

# STATE OF NEW YORK

8786

2025-2026 Regular Sessions

## IN ASSEMBLY

June 5, 2025

Introduced by M. of A. WRIGHT, R. CARROLL -- read once and referred to the Committee on Libraries and Education Technology

AN ACT to amend the education law, in relation to correcting language relating to indigenous libraries from Indian libraries

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

1 Section 1. Section 2 of the education law is amended by adding two new  
2 subdivisions 25 and 26 to read as follows:

3 25. Indigenous. The term "indigenous" shall have the same meaning as  
4 the term "Indian" where such term is used in law.

5 26. Indigenous library. The term "indigenous library" shall have the  
6 same meaning as the term "Indian library" and shall be construed to mean  
7 a public library established by the tribal government of the Saint Regis  
8 Mohawk tribe, the Seneca Nations of Indians or the Tonawanda Seneca  
9 tribe and located on their respective reservations, to serve Indigenous  
10 community members residing on such reservations and any other persons  
11 designated by its board of trustees.

12 § 2. Subdivision 3 of section 253 of the education law, as added by  
13 chapter 476 of the laws of 1977, is amended to read as follows:

14 3. The term "[~~Indian~~] indigenous library" shall be construed to mean a  
15 public library established by the tribal government of the Saint Regis  
16 Mohawk tribe, the Seneca Nations of Indians or the Tonawanda Seneca  
17 tribe and located on their respective reservations, to serve [~~Indians~~]  
18 indigenous community members residing on such reservations and any other  
19 persons designated by its board of trustees.

20 § 3. Section 254 of the education law, as amended by chapter 718 of  
21 the laws of 1981, is amended to read as follows:

22 § 254. Standards of library service. The regents shall have power to  
23 fix standards of library service for every free association, public and  
24 hospital library or, with the advice of the appropriate tribal govern-  
25 ment and library board of trustees, [~~Indian~~] indigenous library which

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

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1 receives any portion of the moneys appropriated by the state to aid such  
2 libraries, or which is supported in whole or in part by tax levied by  
3 any municipality or district. In the case of a hospital library or a  
4 library serving a hospital, such standards shall be established in  
5 consultation with the commissioner of health. If any such library shall  
6 fail to comply with the regents requirements, such library shall not  
7 receive any portion of the moneys appropriated by the state for free,  
8 hospital or [~~Indian~~] indigenous libraries nor shall any tax be levied by  
9 any municipality or district for the support in whole or in part of such  
10 library.

11 § 4. Subdivisions 4 and 5 of section 255 of the education law, subdi-  
12 vision 4 as added by chapter 476 of the laws of 1977 and subdivision 5  
13 as amended by chapter 787 of the laws of 1978, are amended to read as  
14 follows:

15 4. By a majority vote of the tribal government of [~~an Indian~~] a reser-  
16 vation, or upon the request of the tribal government of [~~an Indian~~] a  
17 reservation, an [~~Indian~~] indigenous library may be established, with or  
18 without branches, and may make application to the state or other source  
19 for money to equip and maintain such library or libraries or to provide  
20 a building or rooms for its uses. Notwithstanding the provisions of  
21 section seven of the Indian law, the board of trustees of such library,  
22 on behalf of the tribal government, may acquire real or personal proper-  
23 ty for use by an [~~Indian~~] indigenous library by gift, grant, devise,  
24 bequest and may take, buy, sell, hold and transfer either real or  
25 personal property for the purposes of such library. No more than one  
26 [~~Indian~~] indigenous library may be established on a reservation and such  
27 library shall serve all inhabitants of that reservation. No such library  
28 shall be established on any reservation that has fewer than three  
29 hundred permanent residents and one thousand acres of land.

