§ 272. Conditions under which library systems are entitled to state aid. 1. Public library systems. a. The term "public library system" as used in this article means:

(1) A library established by one or more counties.

(2) A group of libraries serving an area including one or more counties in whole or in part.

(3) A library of a city containing one or more counties.

(4) A cooperative library system established pursuant to section two hundred fifty-five of this chapter, the plan of library service of any of which shall have been approved by the commissioner.

b. The "area served" by a public library system for the purposes of this article shall mean the area which the public library system proposes to serve in its approved plan of service. In determining the population of the area served by the public library system the population shall be deemed to be that shown by the latest federal census for the political subdivisions in the area served. Such population shall be certified in the same manner as provided by section fifty-four of the state finance law except that such population shall include the reservation and school Indian population and incarcerated individuals of state institutions under the direction, supervision or control of the state department of corrections and community supervision, the state department of mental hygiene and the state department of social welfare. In the event that any of the political subdivisions receiving library service are included within a larger political subdivision which is a part of the public library system the population used for the purposes of computing state aid shall be the population of the larger political subdivision, provided however, that where any political subdivision within a larger political subdivision shall have taken an interim census since the last census taken of the larger political subdivision, the population of the larger political subdivision may be adjusted to reflect such interim census and, as so adjusted, may be used until the next census of such larger political subdivision. In the event that the area served is not coterminous with a political subdivision, the population of which is shown on such census, or the area in square miles of which is available from official sources, such population and area shall be determined, for the purpose of computation of state aid

pursuant to section two hundred seventy-three of this part by applying to the population and area in square miles of such political subdivision, the ratio which exists between the assessed valuation of the portion of such political subdivision included within the area served and the total assessed valuation of such political subdivision.

c. Members of a public library system shall be those public, free association, and Indian libraries located within the service area which have been admitted to membership prior to July first, nineteen hundred seventy-eight, or which apply for and are granted membership subsequent to that date with the approval of the commissioner. No public library system shall be subject to any loss of benefits under these provisions where such system has made reasonable effort to prevent the unapproved withdrawal of such library from the system and the system demonstrates, in a manner satisfactory to the commissioner, that the residents of the area encompassed by the withdrawing library will continue to benefit from the library services provided by the public library system.

d. "Approved plan" as used in this article means a plan of library service by a public library system approved by the commissioner subsequent to May first, nineteen hundred fifty-eight.

e. Approval shall not be given to a public library system unless it will serve at least two hundred thousand people or four thousand square miles of area, provided, however, that provisional approval may be given to a public library system which will serve at least fifty thousand persons provided the area served includes three or more political subdivisions and provided further that a satisfactory plan of expansion of service to be followed during the ensuing five-year period is adopted by such library system and approved by the commissioner.

f. The board of trustees of the public library system shall submit to the commissioner the plan of library service. Such plan shall be supported by such information as the commissioner may require in the form prescribed by him.

g. No such plan of library service shall be approved by the

commissioner unless he finds that it provides for the residents of the area served thereby a method conforming to the regulations of the commissioner by which the participating libraries are obligated to permit the loan of books and material among members of the system for use on the same basis permitted by the library which owns or controls them.

h. The commissioner shall by regulation provide the standard of service with which such a public library system must comply. Such regulations shall, among other things, relate to the total book stock; the diversity of such book stock with respect to general subjects and type of literature, provided that such regulations shall not, directly or indirectly, prohibit the inclusion of a particular book, periodical or material or the works of a particular author or the expression of a particular point of view; annual additions to book stock; circulation of book stock; maintenance of catalogues; number and location of libraries or branch libraries; hours of operation and number and qualifications of personnel, necessary to enable a public library system to render adequate service. Such regulations may establish standards which differ on the basis of population; density of population; the actual valuation of the taxable property within the area served; the condition of library facilities in existence on April first, nineteen hundred fifty-seven; the amount raised by taxation by or for the area served; the relation of such amount to population and actual value of the property taxed; the relation of the amount of funds received by a public library sytem from local taxes to that derived from private contributions; or on such other basis as the commissioner finds necessary to provide for the equitable distribution of state aid.

i. Each public library system receiving state aid pursuant to this section and section two hundred seventy-three shall furnish such information regarding its library service as the commissioner may from time to time require to discharge his duties under such sections. The commissioner may at any time revoke his approval of a plan of library service if he finds that the public library system operating under such plan no longer conforms to the provisions of this section or the regulations promulgated by the commissioner hereunder; or, in the case

of provisional approval, if such library system no longer conforms to the agreement, plans or conditions upon which such provisional approval was based. In such case a public library system shall not thereafter be entitled to state aid pursuant to this section or section two hundred seventy-three unless and until its plan of library service is again approved by the commissioner.

