

7785--A

Cal. No. 1308

I N   S E N A T E

May 12, 2016

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Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend chapter 524 of the laws of 1987, relating to establishing the Greater Poughkeepsie library district, in the city and town of Poughkeepsie, Dutchess county, in relation to the election of trustees and the annual budget of such library

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

1     Section 1. Section 6 of chapter 524 of the laws of 1987, relating to  
2     establishing the Greater Poughkeepsie library district, in the city and  
3     town of Poughkeepsie, Dutchess county, as amended by chapter 361 of the  
4     laws of 1997, is amended to read as follows:  
5     S 6. (A) The district shall be governed by a board of trustees  
6     consisting of eleven trustees. [The trustees of the Greater Poughkeepsie  
7     library district as of the effective date of the chapter of the laws  
8     of 1997 which added this provision shall become trustees, immediately,  
9     of the Poughkeepsie public library district.] Seven of the trustees  
10    shall be elected at an election to be held within the town and four of  
11    the trustees shall be elected at an election to be held within the  
12    portion of the district located in the city. The trustees elected [at  
13    the election in] BY THE VOTERS OF the town must be QUALIFIED VOTERS AND  
14    residents of the town and the trustees elected [in] BY THE VOTERS OF the  
15    city must be QUALIFIED VOTERS AND residents of the city. NOMINATING  
16    PETITIONS SHALL BE CIRCULATED AND FILED AT THE SAME TIME AS INDEPENDENT  
17    PETITIONS, AS DETERMINED ANNUALLY BY THE NEW YORK STATE BOARD OF  
18    ELECTIONS. A SEPARATE PETITION SHALL BE REQUIRED TO NOMINATE EACH CANDI-  
19    DATE FOR A VACANCY ON THE BOARD. EACH PETITION SHALL BE SIGNED BY AT  
20    LEAST TWENTY-FIVE QUALIFIED VOTERS OF THE CITY OR TOWN IN WHICH THE  
21    VACANCY OCCURS. PETITIONS SHALL STATE THE RESIDENCE OF EACH SIGNER, AND  
22    SHALL STATE THE NAME AND RESIDENCE OF THE CANDIDATE.

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

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1 [The trustees] (B) A TRUSTEE shall serve for a term of five years and  
2 until his or her successor is elected and qualified. [Two-thirds of the  
3 trustees shall constitute a quorum. Action of the trustees shall require  
4 a two-thirds vote of the entire board. Vacancies shall be filled by  
5 appointment by the trustees, provided, however, that an election shall  
6 be held at the first available general election day after the happening  
7 of a vacancy.] VACANCIES CAUSED BY RESIGNATION, REMOVAL, DEATH, OR  
8 INABILITY TO SERVE SHALL BE FILLED BY APPOINTMENT BY THE BOARD OF TRUS-  
9 TEES OF THE DISTRICT UNTIL THE NEXT GENERAL ELECTION, AT WHICH TIME THE  
10 VACANCY SHALL BE FILLED BY ELECTION FOR THE REMAINING PORTION OF THE  
11 TERM. ELECTION OF TRUSTEES SHALL TAKE PLACE ON THE SAME DAY AND BALLOT  
12 AS THE GENERAL ELECTION AS ADMINISTERED BY THE BOARD OF ELECTIONS WITH  
13 THE RESULTS OF SAID ELECTION BEING CERTIFIED BY THE BOARD OF ELECTIONS.  
14 The person or persons appointed by the trustees shall serve until a  
15 successor is elected and qualified as provided herein. Vacancies for  
16 trustees elected within the city shall be filled by city residents and  
17 vacancies for trustees elected within the town shall be filled by town  
18 residents.

19 (C) TWO-THIRDS OF THE TRUSTEES SHALL CONSTITUTE A QUORUM. ACTION OF  
20 THE TRUSTEES SHALL REQUIRE A TWO-THIRDS VOTE OF THE ENTIRE BOARD.

21 (D) THE BOARD OF TRUSTEES OF THE POUGHKEEPSIE PUBLIC LIBRARY DISTRICT  
22 SHALL GIVE NOTICE OF ELECTIONS BY PUBLICATION OF NOTICE AT LEAST TWICE  
23 IN ONE OR MORE NEWSPAPERS HAVING A GENERAL CIRCULATION IN THE DISTRICT  
24 TO BE SERVED. THE FIRST PUBLICATION OF SUCH NOTICE SHALL BE NOT LESS  
25 THAN THIRTEEN DAYS AND NOT MORE THAN TWENTY DAYS PRIOR TO THE DATE OF  
26 SUCH ELECTION. IN ADDITION, THE BOARD OF TRUSTEES OF THE DISTRICT SHALL  
27 CAUSE COPIES OF SUCH NOTICE TO BE POSTED CONSPICUOUSLY IN THREE PUBLIC  
28 PLACES IN THE DISTRICT AT LEAST THIRTEEN DAYS PRIOR TO THE DATE OF SUCH  
29 ELECTION. SUCH NOTICE SHALL SPECIFY THE DATE AND TIME WHEN AND THE PLACE  
30 WHERE SUCH GENERAL ELECTION WILL BE HELD. EVERY VOTER WHO IS A RESIDENT  
31 OF THE DISTRICT AND OTHERWISE QUALIFIED TO VOTE AT A GENERAL ELECTION IN  
32 THE TOWN OR CITY SHALL BE QUALIFIED TO VOTE AT SAID ELECTION. THE BOARD  
33 OF TRUSTEES MAY, TO THE EXTENT AUTHORIZED BY LAW AND IN CONJUNCTION WITH  
34 THE BOARD OF ELECTIONS, AUTHORIZE THE USE OF ABSENTEE BALLOTS FOR THE  
35 ELECTION. AFTER THE POLLS HAVE CLOSED AT SUCH ELECTION, THE BOARD OF  
36 ELECTIONS SHALL CERTIFY THE RESULTS OF SAID ELECTION IN ACCORDANCE WITH  
37 APPLICABLE LAW.

