

BT

CHAPTER 270

LAWS OF 19 95 MEMORANDUM NO. _____

SENATE BILL 4169

ASSEMBLY BILL _____

4169

1995-1996 Regular Sessions

IN SENATE

April 11, 1995

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

AN ACT to amend the town law, in relation to residency of the court clerk of the town of Hamlin, Monroe county

IN THE ASSEMBLY BY A-1449 NESBITT

DATE RECEIVED BY GOVERNOR:

7/14

ACTION MUST BE TAKEN BY:

7/26

DATE GOVERNOR'S ACTION TAKEN:

JUL 26 1995

000001

SENATE VOTE 49 Y 0 N

DATE 5/25/95

ASSEMBLY VOTE 149 Y 0 N

DATE 6/28/95

HOME RULE MESSAGE Y N

BILL IS DISAPPROVED

DATE

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COUNSEL TO THE GOVERNOR

SENATE

The Senate Bill
by Sen. MAZIARZ
Entitled: "

Calendar No. 1031

Senate No. 4169
Assem. Rept. No. _____

S4169 MAZIARZ

An act to amend the town law, in relation to resi-
dency of the court clerk of the town of Hamlin,
Monroe county

"was read the third time

The President put the question whether the Senate would agree to the final passage of said bill, the same having been printed and upon the desks of the members in its final form at least three calendar legislative days, and it was decided in the affirmative, a majority of all the Senators elected voting in favor thereof and three-fifths being present, as follows:

AYE	Dist.		NAY	AYE	Dist.		NAY
	27	Ms. Abate			24	Mr. Marchi	
	19	Mr. Babbush			20	Mr. Markowitz	EXCUSED
	43	Mr. Bruno			61	Mr. Maziarz	
	25	Mr. Connor			28	Mrs. Mendez	
	40	Mr. Cook			18	Ms. Montgomery	EXCUSED
	49	Mr. DeFrancisco			57	Mr. Nanula	
	23	Mr. DiCarlo			53	Mr. Nozzolio	
	54	Mr. Dollinger			14	Mr. Onorato	EXCUSED
	32	Mr. Espada	EXCUSED		36	Mrs. Oppenheimer	
	44	Mr. Farley			11	Mr. Padavan	
	33	Mr. Galiber	EXCUSED		29	Mr. Paterson	
	13	Mr. Gold			56	Mr. Present	
	31	Mr. González	EXCUSED		60	Mrs. Rath	
	26	Mr. Goodman			41	Mr. Saland	
	6	Mr. Hannon	EXCUSED		17	Ms. Santiago	EXCUSED
	42	Mr. Hoblock			47	Mr. Sears	
	48	Ms. Hoffmann			50	Mr. Seward	
	38	Mr. Holland			9	Mr. Skelos	EXCUSED
	4	Mr. Johnson			12	Miss Smith	
	55	Ms. Jones			22	Mr. Solomon	EXCUSED
	21	Mr. Kruger			35	Mr. Spano	
	52	Mr. Kuhl			58	Mr. Stachowski	
	2	Mr. Lack			45	Mr. Stafford	
	39	Mr. Larkin			16	Mr. Stavisky	EXCUSED
	1	Mr. LaValle			3	Mr. Trunzo	
	37	Mr. Leibell			7	Mr. Tully	
	30	Mr. Leichter	EXCUSED		34	Mr. Velella	
	8	Mr. Levy			59	Mr. Volker	
	51	Mr. Libous			10	Mr. Waldon	
	15	Mr. Maltese			46	Mr. Wright	
	5	Mr. Marcellino					

AYES 49
NAYS 0

Ordered, that the Secretary deliver said bill to the Assembly and request its concurrence therein.

