

S. 4393

A. 6224

2015-2016 Regular Sessions

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

March 18, 2015

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

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

AN ACT to amend chapter 672 of the laws of 1993, amending the public authorities law relating to the construction and financing of facilities for certain public libraries, in relation to including the Oneida Public Library; and to amend chapter 493 of the Laws of 1996, relating to authorizing the establishment of the Oneida public library district, in relation to certain matters relating to the issuance of debt and associated matters

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

1 Section 1. Section 5 of chapter 672 of the laws of 1993, amending the  
2 public authorities law relating to the construction and financing of  
3 facilities for certain public libraries, is amended by adding a new  
4 subdivision 49 to read as follows:  
5 49. ONEIDA PUBLIC LIBRARY  
6 S 2. Section 4 of chapter 493 of the laws of 1996, relating to author-  
7 izing the establishment of the Oneida public library district, is  
8 amended to read as follows:  
9 S 4. Finances. 1. (A) The initial budget of the Oneida public library  
10 district shall be determined by a vote of the voters of the district in  
11 the initial election as provided in this act. All future budgets that  
12 increase or decrease the appropriation last approved by the voters shall  
13 be submitted to the residents of the library district for approval by a  
14 majority of those residents voting at the annual election of trustees  
15 pursuant to section two of this act. Funds voted for library purposes at  
16 the initial election and at all future budget elections shall, unless

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

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1 otherwise directed by such vote, be considered an annual appropriation  
2 therefor until changed by further vote and shall be levied and collected  
3 yearly in the same manner and at the same time as other taxes in the  
4 portion of the city of Oneida, town of Lincoln, town of Lenox, town of  
5 Verona, town of Vienna, town of Vernon, [which include] INCLUDING IN  
6 SAID TOWNS, ANY VILLAGE THEREIN, INCLUDING the village of Wampsville,  
7 the village of Oneida Castle, and the village of Sylvan Beach, which are  
8 located [in] WITHIN THE TERRITORIAL BOUNDARIES OF the Oneida city school  
9 district.

10 (B) NOTWITHSTANDING THE PROVISIONS OF SECTION TWO OF THIS ACT AND  
11 SUBDIVISION ONE OF THIS SECTION, THE BOARD OF TRUSTEES IS HEREBY AUTHOR-  
12 IZED TO SUBMIT AT THE ANNUAL ELECTION OR AT A SPECIAL DISTRICT ELECTION  
13 ANY PROPOSITION FOR A CAPITAL IMPROVEMENT FOR THE LIBRARY DISTRICT WHICH  
14 INCLUDES AN INCREASE IN THE APPROPRIATION LAST APPROVED BY THE VOTERS  
15 THEREOF FOR THE PURPOSE OF PAYING THE COST OF SAID CAPITAL IMPROVEMENT  
16 AND ANY DEBT SERVICE ON OBLIGATIONS ISSUED THEREFOR ON BEHALF OF THE  
17 LIBRARY DISTRICT PURSUANT TO TITLE 4 OF ARTICLE 8 OF THE PUBLIC AUTHORI-  
18 TIES LAW OR THIS SECTION, AS AMENDED. ANY SPECIAL DISTRICT ELECTION  
19 SHALL BE CONDUCTED, NOTICED AND CANVASSED IN THE SAME MANNER AS AN ANNU-  
20 AL ELECTION OF TRUSTEES.

21 (C) THE TERM "CAPITAL IMPROVEMENT", AS USED HEREIN, SHALL REFER TO ANY  
22 OBJECT OR PURPOSE SPECIFIED IN SECTION 11.00 OF THE LOCAL FINANCE LAW  
23 WHICH CONSTITUTES A VALID PURPOSE OF THE LIBRARY DISTRICT. SUCH CAPITAL  
24 IMPROVEMENTS ARE HEREBY DETERMINED TO BE CITY AND TOWN PURPOSES FOR  
25 WHICH THE CITY AND THE TOWNS ARE AUTHORIZED TO CONTRACT INDEBTEDNESS ON  
26 BEHALF OF THE LIBRARY DISTRICT.