30 5. The boards of trustees of any two, or more, public libraries,  
31 [~~Indian~~] indigenous libraries, reference and research library resources  
32 systems, cooperative library systems, or association libraries, as  
33 defined in this article, may pool surplus funds to be used for the  
34 purchase of certificates of deposit in any bank or trust company,  
35 provided that such certificate of deposit be secured by a pledge of  
36 obligations of the United States of America, or any obligation fully  
37 guaranteed or insured as to interest and principal by the United States  
38 of America acting through an agency, subdivision, department or division  
39 thereof, or obligations of the state of New York. Each participating  
40 public library, [~~Indian~~] indigenous library, reference and research  
41 library resources system, cooperative library system or association  
42 library shall be entitled to its pro-rata share of interest earned on  
43 such certificates in proportion to its contribution to the purchase  
44 price of such certificates.

45 § 5. Subdivisions 1, 2, 5 and 12 of section 260 of the education law,  
46 subdivisions 1 and 2 as amended by chapter 513 of the laws of 1998,  
47 subdivision 5 as amended by chapter 787 of the laws of 1978, and subdi-  
48 vision 12 as added by chapter 357 of the laws of 2000, are amended to  
49 read as follows:

50 1. Public libraries authorized to be established by action of the  
51 voters or their representatives shall be managed by trustees who shall  
52 have all the powers of trustees of other educational institutions of the  
53 university as defined in this chapter; provided that the number of trus-  
54 tees of county public libraries and [~~Indian~~] indigenous libraries shall  
55 not be less than five nor more than fifteen and that the number of trus-  
56 tees of other public libraries shall not be less than five nor more than

1 fifteen. The number of trustees of joint public libraries authorized to  
2 be established by two or more municipalities or districts or any combi-  
3 nation thereof shall be not less than five nor more than twenty-five, as  
4 determined by agreement of the voting bodies empowered to authorize the  
5 establishment of such libraries pursuant to subdivision one of section  
6 two hundred fifty-five of this [~~chapter~~] part and shall be set forth in  
7 the resolution authorizing the establishment of such joint public  
8 library. Such resolution shall also set forth the number of such trust-  
9 tees which each of the participating municipalities or districts shall  
10 be entitled to elect or appoint, and the terms of office of the trustees  
11 as determined in accordance with subdivision three of this section.

12 2. The trustees of public libraries authorized to be established by  
13 cities shall be appointed by the mayor and confirmed by the common coun-  
14 cil, in counties they shall be appointed by the county board of supervi-  
15 sors or other governing elective body, in villages they shall be  
16 appointed by the village board of trustees, in towns they shall be  
17 appointed by the town board, in school districts they shall be elected  
18 by the legal voters in the same manner as trustees are elected in the  
19 school district which established said library, and on [~~Indian~~] reserva-  
20 tions they shall be elected at a general tribal election or otherwise  
21 designated by the chiefs or head [~~men~~] persons of an [~~Indian~~] indigenous  
22 tribe; that notwithstanding the fact that county, town or local school  
23 district lines do not penetrate the reservation boundary, [~~Indians~~]  
24 indigenous community members residing on reservations shall be eligible  
25 to serve as trustees of public libraries established in school districts  
26 to the same extent as they are qualified voters pursuant to subdivision  
27 three of section twenty hundred twelve of this chapter; that the first  
28 trustees shall determine by lot the year in which the term of office of  
29 each trustee shall expire and that a new trustee shall be elected or  
30 appointed annually to serve for three or five years to be determined by  
31 the entity establishing the public library. Notwithstanding the forego-  
32 ing provisions of this subdivision, in any case where a town is a  
33 contributor to the support of any such public library in a village  
34 located within the town the appointment of trustees of such library who  
35 reside outside the village but within such town shall be subject to the  
36 approval of the town board of such town. The charter of any public  
37 library granted prior to April thirtieth, nineteen hundred twenty-one,  
38 which provides for trustees, their terms of office and method of  
39 election or appointment in a manner differing from that hereinbefore  
40 provided, shall remain in full force and effect until the regents, upon  
41 application of the library trustees, shall amend the charter to conform  
42 to the provisions of law in effect when such amendment is made.

