

7697

I N   S E N A T E

May 30, 2014

---

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend chapter 672 of the laws of 1993, amending the public authorities law relating to the construction and financing of facilities for certain public libraries, in relation to including the Oneida Public Library; and to amend chapter 493 of the Laws of 1996, relating to authorizing the establishment of the Oneida public library district, in relation to certain matters relating to the issuance of debt and associated matters

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

1     Section 1. Section 5 of chapter 672 of the laws of 1993, amending the  
2     public authorities law relating to the construction and financing of  
3     facilities for certain public libraries, is amended by adding a new  
4     subdivision 47 to read as follows:  
5     47. ONEIDA PUBLIC LIBRARY  
6     S 2. Section 4 of chapter 493 of the laws of 1996, relating to author-  
7     izing the establishment of the Oneida public library district, is  
8     amended to read as follows:  
9     S 4. Finances. 1. (A) The initial budget of the Oneida public library  
10    district shall be determined by a vote of the voters of the district in  
11    the initial election as provided in this act. All future budgets that  
12    increase or decrease the appropriation last approved by the voters shall  
13    be submitted to the residents of the library district for approval by a  
14    majority of those residents voting at the annual election of trustees  
15    pursuant to section two of this act. Funds voted for library purposes at  
16    the initial election and at all future budget elections shall, unless  
17    otherwise directed by such vote, be considered an annual appropriation  
18    therefor until changed by further vote and shall be levied and collected  
19    yearly in the same manner and at the same time as other taxes in the  
20    portion of the city of Oneida, town of Lincoln, town of Lenox, town of  
21    Verona, town of Vienna, town of Vernon, [which include] INCLUDING IN  
22    SAID TOWNS, ANY VILLAGE THEREIN, INCLUDING the village of Wampsville,  
23    the village of Oneida Castle, and the village of Sylvan Beach, which are

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

LBD15315-01-4

1 located [in] WITHIN THE TERRITORIAL BOUNDARIES OF the Oneida city school  
2 district.

3 (B) NOTWITHSTANDING THE PROVISIONS OF SECTION TWO OF THIS ACT AND  
4 SUBDIVISION ONE OF THIS SECTION, THE BOARD OF TRUSTEES IS HEREBY AUTHOR-  
5 IZED TO SUBMIT AT THE ANNUAL ELECTION OR AT A SPECIAL DISTRICT ELECTION  
6 ANY PROPOSITION FOR A CAPITAL IMPROVEMENT FOR THE LIBRARY DISTRICT WHICH  
7 INCLUDES AN INCREASE IN THE APPROPRIATION LAST APPROVED BY THE VOTERS  
8 THEREOF FOR THE PURPOSE OF PAYING THE COST OF SAID CAPITAL IMPROVEMENT  
9 AND ANY DEBT SERVICE ON OBLIGATIONS ISSUED THEREFOR ON BEHALF OF THE  
10 LIBRARY DISTRICT PURSUANT TO TITLE 4 OF ARTICLE 8 OF THE PUBLIC AUTHORI-  
11 TIES LAW OR THIS SECTION, AS AMENDED. ANY SPECIAL DISTRICT ELECTION  
12 SHALL BE CONDUCTED, NOTICED AND CANVASSED IN THE SAME MANNER AS AN ANNU-  
13 AL ELECTION OF TRUSTEES.

14 (C) THE TERM "CAPITAL IMPROVEMENT", AS USED HEREIN, SHALL REFER TO ANY  
15 OBJECT OR PURPOSE SPECIFIED IN SECTION 11.00 OF THE LOCAL FINANCE LAW  
16 WHICH CONSTITUTES A VALID PURPOSE OF THE LIBRARY DISTRICT. SUCH CAPITAL  
17 IMPROVEMENTS ARE HEREBY DETERMINED TO BE CITY AND TOWN PURPOSES FOR  
18 WHICH THE CITY AND THE TOWNS ARE AUTHORIZED TO CONTRACT INDEBTEDNESS ON  
19 BEHALF OF THE LIBRARY DISTRICT.

