

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:

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.