

*The holder of an operator's license who desires to obtain a chauffeur's license in one of the classes provided by this subdivision, may exchange such license in accordance with regulations promulgated by the commissioner with respect to such exchange of licenses and qualifications of persons therefor.*

*(d) Notwithstanding the provisions of this subdivision any person of a proper age to receive a chauffeur's license who desires to qualify himself for such a license may operate and drive a motor vehicle, as a chauffeur, within the state for a period of six months from the date of issuance to him of an apprentice chauffeur's learner's permit but such operation and driving shall only be in accordance with the terms of such permit. The holder of an apprentice chauffeur's learner's permit shall not operate or drive a motor vehicle as a chauffeur unless at all times under the immediate supervision and control of a chauffeur duly licensed under this article to operate a motor vehicle in the class for which the permit is issued. A person operating a motor vehicle in violation of the terms of such permit shall be deemed to be operating a motor vehicle without being duly licensed under this chapter.*

§ 3. This act shall take effect May thirtieth, nineteen hundred fifty-nine, except that the provisions relating to exchanges and renewals of chauffeurs' licenses and promulgation of regulations shall become effective on January first, nineteen hundred fifty-nine.

## CHAPTER 933\*

AN ACT to amend the education law, in relation to the establishment of libraries and library systems, making an appropriation for state aid for library service and repealing certain sections of such law

Became a law April 23, 1958, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

Section 1. Section two hundred fifty-five of the education law, as last amended by chapter four hundred fifty-six of the laws of nineteen hundred fifty-four, is hereby amended to read as follows:

§ 255. Establishment of a public library. 1. By a majority vote at any election, or at a meeting of the electors duly held, any county, city, village, town, school district or other body authorized to levy and collect taxes; or by vote of its board of supervisors or other governing elective body any county, or by vote of its common council or by action of a board of estimate and apportionment or other proper authority any city, or by vote of its board of trustees any village, or by vote of its town board any town, or any combi-

\* NOTE.—Section 272 of the Education Law, as repealed by this act, provided the conditions under which libraries of certain cities or counties became entitled to State aid and Section 273 similarly repealed contained the formula for computation of such State aid. The new Sections 272 and 273 proposed by this act substitute revised conditions and a revised formula designed to provide additional State aid.

nation of such voting bodies, may individually or jointly [establish] *authorize the establishment of* a public library with or without branches, and may appropriate money raised by tax or otherwise to equip and maintain such library or libraries or to provide a building or rooms for its or their use. Any such municipality or district may acquire real or personal property for library purposes by gift, grant, devise, bequest or condemnation and may take, buy, sell, hold and transfer either real or personal property [and administer the same] for public library purposes. Whenever twenty-five taxpayers shall so petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted, provided that due public notice of the proposed action shall have been given. Whenever the electors of a school district at a district meeting duly held shall have [established] *authorized the establishment of* a public library under the provisions of this section, at such meeting or at any subsequent meeting duly held, they may determine by a majority of the voters present and voting on the proposition to levy a tax to be collected in installments for the purchase or condemnation of a site and the erection thereon of a library building or the erection of a library building on land acquired otherwise than by purchase or condemnation, or for the purchase of land and a suitable building thereon and make necessary alterations and additions and equip such building for use as a library.

2. *Upon the request of a majority of the members of the boards of trustees of two or more libraries chartered by the regents, if it shall appear to the satisfaction of the commissioner that the establishment of a cooperative library system will result in improved and expanded library service to the area and that the area is suitable for the establishment of such a cooperative library system, the commissioner may call a joint meeting of the trustees of such libraries for the purpose of determining whether a cooperative library system shall be established and electing a board of trustees of such cooperative library system. If it shall appear to the commissioner that the area proposed for the cooperative library system is not sufficient to warrant the establishment of such system; that such area is not otherwise suitable or that for sufficient other reason such cooperative library system as proposed should not be established he shall disapprove such request.*

a. *Notice of such meeting shall be given by the commissioner to each trustee by mail to his last known address at least five days prior to such meeting. At such meeting the board of trustees of each library participating shall have five votes.*

b. *Such meeting shall be called to order by the person designated by the commissioner and shall thereupon organize by the election of a chairman. At such meeting a resolution in substantially the following form shall be presented for the action of the meeting: "Resolved that a cooperative library system be established consisting of the following libraries chartered by the regents . . . . . (name libraries) for the purpose of expanding and improving library service in the area served by the above named libraries."*

