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

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:

Section 1. 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, is amended by adding a new subdivision 49 to read as follows:

49. ONEIDA PUBLIC LIBRARY

S 2. Section 4 of chapter 493 of the laws of 1996, relating to authorizing the establishment of the Oneida public library district, is amended to read as follows:

S 4. Finances. 1. (A) The initial budget of the Oneida public library district shall be determined by a vote of the voters of the district in the initial election as provided in this act. All future budgets that increase or decrease the appropriation last approved by the voters shall be submitted to the residents of the library district for approval by a majority of those 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 budget elections shall, unless

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

LBD09959-01-5

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

(B) NOTWITHSTANDING THE PROVISIONS OF SECTION TWO OF THIS ACT AND SUBDIVISION ONE OF THIS SECTION, THE BOARD OF TRUSTEES IS HEREBY AUTHORIZED TO SUBMIT AT THE ANNUAL ELECTION OR AT A SPECIAL DISTRICT ELECTION ANY PROPOSITION FOR A CAPITAL IMPROVEMENT FOR THE LIBRARY DISTRICT WHICH INCLUDES AN INCREASE IN THE APPROPRIATION LAST APPROVED BY THE VOTERS THEREOF FOR THE PURPOSE OF PAYING THE COST OF SAID CAPITAL IMPROVEMENT AND ANY DEBT SERVICE ON OBLIGATIONS ISSUED THEREFOR ON BEHALF OF THE LIBRARY DISTRICT PURSUANT TO TITLE 4 OF ARTICLE 8 OF THE PUBLIC AUTHORITIES LAW OR THIS SECTION, AS AMENDED. ANY SPECIAL DISTRICT ELECTION SHALL BE CONDUCTED, NOTICED AND CANVASSED IN THE SAME MANNER AS AN ANNUAL ELECTION OF TRUSTEES.

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

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

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

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

(B) FULL VALUATION SHALL MEAN THE VALUATION WHICH IS DERIVED BY DIVIDING THE APPROPRIATE PORTIONS OF THE ASSESSED VALUATION OF THE REAL PROPERTY CONCERNED AS SHOWN BY THE LAST COMPLETED ASSESSMENT ROLLS OF THE CITY OR THE TOWN, BY THE CITY OR RESPECTIVE TOWN EQUALIZATION RATES ESTABLISHED BY THE AUTHORIZED STATE OFFICER OR AGENCY FOR SUCH ROLLS. FULL VALUATION SHALL BE DETERMINED IN THE FOLLOWING MANNER. THE LIBRARY DISTRICT BOARD OF TRUSTEES SHALL:

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

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

(III) DETERMINE THE FULL VALUATION OF THE TAXABLE REAL PROPERTY WITHIN SUCH LIBRARY DISTRICT SITUATED IN SUCH CITY AND EACH SUCH TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) AFFECTED BY DIVIDING THE ASSESSED VALUATION OF SUCH REAL PROPERTY BY THE RATIO FIXED FOR THE CITY OR RESPECTIVE TOWN IN WHICH SUCH TAXABLE REAL PROPERTY IS SITUATED. THE TOTAL FULL VALUE OF THE TAXABLE REAL PROPERTY WITHIN THE ENTIRE LIBRARY DISTRICT SHALL BE ASCERTAINED BY ADDING TOGETHER THE FULL VALUE OF THE TAXABLE REAL PROPERTY WITHIN THE LIBRARY DISTRICT SITUATED IN THE CITY AND EACH TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) AFFECTED.

(IV) ASCERTAIN THE PROPORTION OF LIBRARY DISTRICT TAX LEVY TO BE ALLOCATED TO SUCH CITY AND EACH TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) AFFECTED BY MULTIPLYING THE AMOUNT OF SUCH TAX LEVY OF SUCH LIBRARY DISTRICT BY THE PERCENTAGE OR RATIO THE FULL VALUE OF THE TAXABLE REAL PROPERTY WITHIN SUCH LIBRARY DISTRICT SITUATED IN SUCH CITY OR RESPECTIVE TOWN (INCLUDING ANY VILLAGES THEREIN AS DESCRIBED HEREIN) AFFECTED BEARS TO THE TOTAL FULL VALUE OF THE TAXABLE REAL PROPERTY WITHIN THE ENTIRE LIBRARY DISTRICT.

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

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

4. [Legislative] (A) THE LEGISLATIVE bodies of the city of Oneida[,] AND the towns of Vernon, Verona, Vienna, Lenox, and Lincoln [which include the villages of Oneida Castle, Sylvan Beach, and Wampsville] which are in the Oneida city school district shall have the [power] POWERS TO AUTHORIZE, to sell and TO issue bonds, notes and other evidences of indebtedness pursuant to THE PROVISIONS OF the local finance law in order to permit the library district to provide [facilities or improved facilities] CAPITAL IMPROVEMENTS for library purposes. Upon written request from the board of trustees of the library district, after approval by the qualified voters of such district, [the respective legislative bodies jointly 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 library 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] THE RESPECTIVE LEGISLATIVE BODIES SHALL AUTHORIZE, SELL AND ISSUE SUCH BONDS, NOTES, OR OTHER EVIDENCES OF INDEBTEDNESS AS ARE NECESSARY TO ACCOMPLISH THE CAPITAL IMPROVEMENT SPECIFIED IN THE REQUEST, AS SO APPROVED BY THE VOTERS OF THE LIBRARY DISTRICT EITHER (I) AS JOINT INDEBTEDNESS IN ACCORDANCE WITH THE PROVISIONS OF TITLE 1-A OF ARTICLE 2 OF THE LOCAL FINANCE LAW OR (II) AS SEVERAL INDEBTEDNESS OF THE CITY OF ONEIDA AND THE TOWNS OF VERNON, VERONA, VIENNA, LENOX AND LINCOLN, EACH ISSUING THEIR PRO-RATA SHARE OF SUCH INDEBTEDNESS IN JUST PROPORTION DETERMINED BY THE RATIO AND METHODOLOGY PROVIDED IN SUBDIVISION THREE OF THIS SECTION. THE PROPORTION OF INDEBTEDNESS TO BE ALLOCATED TO THE CITY OF ONEIDA AND EACH OF THE TOWNS SHALL BE DETERMINED BY MULTIPLYING THE AMOUNT OF SUCH INDEBTEDNESS TO BE ISSUED FOR THE CAPITAL IMPROVEMENT BY THE PERCENTAGES OR RATIO THE FULL VALUATION OF THE TAXABLE REAL PROPERTY OF SUCH CITY OR TOWN, SITUATED IN SUCH CITY OR EACH TOWN, BEARS TO THE FULL VALUATION OF ALL OF THE TAXABLE REAL PROPERTY WITHIN THE LIBRARY DISTRICT.

