

6233

2007-2008 Regular Sessions

I N S E N A T E

June 14, 2007

Introduced by Sen. GOLDEN -- read twice and ordered printed,
and when
printed to be committed to the Committee on Rules

AN ACT to amend chapter 606 of the laws of 1902, relating to the
incor-
poration of the Brooklyn public library and limiting and
defining the
powers thereof, in relation to the creation of new membership
of the
corporation, terms of office of new members, and the manner of
filling
vacancies thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE
AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The terms of office of all the appointed membership
of the
2 Brooklyn public library corporation, other than the public
officers who
3 are members ex officio, and irrespective of former
classification, shall
4 hereby expire on September 1, 2007 when upon such date the
amendments
5 made by sections two, three and four of this act shall apply.
Persons
6 who are serving as appointed members on such date may
continue their
7 service in such capacity until their successors are appointed
and have
8 assumed office pursuant to this act and such persons shall be
eligible
9 for reappointment under this act.
10 S 2. Section 1 of chapter 606 of the laws of 1902,
relating to the
11 incorporation of the Brooklyn public library and limiting and
defining
12 the powers thereof, as amended by chapter 13 of the laws of
1993, is
13 amended to read as follows:

14 S 1. The following named persons, to wit: The mayor,
comptroller,
15 {and} president of the borough of Brooklyn, AND THE SPEAKER OF
THE CITY
16 COUNCIL, of the city of New York, by virtue of their offices,
together
17 with {twenty-two} THIRTY-FOUR additional persons, eleven to be
appointed
18 by the mayor of the city of New York, {and} eleven to be
appointed by
19 the president of said borough of Brooklyn, AND TWELVE, REFERRED
TO HERE-
20 IN AS THE "ELECTED MEMBERS", TO BE ELECTED BY THE MAYOR AND SUCH
PRESI-
21 DENT FROM AMONG THE TRUSTEES OF THE BROOKLYN PUBLIC LIBRARY
FOUNDATION,
22 A CORPORATION FORMED UNDER THE STATE NOT-FOR-PROFIT CORPORATION
LAW, are

EXPLANATION--Matter in ITALICS (underscored) is new; matter in
brackets

{ } is old law to be omitted.

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1 hereby constituted and continued as a body politic and
corporation under
2 and by the name of "the Brooklyn public library," for the
purpose of
3 constructing and maintaining libraries and a free public
library system
4 in the borough of Brooklyn of the city of New York. The said
corporation
5 shall have and exercise all the powers now possessed by
{membership}
6 NOT-FOR-PROFIT CORPORATIONS and library corporations under the
general
7 laws of the state of New York and such other laws of this
state as may
8 at any time be applicable thereto, and may by its by-laws fix
and deter-
9 mine a quorum of its membership for the transaction of
business. It
10 shall be capable of taking and holding for its uses and
purposes, by
11 purchase, gift, grant or devise, any property and estate, both
real and
12 personal, without limit as to the value and amount thereof.
13 S 3. Section 2 of chapter 606 of the laws of 1902,
relating to the
14 incorporation of the Brooklyn public library and limiting and
defining
15 the powers thereof, as amended by chapter 13 of the laws of
1993, is
16 amended to read as follows:

17 S 2. Upon the designation and appointment of members of
the said
18 corporation by the mayor of the city of New York and the
president of
19 the borough of Brooklyn, AND THE ELECTION OF THE ELECTED MEMBERS
OF THE
20 SAID CORPORATION, as above provided, the said corporation shall
organize
21 by the adoption of by-laws and the election of officers. The
membership
22 thereof, other than the public officers who are members ex
officio,
23 shall be divided by lot into {five} THREE classes as nearly
equal as
24 may be, so that the term of office of one of said classes shall
expire
25 upon the first day of February in each of the next
succeeding {five}
26 THREE years. After {such division} THE EXPIRATION OF EACH SUCH
TERM, the
27 term of office for which a member of the corporation shall be
appointed
28 OR ELECTED shall be {five} THREE years, except that in case of a
vacancy
29 occurring otherwise than by the expiration of a term, such
vacancy shall
30 be filled for the unexpired term only. Any member shall,
however, be
31 eligible for reappointment OR REELECTION. {Vacancies occurring
in cases
32 of} IN THE CASE OF ANY VACANCY OCCURRING AMONG those MEMBERS
originally
33 appointed pursuant to a chapter of the laws of {1993} 2007 which
amends
34 section one of this act, {from the directors of the
Brooklyn public
35 library corporation appointed} by the mayor of the city of New
York and
36 in cases of their successors TO BE APPOINTED UPON THE
EXPIRATION OF
37 THEIR TERM, SUCH VACANCY shall be filled by appointment by the
mayor of
38 the city of New York, and {vacancies}, IN THE CASE OF ANY
VACANCY occur-
39 ring {in cases of} AMONG those MEMBERS originally appointed
pursuant to
40 such chapter of the laws of {1993 which amends section one of
this act,
41 from the directors of the Brooklyn public library corporation
appointed}
42 2007 by the president of the borough of Brooklyn and in cases
of their
43 successors TO BE APPOINTED UPON THE EXPIRATION OF THEIR
TERM, SUCH
44 VACANCY shall be filled by appointment by the president of the
borough