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S4169
A1449

NEW YORK STATE ASSEMBLY
TWO HUNDRED EIGHTEENTH SESSION

DATE: 06/28/1995
TIME: 09:30:06 PM

REPRINT
DATE: 06/28/95

BILL: S4169 (A1449) R.R. NO: 746 SPONSOR: MAZIARZ

Makes provisions relating to the residency of the court clerk of the town of Hamlin, Monroe county

Y	Abbate PJ	Y	Genovesi AJ	Y	Ortiz FW
Y	Acampora PL	Y	Glick DJ	Y	Ortloff C
Y	Alesi JS	Y	Gottfried RN	Y	O'Shea CJ
Y	Anderson RR	Y	Grannis A	Y	Parment WL
Y	Arroyo CE	Y	Green RL	Y	Perry NN
Y	Aubry JL	Y	Greene A	Y	Pheffer AI
Y	Balboni MA	Y	Griffith E	Y	Pillittere JT
Y	Barbaro FJ	Y	Gromack AJ	Y	Polonetsky J
Y	Barraga TF	Y	Guerin JJ	Y	Pordum FJ
Y	Becker GR	Y	Gunther JE	Y	Prentiss RG
Y	Bonacic JJ	Y	Harenberg PE	Y	Prescott DW
Y	Boylard WF	Y	Healey PB	Y	Pretlow JG
Y	Boyle PM	Y	Herbst M	Y	Ramirez R
Y	Bragman MJ	Y	Hikind D	Y	Rappleyea CD
EOR	Brennan JF	Y	Hill EH	Y	Ravitz J
Y	Brodsky RL	Y	Hochberg AG	Y	Reynolds TM
Y	Brown HC	Y	Hoyt WB	Y	Rivera PM
Y	Butler DJ	Y	Jacobs RS	Y	Robach JE
Y	Calhoun N	Y	John SV	Y	Sanders S
Y	Canestrari RJ	Y	Johnson J	Y	Scarborough W
Y	Casale AJ	Y	Katz M	Y	Schimminger RL
Y	Casale PM	Y	Kaufman SB	Y	Seabrook L
Y	Christensen JK	Y	Keane RJ	Y	Seaman DE
Y	Clark BM	Y	King JP	Y	Seminario AS
Y	Colman S	Y	Kirwan TJ	Y	Sidikman DS
Y	Connelly EA	Y	Klein J	Y	Spano MJ
Y	Conte JD	Y	Lafayette IC	Y	Stephens WH
Y	Cook VE	Y	Lentol JR	Y	Straniere RA
Y	Crowley J	Y	Lopez VJ	Y	Stringer SM
Y	D'Andrea RA	Y	Luster MA	Y	Sullivan EC
Y	Dauidsen DR	Y	Magee B	Y	Sullivan F
Y	Davis G	Y	Mahoney BJ	Y	Sweeney RK
Y	Destito RM	Y	Manning PR	Y	Tedisco J
Y	Diaz F	Y	Matusow NC	Y	Thiele FW
Y	Diaz HL	Y	Mayersohn N	Y	Tocci RC
Y	DiNapoli TP	Y	Mazzarelli DJ	Y	Tokasz P
Y	Dinga JJ	Y	McEneny JJ	Y	Tonko PD
Y	Dinowitz J	Y	McGee PK	Y	Towns DC
Y	Doran CJ	Y	McLaughlin BM	Y	Townsend DR
Y	Dugan EC	Y	Meeks GW	Y	Vann A
Y	Englebright S	Y	Miller JM	Y	Vitaliano EN
Y	Eve AO	Y	Morelle JD	Y	Warner RJ
Y	Farrell HD	Y	Murtaugh JB	Y	Weinstein HE
Y	Faso JJ	Y	Muscarella VT	Y	Weisenberg H
Y	Feldman D	Y	Nesbitt CH	Y	Weprin M
Y	Ferrara D	Y	Nolan CT	Y	Wertz RC
Y	Fessenden DJ	Y	Norman C	Y	Winner GH
Y	Flanagan JJ	Y	Nortz HR	Y	Wirth SL
Y	Galef SR	Y	Oaks RC	Y	Wright KL
Y	Gantt DF	Y	O'Neil CA	Y	Mr. Speaker

YEAS: 149

NAYS: 0

CONTROL: 45133472

CERTIFICATION: /S/ FRANCINE M. MISASI
CLERK OF THE ASSEMBLY

LEGEND: Y=YES, NAY=NO, NV=ABSTAIN, ABS=ABSENT,
ELB=EXCUSED FOR LEGISLATIVE BUSINESS, EOR=EXCUSED FOR OTHER REASONS.

