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I N S E N A T E

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Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report, and to be reprinted as amended, retaining its place in the order of second report

AN ACT creating the LaGrange public library district in the town of LaGrange, New York; and to amend chapter 672 of the laws of 1993 amending the public authorities law relating to the construction and financing for certain public libraries, in relation to providing for financing through the dormitory authority

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Creation of library district. Notwithstanding the
2 provisions of any general, special, or local law to the contrary, there
3 is hereby created and established in the town of LaGrange, county of
4 Dutchess, a public library district which shall be known as the LaGrange
5 public library district, hereinafter referred to as the district, and
6 which shall consist of all the territory within the town of LaGrange,
7 hereinafter referred to as the town. The district will operate a public
8 library to be known as the LaGrange public library.
9 S 2. Election. 1. The district herein described shall not come into
10 existence unless and until it is approved with the initial budget in
11 support thereof proposed by the board of trustees of the existing
12 LaGrange library, and nine trustees are elected by a vote of the majori-
13 ty of the qualified voters voting in an election held, not later than
14 September 30, 2013, pursuant to the following provisions:

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

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1 Upon receipt of a petition signed by not less than twenty-five voters
2 qualified to vote at a general election in the town, the board of trus-
3 tees of the existing LaGrange library shall conduct an election at which
4 the issues shall be:

5 (a) whether the public library district herein described with the
6 initial budget in support thereof proposed by the board of trustees of
7 the existing LaGrange library shall be created or not; and

8 (b) the election of nine trustees as provided by this act.

9 The board of trustees of the existing LaGrange library shall give
10 notice of such election by publication of notice at least twice in one
11 or more newspapers having a general circulation in the district to be
12 served. The first publication of such notice shall be not less than
13 thirteen days and not more than twenty days prior to the date of such
14 election. In addition, the board of trustees of the existing LaGrange
15 library shall cause copies of such notice to be posted conspicuously in
16 three public places in the district at least thirteen days prior to the
17 date of such election. Such notice shall specify the date and time when
18 and the place where such election will be held and the issues to be
19 decided at such election. The board of trustees of the existing LaGrange
20 library shall designate a resident qualified voter of such district to
21 act as chairperson of any election of such district and shall designate
22 not less than two nor more than four resident qualified voters to act as
23 election inspectors and ballot clerks at such election. No trustee of
24 the existing LaGrange library shall serve as chairperson or as an
25 election inspector or ballot clerk. The board of trustees of the exist-
26 ing LaGrange library may adopt a resolution providing that such chair-
27 person, election inspectors and ballot clerks shall be paid reasonable
28 compensation for their respective services at such election. Every
29 voter who is a resident of the district and otherwise qualified to vote
30 at a general election in the town shall be qualified to vote at said
31 election. The board of trustees of the existing LaGrange library may, to
32 the extent authorized by law, authorize the use of absentee ballots for
33 the election. After the polls have closed at such election, the election
34 inspectors and the ballot clerks shall immediately canvass publicly the
35 ballots cast and the chairperson of the election shall publicly announce
36 the result. Within seventy-two hours thereafter, the chairperson,
37 election inspectors and ballot clerks shall execute and file a certif-
38 icate of the result of the canvass with the board of trustees of the
39 existing LaGrange library and the town clerk. If a majority of the
40 voters approve the formation of the district with the initial budget in
41 support thereof proposed by the board of trustees of the existing
42 LaGrange library, then the district shall come into existence on the
43 terms and conditions set forth in this act.

44 2. In the event that the district is created, there shall be an annual
45 election conducted by the board of trustees of the LaGrange public
46 library district in accordance with the provisions of subdivision one of
47 this section at a time to be set by the board of trustees of the
48 district, at which election vacancies on the board of trustees shall be
49 filled and at which any proposed budget which the board shall determine
50 to submit to the voters pursuant to section four of this act shall be
51 submitted to the voters.

