

1274--B

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. SCHIMEL, P. RIVERA, ROBERTS, MURRAY, GIGLIO, ENGLEBRIGHT, JAFFEE, WEPRIN -- Multi-Sponsored by -- M. of A. BOYLAND, CASTRO, CONTE, LATIMER, LAVINE, P. LOPEZ, MAGEE, McDONOUGH, McKEVITT, McLAUGHLIN, D. MILLER, PAULIN, RA, RAIA, RUSSELL, THIELE, WEISENBERG -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the municipal home rule law, in relation to the requirements for consolidating or dissolving certain local government entities and to repeal sections 758, 759, 780 and 781 of the general municipal law relating thereto

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

1 Section 1. Subdivision 2 of section 752 of the general municipal law,
2 as added by chapter 74 of the laws of 2009, is amended to read as
3 follows:
4 2. The proposed joint consolidation agreement shall specify:
5 (a) the name of each local government entity to be consolidated;
6 (b) the name of the proposed consolidated local government entity,
7 which name shall be such as to distinguish it from the name of any other
8 like unit of government in the state of New York (except the name of any
9 one of the entities to be consolidated);
10 (c) the rights, duties and obligations of the proposed consolidated
11 local government entity;
12 (d) the territorial boundaries of the proposed consolidated local
13 government entity;

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

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1 (e) the type and/or class of the proposed consolidated local govern-
2 ment entity;
3 (f) the governmental organization of the proposed consolidated local
4 government entity insofar as it concerns elected and appointed officials
5 and public employees, along with a transitional plan and schedule for
6 elections and appointments of officials;
7 (g) a fiscal estimate of the cost of and savings which may be realized
8 from consolidation[;], INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
9 (I) INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE;
10 (II) DISCONTINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR
11 SERVICES, AND THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING
12 SUCH SERVICES MAY ONLY BE ACHIEVED THROUGH CONSOLIDATION;
13 (III) THE ELIMINATION OF ELECTED OFFICES;
14 (IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL GOVERNMENT
15 ENTITY; AND
16 (V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE PROVIDED THROUGH
17 THE USE OF VOLUNTEERS;
18 (H) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS
19 LOCATED IN THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED;
20 (I) WHETHER THE CONSOLIDATION WILL RESULT IN A NET INCREASE OR
21 DECREASE IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS
22 DEFINED IN THIS ARTICLE;
23 [(h)] (J) each entity's assets, including, but not limited to, real
24 and personal property, and the fair value thereof in current money of
25 the United States;
26 [(i)] (K) each entity's liabilities and indebtedness, bonded and
27 otherwise, and the fair value thereof in current money of the United
28 States;
29 [(j)] (L) terms for the disposition of existing assets, liabilities
30 and indebtedness of each local government entity, either jointly, sepa-
31 rately or in certain defined proportions;
32 [(k)] (M) terms for the common administration and uniform enforcement
33 of local laws, ordinances, resolutions, orders and the like, within the
34 proposed consolidated local government entity, consistent with section
35 seven hundred sixty-nine of this title;
36 [(l)] (N) the effective date of the proposed consolidation; and
37 [(m)] (O) the time and place or places for the public hearing or hear-
38 ings on such proposed joint consolidation agreement pursuant to section
39 seven hundred fifty-four of this title.
40 S 2. Section 755 of the general municipal law, as added by chapter 74
41 of the laws of 2009, is amended to read as follows:
42 S 755. Referendum resolution for consolidation [of towns or villages].
43 1. [If a joint consolidation agreement calls for the consolidation of
44 two or more towns, two or more villages or one or more towns and
45 villages, then contemporaneous] CONTEMPORANEOUS with the final approval
46 of the joint consolidation agreement pursuant to subdivision three of
47 section seven hundred fifty-four of this title, the governing body or
48 bodies of the local government entities to be consolidated shall enact a
49 resolution calling for a referendum on the proposed consolidation by the
50 electors in each of the entities.
51 2. The resolution calling for the referendum on the proposed consol-
52 idation shall:
53 (a) provide (i) the name of each [of the towns and/or villages] LOCAL
54 GOVERNMENT ENTITY proposed to be consolidated, (ii) a statement fully
55 describing the territory to be included within the proposed consolidated
56 local government entity, (iii) the name of the proposed consolidated

1 local government entity, and (iv) the date for the referendum, in
2 accordance with subdivision one of section seven hundred fifty-eight of
3 this title;

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

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

9 3. The resolution calling for a referendum on the proposed consol-
10 idation shall have attached to it the final approved version of the
11 joint consolidation agreement.

12 4. IF THE REFERENDUM SHALL FAIL, THE CONSOLIDATION PROCESS SPECIFIED
13 BY THIS TITLE SHALL NOT BE INITIATED FOR THE LOCAL GOVERNMENT ENTITIES
14 BY ELECTORATE PETITION PURSUANT TO SECTION SEVEN HUNDRED FIFTY-SEVEN OF
15 THIS TITLE WITHIN FOUR YEARS OF THE DATE OF THE REFERENDUM. THIS MORA-
16 TORIUM SHALL NOT APPLY TO A PROPOSED CONSOLIDATION INVOLVING A DIFFERENT
17 COMBINATION OF LOCAL GOVERNMENT ENTITIES.

18 S 3. Section 757 of the general municipal law, as added by chapter 74
19 of the laws of 2009, is amended to read as follows:

20 S 757. Initiative of electors seeking consolidation. 1. The electors
21 of two or more local government entities may commence a consolidation
22 proceeding by filing an original petition, containing not less than the
23 number of signatures provided for in subdivision two of this section and
24 in the form provided for in subdivision three of this section, with the
25 clerk of the town in which the entities or the greater portion of their
26 territory are located, except that if one or more of the entities to be
27 consolidated is a village the original petition of electors from the
28 village shall be filed with the clerk of the village. Accompanying the
29 filed petition shall be a cover sheet containing the name, address and
30 telephone number of an individual who signed the petition and who will
31 serve as a contact person.

32 2. The petition shall contain [the] signatures [of] EQUAL TO at least
33 [ten] TWENTY-FIVE percent of the number of electors AT THE LAST GENERAL
34 ELECTION OF THE LOCAL GOVERNMENT ENTITY or five thousand [electors],
35 whichever is less, in each local government entity to be consolidated[;
36 provided, however, that where the local government entity to be consol-
37 idated contains five hundred or fewer electors, the petition shall
38 contain the signatures of at least twenty percent of the number of elec-
39 tors]. No signature on a petition is valid unless it is the original
40 signature of an elector. FOR A SIGNATURE TO BE VALID, IT MUST BE SIGNED
41 WITHIN ONE HUNDRED TWENTY DAYS OF THE PETITION BEING FILED WITH THE
42 CLERK.

