

S T A T E O F N E W Y O R K

1964

2009-2010 Regular Sessions

I N S E N A T E

February 10, 2009

Introduced by Sen. STACHOWSKI -- 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 school
district representation in industrial development agencies

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

1 Section 1. Subdivision 2 of section 856 of the general municipal law,
2 as amended by chapter 356 of the laws of 1993, is amended to read as
3 follows:
4 2. An agency shall be a corporate governmental agency, constituting a
5 public benefit corporation. Except as otherwise provided by special act
6 of the legislature, an agency shall consist of not less than three nor
7 more than [seven] EIGHT members, ONE OF WHOM SHALL BE A PUBLIC SCHOOL
8 REPRESENTATIVE APPOINTED UPON THE RECOMMENDATION MADE PURSUANT TO SUBDI-
9 VISION FOUR OF THIS SECTION, IF A RESOLUTION PROVIDING THEREFOR IS
10 ADOPTED, who shall be appointed by the governing body of each munici-
11 pality and who shall serve at the pleasure of the appointing authority.
12 Such members may include representatives of local government, school
13 boards, organized labor and business. A member shall continue to hold
14 office until [his] SUCH MEMBER'S successor is appointed and has quali-
15 fied. The governing body of each municipality shall designate the first
16 chairman and file with the secretary of state a certificate of appoint-
17 ment or reappointment of any member. Such members shall receive no
18 compensation for their services but shall be entitled to the necessary
19 expenses, including traveling expenses, incurred in the discharge of
20 their duties.
21 S 2. Subdivision 4 of section 856 of the general municipal law is
22 renumbered subdivision 5 and a new subdivision 4 is added to read as
23 follows:
24 4. ONE MEMBER OF EACH AGENCY SHALL, IF THE SCHOOL DISTRICT OR BOARD OF
25 COOPERATIVE EDUCATIONAL SERVICES WITHIN THE JURISDICTION OF SUCH INDUS-

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

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1 TRIAL DEVELOPMENT AGENCY ADOPTS A RESOLUTION PROVIDING THEREFOR, BE A
2 PUBLIC SCHOOL REPRESENTATIVE FROM WITHIN THE MUNICIPALITY FOR WHOSE
3 BENEFIT SUCH AGENCY IS ESTABLISHED. THE PUBLIC SCHOOL REPRESENTATIVE
4 SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE BOARD OF EDUCATION OR
5 BOARD OF COOPERATIVE EDUCATIONAL SERVICES MADE BY ITS ADOPTION OF A
6 RESOLUTION IN SUPPORT OF SUCH CANDIDATE AS FOLLOWS: (I) FOR A TOWN OR
7 VILLAGE INDUSTRIAL DEVELOPMENT AGENCY, BY THE BOARD OF EDUCATION LOCATED
8 WITHIN THE TOWN OR VILLAGE OR ANY PART THEREOF; (II) FOR A COUNTY INDUS-
9 TRIAL DEVELOPMENT AGENCY, BY THE BOARD OF COOPERATIVE EDUCATIONAL
10 SERVICES LOCATED WITHIN THE COUNTY OR ANY PART THEREOF; (III) FOR A CITY
11 INDUSTRIAL DEVELOPMENT AGENCY, BY THE CITY BOARD OF EDUCATION. IN A CASE
12 WHERE THERE IS MORE THAN ONE BOARD OF EDUCATION OR BOARD OF COOPERATIVE
13 EDUCATIONAL SERVICES WITHIN THE MUNICIPALITY SERVED BY THE INDUSTRIAL
14 DEVELOPMENT AGENCY OR ANY PART THEREOF, THEN THE REPRESENTATIVE SHALL BE
15 NOMINATED BY MUTUAL AGREEMENT OF SUCH BOARDS OF EDUCATION OR BOARDS OF
16 COOPERATIVE EDUCATIONAL SERVICES CHOOSING TO HAVE A REPRESENTATIVE ON
17 THE AGENCY. THE PUBLIC SCHOOL REPRESENTATIVE SHALL BRING THE PERSPECTIVE
18 OF SUCH BOARDS OF EDUCATION OR BOARDS OF COOPERATIVE EDUCATIONAL
19 SERVICES TO THE AGENCY AND REPORT TO SUCH BOARDS OF EDUCATION OR BOARDS
20 OF COOPERATIVE EDUCATIONAL SERVICES AT A REGULAR MEETING AT LEAST ANNU-
21 ALLY.

22 S 3. Subdivision 5 of section 856 of the general municipal law, as
23 added by chapter 1030 of the laws of 1969 and as renumbered by section
24 two of this act, is amended to read as follows:

25 5. Any one or more of the members of an agency may be an official or
26 an employee of the municipality OR A SCHOOL DISTRICT CONTAINED WITHIN
27 THE MUNICIPALITY. In the event that an official or an employee of the
28 municipality OR A SCHOOL DISTRICT CONTAINED WITHIN THE MUNICIPALITY
29 shall be appointed as a member of the agency, acceptance or retention of
30 such appointment shall not be deemed a forfeiture of [his] SUCH MEMBER'S
31 municipal OR SCHOOL DISTRICT office or employment, or incompatible ther-
32 ewith or affect [his] SUCH MEMBER'S tenure or compensation in any way.
33 The term of office of a member of an agency who is an official or an
34 employee of the municipality OR A SCHOOL DISTRICT CONTAINED WITHIN THE
35 MUNICIPALITY when appointed as a member thereof by special act of the
36 legislature creating the industrial development agency shall terminate
37 at the expiration of the term of [his] SUCH MEMBER'S municipal OR SCHOOL
38 DISTRICT office.

39 S 4. This act shall take effect on the one hundred twentieth day after
40 it shall have become a law.