27 2. The board of trustees shall annually file with the clerks of the  
28 city of Oneida, AND the towns of Vernon, Verona, Vienna, Lenox, AND  
29 Lincoln [which include the of villages of Oneida Castle, Sylvan Beach,  
30 and Wampsville] on or before the first day of February an estimate of  
31 the proposed budget including costs of library services AND DEBT SERVICE  
32 FOR ANY CAPITAL IMPROVEMENT to be raised by levy for the library  
33 district in the fiscal year beginning on the first day of July following  
34 [the] EACH ANNUAL election. THE FISCAL YEAR OF THE LIBRARY DISTRICT  
35 SHALL BEGIN ON THE FIRST DAY OF JULY AND END ON THE THIRTIETH DAY OF  
36 JUNE. The city and towns shall not make any change in the estimate of  
37 revenues or expenditures submitted by the board of the library district  
38 in preparation of its preliminary budget.

39 3. (A) The [city] COMMON council of the city of Oneida and the town  
40 boards of THE TOWNS OF Vernon, Verona, Vienna, Lincoln, and Lenox on  
41 behalf of the portions of their communities which lie within the Oneida  
42 city school district (INCLUDING AS APPLICABLE ANY VILLAGE IN ANY PORTION  
43 OF SAID TOWNS WHICH IS WITHIN THE TERRITORIAL BOUNDARIES OF THE ONEIDA  
44 CITY SCHOOL DISTRICT) shall levy a tax against the real property lying  
45 within the [city and the portions of each city and town which comprise  
46 the library district for their respective shares of the amount to be  
47 raised by tax as contained in the annual budget of such district  
48 approved by its voters at its annual election, said shares to be deter-  
49 mined by the ratio, each to the other, of the full valuation which term  
50 shall mean, the valuation which is derived by dividing the appropriate  
51 portions of the assessed valuation of the real property concerned as  
52 shown by the last completed assessment rolls of each village, city, or  
53 town, by the city, town, or village equalization rates established by  
54 the authorized state officer or agency for such rolls, of the real prop-  
55 erty lying within each jurisdiction. The city council, village boards,  
56 and town boards or one separately may issue tax anticipation notes,

1 anticipation revenue notes and budget notes pursuant to article 2 of the  
2 local finance law to obtain the necessary moneys therefor] PORTIONS OF  
3 THE CITY AND EACH TOWN WHICH COMPRISE THE LIBRARY DISTRICT FOR THEIR  
4 RESPECTIVE SHARES OF THE AMOUNT TO BE RAISED BY TAX AS CONTAINED IN THE  
5 ANNUAL BUDGET OF SUCH LIBRARY DISTRICT APPROVED BY ITS VOTERS AT ITS  
6 ANNUAL ELECTION, AS WELL AS ANY SUPPLEMENTAL AMOUNTS APPROVED BY ITS  
7 VOTERS FOR CAPITAL IMPROVEMENTS AS PROVIDED HEREIN. THE AMOUNT OF TAXES  
8 FOR LIBRARY DISTRICT PURPOSES TO BE ASSESSED, LEVIED AND COLLECTED UPON  
9 THE TAXABLE REAL PROPERTY WITHIN THE LIBRARY DISTRICT IN THE CITY AND  
10 UPON THE TAXABLE REAL PROPERTY WITHIN THE LIBRARY DISTRICT IN EACH TOWN  
11 (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) SHALL BE APPOR-  
12 TIONED IN ACCORDANCE WITH THE PROPORTION THAT THE FULL VALUATION WITHIN  
13 THAT PORTION OF THE LIBRARY DISTRICT IN THE CITY AND EACH TOWN SHALL  
14 BEAR TO THE FULL VALUATION WITHIN THE ENTIRE LIBRARY DISTRICT.