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

45 PETITION FOR LOCAL GOVERNMENT CONSOLIDATION

46 We, the undersigned electors and legal voters of (insert type of local
47 government entity - e.g., town, village or district) of (insert name of
48 local government entity), New York, qualified to vote at the next gener-
49 al or special election, respectfully petition that there be submitted to
50 the electors and legal voters of (insert type and name of local govern-
51 ment entities proposed to be consolidated), for their approval or
52 rejection at a referendum held for that purpose, a proposal to consol-
53 idate (insert type and name of local government entity) with (insert
54 type and name of local government entity or entities) PURSUANT TO A
55 CONSOLIDATION PLAN DEVELOPED AND PRESENTED TO THE PUBLIC PRIOR TO THE
56 REFERENDUM.

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

	Date	Name - print name under signature	Home Address
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1.	_____	_____	_____
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2.	_____	_____	_____
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3.	_____	_____	_____
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(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 statement 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)
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(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)
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4. An alteration or correction of information appearing on a petition's signature line, other than an un-initialed signature and date, shall not invalidate such signature.

5. In matters of form, this section shall be liberally construed, not inconsistent with substantial compliance thereto and the prevention of fraud.

6. Within ten days of the filing of the petition seeking consolidation pursuant to subdivision one of this section, the clerk with whom the petition was filed shall make a final determination regarding the sufficiency of the number of signatures on the petition and provide timely written notice of such determination to the contact person named in the cover sheet accompanying the petition. The contact person or any individual who signed the petition may seek judicial review of such determination in a proceeding pursuant to article seventy-eight of the civil practice [laws] LAW and rules.

[7. Upon the clerk's determination that the petition contains not less than the number of signatures of electors required in subdivision two of this section, the governing body or bodies of the local government entities to be consolidated shall, no later than thirty days thereafter, enact a resolution in accordance with subdivision two of section seven hundred fifty-five of this title calling for a referendum on the

1 proposed consolidation by the electors in each of the entities and set a
2 date for such referendum.]

3 S 4. Sections 758 and 759 of the general municipal law are REPEALED.

4 S 5. Section 760 of the general municipal law, as added by chapter 74
5 of the laws of 2009, is amended to read as follows:

6 S 760. [Duty to approve proposed elector initiated] STUDY COMMISSION
7 AND DEVELOPMENT OF PROPOSED consolidation plan. 1. [In the case of a
8 proposed consolidation of local government entities properly initiated
9 by petition of electors pursuant to section seven hundred fifty-seven of
10 this title, if a majority of the electors voting in a referendum held in
11 each of the local government entities to be consolidated vote in favor
12 of consolidation] UPON THE CLERK OF EACH LOCAL GOVERNMENT ENTITY DETER-
13 MINING THAT THE PETITION CONTAINS NOT LESS THAN THE NUMBER OF SIGNATURES
14 OF ELECTORS REQUIRED IN SUBDIVISION TWO OF SECTION SEVEN HUNDRED FIFTY-
15 SEVEN OF THIS TITLE, the entities' governing body or bodies [shall] MUST
16 meet within thirty days after certification of the [favorable vote and,
17 within one hundred eighty days of such meeting, prepare and approve by
18 resolution a proposed elector initiated consolidation plan] PETITION TO
19 FORM A COMMISSION TO STUDY, FORMULATE A PLAN FOR, AND MAKE RECOMMENDA-
20 TIONS REGARDING THE CONSOLIDATION OF (INSERT TYPE AND NAME OF LOCAL
21 GOVERNMENT ENTITIES).

22 2. THE STUDY COMMISSION MAY HAVE ANY NUMBER OF MEMBERS THE LOCAL
23 GOVERNING BODIES DETERMINE TO BE BENEFICIAL FOR DEVELOPING A CONSOL-
24 IDATION PLAN WITH THE REQUIREMENT THAT THE COMMISSION MUST, IN ADDITION
25 TO APPOINTMENTS MADE BY THE CHIEF ELECTED OFFICER SUBJECT TO THE GOVERN-
26 ING BODY'S APPROVAL, INCLUDE THE CHIEF ELECTED OFFICIAL (IN THE CASE OF
27 A SPECIAL DISTRICT OR FIRE DISTRICT, THE CHAIRMAN OF THE BOARD OF
28 COMMISSIONERS) OF EACH LOCAL GOVERNMENT ENTITY, ONE MEMBER OF EACH LOCAL
29 GOVERNMENT ENTITY'S GOVERNING BODY TO BE SELECTED BY A MAJORITY VOTE OF
30 THE GOVERNING BODY (IN THE CASE OF A SPECIAL DISTRICT OR FIRE DISTRICT,
31 THE BOARD OF COMMISSIONERS MUST SELECT NO LESS THAN ONE COMMISSIONER OR
32 REPRESENTATIVE). EACH LOCAL GOVERNMENT ENTITY MUST HAVE EQUAL REPRESENTATION ON THE COMMISSION.

33 3. THE STUDY COMMISSION MAY FORM SUB-COMMITTEES AND CONDUCT COMMUNITY
34 FORUMS AND PUBLIC HEARINGS IT DEEMS NECESSARY TO DEVELOP A CONSOLIDATION
35 PLAN. IT IS A PROPER PUBLIC PURPOSE FOR THE GOVERNING BODIES TO APPRO-
36 PRIATE MONEY FOR NECESSARY EXPENSES RELATED TO STUDYING THE PROPOSED
37 CONSOLIDATION AND DEVELOPING A CONSOLIDATION PLAN. THE STUDY COMMISSION
38 IS A PUBLIC BODY WITHIN THE MEANING OF SECTION ONE HUNDRED TWO OF THE
39 PUBLIC OFFICERS LAW. MEMBERS OF THE STUDY COMMISSION WHO ARE NOT ALREADY
40 PUBLIC OFFICERS MUST FILE AN OATH OF OFFICE WITH THE CLERK OF THE LOCAL
41 GOVERNMENT ENTITY.

42 4. WITHIN TWO HUNDRED AND SEVENTY DAYS OF ITS FORMATION, THE STUDY
43 COMMISSION MUST PREPARE AND APPROVE A PROPOSED ELECTOR INITIATED CONSOL-
44 IDATION PLAN. UPON THE REQUEST OF THE STUDY COMMISSION, THE LOCAL
45 GOVERNING BODIES MAY EXTEND THE TIME TO COMPLETE THE CONSOLIDATION PLAN
46 BY NINETY DAYS.