j. (1) In the event that the sum total of local sponsor support raised by local taxation exclusive of the sum raised for capital expenditures for the support of a public library system and participating libraries 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 state aid to which such library system would otherwise be entitled shall be reduced by twenty-five per centum. Such state aid shall likewise be reduced by twenty-five per centum in the event that the public library system shall refuse after reasonable notice to make provision for the expansion of the area served in accordance with the regulations of the commissioner. Upon receipt of annual systems and participating libraries activity reports satisfactory to the commissioner, the commissioner shall determine the amount of any underpayment or overpayments related to maintenance of effort and shall apply such adjustment to the next annual payment due such library system. 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 reporting schedules deemed necessary by the commissioner for the purpose of determining maintenance of effort as required herein, in order that no period of time shall be exempt from such requirement.

(2) In the event that the total sum raised by local taxation, exclusive of the sum raised for capital expenditures, for the support of a central library of a public library system 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 state aid to which such library system would otherwise be entitled for the development of its central library shall be reduced by twenty-five per centum. Upon receipt of annual central library activity reports satisfactory to the commissioner, the commissioner shall

determine the amount of any underpayment or overpayments related to maintenance of effort and shall apply such adjustment to the next annual payment due such library system. 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 reporting schedules deemed necessary by the commissioner for the purpose of determining maintenance of effort as required herein, in order that no period of time shall be exempt from such requirement.

(3) The commissioner may waive the requirements of subparagraphs one and two of this paragraph, if the commissioner determines that the application of such subparagraphs would result in excessive hardship for the public library system or central 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 for a period of up to three consecutive calendar years. The commissioner shall report any waivers granted under this subparagraph to the speaker of the assembly, the temporary president of the senate, the chairs of the legislative fiscal committees and the director of the division of the budget.

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

k. In promulgating regulations and approving, rejecting or revoking plans of library service pursuant to this section, consideration shall be given to:

(1) The prevention of unreasonable discrimination among the persons served by such public library system.

(2) The need for rapid expansion of library facilities in areas not now served.

(3) The need of each public library system for the professional services of an adequate number of librarians having, in addition to general familiarity with literature, special training with respect to book selection and organization for library use.

(4) The need for a book stock sufficient in size and varied in kind and subject matter.

(5) The need for regular fresh additions to book stock.

(6) The need for adequate books, materials and facilities for research and information as well as for recreational reading.

(7) The need for libraries, branches, and other outlets convenient in location, and with adequate hours of service.

(8) The desirability for the integration of existing libraries and new libraries into systems serving a sufficiently large population to support adequate library service at a reasonable cost.

(9) The need for the economic and efficient utilization of public funds.

(10) The need for full utilization of local pride, responsibility, initiative and support of library service and the use of state aid in their stimulation but not as their substitute.

(11) The needs of special populations.

l. Each public library system shall provide access to the internet in designated libraries located within their systems for the purpose of connecting residents of this state who are serving in the military on active duty in a combat theater or combat zone of operations to spouses, domestic partners, children, including adopted, step, or foster children, and parents, including those who stood in the relationship of a parent to the serviceperson for one year or more, at any time prior to the serviceperson's entry into active military service.

(1) Each public library system shall assign within its system six computer terminals with internet access for such use, and shall ensure that each county within its system has a library with at least one computer terminal for such use.

(2) Notwithstanding subparagraph one of this paragraph, in a library system containing a city with a population of one hundred twenty-five thousand or more individuals, at least two terminals shall be assigned within such city in a designated library or libraries that serve such city. Furthermore, in a city with a population of one million or more, there shall be at least ten terminals assigned in any county which is wholly contained within such city.

(3) When determining which libraries are to be assigned computer terminals for such purpose, the system shall consider the location and current availability of computer terminals with internet access. In the

event that within a public library system there are no libraries within a county that have a computer with internet access, a computer with internet access shall be provided by the department to the assigned library within such county. Furthermore, in public library systems with fewer than six counties, when determining where additional terminals should be assigned after terminals have been placed in each county within the system pursuant to subparagraphs one and two of this paragraph, such systems shall give priority to libraries that serve areas which support and maintain military bases or to libraries that serve the largest populations.

