STATE OF NEW YORK

7093--A

Cal. No. 697

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sens. CHU, MAY, MURRAY, O'MARA, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Libraries -- recommitted to the Committee on Libraries in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to state aid eligibility for library construction and making technical corrections thereto; 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 to repeal certain provisions of the education law relating thereto

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 381 of the laws of 2019, subdivision 1 as amended by section 1 of chapter 333 of the laws of 2022, subdivision 4 as amended by chapter 627 of the laws of 2021, 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 six of this section and upon approval by the commissioner, except that state aid may be provided for up to [~~seventy-five~~] **ninety** percent of the total project approved costs

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

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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~~]. Provided however that the state liability for aid paid pursuant to this section shall be limited to funds appropriated for such purpose. Aid shall be provided on approved expenses incurred during the period commencing July first and ending June thirtieth for up to six years, or until the project is completed, whichever occurs first. Provided, however, that public libraries that received aid for projects pursuant to this section commencing July first, two thousand seventeen through July first, two thousand nineteen and are unable to complete such projects due to the state disaster emergency declared pursuant to executive order number two hundred two of two thousand twenty, as amended, shall be provided an additional twelve months from the statutory project end date to complete such projects. Fifty percent of such aid shall be payable to each system or library upon approval of the application by the department. Forty percent of such aid shall be payable in the next state fiscal year. The remaining ten percent shall be payable upon project completion.

2. Each **single building project** application for state aid shall be submitted by the board of trustees of the library or library system responsible for the operation of the subject building to the commissioner for [~~his or her~~] **the commissioner's** review and approval, after having been reviewed and approved by the governing board of the public library system of which such library is a member. Each **single building project** application shall:

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

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

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

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

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

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

~~g.~~] provide such other information as may be required by the commissioner.

3. **Coordinated applications for state aid allocated under paragraph b of subdivision six of this section shall be submitted by the public**

library system. The public library system shall be responsible for managing all coordinated projects. Each coordinated project application shall be approved by the board of trustees of each participating library and library system responsible for the operation of the said buildings. Coordinated project applications shall be submitted to the commissioner for the commissioner's review and approval, after having been reviewed and approved by the governing board of the public library system of which such libraries are members. Each coordinated project application shall:

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

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

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

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

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

f. provide such other information as may be required by the commissioner.

4. In approving any single or coordinated building project application that would receive state aid beyond [~~fifty~~] seventy-five percent of the total project approved costs, the board of trustees of the library system shall give particular attention to addressing the library service needs of economically disadvantaged communities as provided for in paragraph e of subdivision two of this section or paragraph e of subdivision three of this section, as applicable.

[~~4. In approving any application that would receive state aid beyond seventy-five percent of the total project approved costs, the board of trustees of the library system shall give particular attention to addressing the library service needs of economically distressed communities as provided for in paragraph f of subdivision two of this section. No more than fifty percent of the total funds appropriated to a library system in subdivision six of this section may be used to support the total costs for projects that would receive state aid beyond seventy-five percent of the total project approved costs.~~]

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

6. Aid shall be distributed pursuant to this section as follows:

a. sixty percent of the funds appropriated pursuant to this section shall be made available to libraries within each system 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;

b. forty percent of the funds appropriated pursuant to this section shall be made available to library systems or 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;

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

7. The commissioner shall adopt rules and regulations as are necessary to carry out the purposes and provisions of this section.

8. The commissioner shall submit to the temporary president of the senate and the speaker of the assembly an annual report describing those projects that have received state funding of greater than fifty percent of project costs and the communities to be served by those projects.

§ 2. Subdivision 1 of section 273-a of the education law, as amended by section 2 of chapter 333 of the laws of 2022, is amended to read as follows:

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 six of this section and upon approval by the commissioner, except that state aid may be provided for up to [~~seventy-five~~] **ninety** 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~~]. Provided however that the state liability for aid paid pursuant to this section shall be limited to funds appropriated for such purpose. Aid shall be provided on approved expenses incurred during the period commencing July first and ending June thirtieth for up to six years, or until the project is completed, whichever occurs first. Fifty percent of such aid shall be payable to each system or library upon approval of the application by the department. Forty percent of such aid shall be payable in the next state fiscal year. The remaining ten percent shall be payable upon project completion.

§ 3. Section 273-a of the education law, as amended by chapter 389 of the laws of 2019, is REPEALED.

§ 4. Section 2 of chapter 498 of the laws of 2011 amending the education law relating to the public library construction grant program, as amended by section 32-a of part A of chapter 56 of the laws of 2023, is amended to read as follows:

§ 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law [~~and shall expire and be deemed repealed March 31, 2026~~].

§ 5. This act shall take effect immediately; provided, however that the amendments to subdivision 1 of section 273-a of the education law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 2 of chapter 120 of the laws of 2020, as amended, when upon such date the provisions of section two of this act shall take effect.