52 3. Candidates for the office of member of the board of trustees of the
53 LaGrange public library district shall be nominated by petition. No
54 vacancy to be filled on the board of trustees shall be considered a
55 separate, specific office. A separate petition shall be required to
56 nominate each candidate for a vacancy on the board. Each petition shall

1 be directed to the secretary of the board of trustees of the existing
2 LaGrange library, shall be signed by at least twenty-five qualified
3 voters of the district, shall state the residence of each signer, and
4 shall state the name and residence of the candidate. In the event that
5 any such nominees shall withdraw their candidacy prior to the election,
6 such person shall not be considered a candidate unless a new petition
7 nominating such person in the same manner and within the same time limi-
8 tation applicable to other candidates is filed with the secretary of the
9 board of trustees of the existing LaGrange library. Each petition shall
10 be filed with the secretary of the board of trustees of the existing
11 LaGrange library, between the hours of 9:00 a.m. and 5:00 p.m., not
12 later than the thirtieth day before the election at which the candidates
13 nominated are to be elected. In the event that the new district is
14 created, petitions nominating candidates for the board of trustees for
15 all future elections shall be filed with the secretary of the LaGrange
16 public library district.

17 S 3. Organization and structure. The LaGrange public library district
18 shall be managed, operated, and controlled by a board of trustees
19 consisting of nine members. The trustees shall take office at the first
20 regular meeting of the board of trustees following their election. At
21 the first regular meeting of the board of trustees of the district, the
22 trustees shall determine when the terms of office of each member shall
23 expire as follows: the trustees receiving the first, second, and third
24 highest number of votes shall each serve for three years, the trustees
25 receiving the fourth, fifth, and sixth highest number of votes shall
26 each serve for two years, and the trustees receiving the seventh,
27 eighth, and ninth highest number of votes shall each serve for one year.
28 As vacancies occur due to expiration of terms of office, trustees shall
29 be elected by the voters of the district at the election provided for by
30 this act to serve three year terms, such terms to commence at the first
31 regular meeting of the board of trustees of the district next following
32 their election. All other vacancies caused by resignation, removal,
33 death, or inability to serve shall be filled by appointment by the board
34 of trustees of the district until the next election, at which time the
35 vacancy shall be filled by election for the remaining portion of the
36 term. At any election where one or more persons are to be elected for
37 the unexpired portion of a term or terms, the candidate receiving the
38 largest number of votes shall be entitled to the full three year term
39 and the candidates receiving the next highest number of votes shall be
40 entitled, in decreasing order of the respective numbers of votes, to the
41 vacancy or vacancies, in decreasing order of the length of the unexpired
42 portion or portions of a term or terms. Only qualified voters of the
43 district shall be eligible for election to the board of trustees. The
44 board of trustees at its first meeting after each annual election shall
45 elect or appoint a president and vice-president, who shall be members of
46 the board, and a secretary, treasurer, and such other officers as they
47 deem necessary. If the board so determines, the offices of secretary and
48 treasurer may be held by individuals who are not members of the board of
49 trustees and, in that event, such officers may, if the board so deter-
50 mines, receive compensation as fixed by resolution of the board.

51 S 4. Finances. 1. The initial budget to support the district shall be
52 determined by a vote of the voters of the district in the initial
53 election as hereinafter provided for. All future budgets that increase
54 or decrease the district's proposed tax levy as compared to the tax levy
55 in the preceding fiscal year's budget shall be submitted to the resi-
56 dents voting at the annual election of trustees pursuant to section two

1 of this act. Funds voted for library purposes at the initial election
2 and at all future elections shall be considered an annual appropriation
3 therefor and shall be levied and collected yearly by the town for the
4 district in the same manner and at the same time as other taxes in the
5 town.

6 2. The board of trustees of the district shall annually file with the
7 clerk of the town on or before the first day of November an estimate of
8 the proposed budget including costs of library services to be raised by
9 levy for the library district in the fiscal year beginning on the first
10 day of January of the next year. The town shall not make any change in
11 the estimate of revenues or expenditures submitted by the board of the
12 district in preparation of its preliminary budget.

13 3. The town board of the town of LaGrange shall levy a tax against the
14 real property lying within the district for the amount to be raised by
15 tax as approved by the voters of the district. The town board shall pay
16 the full amount of the tax levy approved by the voters over to the trea-
17 surer of the district pursuant to the schedule set forth in this
18 section. The town board shall annually pay over to the treasurer of the
19 district on or before the thirtieth day after its tax collection period
20 ends, the full amount of the levy due. If necessary to meet this sched-
21 ule, the town board may issue tax anticipation notes pursuant to article
22 II of the local finance law to obtain the necessary moneys therefor.

