

4291

2011-2012 Regular Sessions

I N S E N A T E

March 28, 2011

Introduced by Sens. CARLUCCI, KLEIN -- read twice and ordered printed,
and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to authorizing the consolidation of cities and counties; and to amend the municipal home rule law, in relation to authorizing counties to create and amend their county charters in order to facilitate the merger of local governments

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

- 1 Section 1. Subdivisions 4 and 13 of section 750 of the general municipal law, as added by chapter 74 of the laws of 2009, are amended to read
2 as follows:
3
4 4. "Contiguous" shall mean when a portion of a [town or village] LOCAL
5 GOVERNMENT ENTITY abuts the boundary of another [town or village] LOCAL
6 GOVERNMENT ENTITY, including a [town or village] LOCAL GOVERNMENT ENTITY
7 separated from the exact boundary of another [town or village] LOCAL
8 GOVERNMENT ENTITY by a street, road, railroad, highway, river or other
9 natural or artificial stream or body of water.
10 13. "Local government entity" or "entity" shall mean a town, village,
11 CITY, COUNTY, district, special improvement district, CITY DISTRICT or
12 other improvement district, including, but not limited to, special
13 districts created pursuant to articles eleven, twelve, twelve-A or thirteen
14 of the town law, library districts, SPECIAL PURPOSE DISTRICTS
15 CREATED BY COUNTIES UNDER THE COUNTY LAW and other districts created by
16 law; provided, however, that a local government entity shall not include
17 school districts[,] OR ANY city [districts or special purpose districts
18 created by counties under county law] HAVING A POPULATION OF ONE MILLION
19 OR MORE.
20 S 2. Subdivision 1 of section 751 of the general municipal law, as
21 added by chapter 74 of the laws of 2009, is amended to read as follows:

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

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1 1. Two or more local government entities, whether within the same
2 county or different counties, may be consolidated into a single local
3 government entity if each of the local government entities is contiguous
4 to at least one of the other consolidating local government entities and
5 if together the local government entities would form a consolidated
6 local government entity of a kind or class that is authorized under the
7 laws of the state [of New York]. The requirement that local government
8 entities be contiguous to consolidate does not apply to entities other
9 than towns [and], villages, CITIES AND COUNTIES.

10 S 3. Subdivision 2 of section 753 of the general municipal law, as
11 added by chapter 74 of the laws of 2009, is amended to read as follows:

12 2. cause the proposed joint consolidation agreement, along with a
13 descriptive summary thereof and a reference to the public place or plac-
14 es within each entity where a copy thereof may be examined, to be
15 displayed on a website maintained by each entity or otherwise on a
16 website maintained by the village, town, CITY and/or county in which the
17 entities are located; and

18 S 4. Subdivision 2 of section 754 of the general municipal law, as
19 added by chapter 74 of the laws of 2009, is amended to read as follows:

20 2. The public hearing or hearings shall be held on notice of at least
21 [ten] TWENTY days, but not more than [twenty] THIRTY days, published in
22 a newspaper or newspapers having general circulation within each local
23 government entity to be consolidated and displayed on a website main-
24 tained by each entity or otherwise on a website maintained by the
25 village, town, CITY and/or county in which the entities are located. The
26 notice of the hearing or hearings shall provide a descriptive summary of
27 the proposed joint consolidation agreement and a reference to the public
28 place or places within the entities where a copy of such agreement may
29 be examined.

30 S 5. Section 755 of the general municipal law, as added by chapter 74
31 of the laws of 2009, is amended to read as follows:

32 S 755. Referendum resolution for consolidation of towns [or],
33 villages, CITIES AND COUNTIES. 1. If a joint consolidation agreement
34 calls for the consolidation of two or more towns, [two or more] villages
35 [or one or more towns and villages], CITIES AND/OR COUNTIES, then
36 contemporaneous with the final approval of the joint consolidation
37 agreement pursuant to subdivision three of section seven hundred fifty-
38 four of this title, the governing body or bodies of the local government
39 entities to be consolidated shall enact a resolution calling for a
40 referendum on the proposed consolidation by the electors in each of the
41 entities.

