

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.