§ 140. Historical documentary heritage grants and aid. 1. Short title. This section shall be known and may be cited as the "New York documentary heritage act".

2. Definitions. As used in this section, the following terms shall mean:

a. "Historical records". Records that contain significant information that is of enduring value and are therefore worthy of long-term retention and systematic management. Historical records may include diaries, journals, ledgers, minutes, reports, photographs, maps, drawings, blueprints, agreements, memoranda, deeds, case files, and other material. They may take any of several physical forms: parchment, paper, microfilm, cassette tape, film, videotape, computer tapes, discs, and other "machine readable" formats.

b. "Historical records program". Any deliberate, organized program to collect, hold, care for, and make available historical records, including identifying, appraising, arranging, describing, and referencing them and using them in exhibitions and other public and educational programs.

c. "Institutions eligible for historical records program grants". Chartered or incorporated nonprofit archives, libraries, historical societies and museums and other nonprofit institutions in New York state which operate historical records programs and which meet standards to be established by the commissioner pursuant to regulations adopted for such purposes. Institutions operated by state or federal government agencies, and local government archives shall not be eligible for historical records project grants, except that an institution of the state university of New York or the city university of New York may apply for historical records project grants with regard to records other than internal records generated by the institution after July first, nineteen hundred forty-eight if it is a component of the state university of New York or after July first, nineteen hundred seventy-nine if it is a component of the city university of New York or after the subsequent date on which the institution became a component of such university.

d. "Historical records program project". A project to carry out one or more of the activities described in subdivision three of this section.

e. "Cooperative project". A collaborative effort undertaken by two or more historical records programs, to meet shared needs or to accomplish a common purpose, or a project undertaken by a service provider to address the historical records needs of more than one historical records program.

f. "Regional advisory and assistance agency". A reference and research library resources system, or an alternate public or nonprofit agency or organization willing to provide historical records program development advice and assistance services covering a reference and research library resources system region which is acceptable to the commissioner.

g. "Historical records program development advice and assistance". Advice and assistance on the development and strengthening of historical records programs, promotion of cooperation, coordinated documentation planning, training in historical records management techniques, advice and assistance in reporting of information concerning historical records to statewide and national data bases where appropriate, and initiatives to increase public awareness of the values and uses of historical records.

h. "Service provider". A nonprofit professional or other association, local government, college or university, historical service agency, or other nonprofit institution or system which provides services to historical records programs.

i. "Cost sharing". Local funds, local in-kind services, and other funds and support from other than state sources.

j. "Program year". The annual period from July first through June thirtieth.

3. Scope of activities to be supported. The commissioner is authorized

to provide grants and advice to institutions eligible for historical records programs and cooperative projects, and aid to regional advisory and assistance agencies, the central administration of the state university of New York and the central administration of the city university of New York. Grants shall be used to support the development and administration of historical records programs; the surveying, appraisal, identification, collection, duplication, arrangement, description, and making available of historical records; public and educational programming relating to historical records; projects to improve archival techniques; and projects to promote the research use of historical records. Aid to regional advisory and assistance agencies shall be used to promote and assist the development of historical records programs. Aid to the central administrations of the state university of New York and the city university of New York shall be used to develop guidelines, policies and procedures, training, technical assistance, materials, oversight, retention and disposition schedules for university records, and to promote, guide and direct the component institutions of such universities in the sound administration of archival records.

4. Distribution of funds. a. Historical documentary heritage funds shall be distributed as follows: (1) Grants. (i) individual historical records program projects shall be eligible for at least thirty-five percent of the amount available;

(ii) cooperative projects shall be eligible for up to twenty percent of the amount available.

(2) Aid. (i) regional advisory and assistance agencies shall be eligible for forty percent of the amount available;

(ii) the central administration of the state university of New York shall be eligible for two and one-half percent of the total amount available;

(iii) the central administration of the city university of New York shall be eligible for two and one-half percent of the total amount available.

b. Notwithstanding the provisions of subparagraphs one and two of paragraph a of this subdivision, the commissioner, taking into account

the recommendations of the New York state historical records advisory board, may distribute funds designated for one purpose to address the needs of another purpose, provided that the commissioner determines that the significance of the contributions to be realized from the proposals in one category outweighs the significance of the contributions to be realized from the proposals in another category.