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

c. If the resolution described above is adopted, then the meeting shall proceed to elect a board of trustees of such library system to consist of not less than five nor more than twenty-five members as determined by the meeting.

d. Within one month after taking office, the trustees-elect shall apply to the regents for a charter as a cooperative library system.

e. The board of trustees shall manage and control such cooperative library system and shall have all the powers of trustees of other educational institutions in the university as defined in this chapter. Such board shall elect a president, secretary and treasurer. Before entering upon his duties, such treasurer shall execute and file with the trustees an official undertaking in such sum and with such sureties as the board shall direct and approve. The treasurer need not be a member of such board. The funds of the cooperative library system shall be deposited in a bank or banks designated by the board of trustees and shall be expended only under the direction of such trustees upon properly authenticated vouchers.

f. The term of office of trustees shall be five years except that the members of the first board of trustees shall be elected for such terms so that as nearly as possible the terms of one-fifth of the members of such board will expire annually. Thereafter, the successors of such trustees shall be elected annually by a meeting of the trustees of the participating libraries in the cooperative library system. Such meeting shall be called by the secretary of the cooperative library system who shall give notice to all the trustees of participating libraries in the manner provided in subparagraph a of this subdivision for giving notice of the meeting to authorize the establishment of such cooperative library system.

g. A contract may be entered into between the board of trustees of a cooperative library system and the department under which the state library will provide services, facilities and staff to the cooperative library system upon terms agreed upon by and between the parties to such contract.

h. Nothing herein contained shall be deemed to deprive any participating library of its property.

i. The board of trustees of any library chartered by the regents which is not participating in a cooperative library system may adopt a resolution requesting that such library become a participating library in a cooperative library system. Duplicate copies of such resolution certified by the clerk of such board of trustees shall be filed with the board of trustees of the cooperative library system. If such board approve such resolution such approval shall be endorsed thereon and a copy thereof shall be filed with the commissioner. Upon such resolution being approved by the commissioner such additional library shall become a participating library in such system and shall have the same rights, duties and privileges as other libraries participating therein.

j. Notwithstanding the foregoing a county by action of its board of supervisors, or other governing elective body, may create a library department to be administered in the same manner as other departments of the county government for the purpose of providing

*library services to residents of the county and may appoint in connection therewith an advisory board of five members. The term of office of members of such advisory board shall be five years from the date of their appointment except that the first members of such board shall be appointed for terms of one, two, three, four and five years respectively. Such library department shall be deemed to be a library system as defined in section two hundred seventy-two of this chapter.*

§ 2. Section two hundred fifty-nine of such law, as last amended <sup>§ 259.</sup> amended. by chapter six hundred forty-nine of the laws of nineteen hundred fifty-five, is hereby amended to read as follows:

§ 259. Library taxes. 1. Taxes, in addition to those otherwise authorized, may be voted for library purposes by any authority named in section two hundred fifty-five of *this chapter* and shall, unless otherwise directed by such vote, be considered as annual appropriations therefor until changed by further vote and shall be levied and collected yearly, or as directed, as are other general taxes. All moneys received from taxes or other *public* sources for library purposes shall be kept as a separate library fund by the treasurer of the municipality or district making the appropriation and shall be expended only under direction of the library trustees on properly authenticated vouchers, except that money received from taxes *and other public sources* for the support of a free association library or a cooperative library system shall be paid over to the treasurer of [the official body maintaining] such library or cooperative library system upon the written demand of its [directors or] trustees.

2. In the case of a joint public library *authorized to be* established by two or more municipalities or districts pursuant to section two hundred fifty-five of this chapter, the participating municipalities and districts may enter into an agreement providing that disbursements for library purposes shall in the first instance be made in the manner prescribed in this section by the treasurer of one of such municipalities or districts. Such treasurer shall, at such time or times as may be agreed upon, notify each participating municipality and district of the amount of its share of disbursements made for library purposes. Each such municipality and district shall thereupon pay the amount of its share to such treasurer from moneys appropriated therefor.