38 (E) CANDIDATES FOR THE OFFICE OF MEMBER OF THE BOARD OF TRUSTEES OF  
39 THE POUGHKEEPSIE PUBLIC LIBRARY DISTRICT SHALL BE NOMINATED BY PETITION.  
40 NO VACANCY TO BE FILLED ON THE BOARD OF TRUSTEES SHALL BE CONSIDERED A  
41 SEPARATE, SPECIFIC OFFICE. A SEPARATE PETITION SHALL BE REQUIRED TO  
42 NOMINATE EACH CANDIDATE FOR A VACANCY ON THE BOARD. EACH PETITION SHALL  
43 BE DIRECTED TO THE SECRETARY OF THE BOARD OF TRUSTEES OF THE LIBRARY,  
44 SHALL BE SIGNED BY AT LEAST TWENTY-FIVE QUALIFIED VOTERS OF THE  
45 DISTRICT, SHALL STATE THE RESIDENCE OF EACH SIGNER, AND SHALL STATE THE  
46 NAME AND RESIDENCE OF THE CANDIDATE. IN THE EVENT THAT ANY SUCH NOMINEES  
47 SHALL WITHDRAW THEIR CANDIDACY PRIOR TO THE ELECTION, SUCH PERSON SHALL  
48 NOT BE CONSIDERED A CANDIDATE UNLESS A NEW PETITION NOMINATING SUCH  
49 PERSON IN THE SAME MANNER AND WITHIN THE SAME TIME LIMITATION APPLICABLE  
50 TO OTHER CANDIDATES IS FILED WITH THE SECRETARY OF THE BOARD OF TRUSTEES  
51 OF THE LIBRARY. EACH PETITION SHALL BE FILED WITH THE SECRETARY OF THE  
52 BOARD OF TRUSTEES OF THE LIBRARY, BETWEEN THE HOURS OF 9:00 A.M. AND  
53 5:00 P.M., NOT LATER THAN THE SIXTIETH DAY BEFORE THE ELECTION AT WHICH  
54 THE CANDIDATES NOMINATED ARE TO BE ELECTED.

55 S 2. Subdivision (b) of section 3 of chapter 524 of the laws of 1987,  
56 relating to establishing the Greater Poughkeepsie library district, in

1 the city and town of Poughkeepsie, Dutchess county, as amended by chap-  
2 ter 361 of the laws of 1997, is amended to read as follows:

3 (b) Commencing in 1997 for the budget to be prepared for fiscal year  
4 1998 the proposed annual budget, and propositions of supplemental appro-  
5 priations, if any, and a proposition for capital expenditure, if any,  
6 for the district as established by the trustees shall be placed before  
7 the voters in the general election ON THE SAME DAY AND BALLOT AS THE  
8 GENERAL ELECTION AS ADMINISTERED BY THE BOARD OF ELECTIONS WITH THE  
9 RESULTS OF SAID ELECTION BEING CERTIFIED BY THE BOARD OF ELECTIONS in  
10 the year preceding the year for which the proposed budget has been  
11 established. Each proposition for supplemental appropriation shall iden-  
12 tify a singular purpose and specific dollar appropriation and shall be  
13 worded in such a manner as to require an affirmative vote for passage.  
14 All budget propositions, including the annual budget propositions for  
15 supplemental appropriations, and propositions for capital expenditures  
16 will require approval by a majority of voters in the city and, also, a  
17 majority of voters in the town, hereinafter referred to as the majority.  
18 Upon approval of such proposed operating budget, and of the proposition  
19 for supplemental appropriations, and of the proposition authorizing  
20 indebtedness for capital construction by the majority, the proposed  
21 budget including the supplemental appropriations and capital revenues  
22 and expenditures shall become the budget of the district for the follow-  
23 ing fiscal year. In the event that the proposition for indebtedness is  
24 approved by the majority, the city and the town shall incur such indebt-  
25 edness on behalf of the district, and such indebtedness shall be appor-  
26 tioned between the city and the town pursuant to the formula set forth  
27 in this section. In the event that the proposed budget is not approved  
28 by the majority, the proposed budget shall be deemed amended so that the  
29 portion of the proposed budget providing for real property tax revenue  
30 to be received from the city and town be changed to equal the real prop-  
31 erty tax revenue provided for in the district budget in effect as of the  
32 time of the vote as amended by the supplemental appropriations if  
33 approved. In the event that a proposition for supplemental appropri-  
34 ations or for capital purposes is not approved by the majority, no  
35 appropriation shall be included for such unapproved proposition. In the  
36 event that the voters do not approve the proposed budget as aforesaid,  
37 and upon the proposed budget being deemed amended as aforesaid, the real  
38 property taxes to be levied by the city and the town for the district  
39 shall be levied in an amount required to provide the city and town  
40 contribution as herein set forth rather than the city and town contrib-  
41 ution as set forth in the proposed budget. After the annual budgets for  
42 the city and the town have been adopted by the city and the town , the  
43 city and town shall assess and levy upon the taxable real property with-  
44 in the district the amounts to be raised by tax for the purposes of the  
45 district as specified in the district's annual budget and shall cause  
46 the amount so assessed and levied to be collected, in the same manner  
47 and at the same time and by the same officers as city taxes and town  
48 taxes are assessed, levied and collected.

49 S 3. This act shall take effect immediately.