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

268

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

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:

Section 1. Section 23 of the town law is amended by adding a new subdivision 23 to read as follows:

23. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, ANY TOWN IN THE STATE THAT HAS A POPULATION OF LESS THAN TWENTY THOUSAND RESIDENTS ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS MAY, AT ITS OPTION, APPOINT A PERSON, WHO IS NOT AN ELECTOR OF SUCH TOWN, TO PERFORM THE DUTIES OF COURT CLERK; PROVIDED THAT THE PERSON PERFORMING THE FUNCTIONS OF COURT CLERK IN ANY OTHER TOWN SHALL BE AN ELECTOR OF SUCH TOWN UNLESS OTHERWISE PROVIDED BY LAW.

S 2. Section 3 of the public officers law is amended by adding a new subdivision 56 to read as follows:

56. IN ANY TOWN IN THE STATE THAT HAS A POPULATION OF LESS THAN TWENTY THOUSAND RESIDENTS ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS, OR ANY VILLAGE THAT HAS A POPULATION OF LESS THAN TEN THOUSAND RESIDENTS ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS, THE PROVISIONS OF THIS SECTION REQUIRING A PERSON TO BE A RESIDENT OF THE POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION OF THE STATE FOR WHICH HE OR SHE SHALL BE CHOSEN OR WITHIN WHICH HIS OR HER OFFICIAL FUNCTIONS ARE REQUIRED TO BE EXERCISED, SHALL NOT PREVENT A PERSON FROM HOLDING THE OFFICE OF COURT CLERK IN THAT TOWN OR VILLAGE PROVIDED THAT SUCH PERSON RESIDES IN THE COUNTY IN WHICH SUCH TOWN OR VILLAGE IS LOCATED, OR AN ADJOINING COUNTY WITHIN THE STATE OF NEW YORK. PROVIDED, FURTHER, THAT THE PERSON 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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SHALL BE A RESIDENT OF SUCH TOWN OR VILLAGE, UNLESS OTHERWISE PROVIDED BY LAW.

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

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

S 4. This act shall take effect immediately.