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I N  A S S E M B L Y

June 5, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Ryan) -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to restricting the formation of new development agencies in Erie county

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

Section 1. Section 891-a of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. (A) NOTWITHSTANDING THE PROVISIONS OF SECTION EIGHT HUNDRED FIFTY-SIX OF THIS ARTICLE OR ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, NO NEW INDUSTRIAL DEVELOPMENT AGENCY MAY BE FORMED WITHIN ERIE COUNTY.

(B) NOTWITHSTANDING THE PROVISIONS OF SECTION EIGHT HUNDRED SEVENTY-FOUR OF THIS ARTICLE OR ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, WITHIN ERIE COUNTY, ONLY PROJECTS THAT ARE UNDERTAKEN BY THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY:

(1) MAY BE EXEMPT FROM THE FOUR PERCENT SALES AND COMPENSATING USE TAX IMPOSED FOR THE BENEFIT OF NEW YORK STATE BY ARTICLE TWENTY-EIGHT OF THE TAX LAW;

(2) MAY BE EXEMPT FROM THE THREE PERCENT, ADDITIONAL ONE PERCENT AND THE ADDITIONAL THREE-QUARTERS OF ONE PERCENT SALES AND COMPENSATING USE TAX IMPOSED BY SECTION TWELVE HUNDRED TEN OF THE TAX LAW;

(3) MAY BE EXEMPT FROM REAL PROPERTY TAXES IMPOSED BY THE COUNTY OF ERIE, PROVIDED HOWEVER, COUNTY REAL PROPERTY TAX RELIEF MAY BE GRANTED BY A TOWN INDUSTRIAL DEVELOPMENT AGENCY FOR PROJECTS LOCATED WITHIN SUCH TOWN, IF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY CONSENTS ON A PROJECT BY PROJECT BASIS BY RESOLUTION AT A REGULAR OR SPECIAL MEETING TO SUCH REAL PROPERTY TAX EXEMPTION;

(4) MAY BE EXEMPT FROM REAL PROPERTY TAXES IMPOSED BY A VILLAGE, PROVIDED HOWEVER, VILLAGE REAL PROPERTY TAX RELIEF MAY BE GRANTED ON A PROJECT BY PROJECT BASIS BY A TOWN INDUSTRIAL DEVELOPMENT AGENCY FOR PROJECTS LOCATED WITHIN A VILLAGE WHICH IS PART OF SUCH TOWN, IF SUCH VILLAGE CONSENTS BY A RESOLUTION DULY ADOPTED AT A REGULAR OR SPECIAL MEETING OF SUCH VILLAGE BOARD TO SUCH REAL PROPERTY TAX EXEMPTION;

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

LBD14650-02-2

(5) MAY BE EXEMPT FROM REAL PROPERTY TAXES IMPOSED BY A SCHOOL DISTRICT, PROVIDED HOWEVER, SCHOOL DISTRICT REAL PROPERTY TAX RELIEF MAY BE GRANTED ON A PROJECT BY PROJECT BASIS BY A TOWN INDUSTRIAL DEVELOPMENT AGENCY FOR PROJECTS LOCATED WITHIN A SCHOOL DISTRICT WHICH IS PART OF SUCH TOWN, IF SUCH SCHOOL DISTRICT CONSENTS BY A RESOLUTION DULY ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE BOARD OF SUCH SCHOOL DISTRICT TO SUCH REAL PROPERTY TAX EXEMPTION; AND

(6) MAY BE EXEMPT FROM THE MORTGAGE RECORDING TAX IMPOSED BY ARTICLE ELEVEN OF THE TAX LAW.

