state fiscal year shall be carried over to the next fiscal year and shall remain available to the library or library system for expenditure for purposes of this paragraph to the extent there is an appropriation available, provided that the term of the grant has not expired. This state aid shall be awarded in accordance with regulations promulgated by the commissioner.

(2) The commissioner shall provide grants to eligible public library systems with a program for assisting libraries and communities in creating and strengthening public library districts in the following manner:

(a) an amount of one hundred fifty thousand dollars to each eligible public library system in furtherance of the purposes of this paragraph, and

(b) an amount up to one dollar per capita of the library system's population who do not reside within the chartered service area of a member library to each eligible public library system in furtherance of the purposes of this paragraph, and

(c) the remainder for incentive and enabling grants to public library districts established on or after January first, two thousand eleven or to those public and free association libraries or public library systems with a plan to assist communities to create, reconfigure or strengthen a local public library district.

(3) In calendar year two thousand seventeen and thereafter, up through and including calendar year two thousand twenty-one, the New York state library shall be entitled to receive each year the sum of four hundred thousand dollars for the establishment and implementation of a statewide program for assisting public library systems, public and free association libraries and local communities to create and strengthen local public library districts so that all New Yorkers live within the boundaries of a local public library district. Such statewide services may include, but are not limited to technical assistance and training for libraries and library systems, publications, communications and program planning, implementation and evaluation.

r. (1) In calendar year two thousand seventeen and thereafter, except in cities as defined by the federal census, the commissioner is hereby authorized to provide grants to strengthen chartered and registered public and free association libraries meeting standards of service promulgated by the commissioner. Each eligible library shall receive thirty-five and seventy-seven one hundredths 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 in which aid is payable. This annual state aid shall be awarded in accordance with regulations promulgated by the commissioner. Nonurban library services aid shall be paid to the system for distribution within thirty days of receipt to its eligible member libraries in accordance with this subdivision.

(2) In the event that the sum total of local sponsor support raised by local taxation exclusive of the sum raised for capital expenditures 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 nonurban library services aid to which such library would otherwise be entitled shall be reduced by the same ratio.

(3) The commissioner may waive the requirements of subparagraph two of this paragraph, if the commissioner determines that the application of such subparagraph would result in excessive hardship for the public or free association 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. The commissioner may grant such waiver annually.

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

s. (1) In calendar year two thousand seventeen and thereafter, the commissioner is authorized to expend up to ten million dollars annually to provide local library need-based aid grants to chartered and registered public and free association libraries meeting standards of service promulgated by the commissioner and located in economically disadvantaged communities. Local library need-based aid would provide matching grants to raise the total local sponsor support raised by local taxation exclusive of the sum raised for capital expenditures and debt service to a total of twenty dollars per capita of the population of the library's chartered service area as on file with the commissioner on January first of the year in which the aid is payable. Such matching grants shall be determined on the basis of need criteria to be developed by the commissioner and shall assist those member public and free association libraries designated by the commissioner as serving economically disad-

vantaged communities in meeting and exceeding standards established by the regents in accordance with section two hundred fifty-four of this part. This annual state aid shall be awarded in accordance with regulations promulgated by the commissioner. This state aid shall be paid to the system for distribution within thirty days of receipt to its eligible member libraries in accordance with this subdivision.

(2) In the event that the sum total of local sponsor support raised by local taxation exclusive of the sum raised for capital expenditures in a twelve month period, is less than that provided to the local library in the fiscal year ending in two thousand sixteen, the local library need-based aid to which such library would otherwise be entitled shall be reduced by the same ratio. In the event that the sum total of local sponsor support raised by local taxation exclusive of the sum raised for capital expenditures in a twelve month period, is more than that provided to the local library in the fiscal year ending in two thousand sixteen, the local library need-based state aid to which such library would otherwise be entitled would remain constant.

(3) The commissioner may waive the requirements of subparagraph two of this paragraph, if the commissioner determines that the application of such subparagraph would result in excessive hardship for the public or free association 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. The commissioner may grant such waiver annually.

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

t. (1) In calendar year two thousand seventeen and thereafter, the commissioner is hereby authorized to expend up to four hundred thousand dollars annually for statewide reading programs coordinated by the New York state library and conducted by the public library systems and public and free association libraries.

