

# STATE OF NEW YORK

10836--B

R. R. 131

## IN ASSEMBLY

May 23, 2018

Introduced by M. of A. BARRETT, PALMESANO -- read once and referred to the Committee on Libraries and Education Technology -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- ordered to a third reading -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading -- again amended on special order of third reading, ordered reprinted, retaining its place on the special order of third reading

AN ACT to amend the education law, in relation to project costs for buildings of public libraries located in economically distressed communities; to amend chapter 498 of the laws of 2011 amending the education law relating to the public library construction grant program, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof

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

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

§ 273-a. State aid for library construction. 1. State aid shall be provided for up to fifty percent of the total project approved costs, excluding feasibility studies, plans or similar activities, for projects for the installation and infrastructure of broadband services, and for the acquisition of vacant land and the acquisition, construction, renovation or rehabilitation, including leasehold improvements, of buildings of public libraries and library systems chartered by the regents of the state of New York or established by act of the legislature subject to the limitations provided in subdivision [~~five~~ six] of this section and upon approval by the commissioner, except that state aid may be provided for up to seventy-five percent of the total project approved costs for buildings of public libraries that are located in an economically disadvantaged community and that state aid may be provided for up to ninety percent of the total project approved costs for buildings of public libraries that are located in an economically distressed community.

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

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1 Provided however that the state liability for aid paid pursuant to this  
2 section shall be limited to funds appropriated for such purpose. Aid  
3 shall be provided on approved expenses incurred during the period  
4 commencing July first and ending June thirtieth for up to three years,  
5 or until the project is completed, whichever occurs first. Fifty percent  
6 of such aid shall be payable to ; and to amend a chapter of the laws of  
7 2014, enacting the state operations budget each system or library upon  
8 approval of the application by the department. Forty percent of such aid  
9 shall be payable in the next state fiscal year. The remaining ten  
10 percent shall be payable upon project completion.

11 2. Each application for state aid shall be submitted by the board of  
12 trustees of the library or library system responsible for the operation  
13 of the subject building to the commissioner for his or her review and  
14 approval, after having been reviewed and approved by the governing board  
15 of the public library system of which such library is a member. Each  
16 application shall:

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

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

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

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

26 e. contain documentation, where such an application requests state aid  
27 in an amount greater than fifty percent, demonstrating how the project  
28 will address the service needs of one or more economically disadvantaged  
29 communities. Such documentation may demonstrate need through poverty  
30 rates, concentrations of English language learners, low high school  
31 graduation rates, limited fiscal capacity or other relevant factors;  
32 [and]

33 f. contain documentation, where such an application requests state aid  
34 in an amount greater than seventy-five percent, demonstrating how the  
35 project will address the service needs of one or more economically  
36 distressed communities. An application must demonstrate that the average  
37 poverty rate within the library's service area is equal to or greater  
38 than the New York state average poverty rate using federal census data;  
39 and the library must demonstrate that it lacks the capacity to provide  
40 twenty-five percent of the project costs; and

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

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

48 4. In approving any application that would receive state aid beyond  
49 seventy-five percent of the total project approved costs, the board of  
50 trustees of the library system shall give particular attention to  
51 addressing the library service needs of economically distressed communi-  
52 ties as provided for in paragraph f of subdivision two of this section.  
53 No more than ten percent of the total funds appropriated to a library  
54 system in subdivision six of this section may be used to support the  
55 total costs for projects that would receive state aid beyond seventy-  
56 five percent of the total project approved costs.

1     5. In approving any application the commissioner shall consider the  
2 condition of existing libraries and, where appropriate, the needs of  
3 isolated or economically disadvantaged communities, provided that no  
4 application shall be approved for a project that is deemed by the  
5 commissioner to have been completed prior to the date of the applica-  
6 tion.

7     ~~[5-]~~ 6. Aid shall be distributed pursuant to this section as follows:

8     a. sixty percent of the funds appropriated pursuant to this section  
9 shall be made available to libraries within each system by the commis-  
10 sioner in such manner as to insure that the ratio of the amount received  
11 within each system to the whole of the aid made available pursuant to  
12 this paragraph is no greater than the ratio of the population served by  
13 such system to the population of the state;

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

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

27     ~~[6-]~~ 7. The commissioner shall adopt rules and regulations as are  
28 necessary to carry out the purposes and provisions of this section.

29     ~~[7-]~~ 8. The commissioner shall submit to the temporary president of  
30 the senate and the speaker of the assembly an annual report describing  
31 those projects that have received state funding of greater than fifty  
32 percent of project costs and the communities to be served by those  
33 projects.

34     § 2. Section 2 of chapter 498 of the laws of 2011 amending the educa-  
35 tion law relating to the public library construction grant program, as  
36 amended by chapter 148 of the laws of 2014, is amended to read as  
37 follows:

38     § 2. This act shall take effect on the first of April next succeeding  
39 the date on which it shall have become a law [~~and shall expire and be~~  
40 ~~deemed repealed March 31, 2020~~].

41     § 3. This act shall take effect immediately; provided, however that  
42 the amendments to section 273-a of the education law made by section one  
43 of this act shall expire and be deemed repealed March 31, 2025.