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

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2011-2012 Regular Sessions

I N A S S E M B L Y

June 13, 2011

Introduced by M. of A. J. MILLER -- read once and referred to the Committee on Libraries and Education Technology -- recommitted to the Committee on Libraries and Education Technology in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Creation of library district. Notwithstanding the provisions of any general, special, or local law to the contrary, there is hereby created and established in the town of LaGrange, county of Dutchess, a public library district which shall be known as the LaGrange public library district, hereinafter referred to as the district, and which shall consist of all the territory within the town of LaGrange, hereinafter referred to as the town. The district will operate a public library to be known as the LaGrange public library.

S 2. Election. 1. The district herein described shall not come into existence unless and until it is approved with the initial budget in support thereof proposed by the board of trustees of the existing LaGrange library, and nine trustees are elected by a vote of the majority of the qualified voters voting in an election held, not later than September 30, 2013, pursuant to the following provisions:

Upon receipt of a petition signed by not less than twenty-five voters qualified to vote at a general election in the town, the board of trus-

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

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tees of the existing LaGrange library shall conduct an election at which the issues shall be:

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

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

The board of trustees of the existing LaGrange library shall give notice of such election by publication of notice at least twice in one or more newspapers having a general circulation in the district to be served. The first publication of such notice shall be not less than thirteen days and not more than twenty days prior to the date of such election. In addition, the board of trustees of the existing LaGrange library shall cause copies of such notice to be posted conspicuously in three public places in the district at least thirteen days prior to the date of such election. Such notice shall specify the date and time when and the place where such election will be held and the issues to be decided at such election. The board of trustees of the existing LaGrange library shall designate a resident qualified voter of such district to act as chairperson of any election of such district and shall designate not less than two nor more than four resident qualified voters to act as election inspectors and ballot clerks at such election. No trustee of the existing LaGrange library shall serve as chairperson or as an election inspector or ballot clerk. The board of trustees of the existing LaGrange library may adopt a resolution providing that such chairperson, election inspectors and ballot clerks shall be paid reasonable compensation for their respective services at such election. Every voter who is a resident of the district and otherwise qualified to vote at a general election in the town shall be qualified to vote at said election. The board of trustees of the existing LaGrange library may, to the extent authorized by law, authorize the use of absentee ballots for the election. After the polls have closed at such election, the election inspectors and the ballot clerks shall immediately canvass publicly the ballots cast and the chairperson of the election shall publicly announce the result. Within seventy-two hours thereafter, the chairperson, election inspectors and ballot clerks shall execute and file a certificate of the result of the canvass with the board of trustees of the existing LaGrange library and the town clerk. If a majority of the voters approve the formation of the district with the initial budget in support thereof proposed by the board of trustees of the existing LaGrange library, then the district shall come into existence on the terms and conditions set forth in this act.

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

3. Candidates for the office of member of the board of trustees of the LaGrange public library district shall be nominated by petition. No vacancy to be filled on the board of trustees shall be considered a separate, specific office. A separate petition shall be required to nominate each candidate for a vacancy on the board. Each petition shall be directed to the secretary of the board of trustees of the existing LaGrange library, shall be signed by at least twenty-five qualified

voters of the district, shall state the residence of each signer, and shall state the name and residence of the candidate. In the event that any such nominees shall withdraw their candidacy prior to the election, such person shall not be considered a candidate unless a new petition nominating such person in the same manner and within the same time limitation applicable to other candidates is filed with the secretary of the board of trustees of the existing LaGrange library. Each petition shall be filed with the secretary of the board of trustees of the existing LaGrange library, between the hours of 9:00 a.m. and 5:00 p.m., not later than the thirtieth day before the election at which the candidates nominated are to be elected. In the event that the new district is created, petitions nominating candidates for the board of trustees for all future elections shall be filed with the secretary of the LaGrange public library district.

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

S 4. Finances. 1. The initial budget to support the district shall be determined by a vote of the voters of the district in the initial election as hereinafter provided for. All future budgets that increase or decrease the district's proposed tax levy as compared to the tax levy in the preceding fiscal year's budget shall be submitted to the residents voting at the annual election of trustees pursuant to section two of this act. Funds voted for library purposes at the initial election and at all future elections shall be considered an annual appropriation

therefor and shall be levied and collected yearly by the town for the district in the same manner and at the same time as other taxes in the town.

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

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

4. The town board of the town shall have the power to authorize, sell, and issue bonds, notes, and other evidences of indebtedness pursuant to the local finance law in order to permit the district to provide facilities or improved facilities for library purposes. Upon written request from the board of trustees of the district, after approval by the qualified voters of such district, the town board shall authorize, sell, and issue such bonds, notes, or other evidences of indebtedness as are necessary to accomplish the improvements specified in the notice. The proceeds of such bonds, notes, or other evidences of indebtedness shall be paid to the treasurer of the district and maintained in a segregated account in accordance with section 165.00 of the local finance law and expended by the treasurer only on specific authorization by the board of trustees.

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

6. The treasurer of the district shall be custodian of all funds of the district, including gifts and trust funds paid over to the trustees. The board of trustees may authorize the investment of funds in the custody of the treasurer in the same manner in which town funds may be invested. Proceeds of obligations received from the town may be invested in accordance with section 165.00 of the local finance law. The town of LaGrange shall promptly pay over to the district all monies which belong to or are raised for the district. No monies shall be disbursed by the treasurer of the district except after audit by the board of trustees. The board of trustees of the district shall audit all claims and shall order the payment thereof, except as otherwise provided by this section. No such claims shall be audited or ordered paid by the trustees unless an itemized voucher therefor shall be presented to the board of trustees for audit and allowance. The provisions of this section shall not be applicable to payment of utility costs, claims of fixed salaries, and amounts which the district may be required to pay on account of retirement contributions for past or current services to officers and employees 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, relating to including the Ethelbert B. Crawford public library within

the provisions of such chapter, as proposed in legislative bills numbers S. 6287 and A. 9159, is amended to read as follows:

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

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

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

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

(b) subdivision 42 of section 5 of chapter 672 of the laws of 1993, as designated by section nine of this act shall take effect on the same date and in the same manner as 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, takes effect;

(c) subdivision 43 of section 5 of chapter 672 of the laws of 1993, as designated by section nine of this act shall take effect on the same date and in the same manner as 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 Ethelbert B. Crawford Public Library District within the provisions of such chapter, as proposed in legislative bills numbers S. 6287 and A. 9159, takes effect; and

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