(2) For the purposes of this subdivision, the commissioner shall provide grants for participation in statewide reading programs to public library systems operating under an approved plan of service. Such grants shall be determined on the basis of criteria to be developed by the commissioner and shall be awarded as follows:

(a) an annual base grant of five thousand dollars to each eligible public library system, plus the sum of five cents per school age child based on the total public and nonpublic school enrollment within the geographic area served by the system; and

(b) the remainder shall be provided to the New York state library for establishing and coordinating statewide reading programs, which may include contracting with library systems or other libraries to deliver statewide services for this purpose. Such statewide services may include, but shall not be limited to, training, technical assistance to libraries and library systems, publications, communications and program planning and evaluation.

2. Within the amounts appropriated therefor moneys paid out pursuant to this section shall be paid out of the state treasury on vouchers certified by the commissioner after audit by and upon the warrant of the comptroller.

3. The commissioner may waive the requirement that a public library system serve an entire county to earn the maximum annual grant under subparagraphs two and three of paragraph a of subdivision one of this

section and paragraphs b, c, e and h of subdivision one of this section where the commissioner deems reasonable effort has been made by the system to encourage membership by all libraries in the county.

4. Reference and research library resources system. a. Any reference and research library resources system providing service under an approved plan during a calendar year shall be entitled to receive annual state aid consisting of an annual grant of [~~two~~] four hundred [~~seventy~~] thirty-five thousand dollars plus the sum of [~~one dollar and fifty cents~~] three dollars per square mile of area served plus the sum of [~~six~~] eleven and seven hundredths cents per capita of the population of the area served. Each system may annually appropriate funds received under this provision to obtain matching funds from the National Endowment for the Humanities in the United States Newspaper Program. The annual amount payable to each approved system under this paragraph shall be payable on or before July first, provided that, upon receipt of annual system activity reports satisfactory to the commissioner, the commissioner shall determine the amount of any under- or overpayments and shall apply such adjustment to the next annual payment due such system.

b. [~~The commissioner is hereby authorized to expend up to five hundred six thousand dollars annually in each state fiscal year to provide formula grants to approved reference and research library resources systems for provision of consumer health and medical information services for all types of libraries and library systems. Such grants shall assist libraries in providing access to timely and accurate medical and health information for medical personnel and for the general public. In addition to any other sum provided in this subdivision, each reference and research library resources system providing service under an approved plan with a consumer health and medical library information services program for all types of libraries and library systems shall be eligible to receive an annual formula grant. Such formula grants shall be determined on the basis of criteria to be prescribed by the commissioner.~~] In addition to any other sum provided in this subdivision, each reference and research library resources system providing service under an approved plan with an electronic information program consistent with regulations of the commissioner, shall be eligible to receive annually an amount equal to thirty-two and five-tenths percent of the amount earned in paragraph a of this subdivision.

c. In addition to any other sum provided in this subdivision, each reference and research library resources system providing service under an approved plan with a consumer health and medical library information services program for all types of libraries and library systems shall be eligible to receive an annual base grant of twenty-five thousand dollars plus the sum of one and seven hundred three thousandths cents per capita of the population of the area served. The commissioner shall provide the annual amount payable to each approved system under this paragraph in the following manner:

(1) Funds shall be available to each reference and research library resources system in such manner as to insure that the ratio of the amount each system is eligible to receive equals the weighted ratio of the total number of institutions as defined in subparagraph two of this paragraph in the region served by the system to the total number of such institutions in the state.

(2) For the purposes of determining the amount of funds available to each system, institutions and their weightings are as follows:

(i) not-for-profit hospitals licensed by the New York state health department, with a weighting of two;

(ii) for-profit teaching hospitals licensed by the New York state health department, with an additional weighting of one; and

(iii) member institutions of a reference and research library resources system, excluding public and hospital libraries, with a weighting of one.

[~~c.~~] **d.** (1) The commissioner is hereby authorized to expend up to [~~one~~] **two** million [~~three~~] **four** hundred [~~ninety-six~~] **sixty-six** thousand dollars in each state fiscal year to provide formula grants to approved reference and research library resources systems for provision of services to member hospital libraries in not-for-profit hospitals licensed by the New York state health department, or to member libraries serving such hospitals. Such formula grants shall be determined on the basis of criteria to be developed by the commissioner and shall assist member hospital libraries or member libraries serving hospitals in meeting the standards established by the regents in accordance with section two hundred fifty-four of this [~~article~~] **part**. Such formula grants shall support integration of member hospital libraries or member libraries serving hospitals into existing networks.