20 2. The board of trustees shall annually file with the clerks of the  
21 city of Oneida, AND the towns of Vernon, Verona, Vienna, Lenox, AND  
22 Lincoln [which include the of villages of Oneida Castle, Sylvan Beach,  
23 and Wampsville] on or before the first day of February an estimate of  
24 the proposed budget including costs of library services AND DEBT SERVICE  
25 FOR ANY CAPITAL IMPROVEMENT to be raised by levy for the library  
26 district in the fiscal year beginning on the first day of July following  
27 [the] EACH ANNUAL election. THE FISCAL YEAR OF THE LIBRARY DISTRICT  
28 SHALL BEGIN ON THE FIRST DAY OF JULY AND END ON THE THIRTIETH DAY OF  
29 JUNE. The city and towns shall not make any change in the estimate of  
30 revenues or expenditures submitted by the board of the library district  
31 in preparation of its preliminary budget.

32 3. (A) The [city] COMMON council of the city of Oneida and the town  
33 boards of THE TOWNS OF Vernon, Verona, Vienna, Lincoln, and Lenox on  
34 behalf of the portions of their communities which lie within the Oneida  
35 city school district (INCLUDING AS APPLICABLE ANY VILLAGE IN ANY PORTION  
36 OF SAID TOWNS WHICH IS WITHIN THE TERRITORIAL BOUNDARIES OF THE ONEIDA  
37 CITY SCHOOL DISTRICT) shall levy a tax against the real property lying  
38 within the [city and the portions of each city and town which comprise  
39 the library district for their respective shares of the amount to be  
40 raised by tax as contained in the annual budget of such district  
41 approved by its voters at its annual election, said shares to be deter-  
42 mined by the ratio, each to the other, of the full valuation which term  
43 shall mean, the valuation which is derived by dividing the appropriate  
44 portions of the assessed valuation of the real property concerned as  
45 shown by the last completed assessment rolls of each village, city, or  
46 town, by the city, town, or village equalization rates established by  
47 the authorized state officer or agency for such rolls, of the real prop-  
48 erty lying within each jurisdiction. The city council, village boards,  
49 and town boards or one separately may issue tax anticipation notes,  
50 anticipation revenue notes and budget notes pursuant to article 2 of the  
51 local finance law to obtain the necessary moneys therefor] PORTIONS OF  
52 THE CITY AND EACH TOWN WHICH COMPRISE THE LIBRARY DISTRICT FOR THEIR  
53 RESPECTIVE SHARES OF THE AMOUNT TO BE RAISED BY TAX AS CONTAINED IN THE  
54 ANNUAL BUDGET OF SUCH LIBRARY DISTRICT APPROVED BY ITS VOTERS AT ITS  
55 ANNUAL ELECTION, AS WELL AS ANY SUPPLEMENTAL AMOUNTS APPROVED BY ITS  
56 VOTERS FOR CAPITAL IMPROVEMENTS AS PROVIDED HEREIN. THE AMOUNT OF TAXES

FOR LIBRARY DISTRICT PURPOSES TO BE ASSESSED, LEVIED AND COLLECTED UPON THE TAXABLE REAL PROPERTY WITHIN THE LIBRARY DISTRICT IN THE CITY AND UPON THE TAXABLE REAL PROPERTY WITHIN THE LIBRARY DISTRICT IN EACH TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) SHALL BE APPORTIONED IN ACCORDANCE WITH THE PROPORTION THAT THE FULL VALUATION WITHIN THAT PORTION OF THE LIBRARY DISTRICT IN THE CITY AND EACH TOWN SHALL BEAR TO THE FULL VALUATION WITHIN THE ENTIRE LIBRARY DISTRICT.