15 (B) FULL VALUATION SHALL MEAN THE VALUATION WHICH IS DERIVED BY DIVID-  
16 ING THE APPROPRIATE PORTIONS OF THE ASSESSED VALUATION OF THE REAL PROP-  
17 erty CONCERNED AS SHOWN BY THE LAST COMPLETED ASSESSMENT ROLLS OF THE  
18 CITY OR THE TOWN, BY THE CITY OR RESPECTIVE TOWN EQUALIZATION RATES  
19 ESTABLISHED BY THE AUTHORIZED STATE OFFICER OR AGENCY FOR SUCH ROLLS.  
20 FULL VALUATION SHALL BE DETERMINED IN THE FOLLOWING MANNER. THE LIBRARY  
21 DISTRICT BOARD OF TRUSTEES SHALL:

22 (I) ASCERTAIN FROM THE LAST COMPLETED ASSESSMENT ROLL OF SUCH CITY OR  
23 TOWNS WITHIN WHICH SUCH LIBRARY DISTRICT IS SITUATED A STATEMENT OF THE  
24 ASSESSED VALUATION OF THE TAXABLE REAL PROPERTY WITHIN SUCH LIBRARY  
25 DISTRICT LOCATED IN SUCH CITY AND IN EACH TOWN (INCLUDING ANY VILLAGES  
26 THEREIN AS DESCRIBED HEREIN) AFFECTED.

27 (II) PROCURE FROM THE APPROPRIATE STATE OFFICER OR AGENCY A STATEMENT  
28 OF THE RATIOS OF THE ASSESSED VALUATION TO THE TRUE VALUATION ESTAB-  
29 LISHED BY SUCH OFFICER OR AGENCY FOR THE LAST COMPLETED ASSESSMENT ROLL  
30 OF SUCH CITY AND EACH SUCH TOWN (INCLUDING ANY VILLAGES THEREIN AS  
31 DESCRIBED HEREIN).

32 (III) DETERMINE THE FULL VALUATION OF THE TAXABLE REAL PROPERTY WITHIN  
33 SUCH LIBRARY DISTRICT SITUATED IN SUCH CITY AND EACH SUCH TOWN (INCLUD-  
34 ING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) AFFECTED BY DIVIDING THE  
35 ASSESSED VALUATION OF SUCH REAL PROPERTY BY THE RATIO FIXED FOR THE CITY  
36 OR RESPECTIVE TOWN IN WHICH SUCH TAXABLE REAL PROPERTY IS SITUATED. THE  
37 TOTAL FULL VALUE OF THE TAXABLE REAL PROPERTY WITHIN THE ENTIRE LIBRARY  
38 DISTRICT SHALL BE ASCERTAINED BY ADDING TOGETHER THE FULL VALUE OF THE  
39 TAXABLE REAL PROPERTY WITHIN THE LIBRARY DISTRICT SITUATED IN THE CITY  
40 AND EACH TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN)  
41 AFFECTED.

42 (IV) ASCERTAIN THE PROPORTION OF LIBRARY DISTRICT TAX LEVY TO BE ALLO-  
43 CATED TO SUCH CITY AND EACH TOWN (INCLUDING ANY VILLAGES THEREIN AS  
44 DESCRIBED HEREIN) AFFECTED BY MULTIPLYING THE AMOUNT OF SUCH TAX LEVY OF  
45 SUCH LIBRARY DISTRICT BY THE PERCENTAGE OR RATIO THE FULL VALUE OF THE  
46 TAXABLE REAL PROPERTY WITHIN SUCH LIBRARY DISTRICT SITUATED IN SUCH CITY  
47 OR RESPECTIVE TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN)  
48 AFFECTED BEARS TO THE TOTAL FULL VALUE OF THE TAXABLE REAL PROPERTY  
49 WITHIN THE ENTIRE LIBRARY DISTRICT.