(B) UPON ADOPTION OF A RESOLUTION BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING STRENGTH OF THE BOARD OF TRUSTEES OF THE LIBRARY DISTRICT, AFTER APPROVAL OF THE QUALIFIED VOTERS OF SUCH LIBRARY DISTRICT, NOTHING PROVIDED HEREIN SHALL PRECLUDE THE LIBRARY DISTRICT FROM ENTERING INTO A FINANCING TRANSACTION WITH THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK OR ANY LOCAL DEVELOPMENT CORPORATION ESTABLISHED PURSUANT TO SECTION 1411 OF THE NOT-FOR-PROFIT CORPORATION LAW FOR THE FINANCING OF ANY CAPITAL IMPROVEMENT. THE LIBRARY DISTRICT IS HEREBY AUTHORIZED TO ENTER INTO SUCH AGREEMENTS AS MAY BE OTHERWISE PERMISSIBLE BY LAW TO FINANCE ANY SUCH CAPITAL IMPROVEMENT THROUGH THE AUSPICES OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK PURSUANT TO TITLE 4 OF ARTICLE 8 OF THE PUBLIC AUTHORITIES LAW, OR THE AUSPICES OF A LOCAL DEVELOPMENT CORPORATION DULY ESTABLISHED AND AUTHORIZED TO FINANCE SUCH CAPITAL IMPROVEMENTS ON BEHALF OF A PUBLIC LIBRARY DISTRICT. THE PROCEEDS OF SUCH BONDS, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS SHALL BE PAID TO THE TREASURER OF THE LIBRARY DISTRICT AND MAINTAINED IN A SEGREGATED ACCOUNT IN ACCORDANCE WITH SECTION 165.00 OF THE LOCAL FINANCE LAW AND EXPENDED BY SAID TREASURER ONLY ON SPECIFIC AUTHORIZATION BY THE BOARD OF TRUSTEES OF THE LIBRARY DISTRICT.

5. The board of trustees of the library district may accept on behalf of the LIBRARY 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. (A) The treasurer of the library district shall be custodian of all funds of the library district including gifts and trust funds paid over to the BOARD OF trustees. The board of trustees may authorize the investment of funds in the custody of the treasurer in the same manner in which [village,] town, city or school district funds may be invested. Proceeds of obligations received from the [villages, town, and] city [may] OR TOWNS FOR CAPITAL IMPROVEMENTS SHALL be invested in accordance with section 165.00 of the local finance law AND SECTIONS 10 AND 11 OF THE GENERAL MUNICIPAL LAW. The [mayor] COMPTROLLER OF THE CITY of Oneida and the supervisors of the towns of Verona, Vernon, Vienna, Lenox, and Lincoln shall promptly pay over to the library district all moneys which belong to or are raised for the library district. No moneys shall be disbursed by the treasurer of the library district except after audit by the board of trustees. The board of trustees 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 allowances. The provisions of this section shall not be applicable to payment of claims of fixed salaries in amounts which the library district may be required to pay on account of retirement contributions for past or current services to officers and employees of the library district. The treasurer shall keep such records in such manner as the board of trustees may require.

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

S 3. Section 6 of chapter 493 of the Laws of 1996, relating to authorizing the establishment of the Oneida public library district, is amended to read as follows:

S 6. Ad valorem levy. The several lots and parcels of land within the area of the Oneida public library district are hereby determined to be benefitted by the library facilities and services existing as of the effective date of this act [and the]. THE city of Oneida, and the towns of Vernon, Verona, Vienna, Lenox, and Lincoln are 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 issued for the purpose of such library district as may be hereafter authorized pursuant to the provisions of this act from such lots and parcels of land] SUFFICIENT MONIES FROM SUCH LOTS AND PARCELS OF LAND THEREIN, IN ACCORDANCE WITH THE DETERMINATION OF THEIR RESPECTIVE SHARES AS PROVIDED IN SUBDIVISION THREE OF SECTION FOUR OF THIS ACT, AS PROVIDED IN THE ANNUAL BUDGETS OF THE LIBRARY DISTRICT TO PAY ALL NECESSARY EXPENSES OF OPERATION, MAINTENANCE AND REPAIR OF SUCH FACILITIES AND PROVISION OF SUCH SERVICES TOGETHER WITH THE COSTS OF CAPITAL IMPROVEMENTS INCLUDING DEBT SERVICE ON BONDS, NOTES OR OTHER

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

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

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

S 5. This act shall take effect immediately.