(B) FULL VALUATION SHALL MEAN THE VALUATION WHICH IS DERIVED BY DIVIDING THE APPROPRIATE PORTIONS OF THE ASSESSED VALUATION OF THE REAL PROPERTY CONCERNED AS SHOWN BY THE LAST COMPLETED ASSESSMENT ROLLS OF THE CITY OR THE TOWN, BY THE CITY OR RESPECTIVE TOWN EQUALIZATION RATES ESTABLISHED BY THE AUTHORIZED STATE OFFICER OR AGENCY FOR SUCH ROLLS. FULL VALUATION SHALL BE DETERMINED IN THE FOLLOWING MANNER. THE LIBRARY DISTRICT BOARD OF TRUSTEES SHALL:

(I) ASCERTAIN FROM THE LAST COMPLETED ASSESSMENT ROLL OF SUCH CITY OR TOWNS WITHIN WHICH SUCH LIBRARY DISTRICT IS SITUATED A STATEMENT OF THE ASSESSED VALUATION OF THE TAXABLE REAL PROPERTY WITHIN SUCH LIBRARY DISTRICT LOCATED IN SUCH CITY AND IN EACH TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) AFFECTED.

(II) PROCURE FROM THE APPROPRIATE STATE OFFICER OR AGENCY A STATEMENT OF THE RATIOS OF THE ASSESSED VALUATION TO THE TRUE VALUATION ESTABLISHED BY SUCH OFFICER OR AGENCY FOR THE LAST COMPLETED ASSESSMENT ROLL OF SUCH CITY AND EACH SUCH TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN).

(III) DETERMINE THE FULL VALUATION OF THE TAXABLE REAL PROPERTY WITHIN SUCH LIBRARY DISTRICT SITUATED IN SUCH CITY AND EACH SUCH TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) AFFECTED BY DIVIDING THE ASSESSED VALUATION OF SUCH REAL PROPERTY BY THE RATIO FIXED FOR THE CITY OR RESPECTIVE TOWN IN WHICH SUCH TAXABLE REAL PROPERTY IS SITUATED. THE TOTAL FULL VALUE OF THE TAXABLE REAL PROPERTY WITHIN THE ENTIRE LIBRARY DISTRICT SHALL BE ASCERTAINED BY ADDING TOGETHER THE FULL VALUE OF THE TAXABLE REAL PROPERTY WITHIN THE LIBRARY DISTRICT SITUATED IN THE CITY AND EACH TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) AFFECTED.

(IV) ASCERTAIN THE PROPORTION OF LIBRARY DISTRICT TAX LEVY TO BE ALLOCATED TO SUCH CITY AND EACH TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) AFFECTED BY MULTIPLYING THE AMOUNT OF SUCH TAX LEVY OF SUCH LIBRARY DISTRICT BY THE PERCENTAGE OR RATIO THE FULL VALUE OF THE TAXABLE REAL PROPERTY WITHIN SUCH LIBRARY DISTRICT SITUATED IN SUCH CITY OR RESPECTIVE TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) AFFECTED BEARS TO THE TOTAL FULL VALUE OF THE TAXABLE REAL PROPERTY WITHIN THE ENTIRE LIBRARY DISTRICT.

(C) THE COMMON COUNCIL AND TOWN BOARDS SHALL EACH ANNUALLY PAY OVER TO THE TREASURER OF THE LIBRARY DISTRICT ON OR BEFORE THE THIRTIETH DAY AFTER THEIR RESPECTIVE TAX COLLECTION PERIOD ENDS, THE FULL AMOUNT OF THE LEVY DUE TO THE LIBRARY DISTRICT FROM THE PARCELS SUBJECT TO THEIR RESPECTIVE LEVY. THE COMMON COUNCIL AND TOWN BOARDS MAY EACH ISSUE TAX ANTICIPATION NOTES, REVENUE ANTICIPATION NOTES OR BUDGET NOTES PURSUANT TO THE APPLICABLE PROVISIONS OF THE LOCAL FINANCE LAW TO OBTAIN THE NECESSARY MONEYS THEREFOR IN THE EVENT THE FULL LEVY OF THE LIBRARY DISTRICT ASSESSMENT THEREIN IS NOT RECEIVED BY THE DATE DUE FOR THE PROVISION OF SAME TO THE LIBRARY DISTRICT.

