

680

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CALHOUN, CROUCH, ERRIGO, BARRA -- Multi-Sponsored
by -- M. of A. ALFANO, BACALLES, BURLING, BUTLER, FINCH, FITZPATRICK,
GIGLIO, McDONOUGH, MILLER, RABBITT, SAYWARD, TEDISCO, THIELE, TOWN-
SEND, WALKER -- read once and referred to the Committee on Libraries
and Education Technology

AN ACT to amend the real property tax law and the education law, in
relation to school district libraries

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

1 Section 1. Section 1308 of the real property tax law is amended to
2 read as follows:
3 S 1308. Property subject to levy. [Except as provided in section thir-
4 teen hundred ten of this chapter, school] SCHOOL district taxes shall be
5 levied by the school authorities upon all real property within the boun-
6 daries of the district which is not by law exempt from such taxation.
7 Such taxes shall be levied against each parcel of such real property. In
8 all cases the levy shall be deemed as against the real property itself.
9 A SCHOOL DISTRICT MAY LEVY LIBRARY TAXES IN ONLY ONE PART OF THE SCHOOL
10 DISTRICT. The name of the owner, last known owner or reputed owner shall
11 be regarded as an aid to identify such parcel. A mistake in any such
12 name shall not affect the validity of the levy against the parcel.
13 S 2. Section 261 of the education law, as amended by chapter 476 of
14 the laws of 1977, is amended to read as follows:
15 S 261. Incorporation. Within one month after taking office, the first
16 board of trustees of any such public library or Indian library shall
17 apply to the regents for a charter in accordance with the vote estab-
18 lishing the library. IF IT SHALL APPEAR TO THE REGENTS THAT THE SERVICE
19 AREA PROPOSED FOR ANY SUCH PUBLIC LIBRARY INCLUDES ANY AREAS ALREADY
20 SERVED BY A CHARTERED LIBRARY, THE REGENTS SHALL DISAPPROVE SUCH APPLI-
21 CATION AND THE CHARTER SHALL NOT BE GRANTED.

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

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1 S 3. Section 263 of the education law, as renumbered by chapter 273 of
2 the laws of 1950, is amended to read as follows:

3 S 263. Reports. 1. Every library or museum, other than a school
4 library, which enjoys any exemption from taxation or receives state aid
5 or other privilege not usually accorded to business corporations shall
6 make the report required by section two hundred fifteen of this [chap-
7 ter] ARTICLE, and such report shall relieve the institution from making
8 any report now required by statute or charter to be made to the legisla-
9 ture or to any department, court or other authority of the state. These
10 reports shall be summarized and transmitted to the legislature by the
11 regents with the annual reports of the university.

12 2. EVERY SCHOOL LIBRARY SHALL, ON OR BEFORE JANUARY THIRTY-FIRST, TWO
13 THOUSAND NINE, REVIEW THEIR CHARTER TO DETERMINE IF ANY PART OF ITS
14 LIBRARY SERVICE AREA INCLUDES PARCELS OF LAND ALREADY SERVED BY A CHAR-
15 TERED LIBRARY. IF SUCH A SITUATION EXISTS, THE LIBRARY MUST FILE A CHAR-
16 TER AMENDMENT WITH THE REGENTS, CHANGING THE SERVICE AREA OF THE LIBRARY
17 TO EXCLUDE ANY SUCH PARCELS OF LAND.

18 S 4. Subdivision 1 of section 272 of the education law is amended by
19 adding a new paragraph m to read as follows:

20 M. THE COMMISSIONER SHALL, FOR THE FIRST FIVE YEARS AFTER THE EFFEC-
21 TIVE DATE OF THIS PARAGRAPH, HOLD HARMLESS, WITH FUNDING FROM THE STATE,
22 ANY SCHOOL LIBRARIES WHICH LOSE REVENUE OVER THE PRIOR YEAR SOLELY
23 BECAUSE OF THE IMPACT OF THE AMENDMENTS TO SECTION THIRTEEN HUNDRED
24 EIGHT OF THE REAL PROPERTY TAX LAW AND SECTIONS TWO HUNDRED SIXTY-ONE
25 AND TWO HUNDRED SIXTY-THREE OF THIS ARTICLE BY THE CHAPTER OF THE LAWS
26 OF TWO THOUSAND NINE WHICH ADDED THIS PARAGRAPH IN THE FOLLOWING AMOUNT:
27 ONE HUNDRED PERCENT OF SUCH AMOUNT IN THE FIRST YEAR; EIGHTY PERCENT OF
28 SUCH AMOUNT IN THE SECOND YEAR; SIXTY PERCENT OF SUCH AMOUNT IN THE
29 THIRD YEAR; FORTY PERCENT OF SUCH AMOUNT IN THE FOURTH YEAR; TWENTY
30 PERCENT OF SUCH AMOUNT IN THE FIFTH YEAR; AND THEREAFTER SUCH PAYMENTS
31 SHALL CEASE TO BE ALLOWED.

32 S 5. This act shall take effect on the ninetieth day after it shall
33 have become a law.