47 [2.] 5. The proposed elector initiated consolidation plan shall
48 include:

49 (a) the name of each local government entity to be consolidated;

50 (b) the name of what will be the consolidated local government entity,
51 which name shall be such as to distinguish it from the name of any other
52 like unit of government in the state of New York (except the name of any
53 one of the entities to be consolidated);

54 (c) the rights, duties and obligations of the consolidated local
55 government entity;
56

1 (d) the territorial boundaries of the consolidated local government
2 entity;
3 (e) the type and/or class of the consolidated local government entity;
4 (f) the governmental organization of the consolidated local government
5 entity insofar as it concerns elected and appointed officials and public
6 employees, along with a transitional plan and schedule for elections and
7 appointments of officials;
8 (g) a fiscal estimate of the cost of and savings which may be realized
9 from consolidation;
10 (h) each entity's assets, including, but not limited to, real and
11 personal property, and the fair value thereof in current money of the
12 United States;
13 (i) each entity's liabilities and indebtedness, bonded and otherwise,
14 and the fair value thereof in current money of the United States;
15 (j) terms for the disposition of existing assets, liabilities and
16 indebtedness of each local government entity, either jointly, separately
17 or in certain defined proportions;
18 (k) terms for the common administration and uniform enforcement of
19 local laws, ordinances, resolutions, orders and the like, within the
20 consolidated local government entity, consistent with section seven
21 hundred sixty-nine of this title;
22 (l) the effective date of the PROPOSED consolidation; [and]
23 (m) the time and place or places for the public hearing or hearings on
24 such proposed elector initiated consolidation plan pursuant to section
25 seven hundred sixty-two of this title[.];
26 (N) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS
27 LOCATED IN THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED;
28 (O) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REALIZED
29 FROM CONSOLIDATION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: (I)
30 INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE, (II) DISCON-
31 TINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR SERVICES, AND
32 THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING SUCH SERVICES MAY
33 ONLY BE ACHIEVED THROUGH CONSOLIDATION; (III) THE ELIMINATION OF ELECTED
34 OFFICES; (IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL
35 GOVERNMENT ENTITY; (V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE
36 PROVIDED THROUGH THE USE OF VOLUNTEERS;
37 (P) WHETHER THE CONSOLIDATION WILL RESULT IN A NET INCREASE OR
38 DECREASE IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS
39 DEFINED IN THIS ARTICLE; AND
40 (Q) ANY OTHER MATTER DESIRABLE OR NECESSARY TO CARRY OUT THE CONSOL-
41 IDATION.

42 6. DELIVERY OF THE PLAN TO THE GOVERNING BODIES. AFTER CONDUCTING A
43 PUBLIC HEARING ON THE FINALIZED PLAN, SUCH HEARING HELD ON AT LEAST
44 SEVEN DAYS NOTICE PUBLISHED IN A NEWSPAPER OR NEWSPAPERS WITH GENERAL
45 CIRCULATION IN THE LOCAL GOVERNMENT ENTITIES, THE CONSOLIDATION STUDY
46 COMMISSION MUST FILE A FINALIZED CONSOLIDATION PLAN AND ITS RECOMMENDA-
47 TIONS ON WHETHER TO CONSOLIDATE WITH THE CLERKS OF THE LOCAL GOVERNMENT
48 ENTITIES WHO MUST IMMEDIATELY DELIVER THE PLAN AND RECOMMENDATIONS TO
49 THE LOCAL GOVERNMENT ENTITIES' GOVERNING BODIES.

50 S 6. The opening paragraph of section 761 of the general municipal
51 law, as added by chapter 74 of the laws of 2009, is amended to read as
52 follows:
53 No later than five business days after [approving] RECEIVING a
54 proposed elector initiated consolidation plan pursuant to section seven
55 hundred sixty of this title, the governing body or bodies of the local
56 government entities to be consolidated shall:

1 S 7. Subdivision 1 of section 762 of the general municipal law, as
2 added by chapter 74 of the laws of 2009, is amended to read as follows:

3 1. The governing body or bodies of the local government entities to be
4 consolidated shall set a time and place or places for one or more public
5 hearings on the proposed elector initiated consolidation plan. The
6 hearing or hearings shall be held no less than thirty-five days and no
7 more than ninety days after RECEIVING the proposed elector initiated
8 consolidation plan [is approved] DEVELOPED pursuant to section seven
9 hundred sixty of this title. The hearing or hearings may be held jointly
10 or separately by the governing body or bodies of the entities. Any
11 interested person shall be given a reasonable opportunity to be heard on
12 any aspect of the proposed consolidation.

13 S 8. Section 763 of the general municipal law, as added by chapter 74
14 of the laws of 2009, is amended to read as follows:

15 S 763. [Effective date of] REFERENDUM ON THE elector initiated consol-
16 idation plan[; permissive referendum]. 1. [Local government entities
17 consolidated pursuant to an elector initiated consolidated plan shall
18 continue to be governed as before consolidation until the effective date
19 of the consolidation specified in such plan, which date shall be no less
20 than forty-five days after final approval of such plan pursuant to
21 subdivision three of section seven hundred sixty-two or subdivision four
22 of section seven hundred sixty-four of this title.

23 2. Notwithstanding subdivision one of this section, the] THE elector
24 initiated consolidation plan shall not take effect [if, no later than
25 forty-five days after final approval thereof pursuant to subdivision
26 three of section seven hundred sixty-two or subdivision four of section
27 seven hundred sixty-four of this title, electors of a local government
28 entity to be consolidated pursuant to such plan shall:

29 (a) file an original petition, containing not less than the number of
30 signatures provided for in subdivision three of this section, seeking a
31 referendum on the question whether the elector initiated consolidation
32 plan shall take effect, with the clerk of the town in which the entity
33 or the greater portion of its territory is located, except that if the
34 entity is a village the original petition of electors from the village
35 shall be filed with the clerk of the village; and

36 (b) thereafter less than] UNLESS a majority of the electors in [the]
37 EACH entity vote in the affirmative on such question at a referendum.

38 [3. The petition shall be circulated, signed and authenticated in
39 substantial compliance with the provisions of section seven hundred
40 fifty-seven of this title, shall contain the signatures of at least
41 twenty-five percent of the number of electors or fifteen thousand elec-
42 tors, whichever is less, in the local government entity to be consol-
43 idated, and shall be accompanied by a cover sheet containing the name,
44 address and telephone number of an individual who signed the petition
45 and who will serve as a contact person.