4. [Legislative] (A) THE LEGISLATIVE bodies of the city of Oneida[,] AND the towns of Vernon, Verona, Vienna, Lenox, and Lincoln [which include the villages of Oneida Castle, Sylvan Beach, and Wampsville] which are in the Oneida city school district shall have the [power]

1 POWERS TO AUTHORIZE, to sell and TO issue bonds, notes and other  
2 evidences of indebtedness pursuant to THE PROVISIONS OF the local  
3 finance law in order to permit the library district to provide [facili-  
4 ties or improved facilities] CAPITAL IMPROVEMENTS for library purposes.  
5 Upon written request from the board of trustees of the library district,  
6 after approval by the qualified voters of such district, [the respective  
7 legislative bodies jointly shall authorize, sell and issue such bonds,  
8 notes, or other evidences of indebtedness as are necessary to accomplish  
9 the improvements specified in the notice. The proceeds of such bonds,  
10 notes or other evidences of indebtedness shall be paid to the treasurer  
11 of the library district and maintained in a segregated account in  
12 accordance with section 165.00 of the local finance law and expended by  
13 the treasurer only on specific authorization by the board of trustees]  
14 THE RESPECTIVE LEGISLATIVE BODIES SHALL AUTHORIZE, SELL AND ISSUE SUCH  
15 BONDS, NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS AS ARE NECESSARY TO  
16 ACCOMPLISH THE CAPITAL IMPROVEMENT SPECIFIED IN THE REQUEST, AS SO  
17 APPROVED BY THE VOTERS OF THE LIBRARY DISTRICT EITHER (I) AS JOINT  
18 INDEBTEDNESS IN ACCORDANCE WITH THE PROVISIONS OF TITLE 1-A OF ARTICLE 2  
19 OF THE LOCAL FINANCE LAW OR (II) AS SEVERAL INDEBTEDNESS OF THE CITY OF  
20 ONEIDA AND THE TOWNS OF VERNON, VERONA, VIENNA, LENOX AND LINCOLN, EACH  
21 ISSUING THEIR PRO-RATA SHARE OF SUCH INDEBTEDNESS IN JUST PROPORTION  
22 DETERMINED BY THE RATIO AND METHODOLOGY PROVIDED IN SUBDIVISION THREE OF  
23 THIS SECTION. THE PROPORTION OF INDEBTEDNESS TO BE ALLOCATED TO THE CITY  
24 OF ONEIDA AND EACH OF THE TOWNS SHALL BE DETERMINED BY MULTIPLYING THE  
25 AMOUNT OF SUCH INDEBTEDNESS TO BE ISSUED FOR THE CAPITAL IMPROVEMENT BY  
26 THE PERCENTAGES OR RATIO THE FULL VALUATION OF THE TAXABLE REAL PROPERTY  
27 OF SUCH CITY OR TOWN, SITUATED IN SUCH CITY OR EACH TOWN, BEARS TO THE  
28 FULL VALUATION OF ALL OF THE TAXABLE REAL PROPERTY WITHIN THE LIBRARY  
29 DISTRICT.