23 4. The town board of the town shall have the power to authorize, sell,
24 and issue bonds, notes, and other evidences of indebtedness pursuant to
25 the local finance law in order to permit the district to provide facili-
26 ties or improved facilities for library purposes. Upon written request
27 from the board of trustees of the district, after approval by the quali-
28 fied voters of such district, the town board shall authorize, sell, and
29 issue such bonds, notes, or other evidences of indebtedness as are
30 necessary to accomplish the improvements specified in the notice. The
31 proceeds of such bonds, notes, or other evidences of indebtedness shall
32 be paid to the treasurer of the district and maintained in a segregated
33 account in accordance with section 165.00 of the local finance law and
34 expended by the treasurer only on specific authorization by the board of
35 trustees.

36 5. The board of trustees of the district may accept on behalf of the
37 district any absolute gift, devise, or bequest of real or personal prop-
38 erty and such conditional gifts, devises, or bequests as it shall by
39 resolution approve.

40 6. The treasurer of the district shall be custodian of all funds of
41 the district, including gifts and trust funds paid over to the trustees.
42 The board of trustees may authorize the investment of funds in the
43 custody of the treasurer in the same manner in which town funds may be
44 invested. Proceeds of obligations received from the town may be invested
45 in accordance with section 165.00 of the local finance law. The town of
46 LaGrange shall promptly pay over to the district all monies which belong
47 to or are raised for the district. No monies shall be disbursed by the
48 treasurer of the district except after audit by the board of trustees.
49 The board of trustees of the district shall audit all claims and shall
50 order the payment thereof, except as otherwise provided by this section.
51 No such claims shall be audited or ordered paid by the trustees unless
52 an itemized voucher therefor shall be presented to the board of trustees
53 for audit and allowance. The provisions of this section shall not be
54 applicable to payment of utility costs, claims of fixed salaries, and
55 amounts which the district may be required to pay on account of retire-
56 ment contributions for past or current services to officers and employ-

ees of the district. The treasurer shall keep such records in such manner as the board of trustees may require.

S 5. Charter, commencement of operations, and transfer of property and employees. The initially elected trustees of the district shall, within ninety days from the date of approval of the district by the voters of the district, apply to the board of regents for a charter as a public library. Upon the granting of such a charter by the board of regents, title to all liabilities and assets, including all property, both real and personal, and both tangible and intangible, all trust and other funds, and all other obligations, now held by the existing LaGrange library shall be transferred to, vested in, and be acquired by the district established by this act. The above provisions for transfer to, vesting and acquisition of real and personal property, both tangible and intangible, and all trust and other funds, are effectuated by operation of law pursuant to the authority of this act, except that, for purposes of clarity of real property records, deeds of conveyance shall be executed and filed for any parcels of real property. Upon the transfer of all such property, the existing LaGrange library shall be deemed dissolved. Upon the granting of such charter by the board of regents, all employees of the existing LaGrange library shall become employees of the district upon the same terms and conditions of employment and at the same rate of pay as their previous employment by the existing LaGrange library.

S 6. Ad valorem levy. The several lots and parcels of land within the area of the district are hereby determined to be benefited by the library facilities and devices existing as of the effective date of this act, and the town of LaGrange is hereby authorized to assess, levy, and collect the necessary expenses of operation, maintenance, and repair of such facilities and services and such capital improvements, including debt service on bonds, notes, or other evidences of indebtedness of the town issued for the purpose of the LaGrange public library district, as may be hereafter authorized pursuant to the provisions of this act from such lots and parcels of land in the same manner and at the same time as other town charges.

S 7. Education law. Except as otherwise provided by this act, the provisions of the education law relating to public libraries shall be applicable to the district established by this act.

S 8. The district is deemed a special district which is separate and distinct from the town for all purposes, including but not limited to management, appropriations, and expenditures. Any tax levy for the district shall not be charged or imputed to the town, and shall instead be charged or imputed to the district, for purposes of any general or special laws enacted by the legislature.

