S T A T E O F N E W Y O R K

6205

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

Introduced by M. of A. BARRA -- read once and referred to the Committee on Libraries and Education Technology

AN ACT to amend the education law, in relation to use of library services by unserved residents of public library systems; and providing for the payment of public library taxes by residents of certain villages and school districts

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

Section 1. a. Notwithstanding any inconsistent provision of article 5 of title 1 of the education law or any other provision of law, the board of trustees of any village with thirty-five thousand or more residents is hereby empowered and authorized, after public hearing, to exempt by local law, and the board of any school district located within a town of seven hundred thousand or more residents is hereby empowered and authorized, after public hearing, to exempt by resolution, those owners of one and two family owner occupied residences located within such village and school district and who pay village taxes to such village, a portion of which is allocated for the support of a village library and who also pay taxes to such school district for the support of a school district library from the payment of such portion of the tax allocated for the support of either such village or school district library. Nothing contained in this act shall, in any way, relieve any such exempted property from any obligation for any outstanding bonded or contracted indebtedness attributable to the school district library.

b. Upon adoption of such local law and/or resolution, the village and/or school district, as the case may be, shall, within thirty days thereof, notify or cause to be notified, each person owning residential real property in such village and school district of the provisions of such local law and/or resolution. The provisions of this subdivision may be met by sending a notice to such persons reading "You may be eligible for certain village and/or school district tax exemptions relating to

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

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libraries. For information please call or write...." followed by the name, telephone number and/or address of a person or department selected by the village and/or school district to explain the provisions of such local law and/or resolution. Failure to notify or cause to be notified any person who is in fact eligible to receive the exemption provided by such local law and/or resolution or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes imposed by any such village or school district.

c. Application for such exemption shall be made by the owner on forms prescribed by the state board of real property services to be furnished by the appropriate assessing authority and shall furnish the information and be executed in the manner required or prescribed in such forms. Upon completion, the applicant shall file two copies of said form, one with the assessing authority for the village and the other with the assessing authority for the school district before the next appropriate taxable status date. Any such owner of real property shall only be exempted from the payment of library taxes to either the village or the school district and not to both. The election by a property owner to accept a tax exemption of the village or school district, as the case may be, shall be irrevocable and shall be binding upon such property owner so long as the electing owner owns and resides on such property. Provided, that this exemption shall not be binding upon any new owner as a result of the transfer of the property. Upon transfer, a new owner shall be required to follow the application procedures set forth in this subdivision in order to be eligible for such exemption.

d. The granting of an exemption to the owner of real property pursuant to the provisions of subdivision a of this section shall in no manner serve to limit or alter the library privileges of such owner or any member of his or her family residing upon such property or any other lawful resident upon such property in the library system of the applicable taxing jurisdiction to which such property owner continues to pay taxes pursuant to the provisions of this act.

S 2. Paragraph h of subdivision 1 of section 272 of the education law, as amended by chapter 787 of the laws of 1978, is amended to read as follows:

h. (1) 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] 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.

(2) SUCH REGULATION PROVIDING FOR THE STANDARD OF SERVICE OF A PUBLIC LIBRARY SYSTEM, SHALL AUTHORIZE AND PROVIDE FOR THE ISSUANCE, UPON PAYMENT OF A REASONABLE FEE, OF A CARD TO ANY PERSON WHO RESIDES WITHIN THE AREA SERVED BY THE PUBLIC LIBRARY SYSTEM, BUT WHO DOES NOT RESIDE WITHIN THE AREA SERVED BY ANY OF THE MEMBER LIBRARIES OF SUCH SYSTEM. THE ISSUANCE OF SUCH A CARD PURSUANT TO THIS SUBPARAGRAPH, SHALL ENTITLE THE HOLDER THEREOF TO ALL THE RIGHTS AND PRIVILEGES OF A RESIDENT OF THE MEMBER LIBRARY DISTRICT OF WHICH SUCH CARD HOLDER ELECTS TO BECOME A MEMBER.

S 3. This act shall take effect immediately; except that section one of this act shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January first next succeeding the date on which such local law and/or resolution shall have been adopted; and section two of this act shall take effect on the one hundred twentieth day after it shall have become a law and the commissioner of education is authorized and directed to promulgate, amend and/or repeal any rule or regulation necessary to implement the provisions of such section on its effective date on or before such date.