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I N S E N A T E

January 19, 2010

Introduced by Sens. STEWART-COUSINS, KLEIN, MONSERRATE, PARKER, SAMPSON
-- 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 promoting
government efficiency through mergers between contiguous city, town,
and village industrial development agencies and service sharing
between and among city, town, and village industrial development agen-
cies

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

1 Section 1. The general municipal law is amended by adding a new
2 section 857 to read as follows:
3 S 857. MERGER OF INDUSTRIAL DEVELOPMENT AGENCIES. 1. (A) TWO OR MORE
4 TOWN, CITY, OR VILLAGE INDUSTRIAL DEVELOPMENT AGENCIES, WHETHER WITHIN
5 THE SAME COUNTY OR DIFFERENT COUNTIES, MAY SIMULTANEOUSLY DISSOLVE AND
6 MERGE INTO A SINGLE INDUSTRIAL DEVELOPMENT AGENCY IF EACH OF THE INDUS-
7 TRIAL DEVELOPMENT AGENCIES IS CONTIGUOUS TO AT LEAST ONE OF THE OTHER
8 INDUSTRIAL DEVELOPMENT AGENCIES AND IF TOGETHER THE INDUSTRIAL DEVELOP-
9 MENT AGENCIES WOULD FORM A MERGED INDUSTRIAL DEVELOPMENT AGENCY THAT IS
10 AUTHORIZED UNDER THE LAWS OF THE STATE OF NEW YORK.
11 (B) UPON THE EFFECTIVE DATE OF THE DISSOLUTION AND MERGER, THE TOWN,
12 CITY, OR VILLAGE INDUSTRIAL DEVELOPMENT AGENCY SHALL CEASE TO EXIST AND
13 ALL THE RIGHTS, TITLES, INTERESTS, OBLIGATIONS AND LIABILITIES OF SUCH
14 AGENCIES, INCLUDING BUT NOT LIMITED TO THE RIGHTS AND OBLIGATIONS UNDER
15 ANY BOND, NOTE, OR CONTRACT OR OTHER AGREEMENT, EXPRESS OR IMPLIED,
16 SHALL DEVOLVE TO, BE VESTED IN AND POSSESSED BY THE MERGED INDUSTRIAL
17 DEVELOPMENT AGENCY, WHICH SHALL IN ALL RESPECTS AND FOR ALL PURPOSES BE
18 THE SUCCESSOR IN INTEREST TO THE DISSOLVED TOWN, CITY OR VILLAGE INDUS-
19 TRIAL DEVELOPMENT AGENCY.
20 2. THE GOVERNING BODY OF THE TOWN, CITY, OR VILLAGE OF THE AGENCY TO
21 BE DISSOLVED AND THE GOVERNING BODY OF THE TOWN, CITY, OR VILLAGE AGENCY
22 TO BE MERGED SHALL ADOPT A PLAN SETTING FORTH, AT A MINIMUM:
23 (A) THE NAME AND DATE OF ESTABLISHMENT OF THE AGENCY OR AGENCIES TO BE
24 DISSOLVED OR MERGED;

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

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1 (B) THE NAMES OF THE MEMBERS OF SUCH AGENCY, SPECIFYING THE IDENTITY
2 OF THE CHAIRPERSON;

3 (C) THE UNDERLYING PURPOSE OF THE DISSOLUTION AND MERGER INCLUDING
4 ECONOMIES AND EFFICIENCIES THAT ARE PROJECTED AS A RESULT THEREOF;

5 (D) A STATEMENT, CONTAINING BOTH CURRENT INFORMATION AND INFORMATION
6 PROJECTED TO THE PROPOSED DATE OF THE DISSOLUTION AND MERGER, OF (1) THE
7 OUTSTANDING BONDS, NOTES AND ANY OTHER OBLIGATIONS OR LIABILITIES; (2)
8 ACTUAL AND ACCRUED REVENUES; (3) EACH PROJECT FOR WHICH FINANCIAL
9 ASSISTANCE HAS BEEN PROVIDED, THE TYPE OF FINANCIAL ASSISTANCE PROVIDED
10 AND THE STATUS OF THE PROJECT; AND (4) THE GENERAL TERMS AND CONDITIONS
11 OF EACH CONTRACT, INCLUDING PAYMENT IN LIEU OF TAX AGREEMENTS;

12 (E) THE TERMS AND CONDITIONS OF THE PROPOSED DISSOLUTION AND MERGER
13 INCLUDING A STATEMENT ACKNOWLEDGING THAT THE MERGED AGENCY SHALL UPON
14 THE EFFECTIVE DATE OF THE DISSOLUTION AND MERGER, SUCCEED TO ALL THE
15 RIGHTS, TITLES, INTERESTS, OBLIGATIONS AND LIABILITIES, INCLUDING BONDS,
16 NOTES AND OTHER OBLIGATIONS AND CONTRACTUAL RIGHTS AND OBLIGATIONS OF
17 THE DISSOLVED AND MERGED TOWN, CITY, OR VILLAGE AGENCIES; AND

18 (F) A STATEMENT THAT THE PLAN OF MERGER HAS BEEN REVIEWED AND APPROVED
19 BY COUNSEL FOR THE DISSOLVED TOWN, CITY, OR VILLAGE AGENCY AND COUNSEL
20 FOR THE MERGED TOWN, CITY, OR VILLAGE AGENCY, INDICATING THAT EACH COUN-
21 SEL HAS CONSIDERED THE IMPACT, IF ANY, OF THE DISSOLUTION AND MERGER ON:
22 (1) THE RIGHTS OF ANY EMPLOYEES OF THE MERGING AGENCIES; AND (2) THE
23 RECIPIENTS OF FINANCIAL ASSISTANCE FROM THE AGENCIES.

24 3. THE GOVERNING BODY OF THE TOWN, CITY, OR VILLAGE OF THE AGENCY TO
25 BE DISSOLVED AND THE GOVERNING BODY OF THE TOWN, CITY OR VILLAGE AGENCY
26 TO BE MERGED SHALL ADOPT RESOLUTIONS APPROVING THE MERGER.

27 4. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW
28 TO THE CONTRARY, THE AGENCY CHIEF EXECUTIVE OFFICER BY RESOLUTION OF THE
29 BOARD OF ANY TOWN, CITY, VILLAGE OR COUNTY INDUSTRIAL DEVELOPMENT AGENCY
30 SHALL BE AUTHORIZED TO ENTER INTO AN AGREEMENT OR AGREEMENTS TO SHARE
31 SERVICES WITH ANY TOWN, CITY, VILLAGE OR COUNTY INDUSTRIAL DEVELOPMENT
32 AGENCY WITHIN THE SAME COUNTY OR COUNTIES.

33 S 2. This act shall take effect immediately.