S 9. Section 5 of chapter 672 of the laws of 1993, amending the public authorities law relating to the construction and financing of facilities for certain public libraries, as separately amended by chapter 533 of the laws of 2011 and chapter 23 of the laws of 2012, the forty-second undesignated paragraph as added by a chapter of the laws of 2012 amending chapter 672 of the laws of 1993, amending the public authorities law relating to the construction and financing of facilities for certain public libraries, relating to including the Guilderland public library within the provisions of such chapter, as proposed in legislative bill numbers S. 6450-A and A. 9236-A, and the forty-third undesignated paragraph as added by a chapter of the laws of 2012 amending chapter 672 of the laws of 1993, amending the public authorities law relating to the construction and financing of facilities for certain public libraries,

1 relating to including the Ethelbert B. Crawford public library within
2 the provisions of such chapter, as proposed in legislative bills numbers
3 S. 6287 and A. 9159, is amended to read as follows:

4 S 5. The following libraries shall be eligible public libraries for
5 purposes of title 4 of article 8 of the public authorities law:

- 6 1. Comsewogue Public Library
- 7 2. Rogers Memorial Library Company
- 8 3. Hendrick Hudson Free Library
- 9 4. Riverhead Free Library
- 10 5. Northern Onondaga Public Library District
- 11 6. Suffern Free Library
- 12 7. Haverstraw King's Daughters Public Library
- 13 8. Crandall Public Library
- 14 9. Sayville Library
- 15 10. Monroe Free Library
- 16 11. Harborfields Public Library
- 17 12. Howland Public Library
- 18 13. Patchogue-Medford Library
- 19 14. New City Library
- 20 15. Babylon Public Library
- 21 16. Lindenhurst Memorial Library
- 22 17. Great Neck Library
- 23 18. Caledonia Public Library
- 24 19. Bayport-Blue Point Public Library
- 25 20. The Bryant Library
- 26 21. Swan Library
- 27 22. Bay Shore-Brightwaters Public Library
- 28 23. The Albany Public Library
- 29 24. Elwood Public Library
- 30 25. Peninsula Public Library
- 31 26. Smithtown Special Library District
- 32 27. Goshen Public Library and Historical Society
- 33 28. The Hauppauge Public Library
- 34 29. The Nyack Library
- 35 30. North Merrick Public Library
- 36 31. Southold Free Library
- 37 32. The Hampton Library in Bridgehampton, Inc.
- 38 33. John Jermain Memorial Library
- 39 34. Westhampton Free Library
- 40 35. The Plainview-Old Bethpage Public Library
- 41 36. Commack Public Library
- 42 37. Troy Public Library
- 43 38. Brunswick Community Library District
- 44 39. D.R. Evarts Library District
- 45 40. Norwood Public Library
- 46 41. Stephentown Memorial Library District
- 47 42. Guilderland Public Library
- 48 43. Ethelbert B. Crawford Public Library District
- 49 44. LAGRANGE PUBLIC LIBRARY DISTRICT

50 S 10. This act shall take effect immediately; provided that:

51 (a) subdivision 41 of section 5 of chapter 672 of the laws of 1993, as
52 designated by section nine of this act shall take effect in accordance
53 with the provisions of section 9 of chapter 23 of the laws of 2012;

54 (b) subdivision 42 of section 5 of chapter 672 of the laws of 1993, as
55 designated by section nine of this act shall take effect on the same
56 date and in the same manner as a chapter of the laws of 2012 amending

1 chapter 672 of the laws of 1993, amending the public authorities law
2 relating to the construction and financing of facilities for certain
3 public libraries, relating to including the Guilderland Public Library
4 within the provisions of such chapter, as proposed in legislative bill
5 numbers S. 6450-A and A. 9236-A, takes effect;

6 (c) subdivision 43 of section 5 of chapter 672 of the laws of 1993, as
7 designated by section nine of this act shall take effect on the same
8 date and in the same manner as a chapter of the laws of 2012 amending
9 chapter 672 of the laws of 1993, amending the public authorities law
10 relating to the construction and financing of facilities for certain
11 public libraries, relating to including the Ethelbert B. Crawford Public
12 Library District within the provisions of such chapter, as proposed in
13 legislative bills numbers S. 6287 and A. 9159, takes effect; and

14 (d) subdivision 44 of section 5 of chapter 672 of the laws of 1993, as
15 added by section nine of this act shall take effect on the same date as
16 the LaGrange public library district shall come into existence pursuant
17 to this act; provided that the trustees of the LaGrange public library
18 district shall notify the legislative bill drafting commission upon the
19 creation of such district pursuant to this act in order that the commis-
20 sion may maintain an accurate and timely effective data base of the
21 official text of the laws of the state of New York in furtherance of
22 effectuating the provisions of section 44 of the legislative law and
23 section 70-b of the public officers law.