42 2. The resolution calling for the referendum on the proposed consol-
43 idation shall:

44 (a) provide (i) the name of each of the towns [and/or], villages,
45 CITIES AND/OR COUNTIES proposed to be consolidated, (ii) a statement
46 fully describing the territory to be included within the proposed
47 consolidated local government entity, (iii) the name of the proposed
48 consolidated local government entity, and (iv) the date for the referen-
49 dum, in accordance with subdivision one of section seven hundred fifty-
50 eight of this title;

51 (b) state the substance of the question to be submitted to the elec-
52 tors; and

53 (c) set forth such other matters as may be necessary to call, provide
54 for and give notice of the referendum and to provide for the conduct
55 thereof and the canvass of the returns thereupon.

3. The resolution calling for a referendum on the proposed consolidation shall have attached to it the final approved version of the joint consolidation agreement.

S 6. Subdivisions 1, 2 and 3 of section 757 of the general municipal law, as added by chapter 74 of the laws of 2009, are amended to read as follows:

1. The electors of two or more local government entities may commence a consolidation proceeding by filing an original petition, containing not less than the number of signatures provided for in subdivision two of this section and in the form provided for in subdivision three of this section, with the clerk of the town, VILLAGE, CITY OR COUNTY in which the entities or the greater portion of their territory are located[, except that if one or more of the entities to be consolidated is a village the original petition of electors from the village shall be filed with the clerk of the village]. Accompanying the filed petition shall be a cover sheet containing the name, address and telephone number of an individual who signed the petition and who will serve as a contact person.

2. The petition shall contain the signatures of at least [ten] FIVE percent of the number of electors or five thousand electors, whichever is less, in each local government entity to be consolidated[; provided, however, that where the local government entity to be consolidated contains five hundred or fewer electors, the petition shall contain the signatures of at least twenty percent of the number of electors]. No signature on a petition is valid unless it is the original signature of an elector.

3. The petition shall substantially comply with, and be circulated in, the following form:

PETITION FOR LOCAL GOVERNMENT CONSOLIDATION

We, the undersigned electors and legal voters of (insert type of local government entity - e.g., town, village, CITY, COUNTY or district) of (insert name of local government entity), New York, qualified to vote at the next general or special election, respectfully petition that there be submitted to the electors and legal voters of (insert type and name of local government entities proposed to be consolidated), for their approval or rejection at a referendum held for that purpose, a proposal to consolidate (insert type and name of local government entity) with (insert type and name of local government entity or entities).

In witness whereof, we have signed our names on the dates indicated next to our signatures.

Date	Name - print name under signature	Home Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

(On the bottom of each page of the petition, after all of the numbered signatures, insert a signed statement of a witness who is a duly qualified elector of the state of New York. Such a statement shall be accepted for all purposes as the equivalent of an affidavit, and if it contains a material false statement, shall subject the person signing it to the same penalties as if he or she has been duly sworn. The form of such statement shall be substantially as follows:

I, (insert name of witness), state that I am a duly qualified voter of the state of New York. Each of the persons that have signed this petition sheet containing (insert number) signatures have signed their names in my presence on the dates indicated above and identified themselves to be the same person who signed the sheet. I understand that this state-

ment will be accepted for all purposes as the equivalent of an affidavit, and if it contains a materially false statement, shall subject me to the penalties of perjury.

Date Signature of Witness)
(In lieu of the signed statement of a witness who is a duly qualified voter of the state of New York, the following statement signed by a notary public or a commissioner of deeds shall be accepted:

On the date indicated above before me personally came each of the electors and legal voters whose signatures appear on this petition sheet containing (insert number) signatures, who signed the petition in my presence and who, being by me duly sworn, each for himself or herself, identified himself or herself as the one and same person who signed the petition and that the foregoing information they provided was true.