46 4. Within ten days of the filing of the petition seeking a referendum
47 on whether the elector initiated dissolution plan shall take effect, the
48 clerk with whom the petition was filed shall make a final determination
49 regarding the sufficiency of the number of signatures on the petition
50 and provide timely written notice of such determination to the contact
51 person named in the cover sheet accompanying the petition. The contact
52 person or any individual who signed the petition may seek judicial
53 review of such determination in a proceeding pursuant to article seven-
54 ty-eight of the civil practice law and rules. Upon the clerk's determi-
55 nation that the petition contains no less than the required number of
56 signatures, the governing body of the local government entity to which

1 such petition applies shall within thirty days enact a resolution call-
2 ing for a referendum by the electors of such entity on the question
3 whether to approve the elector initiated consolidation plan and set a
4 date for such referendum in accordance with subdivision five of this
5 section.

6 5.] 2. The referendum on the question OF whether the elector initiated
7 consolidation plan shall take effect shall be submitted at a special
8 election to be held not less than sixty or more than ninety days after
9 enactment of a resolution APPROVING THE FINAL VERSION OF THE ELECTOR
10 INITIATED CONSOLIDATION PLAN pursuant to subdivision [four] THREE of
11 [this] section SEVEN HUNDRED SIXTY-TWO OF THIS TITLE, provided, however,
12 that in cases where a town or village general election falls within such
13 period, the referendum question may be considered during [a] THAT town
14 or village general election.

15 [6.] 3. Notice of the referendum shall be given to the electors of the
16 local government entity to which the petition applies by publication in
17 a newspaper having a general circulation within the boundaries of the
18 entity at least once a week for four consecutive weeks immediately prior
19 to the referendum. The notice shall include, but not be limited to:

20 (a) a summary of the contents of the resolution and elector initiated
21 consolidation plan;

22 (b) a statement as to where may be examined a copy of the resolution
23 and elector initiated consolidation plan;

24 (c) the time and place or places at which the referendum will be held,
25 in accordance with subdivision [five] TWO of this section; and

26 (d) such other matters as may be necessary to call, provide for and
27 give notice of the referendum and to provide for the conduct thereof and
28 the canvass of the returns thereupon.

29 [7.] 4. In a referendum held pursuant to this section, the referendum
30 question shall be placed before the electors of the local government
31 entity to which the petition applies in a form reading substantially as
32 follows:

33 ["The voters of the (insert type and name of each local government
34 entity to which the consolidation plan applies) having previously voted
35 to consolidate, shall the elector initiated consolidation plan take
36 effect?] "SHALL (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITIES) BE
37 CONSOLIDATED?

38 YES _____

39 NO _____"

40 [8.] 5. The elector initiated consolidation plan shall not take effect
41 unless a majority of the electors voting in the local government entity
42 to which the petition applies vote in favor of such plan taking effect.
43 If such a majority vote does not result, the referendum shall fail and
44 consolidation shall not take effect.

45 6. IF THE REFERENDUM SHALL FAIL, THE CONSOLIDATION PROCESS SPECIFIED
46 BY THIS TITLE SHALL NOT BE INITIATED FOR THE LOCAL GOVERNMENT ENTITIES
47 BY ELECTORATE PETITION PURSUANT TO SECTION SEVEN HUNDRED FIFTY-SEVEN OF
48 THIS TITLE WITHIN FOUR YEARS OF THE DATE OF THE REFERENDUM. THIS MORA-
49 TORIUM SHALL NOT APPLY TO A PROPOSED CONSOLIDATION INVOLVING A DIFFERENT
50 COMBINATION OF LOCAL GOVERNMENT ENTITIES.

51 S 9. Section 773 of the general municipal law, as added by chapter 74
52 of the laws of 2009, is amended to read as follows:

53 S 773. Commencing the proceeding. 1. A local government entity other
54 than a town may be dissolved and terminated by the procedure described
55 in this title.

56 2. Dissolution proceedings may be commenced by:

1 (a) a resolution of the governing body of the local government entity
2 to be dissolved [endorsing a proposed dissolution plan]; or

3 (b) elector initiative.

4 S 10. Section 774 of the general municipal law, as added by chapter 74
5 of the laws of 2009, is amended to read as follows:

6 S 774. [Proposed] GOVERNING BODY-INITIATED dissolution [plan]. 1. The
7 governing body of a local government entity may, by resolution, [endorse
8 a proposed dissolution plan for the purpose of commencing dissolution
9 proceedings under this article] INITIATE A DISSOLUTION PROCEEDING BY
10 FORMING A COMMISSION TO STUDY, FORMULATE A PLAN FOR, AND MAKE RECOMMEN-
11 DATIONS REGARDING THE DISSOLUTION AND TERMINATION OF THE LOCAL GOVERN-
12 MENT ENTITY. THE RESOLUTION MAY ONLY BE ADOPTED AFTER CONDUCTING A
13 PUBLIC HEARING ON THE PROPOSAL, SUCH HEARING HELD ON AT LEAST SEVEN DAYS
14 NOTICE PUBLISHED IN A NEWSPAPER WITH GENERAL CIRCULATION IN THE LOCAL
15 GOVERNMENT ENTITY.

16 2. THE STUDY COMMISSION MAY HAVE ANY NUMBER OF MEMBERS THE LOCAL
17 GOVERNING BODY DETERMINES TO BE BENEFICIAL FOR DEVELOPING A DISSOLUTION
18 PLAN WITH THE REQUIREMENT THAT THE COMMISSION MUST, IN ADDITION TO
19 APPOINTMENTS MADE BY THE CHIEF ELECTED OFFICER SUBJECT TO THE GOVERNING
20 BODY'S APPROVAL, INCLUDE THE CHIEF ELECTED OFFICIAL (IN THE CASE OF A
21 SPECIAL DISTRICT OR FIRE DISTRICT, THE CHAIRMAN OF THE BOARD OF COMMIS-
22 SIONERS) OF THE LOCAL GOVERNMENT ENTITY, ONE MEMBER OF THE LOCAL GOVERN-
23 MENT ENTITY'S GOVERNING BODY TO BE SELECTED BY A MAJORITY VOTE OF
24 GOVERNING BODY (IN THE CASE OF A SPECIAL DISTRICT OR FIRE DISTRICT, THE
25 BOARD OF COMMISSIONERS MUST SELECT NO LESS THAN ONE COMMISSIONER OR
26 REPRESENTATIVE), AND THE SUPERVISOR OF THE TOWN OR TOWNS IN WHICH THE
27 LOCAL GOVERNMENT ENTITY IS LOCATED.