(C) NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, TOWN INDUSTRIAL DEVELOPMENT AGENCIES WITHIN ERIE COUNTY ARE AUTHORIZED TO ENTER INTO COOPERATIVE AGREEMENTS WITH THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY WHEREBY THE RIGHTS, OBLIGATIONS, DUTIES, AND ASSETS OF SUCH TOWN INDUSTRIAL DEVELOPMENT AGENCY ARE TRANSFERRED IN WHOLE OR IN PART TO THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY SO LONG ANY PLEDGE THAT MAY HAVE BEEN PROVIDED BY THE STATE, SUCH MUNICIPALITY, OR SUCH TOWN INDUSTRIAL DEVELOPMENT AGENCY PURSUANT TO THE PROVISIONS OF SECTION EIGHT HUNDRED SIXTY-EIGHT OF THIS ARTICLE IS NOT ADVERSELY AFFECTED. INSOFAR AS THE PROVISIONS OF THIS PARAGRAPH ARE INCONSISTENT WITH ANY OF THE PROVISIONS OF SECTION EIGHT HUNDRED NINETY-EIGHT-A, NINE HUNDRED ONE-A, NINE HUNDRED FOURTEEN-A (AS ADDED BY CHAPTER FIVE HUNDRED SEVENTY-NINE OF THE LAWS OF NINETEEN HUNDRED SEVENTY-THREE), NINE HUNDRED TWENTY-FIVE-T OR NINE HUNDRED TWENTY-FIVE-V OF THIS TITLE, THE PROVISIONS OF THIS PARAGRAPH SHALL BE CONTROLLING.

S 2. Section 898-a of the general municipal law, as added by chapter 995 of the laws of 1972, is amended to read as follows:

S 898-a. Town of Lancaster industrial development agency. For the benefit of the town of Lancaster in the county of Erie, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of THIS article [eighteen-A of this chapter]. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of THIS article [eighteen-A of this chapter] upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of the Town of Lancaster, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of THIS article [eighteen-A of this chapter]. Its members shall be appointed by the governing body of the Town of Lancaster. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of article eighteen-A of this chapter. INSOFAR AS ANY OF THE PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH THE PROVISIONS OF PARAGRAPH THREE OF SECTION EIGHT HUNDRED NINETY-ONE-A OF THIS TITLE, THE PROVISIONS OF SUCH PARAGRAPH SHALL BE CONTROLLING.

S 3. Section 901-a of the general municipal law, as added by chapter 364 of the laws of 1973, is amended to read as follows:

S 901-a. Town of Clarence, Erie county, industrial development agency. For the benefit of the town of Clarence, Erie county, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF CLARENCE, ERIE COUNTY, INDUSTRIAL DEVELOPMENT AGENCY, is hereby

established for the accomplishment of any or all of the purposes specified in title one of THIS article [eighteen-A of this chapter]. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of THIS article [eighteen-A of this chapter] upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of the town of Clarence, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of THIS article [eighteen-A of this chapter]. Its members shall be appointed by the governing body of the town of Clarence. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of THIS article [eighteen-A of this chapter]. INSOFAR AS ANY OF THE PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH THE PROVISIONS OF PARAGRAPH THREE OF SECTION EIGHT HUNDRED NINETY-ONE-A OF THIS TITLE, THE PROVISIONS OF SUCH PARAGRAPH SHALL BE CONTROLLING.

S 4. Section 914-a of the general municipal law, as added by chapter 579 of the laws of 1973, is amended to read as follows:

S 914-a. Town of Amherst industrial development agency. For the benefit of the town of Amherst in the county of Erie, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of THIS article [eighteen-A of this chapter]. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the power and duties now or hereafter conferred by title one of THIS article [eighteen-A of this chapter] upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of the town of Amherst, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of THIS article [eighteen-A of this chapter]. Its members shall be appointed by the governing body of the town of Amherst. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of THIS article [eighteen-A of this chapter]. INSOFAR AS ANY OF THE PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH THE PROVISIONS OF PARAGRAPH THREE OF SECTION EIGHT HUNDRED NINETY-ONE-A OF THIS TITLE, THE PROVISIONS OF SUCH PARAGRAPH SHALL BE CONTROLLING.

S 5. Section 925-t of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. INSOFAR AS ANY OF THE PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH THE PROVISIONS OF PARAGRAPH THREE OF SECTION EIGHT HUNDRED NINETY-ONE-A OF THIS TITLE, THE PROVISIONS OF SUCH PARAGRAPH SHALL BE CONTROLLING.

S 6. Section 925-v of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. INSOFAR AS ANY OF THE PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH THE PROVISIONS OF PARAGRAPH THREE OF SECTION EIGHT HUNDRED NINETY-

ONE-A OF THIS TITLE, THE PROVISIONS OF SUCH PARAGRAPH SHALL BE CONTROLLING.

S 7. This act shall take effect immediately; provided, however, it shall not apply to any project approved by a town industrial development agency prior to the effective date of this act.