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

7785--A

Cal. No. 1308

I N S E N A T E

May 12, 2016

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:

Section 1. Section 6 of chapter 524 of the laws of 1987, relating to establishing the Greater Poughkeepsie library district, in the city and town of Poughkeepsie, Dutchess county, as amended by chapter 361 of the laws of 1997, is amended to read as follows:

S 6. (A) The district shall be governed by a board of trustees consisting of eleven trustees. [The trustees of the Greater Poughkeepsie library district as of the effective date of the chapter of the laws of 1997 which added this provision shall become trustees, immediately, of the Poughkeepsie public library district.] Seven of the trustees shall be elected at an election to be held within the town and four of the trustees shall be elected at an election to be held within the portion of the district located in the city. The trustees elected [at the election in] BY THE VOTERS OF the town must be QUALIFIED VOTERS AND residents of the town and the trustees elected [in] BY THE VOTERS OF the city must be QUALIFIED VOTERS AND residents of the city. NOMINATING PETITIONS SHALL BE CIRCULATED AND FILED AT THE SAME TIME AS INDEPENDENT PETITIONS, AS DETERMINED ANNUALLY BY THE NEW YORK STATE BOARD OF ELECTIONS. A SEPARATE PETITION SHALL BE REQUIRED TO NOMINATE EACH CANDIDATE FOR A VACANCY ON THE BOARD. EACH PETITION SHALL BE SIGNED BY AT LEAST TWENTY-FIVE QUALIFIED VOTERS OF THE CITY OR TOWN IN WHICH THE VACANCY OCCURS. PETITIONS SHALL STATE THE RESIDENCE OF EACH SIGNER, AND 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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[The trustees] (B) A TRUSTEE shall serve for a term of five years and until his or her successor is elected and qualified. [Two-thirds of the trustees shall constitute a quorum. Action of the trustees shall require a two-thirds vote of the entire board. Vacancies shall be filled by appointment by the trustees, provided, however, that an election shall be held at the first available general election day after the happening of a vacancy.] VACANCIES CAUSED BY RESIGNATION, REMOVAL, DEATH, OR INABILITY TO SERVE SHALL BE FILLED BY APPOINTMENT BY THE BOARD OF TRUSTEES OF THE DISTRICT UNTIL THE NEXT GENERAL ELECTION, AT WHICH TIME THE VACANCY SHALL BE FILLED BY ELECTION FOR THE REMAINING PORTION OF THE TERM. ELECTION OF TRUSTEES SHALL TAKE PLACE ON THE SAME DAY AND BALLOT AS THE GENERAL ELECTION AS ADMINISTERED BY THE BOARD OF ELECTIONS WITH THE RESULTS OF SAID ELECTION BEING CERTIFIED BY THE BOARD OF ELECTIONS. The person or persons appointed by the trustees shall serve until a successor is elected and qualified as provided herein. Vacancies for trustees elected within the city shall be filled by city residents and vacancies for trustees elected within the town shall be filled by town residents.

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

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

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

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

the city and town of Poughkeepsie, Dutchess county, as amended by chapter 361 of the laws of 1997, is amended to read as follows:

(b) Commencing in 1997 for the budget to be prepared for fiscal year 1998 the proposed annual budget, and propositions of supplemental appropriations, if any, and a proposition for capital expenditure, if any, for the district as established by the trustees shall be placed before the voters in the general election ON THE SAME DAY AND BALLOT AS THE GENERAL ELECTION AS ADMINISTERED BY THE BOARD OF ELECTIONS WITH THE RESULTS OF SAID ELECTION BEING CERTIFIED BY THE BOARD OF ELECTIONS in the year preceding the year for which the proposed budget has been established. Each proposition for supplemental appropriation shall identify a singular purpose and specific dollar appropriation and shall be worded in such a manner as to require an affirmative vote for passage. All budget propositions, including the annual budget propositions for supplemental appropriations, and propositions for capital expenditures will require approval by a majority of voters in the city and, also, a majority of voters in the town, hereinafter referred to as the majority. Upon approval of such proposed operating budget, and of the proposition for supplemental appropriations, and of the proposition authorizing indebtedness for capital construction by the majority, the proposed budget including the supplemental appropriations and capital revenues and expenditures shall become the budget of the district for the following fiscal year. In the event that the proposition for indebtedness is approved by the majority, the city and the town shall incur such indebtedness on behalf of the district, and such indebtedness shall be apportioned between the city and the town pursuant to the formula set forth in this section. In the event that the proposed budget is not approved by the majority, the proposed budget shall be deemed amended so that the portion of the proposed budget providing for real property tax revenue to be received from the city and town be changed to equal the real property tax revenue provided for in the district budget in effect as of the time of the vote as amended by the supplemental appropriations if approved. In the event that a proposition for supplemental appropriations or for capital purposes is not approved by the majority, no appropriation shall be included for such unapproved proposition. In the event that the voters do not approve the proposed budget as aforesaid, and upon the proposed budget being deemed amended as aforesaid, the real property taxes to be levied by the city and the town for the district shall be levied in an amount required to provide the city and town contribution as herein set forth rather than the city and town contribution as set forth in the proposed budget. After the annual budgets for the city and the town have been adopted by the city and the town , the city and town shall assess and levy upon the taxable real property within the district the amounts to be raised by tax for the purposes of the district as specified in the district's annual budget and shall cause the amount so assessed and levied to be collected, in the same manner and at the same time and by the same officers as city taxes and town taxes are assessed, levied and collected.

S 3. This act shall take effect immediately.