28 3. THE STUDY COMMISSION MAY FORM SUB-COMMITTEES AND CONDUCT COMMUNITY
29 FORUMS AND PUBLIC HEARINGS IT DEEMS NECESSARY TO DEVELOP A DISSOLUTION
30 PLAN. IT IS A PROPER PUBLIC PURPOSE FOR THE GOVERNING BODY OF THE LOCAL
31 GOVERNMENT ENTITY TO APPROPRIATE MONEY FOR NECESSARY EXPENSES RELATED TO
32 STUDYING THE PROPOSED DISSOLUTION AND DEVELOPING A DISSOLUTION PLAN. THE
33 STUDY COMMISSION IS A PUBLIC BODY WITHIN THE MEANING OF SECTION ONE
34 HUNDRED TWO OF THE PUBLIC OFFICERS LAW. MEMBERS OF THE STUDY COMMISSION
35 ARE REQUIRED TO FILE AN OATH OF OFFICE WITH THE CLERK OF THE LOCAL
36 GOVERNMENT ENTITY.

37 4. WITHIN TWO HUNDRED SEVENTY DAYS OF ITS FORMATION, THE STUDY COMMIS-
38 SION MUST PREPARE AND APPROVE A PROPOSED DISSOLUTION PLAN. UPON THE
39 REQUEST OF THE STUDY COMMISSION, THE LOCAL GOVERNING BODY MAY EXTEND THE
40 TIME TO COMPLETE THE DISSOLUTION PLAN BY NINETY DAYS.

41 [2.] 5. The proposed dissolution plan shall specify:

42 (a) the name of the local government entity to be dissolved;

43 (b) the territorial boundaries of the entity;

44 (c) the type and/or class of the entity;

45 (d) a fiscal estimate of the cost of dissolution;

46 (e) any plan for the transfer or elimination of public employees;

47 (f) the entity's assets, including but not limited to real and
48 personal property, and the fair value thereof in current money of the
49 United States;

50 (g) the entity's liabilities and indebtedness, bonded and otherwise,
51 and the fair value thereof in current money of the United States;

52 (h) any agreements entered into with the town or towns in which the
53 entity is situated in order to carry out the dissolution;

54 (i) the manner and means by which the residents of the entity will
55 continue to be furnished municipal services following the entity's
56 dissolution;

(j) terms for the disposition of the entity's assets and the disposition of its liabilities and indebtedness, including the levy and collection of the necessary taxes and assessments therefor;

(k) findings as to whether any local laws, ordinances, rules or regulations of the entity shall remain in effect after the effective date of the dissolution or shall remain in effect for a period of time other than as provided by section seven hundred eighty-nine of this title;

(l) the effective date of the proposed dissolution;

(m) the time and place or places for a public hearing or hearings on the proposed dissolution plan pursuant to section seven hundred seventy-six of this title; [and]

(N) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS LOCATED IN THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;

(O) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS OF THE TOWN OUTSIDE OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;

(P) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REALIZED FROM DISSOLUTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: (I) INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE, (II) DISCONTINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR SERVICES, AND THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING SUCH SERVICES MAY ONLY BE ACHIEVED THROUGH DISSOLUTION; (III) THE ELIMINATION OF ELECTED OFFICES; (IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL GOVERNMENT ENTITY; (V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE PROVIDED THROUGH THE USE OF VOLUNTEERS;

(Q) WHETHER THE DISSOLUTION WILL RESULT IN A NET INCREASE OR DECREASE IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS DEFINED IN THIS ARTICLE; AND

[(n)] (R) any other matter desirable or necessary to carry out the dissolution.

6. DELIVERY OF THE PLAN TO THE GOVERNING BODY. AFTER CONDUCTING A PUBLIC HEARING ON THE FINALIZED PLAN, SUCH HEARING HELD ON AT LEAST SEVEN DAYS NOTICE PUBLISHED IN A NEWSPAPER WITH GENERAL CIRCULATION IN THE LOCAL GOVERNMENT ENTITY, THE DISSOLUTION STUDY COMMISSION MUST FILE A FINALIZED DISSOLUTION PLAN AND ITS RECOMMENDATIONS ON WHETHER TO DISSOLVE WITH THE CLERK OF THE LOCAL GOVERNMENT ENTITY WHO MUST IMMEDIATELY DELIVER THE PLAN AND RECOMMENDATIONS TO THE LOCAL GOVERNMENT ENTITY'S GOVERNING BODY.

S 11. The opening paragraph of section 775 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

No later than five business days after [commencement of dissolution proceedings] THE DELIVERY OF THE DISSOLUTION PLAN AND RECOMMENDATIONS pursuant to section seven hundred seventy-four of this title, the governing body of the local government entity to be dissolved shall:

S 12. Subdivisions 1 and 3 of section 776 of the general municipal law, as added by chapter 74 of the laws of 2009, are amended to read as follows:

1. The governing body of the local government entity to be dissolved shall set a time and place or places for one or more public hearings on the proposed dissolution plan. The hearing or hearings shall be held no less than thirty-five days and no more than ninety days after [commencement of dissolution proceedings] RECEIVING THE DISSOLUTION PLAN RECOMMENDATIONS pursuant to section seven hundred seventy-four of this title. Any interested person shall be given a reasonable opportunity to be heard on any aspect of the proposed dissolution.

1 3. After completion of the final hearing, the governing body of the
2 local government entity to be dissolved may amend the proposed dissol-
3 ution plan, provided that the amended version complies with the
4 provisions of subdivision [two] FOUR of section seven hundred seventy-
5 four of this title and is publicized pursuant to subdivision four of
6 this section, [and/or] OR approve a final version of the dissolution
7 plan[, or decline to proceed further with dissolution proceedings]. Any
8 approval by the governing body of a final version of the dissolution
9 plan must occur within one hundred eighty days of the final hearing.

10 S 13. Section 777 of the general municipal law, as added by chapter 74
11 of the laws of 2009, is amended to read as follows:

12 S 777. Referendum resolution for dissolution [of villages]. 1. [If a
13 dissolution plan calls for the dissolution of a village, then contempo-
14 raneous] CONTEMPORANEOUS with the final approval of the dissolution plan
15 pursuant to subdivision three of section seven hundred seventy-six of
16 this title, the governing body of the [village] LOCAL GOVERNMENT ENTITY
17 shall enact a resolution calling for a referendum on the proposed
18 dissolution by the electors in the [village] LOCAL GOVERNMENT ENTITY.

19 2. The resolution calling for the referendum on the proposed dissol-
20 ution shall:

21 (a) provide (i) the name of the [village] LOCAL GOVERNMENT ENTITY to
22 be dissolved; and (ii) the date for the referendum, in accordance with
23 subdivision one of section seven hundred eighty of this title;

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

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

29 3. The resolution calling for the referendum on the proposed dissol-
30 ution shall have attached to it the final approved version of the
31 dissolution plan.