(2) The commissioner shall provide grants to the reference and research library resources systems in the following manner:

(a) an amount equal to [~~seventy-five cents~~] **two dollars** per square mile of area served by the reference and research library resource system in furtherance of the purposes of this paragraph, and

(b) the remainder for library services to hospitals in accordance with regulations of the commissioner adopted for such purpose.

5. Coordinated collection development program for public and nonprofit independent colleges and universities.

a. Libraries of public and nonprofit independent colleges and universities are entitled to receive annual funding for a coordinated collection development grant if they meet the following conditions:

(1) Membership in a reference and research library resources system,

(2) Their resources are made available to the public, through full participation in the interlibrary loan and other resource sharing programs of the reference and research library resources system of which they are members, and

(3) They meet the requirements set forth in regulations adopted by the commissioner including but not confined to

(a) maintenance of effort,

(b) relationships between reference and research library resources systems' programs and the regional higher education master plan,

(c) submission of interlibrary loan statistics, and such other reports as may be required by the commissioner.

b. Public and nonprofit independent colleges and universities with libraries which meet the criteria of paragraph a of this subdivision are eligible for annual grants as follows:

(1) Four thousand [~~four~~] **six** hundred **twenty** dollars for each institution, and

(2) One dollar and [~~four~~] **nine and two-tenths** cents for each full-time equivalent student enrolled in each qualifying institution, in the academic year completed prior to the state fiscal year. For purposes of this section, a full-time equivalent shall be calculated as follows:

(i) one full-time undergraduate student shall be considered one full-time equivalent student;

(ii) one part-time undergraduate student shall be considered one-third of a full-time equivalent student;

(iii) one part-time graduate student shall be considered one full-time equivalent student; and

(iv) one full-time graduate student shall be considered one and one-half of a full-time equivalent student.

c. Funds for the support of this program shall be appropriated to the department, except that funds for the state-operated institutions of the state university of New York and the senior colleges of the city university of New York, shall be appropriated to the state university of New York out of any moneys in the state treasury in the general fund to the credit of the state purposes fund not otherwise appropriated, and funds shall be appropriated to the city university of New York out of any moneys in the state treasury in the general fund to the credit of the local assistance fund not otherwise appropriated, and shall be subject to the same distribution formula as provided in paragraph b of this subdivision.

d. The New York state library shall be entitled to receive annually the sum of six hundred thousand dollars for the establishment and implementation of a program of statewide access to electronic information by public and nonprofit independent colleges and universities with libraries which meet the criteria of paragraph a of this subdivision.

6. Regional bibliographic data bases and interlibrary resources sharing. a. The commissioner shall award annually to each of the approved nine reference and research library resources systems, from funds appropriated by the legislature for an annual grant for an automation program (i) to support bibliographic control and interlibrary sharing of information resources among all types of libraries and library systems in an area not less than that of a reference and research library resources system, and (ii) to coordinate and integrate the automated systems of the component member public library system or systems, school library system or systems and other automated systems within the area of the reference and research library resources system. Each reference and research library resources system of such region shall be entitled to an annual grant of two hundred **ten** thousand dollars plus the sum of two **and one-tenth** cents per capita of the population served.

b. To be eligible for a grant, each reference and research library resources system shall meet the requirements set forth in regulations adopted by the commissioner which shall include standards relating to library automation, continuous development of the data base, and updating, access and linking of the data base programs. Each reference and research library resources system shall include in its approved plan of service a description of a regional library automation program, which shall include all library systems in the region that are members of the reference and research library resources system.

7. Conservation and preservation of library research materials. a. The commissioner shall award in any state fiscal year, an annual formula grant of one hundred [~~fifty-eight~~] **sixty-five** thousand **seven hundred** 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.

c. 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 project proposals. Approval of such project proposals, and determination of funding level, shall be based upon, but not limited to, factors such as: the 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 the 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. 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 and other federal programs.

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. **The New York state library shall be entitled to receive annually the sum of fifty thousand dollars for coordination of conservation and/or 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~~] **twenty-seven** dollars. 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.

9. New York online virtual electronic library. The New York state library shall be entitled to receive annually the sum of five million dollars for the establishment and implementation of a statewide New York online virtual electronic library for the people of the state. Of such amount at least four million five hundred thousand dollars shall be made available for statewide access to electronic information by New Yorkers, which may include contracting with library systems or other libraries to deliver statewide services for this purpose; and five hundred thousand dollars shall be made available for strengthening statewide library services that support the development and maintenance of the statewide digital library and electronic access to information. Such statewide services may include, but shall not be limited to, training, help desk support, technical assistance to libraries and library systems, publications, communications, and program planning and evaluation.

