

2009-2010 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2009

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Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the town law, the public officers law, and the village law, in relation to the residency requirement for certain court clerks

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

- 1     Section 1. Section 23 of the town law is amended by adding a new  
2     subdivision 23 to read as follows:  
3     23. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,  
4     ANY TOWN IN THE STATE THAT HAS A POPULATION OF LESS THAN TWENTY THOUSAND  
5     RESIDENTS ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS MAY, AT ITS  
6     OPTION, APPOINT A PERSON, WHO IS NOT AN ELECTOR OF SUCH TOWN, TO PERFORM  
7     THE DUTIES OF COURT CLERK; PROVIDED THAT THE PERSON PERFORMING THE FUNC-  
8     TIONS OF COURT CLERK IN ANY OTHER TOWN SHALL BE AN ELECTOR OF SUCH TOWN  
9     UNLESS OTHERWISE PROVIDED BY LAW.  
10    S 2. Section 3 of the public officers law is amended by adding a new  
11    subdivision 56 to read as follows:  
12    56. IN ANY TOWN IN THE STATE THAT HAS A POPULATION OF LESS THAN TWENTY  
13    THOUSAND RESIDENTS ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS, OR ANY  
14    VILLAGE THAT HAS A POPULATION OF LESS THAN TEN THOUSAND RESIDENTS  
15    ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS, THE PROVISIONS OF THIS  
16    SECTION REQUIRING A PERSON TO BE A RESIDENT OF THE POLITICAL SUBDIVISION  
17    OR MUNICIPAL CORPORATION OF THE STATE FOR WHICH HE OR SHE SHALL BE  
18    CHOSEN OR WITHIN WHICH HIS OR HER OFFICIAL FUNCTIONS ARE REQUIRED TO BE  
19    EXERCISED, SHALL NOT PREVENT A PERSON FROM HOLDING THE OFFICE OF COURT  
20    CLERK IN THAT TOWN OR VILLAGE PROVIDED THAT SUCH PERSON RESIDES IN THE  
21    COUNTY IN WHICH SUCH TOWN OR VILLAGE IS LOCATED, OR AN ADJOINING COUNTY  
22    WITHIN THE STATE OF NEW YORK. PROVIDED, FURTHER, THAT THE PERSON  
23    PERFORMING THE FUNCTIONS OF COURT CLERK IN ANY OTHER TOWN OR VILLAGE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 SHALL BE A RESIDENT OF SUCH TOWN OR VILLAGE, UNLESS OTHERWISE PROVIDED  
2 BY LAW.

3 S 3. Section 3-300 of the village law is amended by adding a new  
4 subdivision 19 to read as follows:

5 19. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR ANY OTHER GENER-  
6 AL, SPECIAL, OR LOCAL LAW OR ORDINANCE, THE VILLAGE BOARD OF TRUSTEES OF  
7 ANY INCORPORATED VILLAGE THAT HAS A POPULATION OF LESS THAN TEN THOUSAND  
8 RESIDENTS ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS MAY, BY RESOL-  
9 UTION, PROVIDE THAT THE OFFICE OF VILLAGE COURT CLERK OF SUCH VILLAGE  
10 MAY BE HELD BY A PERSON WHO IS NOT A RESIDENT OF SUCH VILLAGE, PROVIDED  
11 THAT SUCH PERSON RESIDES WITHIN THE COUNTY IN WHICH SUCH VILLAGE IS  
12 LOCATED OR IN AN ADJOINING COUNTY WITHIN THE STATE OF NEW YORK.

13 S 4. This act shall take effect immediately.