Date Notary Public or Commissioner of Deeds)
S 7. Subdivision 1 of section 758 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

1. A referendum required by [sections] SECTION seven hundred fifty-five or seven hundred fifty-seven of this title shall be placed before the electors of each of the local government entities to be consolidated at a special election to be held not less than sixty or more than ninety days after the enactment of a resolution calling for such referendum, provided, however, that in cases where a [town] STATEWIDE or village general election falls within such period, the question may be considered during [a town or village] SUCH general election.

S 8. Subdivision 2 of section 761 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

2. cause the proposed elector initiated consolidation plan, along with a descriptive summary thereof and a reference to the public place or places within each entity where a copy thereof may be examined, to be displayed on a website maintained by each entity or otherwise on a website maintained by the village, town, CITY and/or county in which the entities are located; and

S 9. Subdivision 2 of section 762 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

2. The public hearing or hearings shall be held on notice of at least [ten] TWENTY days, but not more than [twenty] THIRTY days, published in a newspaper or newspapers having general circulation within each local government entity to be consolidated and displayed on a website maintained by each entity or otherwise on a website maintained by the village, town, CITY and/or county in which the entities are located. The notice of the hearing or hearings shall provide a descriptive summary of the proposed elector initiated consolidation plan and a reference to the public place or places within the entities where a copy of such agreement may be examined.

S 10. Paragraph (a) of subdivision 2 of section 763 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

(a) file an original petition, containing not less than the number of signatures provided for in subdivision three of this section, seeking a referendum on the question whether the elector initiated consolidation plan shall take effect, with the clerk of the town, VILLAGE, CITY OR COUNTY in which the entity or the greater portion of its territory is located[, except that if the entity is a village the original petition

1 of electors from the village shall be filed with the clerk of the
2 village]; and

3 S 11. Subdivision 3 of section 763 of the general municipal law, as
4 added by chapter 74 of the laws of 2009, is amended to read as follows:

5 3. The petition shall be circulated, signed and authenticated in
6 substantial compliance with the provisions of section seven hundred
7 fifty-seven of this title, shall contain the signatures of at least
8 [twenty-five] FIVE percent of the number of electors or fifteen thousand
9 electors, whichever is less, in the local government entity to be
10 consolidated, and shall be accompanied by a cover sheet containing the
11 name, address and telephone number of an individual who signed the peti-
12 tion and who will serve as a contact person.

13 S 12. Subdivision 6 of section 765 of the general municipal law, as
14 added by chapter 74 of the laws of 2009, is amended to read as follows:

15 6. If a joint consolidation agreement or elector initiated consol-
16 idation plan provides for the dissolution of a [local justice] COUNTY,
17 FAMILY, SURROGATE'S, CITY, TOWN OR VILLAGE court, all court records of
18 such court shall be deposited with a [justice court] judge OR JUSTICE OF
19 A COURT HAVING LIKE JURISDICTION AS THE COURT DISSOLVED to be designated
20 by the administrative judge of the judicial district within which the
21 dissolving [justice] court is located. The designated [justice court]
22 judge OR JUSTICE shall have authority to execute and complete all unfin-
23 ished business.

24 S 13. Subdivision 4 of section 33 of the municipal home rule law is
25 amended by adding a new paragraph f to read as follows:

26 F. PROVIDE FOR ANY MATTER OTHERWISE AUTHORIZED BY LAW AS MAY BE
27 REQUIRED IN ORDER TO CREATE, CONFORM OR ACCOMMODATE A COUNTY CHARTER DUE
28 TO A MERGER OF LOCAL GOVERNMENTS WITHIN THE COUNTY PURSUANT TO ARTICLE
29 SEVENTEEN-A OF THE GENERAL MUNICIPAL LAW.

30 S 14. This act shall take effect on the one hundred eightieth day
31 after it shall have become a law.