10. Digitization of library research materials. In addition to any other sums provided for such purposes, the commissioner shall annually award grants for competitive digitization projects conducted by a library system or library, which is a member of a library system. Grants shall be provided for the period commencing July first and ending on the following June thirtieth. Annual state aid of one million dollars for grant awards, including up to fifty thousand dollars to the New York state library for the review of project proposals submitted by libraries or library systems, including peer review, shall be allocated for this purpose. Applications for grants by member libraries must be endorsed by the library system. Such grants shall be awarded on the basis of project proposals in accordance with project proposal guidelines. Criteria for approval of such proposals and determination of funding levels shall be based upon, but not limited to, such factors as:

a. the project is being operated by the applicant in direct coordination with one or more of the following institutions: another library, a library system, local public school, a college or university, local government or any other not-for-profit organization providing education, cultural and information services to the community or to the people of the state;

b. institutional commitment on the part of the applicant to the development of a coordinated approach to digitization of materials important to the people of the state;

c. appropriateness of planning in relation to national standards or best practices and statewide planning; the project's impact on access to holdings and information by the public;

d. contribution of the applicant institution to the project in matching funds and staff resources; and institutional capacity for successful completion of the project including facilities, experience, technical capacity and expertise.

11. New York state library research collections. In addition to any other sums provided for such purposes, the New York state library shall receive annually for strengthening its research collections an amount equal to six hundred thousand dollars.

12. State aid for a coordinated program of library and archival services at The Center for Jewish History, Inc. a. In addition to any other sums provided to The Center for Jewish History, Inc., the commissioner shall award in any state fiscal year an annual grant of two hundred thousand dollars for a coordinated program of library and archival services that will increase public access to the library and archival collections of The Center for Jewish History, Inc. and its member institutions.

b. The Center for Jewish History, Inc. is hereby admitted to the University of the State of New York and shall, as a condition of continued receipt of aid, maintain such status in accordance with regulations of the commissioner. Such regulations may include submission of a five-year plan and annual program budget.

[~~10.~~] **13.** State aid for summer reading programs. The commissioner is hereby authorized to expend the funds of the love your library fund, established in section ninety-nine-l of the state finance law, which shall provide grants for participation in statewide summer reading programs as coordinated by the state library to public library systems on the basis of criteria to be developed by the commissioner. Upon a determination by the commissioner that there is adequate revenue available for a grant program in the upcoming fiscal year, grants shall be awarded as follows:

a. sixty percent of the funds appropriated pursuant to this section shall be made available to public library systems for use by member libraries by the commissioner in such manner as to insure that the ratio of the amount received within each system to the whole of the aid made available pursuant to this paragraph is no greater than the ratio of the population served by such system to the population of the state; and

b. forty percent of the funds appropriated pursuant to this section shall be made available to library systems for use by their member libraries within each system by the commissioner in such manner as to insure that an equal amount is received within each system in the state.

[~~11.~~] **14.** Notwithstanding any other provision of law to the contrary, each year commencing with the two thousand six 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 calendar year solely by reason of a decrease in the population of the area served as a result of the latest approved federal census.

[~~12.~~] **15.** The commissioner is hereby authorized to expend funds annually for formula grants to public library systems, reference and research library resources systems, and school library systems operating under an approved plan of service. Such formula grants shall be provided for the period commencing July first and ending on June thirtieth next following. Such formula grants will be distributed in the following manner:

a. Each public library system established pursuant to sections two hundred fifty-five and two hundred seventy-two of this part and operating under a plan approved by the commissioner is entitled to receive annually thirty-nine thousand dollars and an amount equal to ten and ninety-four hundredths percent of the amount of state aid received for the current year by such system under paragraphs a, c, d, e and n of subdivision one of this section;

b. Each reference and research library resources system established pursuant to section two hundred seventy-two of this part and operating under a plan approved by the commissioner is entitled to receive annually thirty-nine thousand dollars and an amount equal to ten and ninety-four hundredths percent of the amount of state aid received for the current year under paragraph a of subdivision four of this section; and

c. Each school library system established pursuant to section two hundred eighty-two of this part and operating under a plan approved by the commissioner is entitled to receive annually thirty-nine thousand dollars and an amount equal to ten and ninety-four hundredths percent of the amount of state aid received for the current year by such system

under paragraphs a, b, c[~~, d, e~~] and [~~f~~] d of subdivision one of section two hundred eighty-four of this part.

