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

S. 7679 A. 9909

S E N A T E - A S S E M B L Y

May 28, 2014

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

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

AN ACT making certain findings and determinations with respect to certain payments to the Hampton Bays Public Library from the Town of Southampton, county of Suffolk, from its community preservation fund in relation to the limit upon real property tax levies by local governments

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

Section 1. Legislative findings. The Hampton Bays public library is a free association library organized pursuant to the laws of the state of New York. Revenues for the library are raised by a property tax levied upon the residents of the Hampton Bays union free school district. As such the Hampton Bays public library is considered a local government pursuant to section 3-c of the general municipal law, limiting real property tax levies by local governments. Further, pursuant to section 2 of chapter 330 of the laws of 2011, the Hampton Bays public library is also eligible for payments from the town of Southampton, county of Suffolk, from its community preservation fund. Such payments are made to mitigate the impact of lost property tax revenues from lands wholly exempt from taxation as a result of their acquisition by the federal, state or local government for the preservation of community character as defined in subdivision 4 of section 64-e of the town law. Such payments are considered to be payments in lieu of taxes pursuant to section 3-c of the general municipal law. Such payments in lieu of taxes are a factor in the calculation of the tax levy limit pursuant to said law.

In 2014, the Hampton Bays public library was entitled to a payment from the town of Southampton pursuant to section 2 of chapter 330 of the laws of 2011 in the amount of $36,281. However, due to an administrative error, said payment was not made in 2014. The town of Southampton will

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

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be making both the 2014 payment and the 2015 payment to the Hampton Bays public library as part of the town budget for 2015.

Without state legislation, the 2014 payment and 2015 payment will both be attributed to 2015, the coming fiscal year, as part of the Hampton Bays public library's calculation of its tax levy limit for the 2015 library budget. The impact will be to set an artificially low tax levy limit for the Hampton Bays public library for 2015. Specifically, without state legislation, the Hampton Bays public library will require a sixty percent supermajority for library budget adoption because the tax levy limit will be exceeded. The tax levy limit will be exceeded solely because of the 2014 payment being made in 2015. It will also make residents of the Hampton Bays union free school district ineligible for a tax rebate from the state of New York with regard to any increase in the library tax levy.

It is the intent of this act to permit the Hampton Bays library district to include the payment in the amount of $36,281 for 2014 from the town of Southampton, as a payment in lieu of taxes as a payment for the prior fiscal year and not the coming fiscal year in the calculation of its tax levy limit for 2015.

S 2. Notwithstanding any provision of law to the contrary, the payment in the amount of $36,281 for the year 2014 from the town of Southampton, county of Suffolk, from its community preservation fund to mitigate the impact of lost property tax revenues from lands wholly exempt from taxation as a result of their acquisition by the federal, state or local government for the preservation of community character as defined in subdivision 4 of section 64-e of the town law shall be added to the prior fiscal year and not subtracted for the coming fiscal year for the purposes of calculating its tax levy limit for the year 2015.

S 3. This act shall take effect immediately.