

2787

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

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

AN ACT to amend the state finance law and the village law, in relation to coterminous municipalities

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

1 Section 1. Subparagraph (ii) of paragraph p of subdivision 10 of
2 section 54 of the state finance law, as amended by chapter 435 of the
3 laws of 2012, is amended to read as follows:
4 (ii) Within the annual amounts appropriated therefor, surviving muni-
5 cipalities following a consolidation or dissolution occurring on or
6 after the state fiscal year commencing April first, two thousand seven,
7 AND ANY NEW COTERMINOUS TOWN-VILLAGE ESTABLISHED AFTER JULY FIRST, TWO
8 THOUSAND TWELVE THAT OPERATES PRINCIPALLY AS A TOWN OR AS A VILLAGE BUT
9 NOT AS BOTH A TOWN AND A VILLAGE, shall be awarded additional annual
10 aid, starting in the state fiscal year following the state fiscal year
11 in which such [consolidation or dissolution] REORGANIZATION took effect,
12 equal to fifteen percent of the combined amount of real property taxes
13 levied by all of the municipalities participating in the [consolidation
14 or dissolution] REORGANIZATION in the local fiscal year prior to the
15 local fiscal year in which such [consolidation or dissolution] REORGAN-
16 IZATION took effect. In instances of the dissolution of a village
17 located in more than one town, such additional aid shall equal the sum
18 of fifteen percent of the real property taxes levied by such village in
19 the village fiscal year prior to the village fiscal year in which such
20 dissolution took effect plus fifteen percent of the average amount of
21 real property taxes levied by the towns in which the village was located
22 in the town fiscal year prior to the town fiscal year in which such
23 dissolution took effect, and shall be divided among such towns based on
24 the percentage of such village's population that resided in each such
25 town as of the most recent federal decennial census. In no case shall

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

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1 the additional aid pursuant to this paragraph exceed one million
2 dollars. Such additional aid shall be apportioned and paid to the chief
3 fiscal officer of each eligible municipality on or before September
4 twenty-fifth of each such state fiscal year on audit and warrant of the
5 state comptroller out of moneys appropriated by the legislature for such
6 purpose to the credit of the local assistance fund. [For the purposes of
7 being eligible for a citizen empowerment tax credit, in addition to any
8 other municipality which is eligible, a town shall be deemed the surviv-
9 ing municipality in the case of a town and village existing as of July
10 first, two thousand twelve, which thereafter, but not before, share a
11 coterminous boundary. In the case of a town which qualifies for a citi-
12 zen empowerment tax credit as a result of sharing a coterminous boundary
13 with a village, the secretary of state is authorized to make rules and
14 regulations to implement the tax credit in circumstances where the
15 secretary determines such coterminous nature will result in savings to
16 taxpayers.]

17 S 2. Clause 2 of subparagraph (i) of paragraph q of subdivision 10 of
18 section 54 of the state finance law, as amended by chapter 435 of the
19 laws of 2012, is amended to read as follows:

20 (2) For the purposes of this paragraph, "local government re-organiza-
21 tion" shall mean the consolidation or dissolution of a local government
22 entity in accordance with article seventeen-A of the general municipal
23 law [or the making of the boundaries of a town and village existing on
24 July first, two thousand twelve coterminous in a manner which would
25 qualify the town for a citizen empowerment tax credit] OR THE ESTABLISH-
26 MENT OF A NEW COTERMINOUS TOWN-VILLAGE THAT OPERATES PRINCIPALLY AS A
27 TOWN OR AS A VILLAGE BUT NOT AS BOTH A TOWN AND A VILLAGE.

28 S 3. Section 17-1700 of the village law, as amended by chapter 960 of
29 the laws of 1977, is amended to read as follows:

30 S 17-1700 Application. This article shall apply to any village which
31 has been or may hereafter be incorporated to embrace the entire territo-
32 ry of a town, TO ANY VILLAGE WHICH HAS ANNEXED OR MAY HEREINAFTER ANNEX
33 TERRITORY TO EMBRACE THE ENTIRE TERRITORY OF A TOWN, and to any town
34 which has been or may hereafter be created to be coterminous with any
35 village.

36 S 4. Subdivision 1 of section 17-1702 of the village law, as amended
37 by chapter 960 of the laws of 1977, is amended to read as follows:

38 1. The boundaries of a village incorporated OR WHICH HAS ANNEXED
39 TERRITORY to embrace the entire territory of a town, shall be deemed to
40 embrace the entire territory of such town as such territory may there-
41 after be extended, diminished or altered pursuant to law. Whenever the
42 territory of any other village to which this article applies is
43 extended, diminished or altered pursuant to law, other than by consol-
44 idation, then the territory of the town which is coterminous with such
45 village shall be deemed to be correspondingly extended, diminished or
46 altered.

47 S 5. Subdivision 1 of section 17-1703 of the village law, as added by
48 chapter 355 of the laws of 1975, is amended to read as follows:

49 1. Upon the filing of the certificate of incorporation of each [such]
50 village WHICH HAS BEEN INCORPORATED TO EMBRACE THE ENTIRE TERRITORY OF A
51 TOWN in the office of the clerk of the town, the town board of such town
52 shall constitute the interim board of trustees of the village for all
53 purposes and the supervisor of such town shall be the interim mayor of
54 such village for all purposes until the first election in such village
55 of a board of trustees and mayor. Upon the qualification and filing of
56 the oath of office by the mayor and trustees elected in accordance here-

1 with, the holding of the office, ex officio, of mayor or trustee by any
2 town officer shall terminate.

3 S 6. Subdivisions 1 and 2 and the opening paragraphs of subdivisions 3
4 and 4 of section 17-1703-a of the village law, as added by chapter 960
5 of the laws of 1977, are amended to read as follows:

6 1. In any village as to which a town is created to be coterminous with
7 such village, AND IN ANY VILLAGE WHICH AFTER JULY FIRST, TWO THOUSAND
8 TWELVE ANNEXES TERRITORY TO EMBRACE THE ENTIRE TERRITORY OF A TOWN,
9 there shall be submitted to the voters in such village at the November
10 general election next preceding the effective date of the creation of
11 such town OR ANNEXATION OF SUCH TERRITORY, a proposition as follows:
12 "Shall the local government of operate PRINCIPALLY AS A VILLAGE or
13 PRINCIPALLY AS A TOWN?" Such proposition shall be presented so that the
14 choice to be indicated by the voter shall be either "VILLAGE" or "TOWN".
15 IN ANY VILLAGE WHICH ANNEXED TERRITORY PRIOR TO JULY FIRST, TWO THOUSAND
16 TWELVE TO EMBRACE THE ENTIRE AREA OF A TOWN, THE BOARD OF TRUSTEES MAY,
17 UPON ITS OWN MOTION, SUBMIT SUCH A PROPOSITION TO THE VOTERS OF SUCH
18 VILLAGE AT THE NEXT SUCCEEDING NOVEMBER GENERAL ELECTION.

19 2. Upon the effective date of the creation of the town COTERMINOUS
20 WITH A VILLAGE, the mayor and the board of trustees of such village
21 shall constitute respectively the interim supervisor and town board of
22 such town for all purposes until their successors shall have been
23 elected and commenced their terms of office as hereinbelow provided for.
24 All other elected and appointed village officers shall constitute
25 respectively and corresponding interim officers of such town until their
26 respective successors shall have been elected or appointed, as the case
27 may be, and commenced their terms of office as hereinbelow provided for
28 or as otherwise regularly provided by law.

29 In any case in which the proposition provided for in subdivision one
30 of this section shall have resulted in favor of the local government
31 operating principally as a village, the holders of village offices
32 shall, from and after the effective date of the creation of the town OR
33 ANNEXATION OF SUCH TERRITORY, by virtue thereof also hold town offices,
34 as follows:

35 In any case in which the proposition provided for in subdivision one
36 of this section shall have resulted in favor of the local government
37 operating principally as a town, then, at the regular village election
38 next ensuing, all offices to be filled thereat shall be filled for terms
39 to end at the conclusion of the then current calendar year. The term of
40 office of each other elected village office shall also end at the
41 conclusion of said then current calendar year, notwithstanding that any
42 such term of office originally extended beyond such date. The offices of
43 supervisor, four town councilmen and two town justices shall be filled
44 by election as hereinafter provided at the November general election
45 next following the effective date of the creation of such town OR ANNE-
46 XATION OF SUCH TERRITORY; all other town offices shall be appointive.
47 The election of the supervisor, councilmen and justices shall be for
48 terms of office as follows:

49 S 7. Subdivision 1 of section 17-1714 of the village law is amended to
50 read as follows:

51 1. For the purpose of enabling such villages to procure federal aid
52 under the provisions of the national industrial recovery act in the
53 establishment of hospitals, the board of trustees of any village which
54 has been or may hereafter be incorporated OR WHICH HAS ANNEXED TERRITORY
55 to embrace the entire territory of a town, and which is adjacent to a
56 city or town in which a hospital is maintained by a duly incorporated

1 membership corporation, may acquire by gift or purchase title to lands
2 in such city or town in trust for hospital purposes. If such land is to
3 be acquired by gift, the acquisition shall be subject to a permissive
4 referendum or if such land is to be acquired by purchase, the acquisition shall be subject to a permissive referendum if it is to be paid
5 from taxes levied for the fiscal year in which such expenditure is made.
6 The board may construct and maintain on such land suitable buildings and
7 equip the same for hospital purposes and, from time to time, enter into
8 one or more agreements with such membership hospital corporation for the
9 control and operation thereof, and such board of trustees may accept on
10 such terms as the president of the United States shall prescribe, any
11 grants made by him pursuant to the provisions of the said national
12 industrial recovery act in aid of the establishment of the said hospital.
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15 S 8. Section 17-1735 of the village law, as added by chapter 18 of the
16 laws of 1977, is amended to read as follows:

17 S 17-1735 Town legislation to carry over. Notwithstanding any general
18 or special law to the contrary in any village which has been or may
19 hereafter be incorporated to embrace the entire territory of a town, AND
20 IN ANY VILLAGE WHICH HAS ANNEXED TERRITORY TO EMBRACE THE ENTIRE TERRI-
21 TORY OF A TOWN, all local laws, ordinances, resolutions, rules and regu-
22 lations in effect in such town, on the date of incorporation shall
23 remain in effect in such village, and such local laws, ordinances,
24 resolutions, rules and regulations may be amended from time to time by
25 the town board, and such amendments shall be in effect in such village,
26 and new local laws, ordinances, resolutions, rules and regulations may
27 be enacted from time to time by the town board and shall be in effect in
28 such village, as if the same had been duly adopted by the board of trustees provided, however, that such local laws, ordinances, resolutions,
29 rules and regulations shall cease to be in effect in the village or any
30 part thereof when so determined by duly enacted village local law,
31 resolution, rule or regulation as may be appropriate, or when replaced
32 by duly enacted village local law, resolution, rule or regulation covering the same subject matter. Any such local laws, ordinances, resolutions,
33 rules or regulations, and any local laws, resolutions, rules or
34 regulations enacted by any such village, may be administered and
35 enforced by either such town or such village.
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38 S 9. This act shall take effect immediately.