

# STATE OF NEW YORK

7861

## IN SENATE

March 5, 2018

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

AN ACT to amend the education law, in relation to ensuring that certain school districts are eligible for incentive building aid; and relating to new towns

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. 1. The provisions of this act shall apply to any new town  
2 created pursuant to the division of a town into two or more towns pursuant to article 5 of the town law as adopted by the qualified electors at  
3 a biennial town election held November 7, 2017.

4 2. For the purposes of this act "new town" shall refer to a town  
5 created pursuant to the division of any existing town by a proposition  
6 adopted at a biennial town election held November 7, 2017.

7 § 2. 1. Notwithstanding section 80 and subdivision 2 of section 74 of  
8 the town law, the election of town officers for the new town shall be  
9 held on the Tuesday next succeeding the first Monday in November 2018.

10 2. Notwithstanding section 24 of the town law, all elective officers  
11 other than town councilmen, town justices and the receiver of taxes and  
12 assessments shall hold their respective offices for 1 year. The terms of  
13 office of town councilmen shall be 1 year each for 2 town councilmen and  
14 3 years each for 2 town councilmen. The term of office of the receiver  
15 of taxes and assessments shall be 3 years. The term of each town officer  
16 elected to office in November 2018 shall commence January 1, 2019. The  
17 terms of town officers elected for a 1 year term shall expire December  
18 31, 2019 and the terms of officers elected for a 3 year term shall  
19 expire December 31, 2021, unless otherwise provided for in law.

20 § 3. Notwithstanding section 80 of the town law, the election held  
21 pursuant to section two of this act shall be deemed the first biennial  
22 town election for the new town, for the purposes of:

23 1. the effective date for the purposes of exercise of governmental  
24 functions pursuant to subdivision 2 of section 74 of the town law;

25 2. the disposition of property pursuant to section 75 of the town law;

26 3. the apportionment of debts pursuant to section 76 of the town law;

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

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1 4. the meetings of town boards pursuant to section 77 of the town law;  
2 and,

3 5. the right of action upon failure of towns to agree upon the dispo-  
4 sition of assets and debts pursuant to section 78 of the town law.

5 § 4. Pursuant to subdivision 1 of section three of this act and subdi-  
6 vision 2 of section 74 of the town law, the new town shall be effective  
7 for the purposes of the exercise of governmental functions January 1,  
8 2019.

9 § 5. By January 31, 2019, the town board of the new town shall meet to  
10 adopt a final budget for the new town's fiscal year 2019 with the same  
11 force and effect as though prepared and adopted pursuant to article 8 of  
12 the town law. Such budget shall be adopted in accordance with article 8  
13 of town law to the extent practicable, provided, however, the budget  
14 adopted by the new town shall be in the form and contain such informa-  
15 tion as required by section 107 of the town law, and, provided further,  
16 the new town shall not be required to hold a public hearing as required  
17 in section 108 of the town law.

18 § 6. 1. Biennial town elections to be held after January 1, 2019 in  
19 the new town shall be held every odd-numbered year pursuant to section  
20 80 of the town law.

21 2. The terms of office for elective officers of the new town elected  
22 after January 1, 2019 shall be as provided for pursuant to section 24 of  
23 the town law.

24 3. In the event that the entire territory of the new town shall become  
25 coterminous with a village and a proposition submitted to the voters  
26 pursuant to article 17 of the village law has resulted in favor of the  
27 local government operating principally as a village, provisions of arti-  
28 cle 17 of the village law shall supersede subdivisions one and two of  
29 this section.

30 § 7. Paragraph c of subdivision 14 of section 3602 of the education  
31 law is amended by adding a new subparagraph 3 to read as follows:

32 (3) Notwithstanding any provisions of this paragraph, a school  
33 district shall be eligible for incentive building aid pursuant to this  
34 subdivision if after August first, two thousand seventeen, the bounda-  
35 ries of such school district change so as to result in a net loss of  
36 taxable property and a corresponding annual loss in property tax revenue  
37 that exceeds five hundred thousand dollars as of the effective date of  
38 the boundary alteration to such school district.

39 § 8. This act shall take effect immediately.