§ 5. Section 284 of the education law, as amended by section 5 of part O of chapter 57 of the laws of 2005 and paragraph f of subdivision 1 as amended by chapter 654 of the laws of 2007, is amended to read as follows:

§ 284. State aid for school library systems. 1. Each school library system established pursuant to section two hundred eighty-two of this part and operating under a plan approved by the commissioner shall be eligible to receive funding under this section consisting of the following amounts:

a. Each school library system with a public and nonpublic school enrollment of less than [~~one~~] five hundred thousand students shall receive a base grant of [~~eighty-three~~] one hundred twenty-five thousand dollars;

b. [~~Each school library system with a public and nonpublic school enrollment of one hundred thousand students but less than two hundred thousand students shall receive a base grant of ninety thousand dollars;~~

~~c. Each school library system with a public and nonpublic school enrollment of two hundred thousand students but less than five hundred thousand students shall receive a base grant of one hundred twenty-three thousand dollars; and~~

~~d.~~] Each school library system with a public and nonpublic school enrollment of more than five hundred thousand students shall receive a base grant of eight hundred ninety-seven thousand dollars[~~.~~];

[~~e.~~] c. In addition to the base grant provided in paragraph a[~~,~~] or b[~~, c or d~~] of this subdivision, each school library system shall receive annually:

(1) [~~twenty-nine~~] seventy-five cents per student enrolled in the public and nonpublic schools located within such system, and

(2) [~~five~~] six hundred dollars per public school district located within such system, and a minimum of [~~four~~] five thousand [~~three hundred~~] dollars per system located within a board of cooperative educational services area, or [~~five~~] six thousand dollars per city school district of a city with a population of one hundred twenty-five thousand inhabitants or more, and

(3) [~~two~~] five dollars [~~and forty-five cents~~] per square mile of the school library system[~~.~~];

[~~f.~~] d. In addition to any other sum provided in this subdivision, any school library system formed through an act of merger since January first, nineteen hundred eighty-four shall receive fifty thousand dollars annually for each approved act of merger, provided, however, that any school library system formed through an act of merger on or after April first, two thousand eight shall receive ninety thousand dollars annually for each approved act of merger[~~.~~]; and

[~~g.~~] e. In addition to any other sum provided in this subdivision, each school library system with an electronic information program consistent with the regulations of the commissioner shall be eligible to receive annually an [~~automation grant amounting~~] amount equal to [~~ten~~] thirty-eight percent of the total aid produced for that system by adding the base grant provided by paragraph a[~~,~~] or b[~~, c or d~~] of this subdivision to the additional aid provided by paragraphs [~~e and f~~] c and d of this subdivision.

2. Before a school library system shall be entitled to receive operating funds, such system shall submit a plan of library service to the commissioner for approval. The commissioner shall establish standards of

service for school library systems by regulation. Such regulations shall contain standards relating to: system staffing; union catalog and database development; interlibrary loan; communications and delivery; governance and advisory committees; membership criteria and the means of relating district library resources and programs to those of the system; non-public school participation; and procedures for submission and approval of plans and certification of membership.

3. The moneys made available pursuant to this section shall be distributed to each school library system whose plan of service has been approved under the provisions of subdivision two of this section.

4. Each school library system receiving state aid pursuant to this section shall furnish such information regarding its library service as the commissioner may from time to time require to determine whether it is operating in accordance with its plan and the standards of service the commissioner has established. The commissioner may at any time after affording notice and an opportunity to be heard, revoke approval of a plan of library service if the commissioner finds that the school library system no longer conforms to its approved plan, the provisions of this section or the regulations promulgated by the commissioner hereunder; or, in the case of provisional approval, if such school library system no longer conforms to the agreement, plans or conditions upon which such provisional approval was based. In such case a school library system shall not thereafter be entitled to state aid pursuant to this section unless and until its plan of library service is again approved by the commissioner.

