

LAWS OF NEW YORK, 2004

CHAPTER 711

AN ACT to amend chapter 193 of the laws of 2001, relating to the establishment of the Smithtown special library district, in relation to boundaries, annual election and commencement of term of trustees

Became a law November 16, 2004, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 1, paragraph 3 of section 2, and section 3 of chapter 193 of the laws of 2001, relating to the establishment of the Smithtown special library district, are amended to read as follows:

Section 1. Establishment of library. Notwithstanding any designation made pursuant to the provisions of chapter 401 of the laws of 1997 or any general, special or local law to the contrary there is hereby created and established in the county of Suffolk a special library district which shall be known as the "Smithtown special library district" and shall include all of the town of Smithtown excluding the areas currently [~~serviced by~~] within the boundaries of the Sachem public library [~~and~~] or the Emma S. Clark memorial library. Furthermore, the residents of the Sachem central school district or the Three Village central school district who opted into the Smithtown municipal library and its successor, the Smithtown special library district, pursuant to the provisions of chapter 401 of the laws of 1997, shall be deemed to no longer be residents or members of the Smithtown special library district and shall be returned to and subject to taxation by their respective school district libraries and shall not be assessed library district taxes by the Smithtown assessor for the benefit of the Smithtown special library district.

3. In the event that the district is created and after the year in which the board of trustees of the district are elected there shall be an annual election conducted by the board in accordance with the provisions of this subdivision as hereinafter provided for, at a time to be set by the board to be held [~~prior to~~] on the first [~~day of July but subsequent to the first day of April of~~] Tuesday after the second Monday in October each year, at which election vacancies on the board of trustees shall be filled and at which any proposed budget which the board shall determine to submit to the voters pursuant to section four of this act shall be submitted to the voters. The trustees of the Smithtown special library district shall give notice of, prepare ballots for and conduct said annual election pursuant to the provisions set forth in paragraph (b) of subdivision 2 of this section.

§ 3. Organization and structure. The Smithtown special library district shall be managed, operated and controlled by a board of trustees consisting initially of the members of the board of trustees of the Smithtown library residing in the Smithtown special library district until June 30, 2002, and thereafter by seven elected trustees. The trustees shall at the first regular meeting of the board after the election

EXPLANATION--Matter in italics is new; matter in brackets [~~-~~] is old law to be omitted.

conducted pursuant to paragraph (b) of subdivision 2 of section two of this act determine by lot the year in which each of their successor terms of office expire, and the terms shall expire as follows: after one year-two trustees; after two years-three trustees; after three years-two trustees. Trustees shall be elected at the annual election herein provided for to serve three year terms by the voters of the special library district hereby created, said terms to commence on the first day of [~~July~~] January next following the election. Only qualified voters of the district shall be eligible for election to the board of trustees. The board of trustees at its first meeting each year shall elect or appoint a president and vice-president who shall be members of the board and a clerk, treasurer and such other officers as they deem necessary. If the board so determines, the offices of clerk and treasurer may be held by individuals who are not members of the board of trustees and, in that event, such officers may, if the board so determines, receive compensation as fixed by resolution of the board. The trustees shall fill any vacancy occurring in the office of any trustee other than by the expiration of his or her term by electing another trustee who shall hold office until the next annual election of trustees.

§ 2. This act shall take effect on the first of January next succeeding the day it shall have become law and any trustee whose term of office is set to expire on the thirtieth of June of the year in which this act shall have taken effect or any succeeding year, shall have his or her term extended to expire on the thirty-first of December in such year.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly