

1312

2011-2012 Regular Sessions

I N   S E N A T E

January 6, 2011

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

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 9 of the constitution, in relation to directing the legislature to enact a procedure for the creation of a new county to be called Peconic county from the towns of East Hampton, Riverhead, Shelter Island, Southampton, and Southold in Suffolk County

1     Section 1. Resolved (if the Assembly concur), That article 9 of the  
2     constitution be amended by adding a new section 4 to read as follows:

3     S 4. LEGISLATURE DIRECTED TO ESTABLISH PROCEDURE FOR THE CREATION OF  
4     PECONIC COUNTY. (A) WHENEVER USED IN THIS SECTION, THE FOLLOWING TERMS  
5     SHALL MEAN OR INCLUDE:

6     (1) "PECONIC COUNTY." THE TOWNS OF EAST HAMPTON, RIVERHEAD, SHELTER  
7     ISLAND, SOUTHAMPTON, AND SOUTHOLD IN THE COUNTY OF SUFFOLK.

8     (2) "TAX CONTRIBUTION." THE CONTRIBUTION OF PECONIC COUNTY TO THE  
9     GENERAL FUND OF SUFFOLK COUNTY BASED UPON ITS CONTRIBUTION OF SALES AND  
10    USE TAX AND THE REAL PROPERTY TAX.

11    (B) NOTWITHSTANDING ANY PROVISION OF THIS CONSTITUTION TO THE CONTRA-  
12    RY, THE LEGISLATURE SHALL ENACT A PROCEDURE FOR THE CREATION OF PECONIC  
13    COUNTY AS PROVIDED FOR BY THIS SECTION WITHIN TWELVE MONTHS OF THE  
14    ADOPTION OF THIS SECTION.

15    (C) SUCH ENACTMENT SHALL PROVIDE FOR THE FOLLOWING:

16    (1) THE INITIATION OF THE CREATION OF PECONIC COUNTY BY A PETITION  
17    SUBMITTED BY THE ELECTORS OF THE PROPOSED PECONIC COUNTY TO THE STATE  
18    BOARD OF ELECTIONS IN A NUMBER EQUAL TO AT LEAST TEN PERCENT OF THE  
19    TOTAL VOTE CAST FOR GOVERNOR IN THE TERRITORY PROPOSED TO BE PECONIC  
20    COUNTY IN THE LAST GUBERNATORIAL ELECTION.

21    (2) PECONIC COUNTY SHALL NOT BE CREATED UNTIL THE PEOPLE OF THE  
22    PROPOSED PECONIC COUNTY SHALL HAVE CONSENTED THERETO BY A MAJORITY VOTE  
23    ON A REFERENDUM.

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

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1 (D) ALL PERSONAL AND REAL PROPERTY OF SUFFOLK COUNTY LOCATED IN PECON-  
2 IC COUNTY AS OF THE APPROVAL OF THE REFERENDUM SHALL BECOME THE PROPERTY  
3 OF PECONIC COUNTY.

4 (E) ALL EXISTING DEBT OF SUFFOLK COUNTY SHALL BE A CHARGE UPON AND  
5 SHALL BE PAID BY SUFFOLK COUNTY AND PECONIC COUNTY AS THE SAME SHALL  
6 BECOME DUE AND PAYABLE, IN THE SAME PROPORTION TO THE WHOLE OF SUCH DEBT  
7 AS EACH COUNTY'S TAX CONTRIBUTION.

8 (F) NOTHING IN SUCH ENACTMENT BY THE LEGISLATURE SHALL PRECLUDE THE  
9 AFFECTED COUNTIES FROM PROVIDING FOR AN AGREEMENT RELATING TO THE DISPO-  
10 SITION OF THE PROPERTY AND THE ASSUMPTION OF DEBT IN A MANNER DIFFERENT  
11 THAN PROVIDED BY THIS SECTION.

12 (G) THE ENACTMENT OF THE LEGISLATURE REQUIRED BY THIS SECTION IS HERE-  
13 BY DETERMINED TO BE A MATTER OF GENERAL STATE CONCERN, AND SHALL NOT  
14 REQUIRE THE ADOPTION OF A HOME RULE MESSAGE FROM ANY LOCAL GOVERNMENT  
15 PURSUANT TO THIS ARTICLE.

16 (H) THE PROVISIONS OF SECTION FIVE OF ARTICLE THREE OF THIS CONSTITU-  
17 TION RELATING TO THE POPULATION OF COUNTIES ARE HEREBY SUPERSEDED BY  
18 THIS SECTION IN RELATION TO THE CREATION OF PECONIC COUNTY.

19 S 2. Resolved (if the Assembly concur), That the foregoing amendment  
20 be referred to the first regular legislative session convening after the  
21 next succeeding general election of members of the assembly, and, in  
22 conformity with section 1 of article 19 of the constitution, be  
23 published for 3 months previous to the time of such election.