43 5. The boards of trustees of public, free association and [~~Indian~~]  
44 indigenous libraries shall hold regular meetings at least quarterly, and  
45 such boards shall fix the day and hour for holding such meetings.

46 12. The board of trustees of a public, free association or [~~Indian~~]  
47 indigenous library which provides public access to the internet shall  
48 establish a policy governing patron use of computer terminals which  
49 access the internet. Verification of such policy shall be included in  
50 the annual report submitted to the department.

51 § 6. Subdivision 1 of section 260-d of the education law, as added by  
52 chapter 468 of the laws of 2021, is amended to read as follows:

53 1. Beginning January first, two thousand twenty-three, each member,  
54 elected or appointed, of a board of trustees of a public, free associ-  
55 ation or [~~Indian~~] indigenous library shall be required to complete a  
56 minimum of two hours of trustee education annually, from a provider

1 approved by the commissioner on the financial oversight, accountability,  
2 fiduciary responsibilities and the general powers and duties of a  
3 library trustee. Such trustee education may be delivered online or in  
4 person, and may include lectures, workshops, regional or national  
5 library association programs, or any other format approved by the  
6 commissioner.

7 § 7. Section 261 of the education law, as amended by chapter 476 of  
8 the laws of 1977, is amended to read as follows:

9 § 261. Incorporation. Within one month after taking office, the first  
10 board of trustees of any such public library or [~~Indian~~] indigenous  
11 library shall apply to the regents for a charter in accordance with the  
12 vote establishing the library.

13 § 8. Section 262 of the education law, as amended by chapter 476 of  
14 the laws of 1977, is amended to read as follows:

15 § 262. Use of public and [~~Indian~~] indigenous libraries. Every library  
16 established under section two hundred fifty-five of this [~~chapter~~] part  
17 shall be forever free to the inhabitants of the municipality or district  
18 or [~~Indian~~] reservation, which establishes it, subject always to rules  
19 of the library trustees who shall have authority to exclude any person  
20 who wilfully violates such rules; and the trustees may, under such  
21 conditions as they think expedient, extend the privileges of the library  
22 to persons living outside such municipality or district or [~~Indian~~]  
23 reservation.

24 § 9. Section 270 of the education law, as amended by chapter 476 of  
25 the laws of 1977, is amended to read as follows:

26 § 270. Acceptance of surplus library books or property. The state  
27 education department is hereby authorized to cooperate with the United  
28 States commissioner of education, the war assets administration, and/or  
29 other federal officers and officials in the administration of any stat-  
30 ute heretofore or hereafter enacted for the disposal of surplus library  
31 books or property, and to accept for and on behalf of the state of New  
32 York or its political subdivisions surplus library books or other prop-  
33 erty suitable and necessary to the operation of public and free  
34 libraries and [~~Indian~~] indigenous libraries and for the improvement and  
35 extension of library service for New York state, and any funds, which  
36 may be made available to the state of New York by the federal government  
37 for these and related public and [~~Indian~~] indigenous library services.

38 § 10. Section 271 of the education law, as amended by section 1 of  
39 part 0 of chapter 57 of the laws of 2005, is amended to read as follows:

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

46 1. Eighteen thousand dollars, and

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

51 3. The sum of one dollar and fifty cents per acre of area served by  
52 the [~~Indian~~] indigenous library or contract.

53 Such sums shall be paid annually to the [~~Indian~~] indigenous library  
54 board of trustees for the use of the [~~Indian~~] indigenous library, or in  
55 the absence of such a board, to the tribal government for a contract for  
56 library service. Nothing contained in this section shall be construed to

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

5 § 11. This act shall take effect on the one hundred eightieth day  
6 after it shall have become a law. Effective immediately, the addition,  
7 amendment and/or repeal of any rule or regulation necessary for the  
8 implementation of this act on its effective date are authorized to be  
9 made and completed on or before such effective date.