2. Reference and research library resources systems.

a. The term "reference and research library resources system" as used in this article means a duly chartered educational institution resulting from the association of a group of institutions of higher education, libraries, non-profit educational institutions, hospitals, and other institutions organized to improve reference and research library resources service. Such reference and research library resource systems may be registered upon meeting the standards set forth by the commissioner.

b. The "area served" by a reference and research library resources system for the purposes of this article shall include not less than seven hundred fifty thousand persons, as based upon the latest approved federal census, or not less than ten thousand square miles; and the defined area of service shall:

(1) Include more than one county; and

(2) Respect the integrity of the area of service of a public library system; and

(3) Constitute a service area effectively related to the availability of information resources and services and to the area of service of other reference and research library resources systems, as determined by the commissioner.

c. Membership in a reference and research library resources system.

(1) The membership shall include at least four chartered

degree-granting institutions of higher education of the four year level whose libraries meet departmental standards.

(2) Membership shall also include either:

(i) at least one chartered degree-granting institution of higher education offering graduate programs for a masters degree whose library holds not less than two hundred seventy-five thousand volumes and currently receives not less than three thousand periodical titles, or

(ii) a public library which holds not less than four hundred thousand adult volumes and currently receives not less than one thousand five hundred periodical titles.

(3) The membership may also include approved public and school library systems which are within the region served by the reference and research library resources system.

(4) A public library in Suffolk or Nassau county that provides service within the area served by the system except that no such public library which is not a member of a public library system shall be eligible for membership in a reference and research library resources system.

(5) A reference and research library resources system may set its own minimum standards for membership consistent with regulations of the commissioner, except that;

(i) any chartered institution of higher education whose library meets the departmental standards shall be eligible for membership, and

(ii) any chartered institution of higher education whose library does not meet the departmental standards may not be eligible for membership unless it submits to the department a five-year plan for the realization of the standards, the plan bearing the signed approval of the head librarian, the president, and the academic dean of the institution, and

(iii) any hospital whose library meets the standards established by the regents in accordance with section two hundred fifty-four of this article shall be eligible for membership, and

(iv) any hospital whose library does not meet the standards established by the regents will not be eligible for membership unless it submits to the commissioner a five year plan for the realization of the standards, such plan bearing the signed approval of the head of the governing board of such hospital.

(6) The member institutions of each reference and research library resources system shall be broadly representative of the chartered

educational agencies, nonprofit organizations, hospitals and other special libraries providing library service within the defined area of services of the system.

d. Plan of service.

(1) The reference and research library resources system shall submit a plan of service to the commissioner for approval, in a form to be prescribed by the commissioner to cover resources, needs, proposed program, budget, contractual agreements, and any other information which the commissioner may require.

(2) The plan of service must show the manner in which the reference and research library resources system will improve the library resources and services presently available in the area to the research community, including improved reader access.

(3) The plan of service shall indicate the manner in which the reference and research library resources system strengthens the library programs of its members and the manner in which the system program is related to appropriate regional programs in higher education.

(4) The plan of service shall identify the resources and needs of each hospital library, or library serving hospitals and show the manner in which the reference and research library resources system will improve hospital library services and in which it will assist each hospital library which does not meet the regents' standards to attain such standards and will assist each non-member hospital library or library serving a hospital to attain membership in the system.

e. The commissioner shall by regulation establish the standard of service to be met by such a reference and research library resources system.

f. Each reference and research library resources system receiving state aid pursuant to this section and section two hundred seventy-three of this article shall furnish such information regarding its library service as the commissioner may from time to time require to discharge his duties under such sections. The commissioner may at any time revoke his approval of a plan of library service if he finds that the library system operating under such plan no longer conforms to the provisions of

this section or the regulations promulgated by the commissioner hereunder. In such case a library system shall not thereafter be entitled to state aid pursuant to this section and section two hundred seventy-three of this article unless and until its plan of library service is again approved by the commissioner.

g. In promulgating regulations and approving, rejecting or revoking plans of library service pursuant to this section, consideration shall be given to:

(1) The prevention of unreasonable discrimination among the persons served by such library system;

(2) The need for regional resources of sufficient size and varied in kind and subject matter;

(3) The need for adequate books, materials (print and non-print) and facilities for research and information;

(4) The need for outlets convenient in time and place for the sharing of library materials;

(5) The need for the economic and efficient utilization of public funds;

(6) The need for full utilization of local responsibility, initiative and support of library service and the use of state aid in their stimulation but not as their substitute.

(7) The need for adequate books, materials, including both print and non-print materials, and facilities for current medical information services to be provided each hospital.