45 of Brooklyn, on the first day of February in each year or within
thirty
46 days thereafter, or in cases of a vacancy existing otherwise
than by
47 expiration of a term, shall be filled by appointment by the ex
officio
48 member (or by his or her successor in office) who had last
appointed the
49 non-ex officio member whose office has been vacated and is to be
filled,
50 within thirty days after its occurrence. IN THE CASE OF ANY
VACANCY
51 OCCURRING AMONG THE ELECTED MEMBERS ORIGINALLY ELECTED PURSUANT
TO SUCH
52 CHAPTER OF THE LAWS OF 2007, FROM THE BOARD OF TRUSTEES OF THE
BROOKLYN
53 PUBLIC LIBRARY FOUNDATION, AND IN CASES OF THEIR SUCCESSORS
TO BE
54 ELECTED UPON THE EXPIRATION OF THEIR TERM, SUCH VACANCY SHALL
BE FILLED
55 BY ELECTION BY THE MEMBERS OF THE BOARD THEN IN OFFICE, WHO
SHALL SEPA-
56 RATELY CONVENE FOR SUCH PURPOSE, A MAJORITY OF THOSE MEMBERS
THEN IN

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1 OFFICE BEING A QUORUM, ON THE FIRST DAY OF FEBRUARY IN EACH
YEAR OR
2 WITHIN THIRTY DAYS THEREAFTER, OR FOR THE PURPOSE OF FILLING A
VACANCY
3 EXISTING OTHERWISE THAN BY EXPIRATION A TERM WITHIN THIRTY
DAYS AFTER
4 ITS OCCURRENCE. Membership in the said corporation shall not
operate to
5 vacate any nonsalaried city office. The said corporation shall
make and
6 publish an annual report in detail of its proceedings and
transactions
7 for each year, including a full and detailed statement of its
revenues
8 and expenses, and it shall furnish copies thereof to the
mayor, the
9 council, the comptroller of the city of New York and to the
president of
10 the borough of Brooklyn.
11 S 4. At the next regular meeting of said Brooklyn public
library
12 corporation following the appointments and election of
all of its
13 members pursuant to section 1 of chapter 606 of the laws of
1902, as
14 amended by section two of this act, the said corporation shall
proceed
15 to divide the appointed and elected membership thereof by lot
into three

16 classes as nearly equal as may be. Appointed and elected
members shall
17 be apportioned among the three classes as nearly equal as
may be.
18 Notwithstanding the terms to which the several members of said
corpo-
19 ration may have been heretofore appointed or elected, the
terms of
20 office of the first of said classes shall expire one year
after the
21 first day of February 2007; the term of office for the second
of said
22 classes shall expire two years after said date; and the term of
office
23 for the third of said classes shall expire three years after
said date.
24 After such apportionment of the appointed and elected membership
of said
25 corporation, the appointment and election of members shall be
made as
26 provided in section 2 of chapter 606 of the laws of 1902 as
amended by
27 this act.
28 § 5. This act shall take effect immediately, except that
sections two,
29 three and four of this act shall take effect on September 1,
2007; and
30 provided, however, that appointment and election of
members of the
31 Brooklyn public library corporation pursuant to section 1 of
chapter 606
32 of the laws of 1902, as amended by section two of this act,
shall be
33 completed on or before such date in order to be effective on such date.