STATE OF NEW YORK

7861--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to the formation of and elections in new towns

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

Section 1. 1. The provisions of this act shall apply to any new town 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 a biennial town election held November 7, 2017.

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

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

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

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

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

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

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

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

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

5. the right of action upon failure of towns to agree upon the disposition of assets and debts pursuant to section 78 of the town law.

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

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

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

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

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

§ 7. This act shall take effect immediately.