50 (C) THE COMMON COUNCIL AND TOWN BOARDS SHALL EACH ANNUALLY PAY OVER TO  
51 THE TREASURER OF THE LIBRARY DISTRICT ON OR BEFORE THE THIRTIETH DAY  
52 AFTER THEIR RESPECTIVE TAX COLLECTION PERIOD ENDS, THE FULL AMOUNT OF  
53 THE LEVY DUE TO THE LIBRARY DISTRICT FROM THE PARCELS SUBJECT TO THEIR  
54 RESPECTIVE LEVY. THE COMMON COUNCIL AND TOWN BOARDS MAY EACH ISSUE TAX  
55 ANTICIPATION NOTES, REVENUE ANTICIPATION NOTES OR BUDGET NOTES PURSUANT  
56 TO THE APPLICABLE PROVISIONS OF THE LOCAL FINANCE LAW TO OBTAIN THE

1 NECESSARY MONEYS THEREFOR IN THE EVENT THE FULL LEVY OF THE LIBRARY  
2 DISTRICT ASSESSMENT THEREIN IS NOT RECEIVED BY THE DATE DUE FOR THE  
3 PROVISION OF SAME TO THE LIBRARY DISTRICT.

4 4. [Legislative] (A) THE LEGISLATIVE bodies of the city of Oneida[,]  
5 AND the towns of Vernon, Verona, Vienna, Lenox, and Lincoln [which  
6 include the villages of Oneida Castle, Sylvan Beach, and Wampsville]  
7 which are in the Oneida city school district shall have the [power]  
8 POWERS TO AUTHORIZE, to sell and TO issue bonds, notes and other  
9 evidences of indebtedness pursuant to THE PROVISIONS OF the local  
10 finance law in order to permit the library district to provide [facili-  
11 ties or improved facilities] CAPITAL IMPROVEMENTS for library purposes.  
12 Upon written request from the board of trustees of the library district,  
13 after approval by the qualified voters of such district, [the respective  
14 legislative bodies jointly shall authorize, sell and issue such bonds,  
15 notes, or other evidences of indebtedness as are necessary to accomplish  
16 the improvements specified in the notice. The proceeds of such bonds,  
17 notes or other evidences of indebtedness shall be paid to the treasurer  
18 of the library district and maintained in a segregated account in  
19 accordance with section 165.00 of the local finance law and expended by  
20 the treasurer only on specific authorization by the board of trustees]  
21 THE RESPECTIVE LEGISLATIVE BODIES SHALL AUTHORIZE, SELL AND ISSUE SUCH  
22 BONDS, NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS AS ARE NECESSARY TO  
23 ACCOMPLISH THE CAPITAL IMPROVEMENT SPECIFIED IN THE REQUEST, AS SO  
24 APPROVED BY THE VOTERS OF THE LIBRARY DISTRICT EITHER (I) AS JOINT  
25 INDEBTEDNESS IN ACCORDANCE WITH THE PROVISIONS OF TITLE 1-A OF ARTICLE 2  
26 OF THE LOCAL FINANCE LAW OR (II) AS SEVERAL INDEBTEDNESS OF THE CITY OF  
27 ONEIDA AND THE TOWNS OF VERNON, VERONA, VIENNA, LENOX AND LINCOLN, EACH  
28 ISSUING THEIR PRO-RATA SHARE OF SUCH INDEBTEDNESS IN JUST PROPORTION  
29 DETERMINED BY THE RATIO AND METHODOLOGY PROVIDED IN SUBDIVISION THREE OF  
30 THIS SECTION. THE PROPORTION OF INDEBTEDNESS TO BE ALLOCATED TO THE CITY  
31 OF ONEIDA AND EACH OF THE TOWNS SHALL BE DETERMINED BY MULTIPLYING THE  
32 AMOUNT OF SUCH INDEBTEDNESS TO BE ISSUED FOR THE CAPITAL IMPROVEMENT BY  
33 THE PERCENTAGES OR RATIO THE FULL VALUATION OF THE TAXABLE REAL PROPERTY  
34 OF SUCH CITY OR TOWN, SITUATED IN SUCH CITY OR EACH TOWN, BEARS TO THE  
35 FULL VALUATION OF ALL OF THE TAXABLE REAL PROPERTY WITHIN THE LIBRARY  
36 DISTRICT.