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NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI, § 1

(x) Memo on amended bill

SENATE BILL #: S. 4169

ASSEMBLY BILL #: A. 1449-A

SENATE SPONSOR(S): George D. Maziarz

ASSEMBLY SPONSOR(S): Charles H. Nesbitt

TITLE: An Act to amend the town law, in relation to residency of the court clerk of the town of Hamlin, Monroe county.

PURPOSE: To permit an individual who is not an elector of the town of Hamlin to be the court clerk.

SUMMARY OF PROVISIONS: Subdivision 1 of section 23 of the town law is amended to include the position of court clerk of the town of Hamlin as an office in which the officer need not be an elector of the town.

EXISTING LAW: Existing law provides for certain exceptions other than court clerk of the town of Hamlin.

JUSTIFICATION: Both public officers law, §3 and town law, §23(1) apply to residency requirements for town officers. Chapter 174 of the Laws of 1994 amended the public officers Law §3 permitting an individual who lives outside the Town of Hamlin or the adjoining county to hold the office of justice court clerk. Amending town law, §23(1) to conform to public law, §3 eliminates any confusion that may exist in the future regarding residency requirements for the position of the justice court clerk in the town of Hamlin.

LEGISLATIVE HISTORY: New.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect immediately and be deemed to have been in full force and in effect on and after June 4, 1994.

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GEORGE D. MAZIARZ
SENATOR, 61ST DISTRICT

PLEASE RESPOND TO:

ALBANY OFFICE
ROOM 805, LOB
ALBANY, NEW YORK 12247
(518) 455-2024
FAX (518) 426-6987

DISTRICT OFFICE
60 PROFESSIONAL PARKWAY
LOCKPORT, NEW YORK 14094
(716) 438-0655
FAX (716) 438-0955



THE SENATE
STATE OF NEW YORK

S-4169

CO-CHAIRMAN
LEGISLATIVE COMMISSION
ON WATER RESOURCE NEEDS OF
NEW YORK STATE AND LONG ISLAND

COMMITTEES
AGING
COMMERCE, ECONOMIC DEVELOPMENT
& SMALL BUSINESS
CRIME VICTIMS, CRIME & CORRECTION
ENERGY
HOUSING
TOURISM, RECREATION
& SPORTS DEVELOPMENT

July 7, 1995

Michael Finnegan, Esq.
Counsel to the Governor
Room 210
Capitol Building
Albany, N.Y. 12224

RE: Senate bill 4169/Assembly bill 1469 - AN ACT to amend the law, in relation to residency of the court clerk of the town of Hamlin, Monroe County

Dear Mr. Finnegan:

Pursuant to your request, enclosed is a copy of the above referenced bill and its memorandum in support. Also, please find a memorandum from Counsel to the previous administration recommending a technical adjustment to Chapter 174 of the Laws of 1994, which S.4169/A.1469 provides.

Chapter 174 of the Laws of 1994 amended public officers law §3 to eliminate the statutory residency for the position of justice clerk in the Town of Hamlin. It is very difficult for small towns to recruit qualified persons for such positions, and local officials requested that the Legislature eliminate the residency requirement for this post in Hamlin, so that they could retain their court clerk who moved to a nearby location.

Unbeknownst to the sponsors of Chapter 174, both public officers law and town law §23-(1) contain residency requirements for town officers. By amending the town law §23-(1) to conform to public law, S.4169/A.1469 eliminates any confusion that may exist in the future regarding residency requirements for the position of the justice court clerk in the town of Hamlin.

I encourage the Governor to support this legislation.

Sincerely,

Handwritten signature of George D. Maziarz in cursive script.
George D. Maziarz
Senator, 61st District

GDM:rm
Enc.