32 4. IF THE REFERENDUM SHALL FAIL, THE DISSOLUTION PROCESS SPECIFIED BY
33 THIS TITLE SHALL NOT BE INITIATED FOR THE LOCAL GOVERNMENT ENTITY BY
34 ELECTORATE PETITION PURSUANT TO SECTION SEVEN HUNDRED SEVENTY-NINE OF
35 THIS TITLE WITHIN FOUR YEARS OF THE DATE OF THE REFERENDUM.

36 S 14. Section 779 of the general municipal law, as added by chapter 74
37 of the laws of 2009, is amended to read as follows:

38 S 779. Initiative of electors seeking dissolution. 1. The electors of
39 a local government entity may commence a dissolution proceeding by
40 filing an original petition, containing not less than the number of
41 signatures provided for in subdivision two of this section and in the
42 form provided for in subdivision three of this section, with the clerk
43 of the town in which the entity or the greater portion of its territory
44 is located, except that if the entity is a village the original petition
45 of electors from the village shall be filed with the clerk of the
46 village. Accompanying the filed petition shall be a cover sheet contain-
47 ing the name, address and telephone number of an individual who signed
48 the petition and who will serve as a contact person. A PETITION MAY NOT
49 BE SUBMITTED PURSUANT TO THIS SECTION IF A RESOLUTION INITIATING THE
50 DISSOLUTION PROCESS HAS BEEN ADOPTED PURSUANT TO SECTION SEVEN HUNDRED
51 SEVENTY-FOUR OF THIS TITLE, UNTIL THE PROCESS THEREUNDER, INCLUDING THE
52 CONDUCTING OF THE REFERENDUM PURSUANT TO SECTION SEVEN HUNDRED SEVENTY-
53 SEVEN OF THIS TITLE, HAS BEEN COMPLETED.

54 2. The petition shall contain [the] signatures [of] EQUAL TO at least
55 [ten] TWENTY-FIVE percent of the number of electors AT THE LAST GENERAL
56 ELECTION OF THE LOCAL GOVERNMENT ENTITY or five thousand [electors],

1 whichever is less, in the local government entity to be dissolved[;
 2 provided, however, that where the local government entity to be
 3 dissolved contains five hundred or fewer electors, the petition shall
 4 contain the signatures of at least twenty percent of the number of elec-
 5 tors]. No signature on a petition is valid unless it is an original
 6 signature of an elector. FOR A SIGNATURE TO BE VALID, IT MUST BE SIGNED
 7 WITHIN ONE HUNDRED TWENTY DAYS OF THE PETITION BEING FILED WITH THE
 8 CLERK.

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

11 PETITION FOR LOCAL GOVERNMENT DISSOLUTION

12 We, the undersigned, electors and legal voters of (insert type of
 13 local government entity -- e.g., town, village or district) of (insert
 14 name of local government entity), New York, qualified to vote at the
 15 next general or special election, respectfully petition that there be
 16 submitted to the electors of (insert type and name of local government
 17 entity proposed to be dissolved), for their approval or rejection at a
 18 referendum held for that purpose, a proposal to dissolve and terminate
 19 (insert type and name of local government entity) PURSUANT TO A DISSOL-
 20 UTION PLAN DEVELOPED AND PRESENTED TO THE PUBLIC PRIOR TO THE
 21 REFERENDUM.

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

24	Date	Name - print name under signature	Home Address
25	1. _____	_____	_____
26	2. _____	_____	_____
27	3. _____	_____	_____

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

35 I, (insert name of witness), state that I am a duly qualified voter of
 36 the state of New York. Each of the persons that have signed this peti-
 37 tion sheet containing (insert number) signatures, have signed their
 38 names in my presence on the dates indicated above and identified them-
 39 selves to be the same person who signed the sheet. I understand that
 40 this statement will be accepted for all purposes as the equivalent of an
 41 affidavit, and if it contains a materially false statement, shall
 42 subject me to the penalties of perjury.

43	Date	Signature of Witness)
----	------	-----------------------

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

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

53	Date	Notary Public or Commissioner of Deeds)
----	------	---

1 4. An alteration or correction of information appearing on a
2 petition's signature line, other than an un-initialed signature and
3 date, shall not invalidate such signature.

4 5. In matters of form, this section shall be liberally construed, not
5 inconsistent with substantial compliance thereto and the prevention of
6 fraud.

7 6. Within ten days of the filing of the petition seeking dissolution
8 pursuant to subdivision one of this section, the clerk with whom the
9 petition was filed shall make a final determination regarding the suffi-
10 ciency of the signatures on the petition and provide timely written
11 notice of such determination to the contact person named in the cover
12 sheet accompanying the petition. The contact person or any individual
13 who signed the petition may seek judicial review of such determination
14 in a proceeding pursuant to article seventy-eight of the civil practice
15 law and rules.

16 [7. Upon the clerk's determination that the petition contains not less
17 than the number of signatures of electors required in subdivision two of
18 this section, the governing body of the local government entity to be
19 dissolved shall, no later than thirty days thereafter, enact a resol-
20 ution in accordance with subdivision two of section seven hundred seven-
21 ty-seven of this title calling for a referendum on the proposed dissol-
22 ution by the electors in the entity and set a date for such referendum.]

23 S 15. Sections 780 and 781 of the general municipal law are REPEALED.

24 S 16. Section 782 of the general municipal law, as added by chapter 74
25 of the laws of 2009, is amended to read as follows:

26 S 782. [Duty to approve proposed elector initiated] STUDY COMMISSION
27 AND DEVELOPMENT OF PROPOSED dissolution plan. 1. [In the case of a
28 proposed dissolution of a local government entity properly initiated by
29 petition of electors pursuant to section seven hundred seventy-nine of
30 this title, if a majority of the electors voting at a referendum vote in
31 favor of dissolution] UPON THE CLERK'S DETERMINATION THAT THE PETITION
32 CONTAINS NOT LESS THAN THE NUMBER OF SIGNATURES OF ELECTORS REQUIRED IN
33 SUBDIVISION TWO OF SECTION SEVEN HUNDRED SEVENTY-NINE OF THIS TITLE, the
34 entity's governing body [shall] MUST meet within thirty days after
35 CLERK'S certification [of the favorable vote] and[, within one hundred
36 eighty days of such meeting,] FORM A COMMISSION TO STUDY, FORMULATE A
37 PLAN FOR, AND MAKE RECOMMENDATIONS REGARDING THE DISSOLUTION AND TERMI-
38 NATION OF THE LOCAL GOVERNMENT ENTITY.