§ 3. Section two hundred sixty of such law, as thus renumbered <sup>§ 260.</sup> amended. by chapter two hundred seventy-three of the laws of nineteen hundred fifty, formerly section two hundred sixty-two of such law, such former section having been renumbered and amended by chapter eight hundred twenty of the laws of nineteen hundred forty-seven and subdivision one thereof having been amended by chapter five hundred sixty-eight of the laws of nineteen hundred forty-seven, is hereby amended to read as follows:

§ 260. Trustees. 1. Public libraries *authorized to be* established by action of the voters or their representatives shall be managed

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by trustees who shall have all the powers of trustees of other educational institutions of the university as defined in this chapter; provided that the number of trustees of county public libraries shall not be less than five nor more than eleven and that the number of trustees of other public libraries shall be five[; that in cities they]. *The number of trustees of joint public libraries authorized to be established by two or more municipalities or districts or any combination thereof shall be not less than five nor more than twenty-five, as determined by agreement of the voting bodies empowered to authorize the establishment of such libraries pursuant to subdivision one of section two hundred fifty-five of this chapter and shall be set forth in the resolution authorizing the establishment of such joint public library. Such resolution shall also set forth the number of such trustees which each of the participating municipalities or districts shall be entitled to elect or appoint, and the terms of office of the first trustees as determined in accordance with subdivision three of this section.*

2. *The trustees of public libraries authorized to be established by cities shall be appointed by the mayor and confirmed by the common council, in counties they shall be appointed by the county board of supervisors or other governing elective body, in villages they shall be appointed by the village board of trustees, in towns they shall be appointed by the town board, and in school districts they shall be elected by the legal voters; that the first trustees shall determine by lot the year in which the term of office of each trustee shall expire and that a new trustee shall be elected or appointed annually to serve for five years. The charter of any public library granted prior to April thirtieth, nineteen hundred and twenty-one, which provides for trustees, their terms of office and method of election or appointment in a manner differing from that hereinbefore provided, shall remain in full force and effect until the regents, upon application of the library trustees, shall amend the charter to conform to the provisions of law in effect when such amendment is made.*

3. *The trustees of a joint public library authorized to be established by two or more municipalities or districts or any combination thereof shall be appointed or elected by the body authorized by subdivision two of this section to elect or appoint trustees of public libraries authorized to be established by such municipality or district. The number of such trustees to be elected or appointed by each of the participating municipalities or districts shall be determined as provided in subdivision one of this section. The term of office of such trustees shall be five years except that the terms of the first trustees shall be so arranged that the terms of as nearly as possible to one-fifth of the members shall expire annually.*

[2]4. No person who is a member of any municipal council or board authorized by this section to appoint public library trustees in any municipality shall be eligible for the office of such public library trustee in such municipality.

[3]5. Regular meetings of a board of public library trustees shall be held at least quarterly, and such board shall fix the day and hour for holding such meetings.

§ 4. Section two hundred seventy-one of such law, such section <sup>§ 271,</sup> having been last amended as section two hundred seventy-two <sup>amended.</sup> of such law by chapter six hundred eighty-seven of the laws of nineteen hundred forty-nine and as so amended having been renumbered to be section two hundred seventy-one of such law by chapter two hundred seventy-three of the laws of nineteen hundred fifty, is hereby amended to read as follows:

§ 271. Apportionment of money for grants to libraries. Such sum as shall have been appropriated by the legislature for grants to libraries shall be paid annually by the commissioner of taxation and finance, on the warrant of the comptroller, according to an apportionment to be made by the [regents] commissioner for the benefit of free libraries in accordance with [regents' rules and authenticated by their seal; provided that none of such sum shall be spent for books except those approved or selected and furnished by the regents] *the regulations of the commissioner*; that from such sum each free circulating library complying with [regents' requirements] *such regulations* shall receive an apportionment of one hundred dollars annually, [except that no] *and that libraries serving less than five thousand persons shall be entitled to receive books equivalent in value to an additional one hundred dollars annually, provided however that any library entitled to receive state aid under this section may elect to receive all or any part of such aid in the form of reference books rather than direct payment.* No library shall receive an amount greater than that provided for the same purpose from local sources[; that for ]. For any part of the apportionment not payable directly to the library trustees the [regents] commissioner shall file with the comptroller proper vouchers showing that it has been spent in accordance with law for books for [free] *such libraries [or for proper expenses incurred for their benefit; and that books].* Books paid for by the state shall be subject to return to the [regents] department whenever a library shall neglect or refuse to conform to the [ordinances] *law or regulations* under which it secured them.

§ 5. Section two hundred seventy-two of such law, as added <sup>§ 272,</sup> by chapter two hundred seventy-three of the laws of nineteen hun- <sup>repealed,</sup> dred fifty, is hereby <sup>now</sup> repealed and a new section two hundred <sup>§ 272,</sup> seventy-two is hereby added in place thereof, to read as follows: <sup>added.</sup>

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

- a. *A library established by one or more counties.*
- b. *A group of libraries serving an area including one or more counties in whole or in part.*
- c. *A library of a city containing one or more counties.*
- d. *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.*

2. The "area served" by a library system for the purposes of

*this article shall mean the area which the library system proposes to serve in its approved plan of service. In determining the population of the area served by the library system the population shall be deemed to be that shown by the latest federal census for the political subdivisions in the area served. 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 library system the population used for the purposes of computing state aid shall be the population of the 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 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 assessed valuation of the portion of such political subdivision not included in the area served.*

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

4. Approval shall not be given to a 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 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.

5. The board of trustees of the 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.

6. 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.

7. The commissioner shall by regulation provide the standard of service with which such a 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 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 library system 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.

8. Each 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 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 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.

9. In the event that the sum raised by local taxation for the support of a library system in an annual period is less than the average of the amounts raised for such purposes by local taxation for the three years immediately preceding the approval of its plan of service, 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 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.

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

a. The prevention of unreasonable discrimination among the persons served by such library system.

b. The need for rapid expansion of library facilities in areas not now served.

c. The need of each 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.

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*d. The need for a book stock sufficient in size and varied in kind and subject matter.*

*e. The need for regular fresh additions to book stock.*

*f. The need for adequate books, materials and facilities for research and information as well as for recreational reading.*

*g. The need for outlets convenient in time and place for the circulation of books.*

*h. 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.*

*i. The need for the economic and efficient utilization of public funds.*

*j. 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.*

§ 6. Section two hundred seventy-three of such law, as added by chapter two hundred seventy-three of the laws of nineteen hundred fifty and amended by chapter three hundred twenty-two of the laws of nineteen hundred fifty-three, is hereby repealed and a new section two hundred seventy-three is hereby added in place thereof, to read as follows:

§ 273. Apportionment of state aid. 1. A library system, the plan of service of which shall have been approved by the commissioner subsequent to May first, nineteen hundred fifty-eight, which library system as so approved shall have less than one hundred thousand volumes in its central library, may through its trustees submit to the department a plan for the acquisition of sufficient books to result in the central library of such system having as its book stock at least one hundred thousand volumes by the end of the ten-year period following the date of approval. Upon approval of such acquisition plan such library system shall be entitled to receive from the department annually four times the number of volumes approved by the commissioner which the library system has acquired in accordance with such plan from its own funds which have been derived from sources other than state aid.

2. Any library system providing service under an approved plan during a calendar year shall be entitled to receive on or before July first of the following year state aid consisting of the following amounts:

*a. An annual grant of five thousand dollars where the library system serves less than one county and ten thousand dollars per county where the library system serves one county or more than one county.*

*b. The sum of twenty-five cents per capita of population of the area served.*

*c. The sum of six dollars per square mile of area served by the library system in the case of library systems serving one county or less. Such sum of six dollars shall be increased by three dollars for each additional entire county served, provided, however, that no apportionment pursuant to this paragraph c shall exceed eighteen dollars per square mile of area served.*

*d.* In addition to the sums provided in paragraph *b* of this subdivision, the New York public library shall receive an amount equal to its actual expenditures for books, periodicals and binding for the central reference department which expenditures are not otherwise reimbursed or one hundred fifty thousand dollars whichever is less.