000006 A small recycling symbol consisting of three chasing arrows forming a triangle.



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

S-4169

CHARLES NESBITT
Assemblyman 137th District
Monroe, Orleans and
Genesee Counties

RANKING MINORITY
MEMBER
Veterans Affairs Committee

COMMITTEES
Housing
Corporations, Authorities
and Commissions
Commerce, Industry and
Economic Development

REPLY TO:
 Room 530
Legislative Office Building
Albany, New York 12248
(518) 455-5363

DISTRICT OFFICE:
 62 North Main Street
Brockport, New York 14420
(716) 637-0090

July 5, 1995

Hon. Michael Finnegan
Counsel to the Governor
Executive Chamber
State Capital
Albany, NY 12224

Re: A.1449 Nesbitt
S.4169 Maziarz

Dear Mr. Finnegan:

I respectfully request that this legislation, A.1449/S.4169, be enacted in law in order to permit an individual who lives in Monroe County outside the Town of Hamlin or in an adjoining county to hold the office of court clerk.

Both Public Officers Law, Section 3 and Town Law, Section 23 (1) apply to residency requirements for town officers. Chapter 174 of the Laws of 1994 amended the Public Officers Law, Section 3 permitting an individual who lives outside the Town of Hamlin to hold the office of justice court clerk. Amending Town Law, Section 23 (1) to conform to Public Law, Section 3 eliminates any confusion that may exist in the future regarding residency requirements for the position of the justice court clerk in the Town of Hamlin.

Thank you for your consideration.

Sincerely,

CHARLES H. NESBITT
Member of Assembly
137th District

CHN/pf

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S-4169

BD

B-203 (12/75)

BUDGET REPORT ON BILLS

Session Year 1995

SENATE

NO RECOMMENDATION

ASSEMBLY

No. 4169

No.

Law: Town

Title: In relation to residency of the court clerk of the town of Hamlin, Monroe County

The above bill has been referred to the Division of the Budget for comment. After careful review, we find that the bill has no appreciable effect on State finances or programs, and this office does not have the technical responsibility to make a recommendation on the bill.

We therefore make no recommendation.

Brian T Stenson
H



S-41169

STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

MICHAEL E. STAFFORD
COUNSEL TO
SECRETARY OF STATE

MEMORANDUM

DATE: July 5, 1995
TO: Michael C. Finnegan, Esq.
Counsel to the Governor
FROM: Michael E. Stafford, Esq. *MES*
Counsel to the Secretary
SUBJECT: 10-Day Bills

The Department of State offers no comment on the following 10-Day bills:

BILL NO	SPONSOR
S.00011-B	S.SKELOS
S.00224	S.COOK
S.00691	S.SALAND
S.00927	S.GOODMAN
S.01044	S.SPANO/A.LENTOL
S.01625-B	S.PRESENT
S.02016-A	S.SEWARD
S.02090-C	S.LARKIN
S.02113-A	S.SALAND
S.02328	S.VOLKER/A.SCHIMMINGER
S.02361-A	S.SKELOS/A.HARENBERG
S.02715-A	S.PRESENT
S.02825-A	S.SEWARD
S.02960-A	S.VOLKER/A.REYNOLDS
S.03172-B	S.KUHL/A.DAVIDSEN
S.03205	S.SPANO/A.WEINSTEIN
S.03256	S.SPANO/A.WEINSTEIN
S.03324	S.LAVALLE
S.03402-A	S.DEFRANCISCO
S.03468	S.HANNON
S.03628	S.TRUNZO/A.VITALIANO
S.03791	S.SEARS
S.03875-B	S.NOZZOLIO/A.FESSENDEN
S.03890	S.VOLKER/A.REYNOLDS
S.03897-A	S.LIBOUS

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S.03975-D	S.SPANO
S.03979	S.VOLKER
S.04018-A	S.MAZIARZ
S.04051-A	S.LEVY
S.04130	S.TRUNZO
S.04169	S.MAZIARZ
S.04181	S.GALIBER
S.04185-A	S.PADAVAN
S.04300	S.PRESENT
S.04312	S.RATH/A.RLS.,REQ.NESBITT
S.04544-A	S.FARLEY/A.RLS.,REQ.GREENE
S.04733-A	S.HOLLAND
S.04849	S.TRUNZO
S.04871-A	S.COOK
S.04958-A	S.SKELOS
S.04986-C	S.LEVY
S.04987-A	S.SALAND
S.05304	S.SEARS
S.05307	S.KUHL
S.05328-A	S.NOZZOLIO
S.05411	S.GOODMAN
S.05439	S.SPANO,REQ.GOVERNOR