§ 6. Section 285 of the education law, as amended by section 6 of part O of chapter 57 of the laws of 2005, is amended to read as follows:

§ 285. State aid for cooperation with correctional facilities. 1. Each public library system operating under an approved plan of service which has a state correctional facility or facilities within its area of service shall be awarded an annual grant of nine dollars [~~twenty-five~~] **seventy** cents per capita for the inmate population of such facility or facilities to make available to the inmate population of such facility or facilities, in direct coordination with the correctional facilities libraries, the library resources of such system. The commissioner shall adopt any regulations necessary to carry out the purposes and provisions of this subdivision.

2. The commissioner is authorized to expend up to one hundred [~~seventy-five thousand~~] **eighty-three thousand seven hundred fifty** dollars annually to provide grants to public library systems operating under an approved plan of service for provision of services to county jail facilities. Such formula grants shall assist the library system in making available to the inmate population of such facility or facilities the library resources of such system. Such grants shall be available to each public library system in such manner as to insure that the ratio of the amount each system is eligible to receive equals the ratio of the number of inmates served by the county jail facility to the total number of inmates served by county jail facilities in the state as of July first of the year preceding the calendar year in which the state aid to public library systems is to be paid. Inmate populations shall be certified by the New York state commission of correction. The commissioner shall adopt any regulations necessary to carry out the purposes and provisions of this subdivision.

§ 7. The education law is amended by adding a new section 286 to read as follows:

§ 286. State aid for New York excellence in library services program. 1. In state fiscal year two thousand seventeen--two thousand eighteen and thereafter, the commissioner is hereby authorized to expend each year up to two million dollars for grants to public library systems, reference and research library resources systems and school library systems operating under an approved plan of service and with an approved program of excellence in library services, in order to achieve higher quality library service for all New Yorkers. Such grants shall be determined on the basis of criteria to be developed by the commissioner and shall assist member libraries and districts in meeting and exceeding standards of excellence established by the regents. Grants shall be provided for the period commencing July first and ending on June thirtieth next following. The state aid shall be awarded in accordance with regulations promulgated by the commissioner.

2. The commissioner shall provide grants to eligible public library systems, reference and research library resources systems and school library systems for programs of excellence in the following manner:

a. An amount of six hundred fifty thousand dollars for public library systems established pursuant to sections two hundred fifty-five and two hundred seventy-two of this part and operating under a plan approved by the commissioner. Funds shall be available to each system in such manner as to insure that the ratio of the state aid for programs of excellence shall not exceed the ratio of state aid received by each system under paragraphs a, c, d, e and o of subdivision one of section two hundred seventy-three of this part;

b. An amount of four hundred fifty thousand dollars for reference and research library resources systems established pursuant to section two hundred seventy-two of this part and operating under a plan approved by the commissioner. Funds shall be available to each system in such manner as to insure that the ratio of the state aid for programs of excellence shall not exceed the ratio of state aid received by such system under paragraph a of subdivision four of section two hundred seventy-three of this part; and

c. An amount of six hundred fifty thousand dollars for school library systems established pursuant to section two hundred eighty-two of this part and operating under a plan approved by the commissioner. Funds shall be available to each system in such manner as to insure that the ratio of the state aid for programs of excellence shall not exceed the ratio of state aid received by each system under paragraphs a, b, c and d of subdivision one of section two hundred eighty-four of this part.

3. In the state fiscal year two thousand seventeen--two thousand eighteen and thereafter, the New York state library shall be entitled to receive each year the sum of two hundred fifty thousand dollars for the establishment and implementation of a statewide program of excellence in library services for library systems and the member libraries and districts of such systems. Such statewide services may include, but are not limited to technical assistance and training for libraries and library systems, publications, communications and program planning, implementation and evaluation.

§ 8. Subdivision 3 of section 99-l of the state finance law, as added by chapter 303 of the laws of 2004, is amended to read as follows:

3. Moneys of the fund, following appropriation by the legislature shall be expended only for the purposes of providing funding for the statewide summer reading program set forth in subdivision [~~ten~~] thirteen of section two hundred seventy-three of the education law. Moneys shall be paid out of the fund on the audit and warrant of the state comp-

troller on vouchers approved and certified by the commissioner of education. Any interest received by the comptroller on moneys on deposit in the love your library fund shall be retained in and become part of such fund.

§ 9. This act shall take effect April 1, 2017; provided that in the event this act shall have become a law after such date, this act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2017, and provided further that for the purposes of computing the apportionments of calendar year state aid, grants or other financial assistance to libraries and library systems for the 2017 calendar year, this act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2017.