5. Cost-sharing. The commissioner shall determine the amount of cost-sharing required from historical records programs, including cooperative programs. For individual historical records program projects involving arrangement, description, and other work relating directly to the administration of historical records held by a program, the amount of such cost-sharing shall be at least fifty percent.

6. Applications for historical records program projects. a. Filing. By dates determined by the commissioner each year, an eligible institution may file an application, in a form prescribed by the commissioner, for a grant to support the approved costs of a proposed historical records project.

b. Content. Such application shall include, but need not be limited to:

(1) a statement describing the applicant's need for the funding requested;

(2) collection statements and policies used by the institution to guide its acquisition efforts;

(3) a summary description of the records included in the historical records program of the institution;

(4) the status of finding aids and published guides for the historical records held by the institution;

(5) the current and/or anticipated level of use and audience for the historical records;

(6) the importance of the historical records for documenting life in New York;

(7) the expected impact of the grant upon the historical records program;

(8) the plan of work for the activities for which the funding is

sought;

(9) the proposed project budget, including cost-sharing which would be committed to the project; and

(10) the staff and other resources devoted to the institution's historical records program on an ongoing basis.

c. Approval. In approving any application pursuant to this subdivision, the commissioner shall consider:

(1) information in the proposal as set forth in paragraph b of this subdivision;

(2) the capacity of the institution to make the historical records known and accessible for research, education, public programs, improved policy making and other public benefits;

(3) the potential for improving the documentation of the heritage of any racial and ethnic group; and

(4) the potential for improving the documentation of under documented subjects, institutions, or activities.

7. Application for cooperative projects. a. Filing. By dates to be established by the commissioner each year, a service provider or an eligible institution acting as fiscal agent on behalf of a group of eligible institutions, may file an application, in a form prescribed by the commissioner. A group of cooperating institutions may be formed because of a common purpose, rather than because of geographical proximity.

b. Content. Such application shall include, but need not be limited to:

(1) a statement describing the applicant's need for the funding requested;

(2) a description of the issue, problem, or need that the project will address;

(3) a description of the historical records programs to be served and how the effort to be undertaken in a cooperative project relates to and will strengthen these programs;

(4) description of the plan of work for the project;

(5) outcome or product of the project and how it will improve the

identification and administration of historical records or contribute to the strengthening of historical records programs; and

(6) the proposed budget, including cost-sharing that would be contributed to the project.

c. Approval. In approving any application pursuant to this subdivision, the commissioner shall consider:

(1) information in the proposal as set forth in paragraph b of this subdivision;

(2) the importance of the records involved for the documentation of life in New York state;

(3) the importance of the project and the intended outcome or product in terms of strengthening the programs of the cooperating institutions and promoting improved historical records management;

(4) the capacities of the cooperating institutions or service providers for carrying out the project, including prior experience with cooperative or service projects; and

(5) the potential for cooperating institutions to sustain an ongoing productive cooperative relationship as a result of the project.

8. Aid for regional advisory and assistance agencies. a. Coordination. The commissioner shall establish statewide priorities for regional advisory and assistance agencies and shall assist and coordinate their efforts.

b. Historical records program advice and assistance plans. To be eligible to receive aid annually, each participating regional advisory and assistance agency shall submit an annual workplan acceptable to the commissioner, and, after the first year of receiving aid, a report on activities of the prior year and a five-year plan, by dates designated by the commissioner. The five-year plan shall outline goals and objectives to be accomplished in the region during the five-year period. The annual workplan shall describe the activities to be carried out during the year and the program advice and assistance to be provided. The five-year plans and the annual workplans shall reflect regional priorities and shall be consistent with statewide priorities established by the commissioner.

c. Aid. The commissioner shall each year determine the distribution of aid among eligible regional advisory and assistance agencies. In doing so, he shall take into account the level of resources needed to provide the services described in paragraphs f and g of subdivision two of this section in a satisfactory manner, the extent of the geographical area served by each agency, and the size of the population served by each agency, and shall distribute the available funds in such a manner as will best give effect to this section.

9. Aid for state university of New York and city university of New York. To be eligible to receive aid annually, the central administration of the state university of New York and the central administration of the city university of New York shall each submit an annual workplan acceptable to the commissioner, and, after the first year of receiving aid, a report on activities of the prior year and a five-year plan.

11. Regulations. The commissioner shall adopt regulations to implement the provisions of this section.