37 (B) UPON ADOPTION OF A RESOLUTION BY THE AFFIRMATIVE VOTE OF A MAJORI-  
38 TY OF THE VOTING STRENGTH OF THE BOARD OF TRUSTEES OF THE LIBRARY  
39 DISTRICT, AFTER APPROVAL OF THE QUALIFIED VOTERS OF SUCH LIBRARY  
40 DISTRICT, NOTHING PROVIDED HEREIN SHALL PRECLUDE THE LIBRARY DISTRICT  
41 FROM ENTERING INTO A FINANCING TRANSACTION WITH THE DORMITORY AUTHORITY  
42 OF THE STATE OF NEW YORK OR ANY LOCAL DEVELOPMENT CORPORATION ESTAB-  
43 LISHED PURSUANT TO SECTION 1411 OF THE NOT-FOR-PROFIT CORPORATION LAW  
44 FOR THE FINANCING OF ANY CAPITAL IMPROVEMENT. THE LIBRARY DISTRICT IS  
45 HEREBY AUTHORIZED TO ENTER INTO SUCH AGREEMENTS AS MAY BE OTHERWISE  
46 PERMISSIBLE BY LAW TO FINANCE ANY SUCH CAPITAL IMPROVEMENT THROUGH THE  
47 AUSPICES OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK PURSUANT TO  
48 TITLE 4 OF ARTICLE 8 OF THE PUBLIC AUTHORITIES LAW, OR THE AUSPICES OF A  
49 LOCAL DEVELOPMENT CORPORATION DULY ESTABLISHED AND AUTHORIZED TO FINANCE  
50 SUCH CAPITAL IMPROVEMENTS ON BEHALF OF A PUBLIC LIBRARY DISTRICT. THE  
51 PROCEEDS OF SUCH BONDS, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS SHALL  
52 BE PAID TO THE TREASURER OF THE LIBRARY DISTRICT AND MAINTAINED IN A  
53 SEGREGATED ACCOUNT IN ACCORDANCE WITH SECTION 165.00 OF THE LOCAL  
54 FINANCE LAW AND EXPENDED BY SAID TREASURER ONLY ON SPECIFIC AUTHORI-  
55 ZATION BY THE BOARD OF TRUSTEES OF THE LIBRARY DISTRICT.

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

5 6. (A) The treasurer of the library district shall be custodian of all  
6 funds of the library district including gifts and trust funds paid over  
7 to the BOARD OF trustees. The board of trustees may authorize the  
8 investment of funds in the custody of the treasurer in the same manner  
9 in which [village,] town, city or school district funds may be invested.  
10 Proceeds of obligations received from the [villages, town, and] city  
11 [may] OR TOWNS FOR CAPITAL IMPROVEMENTS SHALL be invested in accordance  
12 with section 165.00 of the local finance law AND SECTIONS 10 AND 11 OF  
13 THE GENERAL MUNICIPAL LAW. The [mayor] COMPTROLLER OF THE CITY of Oneida  
14 and the supervisors of the towns of Verona, Vernon, Vienna, Lenox, and  
15 Lincoln shall promptly pay over to the library district all moneys which  
16 belong to or are raised for the library district. No moneys shall be  
17 disbursed by the treasurer of the library district except after audit by  
18 the board of trustees. The board of trustees shall audit all claims and  
19 shall order the payment thereof, except as otherwise provided by this  
20 section. No such claims shall be audited or ordered paid by the trustees  
21 unless an itemized voucher therefor shall be presented to the board of  
22 trustees for audit and allowances. The provisions of this section shall  
23 not be applicable to payment of claims of fixed salaries in amounts  
24 which the library district may be required to pay on account of retire-  
25 ment contributions for past or current services to officers and employ-  
26 ees of the library district. The treasurer shall keep such records in  
27 such manner as the board of trustees may require.