39 2. THE STUDY COMMISSION MAY HAVE ANY NUMBER OF MEMBERS THE LOCAL
40 GOVERNING BODY DETERMINES TO BE BENEFICIAL FOR DEVELOPING A DISSOLUTION
41 PLAN WITH THE REQUIREMENT THAT THE COMMISSION MUST, IN ADDITION TO
42 APPOINTMENTS MADE BY THE CHIEF ELECTED OFFICER SUBJECT TO THE GOVERNING
43 BODY'S APPROVAL, INCLUDE THE CHIEF ELECTED OFFICIAL (IN THE CASE OF A
44 SPECIAL DISTRICT OR FIRE DISTRICT, THE CHAIRMAN OF THE BOARD OF COMMIS-
45 SIONERS) OF THE LOCAL GOVERNMENT ENTITY, ONE MEMBER OF THE LOCAL GOVERN-
46 MENT ENTITY'S GOVERNING BODY TO BE SELECTED BY A MAJORITY VOTE OF
47 GOVERNING BODY (IN THE CASE OF A SPECIAL DISTRICT OR FIRE DISTRICT, THE
48 BOARD OF COMMISSIONERS MUST SELECT NO LESS THAN ONE COMMISSIONER OR
49 REPRESENTATIVE), AND THE SUPERVISOR OF THE TOWN OR TOWNS IN WHICH THE
50 LOCAL GOVERNMENT ENTITY IS LOCATED.

51 3. THE STUDY COMMISSION MAY FORM SUB-COMMITTEES AND CONDUCT COMMUNITY
52 FORUMS AND PUBLIC HEARINGS IT DEEMS NECESSARY TO DEVELOP A DISSOLUTION
53 PLAN. IT IS A PROPER PUBLIC PURPOSE FOR THE GOVERNING BODY OF THE LOCAL
54 GOVERNMENT ENTITY TO APPROPRIATE MONEY FOR NECESSARY EXPENSES RELATED TO
55 STUDYING THE PROPOSED DISSOLUTION AND DEVELOPING A DISSOLUTION PLAN. THE
56 STUDY COMMISSION IS A PUBLIC BODY WITHIN THE MEANING OF SECTION ONE

1 HUNDRED TWO OF THE PUBLIC OFFICERS LAW. MEMBERS OF THE STUDY COMMISSION
2 WHO ARE NOT ALREADY PUBLIC OFFICERS MUST FILE AN OATH OF OFFICE WITH THE
3 CLERK OF THE LOCAL GOVERNMENT ENTITY.

4 4. WITHIN TWO HUNDRED SEVENTY DAYS OF ITS FORMATION, THE STUDY COMMIS-
5 SION MUST prepare and approve a proposed elector initiated dissolution
6 plan. UPON THE REQUEST OF THE STUDY COMMISSION, THE LOCAL GOVERNING
7 BODY MAY EXTEND THE TIME TO COMPLETE THE DISSOLUTION PLAN BY NINETY
8 DAYS.

9 [2.] 5. The proposed elector initiated dissolution plan shall specify:
10 (a) the name of the local government entity to be dissolved;
11 (b) the territorial boundaries of the entity;
12 (c) the type and/or class of the entity;
13 (d) a fiscal estimate of the cost of dissolution;
14 (e) any plan for the transfer or elimination of public employees;
15 (f) the entity's assets, including but not limited to real and
16 personal property, and the fair value thereof in current money of the
17 United States;
18 (g) the entity's liabilities and indebtedness, bonded and otherwise,
19 and the fair value thereof in current money of the United States;
20 (h) any agreements entered into with the town or towns in which the
21 entity is situated in order to carry out the dissolution;
22 (i) the manner and means by which the residents of the entity will
23 continue to be furnished municipal services following the entity's
24 dissolution;
25 (j) terms for the disposition of the entity's assets and the disposi-
26 tion of its liabilities and indebtedness, including the levy and
27 collection of the necessary taxes and assessments therefor;
28 (k) findings as to whether any local laws, ordinances, rules or regu-
29 lations of the entity shall remain in effect after the effective date of
30 the dissolution or shall remain in effect for a period of time other
31 than as provided by section seven hundred eighty-nine of this title;
32 (l) the effective date of the dissolution;
33 (m) the time and place or places for a public hearing or hearings on
34 such proposed dissolution plan pursuant to section seven hundred eight-
35 y-four of this title; [and]
36 (N) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS
37 LOCATED IN THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;
38 (O) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS
39 OF THE TOWN OUTSIDE OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;
40 (P) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REALIZED
41 FROM DISSOLUTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: (I)
42 INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE, (II) DISCON-
43 TINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR SERVICES, AND
44 THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING SUCH SERVICES MAY
45 ONLY BE ACHIEVED THROUGH DISSOLUTION; (III) THE ELIMINATION OF ELECTED
46 OFFICES; (IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL
47 GOVERNMENT ENTITY; (V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE
48 PROVIDED THROUGH THE USE OF VOLUNTEERS;
49 (Q) WHETHER THE DISSOLUTION WILL RESULT IN A NET INCREASE OR DECREASE
50 IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS DEFINED IN THIS
51 ARTICLE; AND
52 [(n)] (R) any other matter desirable or necessary to carry out the
53 dissolution.

54 6. DELIVERY OF THE PLAN TO THE GOVERNING BODY. AFTER CONDUCTING A
55 PUBLIC HEARING ON THE FINALIZED PLAN, SUCH HEARING HELD ON AT LEAST
56 SEVEN DAYS NOTICE PUBLISHED IN A NEWSPAPER WITH GENERAL CIRCULATION IN

1 THE LOCAL GOVERNMENT ENTITY, THE DISSOLUTION STUDY COMMISSION MUST FILE
2 A FINALIZED DISSOLUTION PLAN AND ITS RECOMMENDATIONS ON WHETHER TO
3 DISSOLVE WITH THE CLERK OF THE LOCAL GOVERNMENT ENTITY WHO MUST IMME-
4 DIATELY DELIVER THE PLAN AND RECOMMENDATIONS TO THE LOCAL GOVERNMENT
5 ENTITY'S GOVERNING BODY.

6 S 17. The opening paragraph of section 783 of the general municipal
7 law, as added by chapter 74 of the laws of 2009, is amended to read as
8 follows:

9 No later than five business days after [approving an] RECEIVING A
10 PROPOSED elector initiated dissolution plan pursuant to section seven
11 hundred eighty-two of this title, the governing body of the local
12 government entity to be dissolved shall:

13 S 18. Subdivision 1 of section 784 of the general municipal law, as
14 added by chapter 74 of the laws of 2009, is amended to read as follows:

15 1. The governing body of the local government entity to be dissolved
16 shall set a time and place or places for one or more public hearings on
17 the proposed elector initiated dissolution plan. The hearing or hearings
18 shall be held no less than thirty-five days and no more than ninety days
19 after RECEIVING the proposed elector initiated dissolution plan [is
20 approved] DEVELOPED pursuant to section seven hundred eighty-two of this
21 title. Any interested person shall be given a reasonable opportunity to
22 be heard on any aspect of the proposed dissolution.