MES/ID

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BO

S-4169



STATE OF NEW YORK
UNIFIED COURT SYSTEM
(OFFICE OF COURT ADMINISTRATION)
EMPIRE STATE PLAZA
4 ESP, SUITE 2001
ALBANY, NEW YORK 12223-1450
(518) 474-7469

E. LEO MILONAS
Chief Administrative Judge

MICHAEL COLODNER
Counsel

July 20, 1995

Hon. Michael C. Finnegan
Counsel to the Governor
Executive Chamber
State Capitol
Albany, NY 12224

Re: Senate 4169

Dear Mr. Finnegan:

Thank you for requesting the comments of this Office on the above-referenced measure, which would amend section 23(1) of the Town Law to authorize a person other than a town elector to serve as the Court Clerk of the Hamlin (Monroe County) Town Court.

This Office has no objection to approval of this measure.

Very truly yours,

A handwritten signature in cursive script that reads 'Michael Colodner / EUB'.

Michael Colodner

MC:kc

000011

BD

□ ARTHUR LEVITT STATE OFFICE BUILDING
270 BROADWAY
NEW YORK CITY
10007



□ A. E. SMITH STATE OFFICE BUILDING
ALBANY
NEW YORK
12236

S-4169

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
H. CARL MCCALL
STATE COMPTROLLER

TEN-DAY BILL MEMORANDUM

RECEIVED
JUL 20 1995
NEW YORK STATE
EXECUTIVE CHAMBER
COUNSEL
July 19, 1995

To: Michael Finnegan
Counsel to the Governor

From: Paula Chester
Counsel to the Comptroller

Re: S. 4169

Recommendation: No Objection

Summary of Provisions:

This bill would amend Town Law, §23 to provide that the justice court clerk in the Town of Hamlin need not be a town elector.

Discussion:

Last year, section 3 of the Public Officers Law was amended to eliminate the residency requirement for justice court clerk in the Town of Hamlin (L 1994, ch 174). In our memorandum to the Governor on that bill (copy attached), we noted that both Public Officers Law, §3 and Town Law, §23 contain residency requirements for town officers. We suggested, therefore, that, to avoid confusion, Town Law, §23 also be amended in the future to conform to the amendment made to Public Officers Law, §3. This bill makes that conforming amendment and will serve to clarify the elimination of residency requirements for the justice court clerk in Hamlin.

000012

Accordingly, this Office does not object to the enactment of this measure.

Paula L. Chester
Paula L. Chester by *PAH*

PLC:MSM:kh

BD

New York State Bar Association

One Elk Street, Albany, New York 12207 • 518/463-3200

S-4169



Mary Elizabeth Babcock, Associate Director • Department of Governmental Relations • (FAX) 518/487-5517

July 12, 1995

Honorable Michael C. Finnegan
Counsel to the Governor
Executive Chamber
Capitol - Room 225
Albany, New York 12224

RE: S.4169

Dear Mr. Finnegan:

You requested the views of this Association with respect to the above 10-day bill pending before the Governor.

Our committee/section dealing with this subject matter has advised us that they choose to take no position at this time.

Thank you for the opportunity to comment.

Sincerely,

Mary Elizabeth Babcock
Associate Director

MEB/1

000014

BD

S-4169



TOWN OF HAMLIN

1658 LAKE ROAD
P.O. BOX 148

HAMLIN, NEW YORK 14464-0148

July 13, 1995

Town Clerk's Office
(716) 964-2421

Supervisor's Office
(716) 964-8981

Honorable George E. Pataki,
Governor
State of New York
Executive Chambers
Capitol
Albany, NY 12224

Re: #4169
Town Law Amendment
residency of court clerk
Town of Hamlin, Monroe Co.

Dear Sir:

Having reviewed the above legislation, I recommend that this amendment be signed into law. Thank you for your consideration of my comments.

Very truly yours,

Charles H. Maier
Supervisor

CHM:mba

000015