3. Any such library system which has not heretofore received state aid pursuant to former section two hundred seventy-three of this chapter as in effect on March thirty-first, nineteen hundred fifty-eight shall be entitled to receive within sixty days after the date of such approval the sum of ten thousand dollars if the library system serves one county or part thereof. A library system serving more than one county shall be entitled to receive twenty thousand dollars for each entire county served.

4. A library system which has heretofore received state aid pursuant to section two hundred seventy-three of this chapter as in effect on March thirty-first, nineteen hundred fifty-eight shall be entitled to receive within sixty days after the date of approval of a plan of library service submitted subsequent to April first, nineteen hundred fifty-eight twenty thousand dollars for each additional entire county not theretofore served which receives library service under such new plan.

5. A library system the plan of library service of which has been approved under sections two hundred seventy-two and two hundred seventy-three as in effect on March thirty-first, nineteen hundred fifty-eight, and which subsequently prior to July first, nineteen hundred fifty-eight submits a plan of library service which is approved pursuant to this section shall be deemed to have been operating continuously under an approved plan of library service.

6. *a.* Notwithstanding any other provision of this section, a library system which has not received state aid pursuant to former section two hundred seventy-three of this chapter as in effect on March thirty-first, nineteen hundred fifty-eight and which shall provide library service under a plan of library service which is approved after January first in any year shall receive within sixty days after such approval of such plan state aid computed in accordance with paragraphs *a*, *b* and *c* of subdivision two of this section, except that such state aid shall be prorated at the rate of one-three hundred sixty-fifth per day from the date of such approval to the end of the calendar year.

*b.* For the purpose of computation of state aid under this subdivision, the library system shall certify to the commissioner estimates of the amount to be expended by such library system during the current calendar year for books, periodicals and binding. At the conclusion of such calendar year such library system shall certify to the commissioner the actual expenditures during such calendar year for books, periodicals and binding. If it shall appear that the amount of state aid as computed using such actual expenditures is less than the amount paid, the difference between such amounts shall be deducted from the next payment of state

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aid to which such library system shall thereafter become entitled pursuant to this section.

7. Within the amounts appropriated therefor moneys paid out pursuant to this section shall be paid out of the state treasury on the certificate of the commissioner after audit by and upon the warrant of the comptroller.

8. The apportionment made pursuant to this section shall be in lieu of the apportionment provided in section two hundred seventy-one of this chapter.

Appropriates  
\$700,000.

§ 7. The sum of seven hundred thousand dollars (\$700,000), or so much thereof as may be necessary, is hereby appropriated to the education department out of any moneys in the state treasury in the general fund to the credit of the local assistance fund and not otherwise appropriated, for payment of state aid in accordance with the provisions of sections two hundred seventy-one, two hundred seventy-two and two hundred seventy-three of the education law as added by this act, and for services and expenses of administration thereof. No expenditure shall be made for administrative services and expenses until a certificate of approval has been issued by the director of the budget and filed with the state comptroller, and a copy filed with the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

Effective  
April 1,  
1958.

§ 8. This act shall take effect April first, nineteen hundred fifty-eight.

## CHAPTER 934

AN ACT relating to the apportionment of public moneys to the city school district of the city of Batavia

Became a law April 23, 1958, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

Batavia  
city school  
district,  
enlarge.

Section 1. For the purpose of the apportionment of public moneys payable to such school district during the school year nineteen hundred fifty-eight-fifty-nine and thereafter, the city school district of the city of Batavia shall be deemed to be an enlarged city school district created by consolidation pursuant to the provisions of section fifteen hundred twenty-six of the education law. The term "outside area or areas", as used in subdivision nine of section thirty-six hundred two of the education law, for the purposes of this act, shall mean that part of the city school district which is located outside of the boundaries of the city of Batavia.

Effective  
July 1, 1958

§ 2. This act shall take effect July first, nineteen hundred fifty-eight.