30 (B) UPON ADOPTION OF A RESOLUTION BY THE AFFIRMATIVE VOTE OF A MAJORI-  
31 TY OF THE VOTING STRENGTH OF THE BOARD OF TRUSTEES OF THE LIBRARY  
32 DISTRICT, AFTER APPROVAL OF THE QUALIFIED VOTERS OF SUCH LIBRARY  
33 DISTRICT, NOTHING PROVIDED HEREIN SHALL PRECLUDE THE LIBRARY DISTRICT  
34 FROM ENTERING INTO A FINANCING TRANSACTION WITH THE DORMITORY AUTHORITY  
35 OF THE STATE OF NEW YORK OR ANY LOCAL DEVELOPMENT CORPORATION ESTAB-  
36 LISHED PURSUANT TO SECTION 1411 OF THE NOT-FOR-PROFIT CORPORATION LAW  
37 FOR THE FINANCING OF ANY CAPITAL IMPROVEMENT. THE LIBRARY DISTRICT IS  
38 HEREBY AUTHORIZED TO ENTER INTO SUCH AGREEMENTS AS MAY BE OTHERWISE  
39 PERMISSIBLE BY LAW TO FINANCE ANY SUCH CAPITAL IMPROVEMENT THROUGH THE  
40 AUSPICES OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK PURSUANT TO  
41 TITLE 4 OF ARTICLE 8 OF THE PUBLIC AUTHORITIES LAW, OR THE AUSPICES OF A  
42 LOCAL DEVELOPMENT CORPORATION DULY ESTABLISHED AND AUTHORIZED TO FINANCE  
43 SUCH CAPITAL IMPROVEMENTS ON BEHALF OF A PUBLIC LIBRARY DISTRICT. THE  
44 PROCEEDS OF SUCH BONDS, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS SHALL  
45 BE PAID TO THE TREASURER OF THE LIBRARY DISTRICT AND MAINTAINED IN A  
46 SEGREGATED ACCOUNT IN ACCORDANCE WITH SECTION 165.00 OF THE LOCAL  
47 FINANCE LAW AND EXPENDED BY SAID TREASURER ONLY ON SPECIFIC AUTHORI-  
48 ZATION BY THE BOARD OF TRUSTEES OF THE LIBRARY DISTRICT.

49 5. The board of trustees of the library district may accept on behalf  
50 of the LIBRARY district any absolute gift, devise or bequest of real or  
51 personal property and such conditional gifts, devises, or bequests as it  
52 shall by resolution approve.

53 6. (A) The treasurer of the library district shall be custodian of all  
54 funds of the library district including gifts and trust funds paid over  
55 to the BOARD OF trustees. The board of trustees may authorize the  
56 investment of funds in the custody of the treasurer in the same manner

1 in which [village,] town, city or school district funds may be invested.  
2 Proceeds of obligations received from the [villages, town, and] city  
3 [may] OR TOWNS FOR CAPITAL IMPROVEMENTS SHALL be invested in accordance  
4 with section 165.00 of the local finance law AND SECTIONS 10 AND 11 OF  
5 THE GENERAL MUNICIPAL LAW. The [mayor] COMPTROLLER OF THE CITY of Oneida  
6 and the supervisors of the towns of Verona, Vernon, Vienna, Lenox, and  
7 Lincoln shall promptly pay over to the library district all moneys which  
8 belong to or are raised for the library district. No moneys shall be  
9 disbursed by the treasurer of the library district except after audit by  
10 the board of trustees. The board of trustees shall audit all claims and  
11 shall order the payment thereof, except as otherwise provided by this  
12 section. No such claims shall be audited or ordered paid by the trustees  
13 unless an itemized voucher therefor shall be presented to the board of  
14 trustees for audit and allowances. The provisions of this section shall  
15 not be applicable to payment of claims of fixed salaries in amounts  
16 which the library district may be required to pay on account of retire-  
17 ment contributions for past or current services to officers and employ-  
18 ees of the library district. The treasurer shall keep such records in  
19 such manner as the board of trustees may require.