23 S 19. Section 785 of the general municipal law, as added by chapter 74
24 of the laws of 2009, is amended to read as follows:

25 S 785. [Effective date of] REFERENDUM ON THE elector initiated dissol-
26 ution plan[; permissive referendum]. 1. [A local government entity
27 dissolved pursuant to an elector initiated dissolution plan shall
28 continue to be governed as before dissolution until the effective date
29 of the dissolution specified in the elector initiated dissolution plan,
30 which date shall be no less than forty-five days after final approval of
31 such plan pursuant to subdivision three of section seven hundred eight-
32 y-four or subdivision three of section seven hundred eighty-six of this
33 title.

34 2. Notwithstanding subdivision one of this section, the] THE elector
35 initiated dissolution plan shall not take effect [if, no later than
36 forty-five days after final approval of such plan pursuant to subdivi-
37 sion three of section seven hundred eighty-four or subdivision three of
38 section seven hundred eighty-six of this title, electors of the local
39 government entity to be dissolved shall:

40 (a) file an original petition, containing not less than the number of
41 signatures provided for in subdivision three of this section, seeking a
42 referendum on the question whether the elector initiated dissolution
43 plan shall take effect, with the clerk of the town in which the entity
44 or the greater portion of its territory is located, except that if the
45 entity is a village the original petition of electors from the village
46 shall be filed with the clerk of the village; and

47 (b) thereafter less than] UNLESS a majority of the electors vote in
48 the affirmative on such question at a referendum.

49 [3. The petition shall be circulated, signed and authenticated in
50 substantial compliance with the provisions of section seven hundred
51 seventy-nine of this title, shall contain the signatures of at least
52 twenty-five percent of the number of electors or fifteen thousand elec-
53 tors, whichever is less, in the local government entity to be dissolved,
54 and shall be accompanied by a cover sheet containing the name, address
55 and telephone number of an individual who signed the petition and who
56 will serve as a contact person.

1 4. Within ten days of the filing of the petition seeking a referendum
2 on whether the elector initiated dissolution plan shall take effect, the
3 clerk with whom the petition was filed shall make a final determination
4 regarding the sufficiency of the number of signatures on the petition
5 and provide timely written notice of such determination to the contact
6 person named in the cover sheet accompanying the petition. The contact
7 person or any individual who signed the petition may seek judicial
8 review of such determination in a proceeding pursuant to article seven-
9 ty-eight of the civil practice law and rules. Upon the clerk's determi-
10 nation that the petition contains no less than the required number of
11 signatures, the governing body of the local government entity to be
12 dissolved shall within thirty days enact a resolution calling for a
13 referendum by the electors on the question whether the elector initiated
14 dissolution plan shall take effect and set a date for such referendum in
15 accordance with subdivision five of this section.

16 5.] 2. The referendum on the question whether the elector initiated
17 dissolution plan shall take effect shall be submitted at a special
18 election to be held not less than sixty or more than ninety days after
19 enactment of a resolution APPROVING THE FINAL VERSION OF THE ELECTOR
20 INITIATED DISSOLUTION PLAN pursuant to subdivision [four] THREE of
21 [this] section SEVEN HUNDRED EIGHTY-FOUR OF THIS TITLE, provided, howev-
22 er, that in cases where a town or village general election falls within
23 such period, the referendum question may be considered during [a] THAT
24 town or village general election.

25 [6.] 3. Notice of the referendum shall be given to the electors of the
26 local government entity to be dissolved by publication in a newspaper
27 having a general circulation within the boundaries of the entity at
28 least once a week for four consecutive weeks immediately prior to the
29 referendum. The notice shall include, but not be limited to:

30 (a) a summary of the contents of the resolution and elector initiated
31 dissolution plan;

32 (b) a statement as to where may be examined a copy of the resolution
33 and elector initiated dissolution plan;

34 (c) the time and place or places at which the referendum will be held,
35 in accordance with subdivision [five] TWO of this section; and

36 (d) such other matters as may be necessary to call, provide for and
37 give notice of the referendum and to provide for the conduct thereof and
38 the canvass of the returns thereupon.

39 [7.] 4. In a referendum held pursuant to this section, the referendum
40 question shall be placed before the electors of the local government
41 entity to be dissolved in a form reading substantially as follows:

42 ["The voters of the (insert type and name of local government entity
43 to be dissolved) having previously voted to dissolve, shall the elector
44 initiated dissolution plan take effect?] "SHALL (INSERT TYPE AND NAME OF
45 LOCAL GOVERNMENT ENTITY) BE DISSOLVED?

46 YES _____
47 NO _____"

48 [8.] 5. The elector initiated dissolution plan shall not take effect
49 unless a majority of the electors voting in the local government entity
50 to which the petition applies votes in favor of dissolution. If such a
51 majority vote does not result, the referendum shall fail and dissolution
52 shall not take effect.

53 6. IF THE REFERENDUM FAILS, THE DISSOLUTION PROCESS SPECIFIED BY THIS
54 TITLE MAY NOT BE INITIATED FOR THE LOCAL GOVERNMENT ENTITY BY ELECTORATE
55 PETITION PURSUANT TO SECTION SEVEN HUNDRED SEVENTY-NINE OF THIS TITLE
56 WITHIN FOUR YEARS OF THE DATE OF THE REFERENDUM.

1 S 20. Subdivision 2 of section 33-a of the municipal home rule law, as
2 amended by chapter 74 of the laws of 2009, is amended to read as
3 follows:

4 2. Any such local law, or an amendment or repeal of one or more
5 provisions thereof which would have the effect of transferring or abol-
6 ishing a function or duty of the county or of the cities, towns,
7 villages, districts or other units of government wholly contained in the
8 county, shall not become operative unless and until it is approved at a
9 general election or at a special election, held in the county by receiv-
10 ing a majority of the total votes cast thereon: (a) in the area of the
11 county outside of cities and (b) in the area of cities of the county, if
12 any, considered as one unit, and if it provides for the transfer of any
13 function or duty to or from any village or for the abolition of any
14 office, department, agency or unit of government of a village wholly
15 contained in the county, it shall not take effect unless it shall also
16 receive a majority of [all] the votes cast thereon in [all] EACH OF the
17 villages OR LOCAL UNITS OF GOVERNMENT so affected [considered as one
18 unit]. Such a local law, amendment or repeal thereof, shall provide for
19 its submission to the electors of the county at the next general
20 election or at a special election, occurring not less than sixty days
21 after the adoption thereof by the board of supervisors.

22 S 21. This act shall take effect immediately.