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

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 22, 2009

Introduced by M. of A. QUINN, FINCH, McDONOUGH, McKEVITT, MOLINARO -- Multi-Sponsored by -- M. of A. BACALLES, BURLING, CALHOUN, CORWIN, CROUCH, DUPREY, ERRIGO, FITZPATRICK, GIGLIO, GUNTHER, JAFFEE, OAKS, RABBITT, RAIA, TOWNSEND, WALKER -- read once and referred to the Committee on Local Governments

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 856 of the general municipal law, as amended by chapter 356 of the laws of 1993, is amended to read as follows:

2. An agency shall be a corporate governmental agency, constituting a public benefit corporation. Except as otherwise provided by special act of the legislature, an agency shall consist of not less than three nor more than [seven] EIGHT members, ONE OF WHOM SHALL BE A PUBLIC SCHOOL REPRESENTATIVE APPOINTED UPON THE RECOMMENDATION MADE PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, IF A RESOLUTION PROVIDING THEREFOR IS ADOPTED, who shall be appointed by the governing body of each municipality and who shall serve at the pleasure of the appointing authority. Such members may include representatives of local government, school boards, organized labor and business. A member shall continue to hold office until [his] SUCH MEMBER'S successor is appointed and has qualified. The governing body of each municipality shall designate the first chairman and file with the secretary of state a certificate of appointment or reappointment of any member. Such members shall receive no compensation for their services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties.

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

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S 2. Subdivision 4 of section 856 of the general municipal law is renumbered subdivision 5 and a new subdivision 4 is added to read as follows:

4. ONE MEMBER OF EACH AGENCY SHALL, IF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES WITHIN THE JURISDICTION OF SUCH INDUSTRIAL DEVELOPMENT AGENCY ADOPTS A RESOLUTION PROVIDING THEREFOR, BE A PUBLIC SCHOOL REPRESENTATIVE FROM WITHIN THE MUNICIPALITY FOR WHOSE BENEFIT SUCH AGENCY IS ESTABLISHED. THE PUBLIC SCHOOL REPRESENTATIVE SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE BOARD OF EDUCATION OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES MADE BY ITS ADOPTION OF A RESOLUTION IN SUPPORT OF SUCH CANDIDATE AS FOLLOWS: (I) FOR A TOWN OR VILLAGE INDUSTRIAL DEVELOPMENT AGENCY, BY THE BOARD OF EDUCATION LOCATED WITHIN THE TOWN OR VILLAGE OR ANY PART THEREOF; (II) FOR A COUNTY INDUSTRIAL DEVELOPMENT AGENCY, BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES LOCATED WITHIN THE COUNTY OR ANY PART THEREOF; (III) FOR A CITY INDUSTRIAL DEVELOPMENT AGENCY, BY THE CITY BOARD OF EDUCATION. IN A CASE WHERE THERE IS MORE THAN ONE BOARD OF EDUCATION OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES WITHIN THE MUNICIPALITY SERVED BY THE INDUSTRIAL DEVELOPMENT AGENCY OR ANY PART THEREOF, THEN THE REPRESENTATIVE SHALL BE NOMINATED BY MUTUAL AGREEMENT OF SUCH BOARDS OF EDUCATION OR BOARDS OF COOPERATIVE EDUCATIONAL SERVICES CHOOSING TO HAVE A REPRESENTATIVE ON THE AGENCY. THE PUBLIC SCHOOL REPRESENTATIVE SHALL BRING THE PERSPECTIVE OF SUCH BOARDS OF EDUCATION OR BOARDS OF COOPERATIVE EDUCATIONAL SERVICES TO THE AGENCY AND REPORT TO SUCH BOARDS OF EDUCATION OR BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AT A REGULAR MEETING AT LEAST ANNUALLY.

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

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

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