20 (B) THE LIBRARY DISTRICT SHALL PROVIDE SUCH INVESTMENT AND EXPENDITURE  
21 RECORDS OF ANY PROCEEDS OF BONDS, NOTES OR OTHER EVIDENCE OF INDEBT-  
22 EDNESS ISSUED ON BEHALF OF THE LIBRARY DISTRICT FOR CAPITAL IMPROVEMENTS  
23 AS MAY BE REQUIRED BY THE CITY, TOWNS, THE DORMITORY AUTHORITY OF THE  
24 STATE OF NEW YORK OR A LOCAL DEVELOPMENT CORPORATION IN ORDER FOR SAME  
25 TO COMPLY WITH THE REQUIREMENTS OF SECTION 148 OF THE INTERNAL REVENUE  
26 CODE OF 1986, AS AMENDED, WITH REGARD TO ANY BONDS, NOTES OR OTHER  
27 EVIDENCES OF INDEBTEDNESS ISSUED TO FINANCE A CAPITAL IMPROVEMENT OF THE  
28 LIBRARY DISTRICT.

29 S 3. Section 6 of chapter 493 of the Laws of 1996, relating to author-  
30 izing the establishment of the Oneida public library district, is  
31 amended to read as follows:

32 S 6. Ad valorem levy. The several lots and parcels of land within the  
33 area of the Oneida public library district are hereby determined to be  
34 benefitted by the library facilities and services existing as of the  
35 effective date of this act [and the]. THE city of Oneida, and the towns  
36 of Vernon, Verona, Vienna, Lenox, and Lincoln are hereby authorized to  
37 assess, levy and collect [the necessary expenses of operation, mainte-  
38 nance and repair of such facilities and services and such capital  
39 improvements including debt service on bonds, notes or other evidences  
40 of indebtedness issued for the purpose of such library district as may  
41 be hereafter authorized pursuant to the provisions of this act from such  
42 lots and parcels of land] SUFFICIENT MONIES FROM SUCH LOTS AND PARCELS  
43 OF LAND THEREIN, IN ACCORDANCE WITH THE DETERMINATION OF THEIR RESPEC-  
44 TIVE SHARES AS PROVIDED IN SUBDIVISION THREE OF SECTION FOUR OF THIS  
45 ACT, AS PROVIDED IN THE ANNUAL BUDGETS OF THE LIBRARY DISTRICT TO PAY  
46 ALL NECESSARY EXPENSES OF OPERATION, MAINTENANCE AND REPAIR OF SUCH  
47 FACILITIES AND PROVISION OF SUCH SERVICES TOGETHER WITH THE COSTS OF  
48 CAPITAL IMPROVEMENTS INCLUDING DEBT SERVICE ON BONDS, NOTES OR OTHER  
49 EVIDENCE OF INDEBTEDNESS ISSUED FOR THE PURPOSE OF SUCH LIBRARY DISTRICT  
50 AS MAY BE HEREAFTER AUTHORIZED PURSUANT TO THE PROVISIONS OF THIS ACT.

51 S 4. Section 7 of chapter 493 of the Laws of 1996, relating to author-  
52 izing the establishment of the Oneida public library district, is  
53 amended to read as follows:

54 S 7. Education law applicability. THE LIBRARY DISTRICT SHALL CONSTI-  
55 TUTE A PUBLIC LIBRARY PURSUANT TO THE PROVISIONS OF THE EDUCATION LAW AS  
56 THE SAME MAY, FROM TIME TO TIME, BE AMENDED, AND SHALL HAVE THE POWERS

1 AND DUTIES, EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, NOW OR HEREAFTER  
2 CONFERRED BY LAW UPON PUBLIC LIBRARIES AND THEIR TRUSTEES. Except as  
3 [otherwise] provided by this act, the provisions of the education law  
4 relating to public libraries shall be applicable to the public library  
5 district established by this act. THE LIBRARY DISTRICT SHALL CONSTITUTE  
6 A BODY CORPORATE AND POLITIC AND BE PERPETUAL IN DURATION.  
7 S 5. This act shall take effect immediately.