28 (B) THE LIBRARY DISTRICT SHALL PROVIDE SUCH INVESTMENT AND EXPENDITURE  
29 RECORDS OF ANY PROCEEDS OF BONDS, NOTES OR OTHER EVIDENCE OF INDEBT-  
30 EDNESS ISSUED ON BEHALF OF THE LIBRARY DISTRICT FOR CAPITAL IMPROVEMENTS  
31 AS MAY BE REQUIRED BY THE CITY, TOWNS, THE DORMITORY AUTHORITY OF THE  
32 STATE OF NEW YORK OR A LOCAL DEVELOPMENT CORPORATION IN ORDER FOR SAME  
33 TO COMPLY WITH THE REQUIREMENTS OF SECTION 148 OF THE INTERNAL REVENUE  
34 CODE OF 1986, AS AMENDED, WITH REGARD TO ANY BONDS, NOTES OR OTHER  
35 EVIDENCES OF INDEBTEDNESS ISSUED TO FINANCE A CAPITAL IMPROVEMENT OF THE  
36 LIBRARY DISTRICT.

37 S 3. Section 6 of chapter 493 of the Laws of 1996, relating to author-  
38 izing the establishment of the Oneida public library district, is  
39 amended to read as follows:

40 S 6. Ad valorem levy. The several lots and parcels of land within the  
41 area of the Oneida public library district are hereby determined to be  
42 benefitted by the library facilities and services existing as of the  
43 effective date of this act [and the]. THE city of Oneida, and the towns  
44 of Vernon, Verona, Vienna, Lenox, and Lincoln are hereby authorized to  
45 assess, levy and collect [the necessary expenses of operation, mainte-  
46 nance and repair of such facilities and services and such capital  
47 improvements including debt service on bonds, notes or other evidences  
48 of indebtedness issued for the purpose of such library district as may  
49 be hereafter authorized pursuant to the provisions of this act from such  
50 lots and parcels of land] SUFFICIENT MONIES FROM SUCH LOTS AND PARCELS  
51 OF LAND THEREIN, IN ACCORDANCE WITH THE DETERMINATION OF THEIR RESPEC-  
52 TIVE SHARES AS PROVIDED IN SUBDIVISION THREE OF SECTION FOUR OF THIS  
53 ACT, AS PROVIDED IN THE ANNUAL BUDGETS OF THE LIBRARY DISTRICT TO PAY  
54 ALL NECESSARY EXPENSES OF OPERATION, MAINTENANCE AND REPAIR OF SUCH  
55 FACILITIES AND PROVISION OF SUCH SERVICES TOGETHER WITH THE COSTS OF  
56 CAPITAL IMPROVEMENTS INCLUDING DEBT SERVICE ON BONDS, NOTES OR OTHER

1 EVIDENCE OF INDEBTEDNESS ISSUED FOR THE PURPOSE OF SUCH LIBRARY DISTRICT  
2 AS MAY BE HEREAFTER AUTHORIZED PURSUANT TO THE PROVISIONS OF THIS ACT.

3 S 4. Section 7 of chapter 493 of the Laws of 1996, relating to author-  
4 izing the establishment of the Oneida public library district, is  
5 amended to read as follows:

6 S 7. Education law applicability. THE LIBRARY DISTRICT SHALL CONSTI-  
7 TUTE A PUBLIC LIBRARY PURSUANT TO THE PROVISIONS OF THE EDUCATION LAW AS  
8 THE SAME MAY, FROM TIME TO TIME, BE AMENDED, AND SHALL HAVE THE POWERS  
9 AND DUTIES, EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, NOW OR HEREAFTER  
10 CONFERRED BY LAW UPON PUBLIC LIBRARIES AND THEIR TRUSTEES. Except as  
11 [otherwise] provided by this act, the provisions of the education law  
12 relating to public libraries shall be applicable to the public library  
13 district established by this act. THE LIBRARY DISTRICT SHALL CONSTITUTE  
14 A BODY CORPORATE AND POLITIC AND BE PERPETUAL IN DURATION.

15 S 5. This act shall take effect immediately.