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

4460

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. CORWIN -- Multi-Sponsored by -- M. of A. BURLING, CALHOUN, CONTE -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to requiring a referendum on the contents of a proposed final consolidation agreement; provides time limit for collection of signatures for petition for local government consolidation

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

Section 1. Subdivision 3 of section 754 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

3. After completion of the final hearing, the governing body or bodies of the local government entities to be consolidated may amend the proposed joint consolidation agreement, provided that the amended version complies with the provisions of subdivision two of section seven hundred fifty-two of this title and is publicized pursuant to subdivision four of this section[, and/or]. AFTER COMPLETION OF SUCH HEARING OR PUBLICATION OF AN AMENDED VERSION OF THE PROPOSED JOINT CONSOLIDATION AGREEMENT, THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED SHALL ENACT A RESOLUTION CALLING FOR A REFERENDUM ON THE PROPOSED JOINT CONSOLIDATION AGREEMENT BY THE ELECTORS IN EACH OF THE ENTITIES PURSUANT TO SECTION SEVEN HUNDRED FIFTY-FOUR-A OF THIS TITLE. THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED MAY approve a final version of the joint consolidation agreement IF THE CONTENT OF SUCH PROPOSED FINAL VERSION OF THE JOINT CONSOLIDATION AGREEMENT WAS APPROVED BY A MAJORITY OF THE ELECTORS VOTING IN EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED, or decline to proceed further with consolidation proceedings. Any approval by the entities' governing body or bodies of the final version of the joint

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

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consolidation agreement must occur within one hundred eighty days of such [final hearing] APPROVAL BY THE MAJORITY OF THE ELECTORS.

S 2. The general municipal law is amended by adding a new section 754-a to read as follows:

S 754-A. REFERENDUM RESOLUTION FOR PROPOSED JOINT CONSOLIDATION AGREEMENT. 1. IF A JOINT CONSOLIDATION AGREEMENT CALLS FOR THE CONSOLIDATION OF TWO OR MORE TOWNS, TWO OR MORE VILLAGES OR ONE OR MORE TOWNS AND VILLAGES, THEN PRIOR TO FINAL APPROVAL OF THE JOINT CONSOLIDATION AGREEMENT PURSUANT TO SUBDIVISION THREE OF SECTION SEVEN HUNDRED FIFTY-FOUR OF THIS TITLE, THE GOVERNING BODY OR BODIES OF THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED SHALL ENACT A RESOLUTION CALLING FOR A REFERENDUM ON THE PROPOSED JOINT CONSOLIDATION AGREEMENT BY THE ELECTORS IN EACH OF THE ENTITIES.

2. THE RESOLUTION CALLING FOR THE REFERENDUM ON THE PROPOSED JOINT CONSOLIDATION AGREEMENT SHALL: (A) PROVIDE (I) THE NAME OF EACH OF THE TOWNS AND/OR VILLAGES PROPOSED TO BE CONSOLIDATED, (II) A STATEMENT FULLY DESCRIBING THE TERRITORY TO BE INCLUDED WITHIN THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY, (III) THE NAME OF THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY, AND (IV) THE DATE FOR THE REFERENDUM, IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION SEVEN HUNDRED FIFTY-EIGHT OF THIS TITLE; (B) STATE THE SUBSTANCE OF THE QUESTION TO BE SUBMITTED TO THE ELECTORS; AND (C) SET FORTH SUCH OTHER MATTERS AS MAY BE NECESSARY TO CALL, PROVIDE FOR AND GIVE NOTICE OF THE REFERENDUM AND TO PROVIDE FOR THE CONDUCT THEREOF AND THE CANVASS OF THE RETURNS THEREUPON.

3. THE RESOLUTION CALLING FOR A REFERENDUM ON THE PROPOSED JOINT CONSOLIDATION AGREEMENT SHALL HAVE ATTACHED TO IT THE PROPOSED FINAL VERSION OF THE JOINT CONSOLIDATION AGREEMENT.

S 3. Section 758 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

S 758. Conduct of referendum. 1. A referendum required by [sections] SECTION SEVEN HUNDRED FIFTY-FOUR-A, seven hundred fifty-five or seven hundred fifty-seven of this title shall be placed before the electors of each of the local government entities to be consolidated at a special election to be held not less than sixty or more than ninety days after the enactment of a resolution calling for such referendum, provided, however, that in cases where a town or village general election falls within such period, the question may be considered during a town or village general election.

2. The referendum may be held in each local government entity on the same day, or on different days, however, not more than twenty days apart.

3. Notice of the referendum shall be given to the electors of each local government entity to be consolidated by publication in a newspaper having a general circulation within the boundaries of each entity at least once a week for four consecutive weeks immediately prior to the referendum. The notice shall include, but not be limited to:

(a) a summary of the contents of the resolution and joint consolidation agreement or petition for consolidation, as the case may be;

(b) a statement as to where may be examined a copy of the resolution and joint consolidation agreement or petition for consolidation, as the case may be;

(c) the names of the local government entities to be consolidated and a description of their territory;

(d) with respect to a resolution calling for a referendum under section seven hundred FIFTY-FOUR-A OR SECTION SEVEN HUNDRED fifty-five

of this title only, the name of the proposed consolidated local government entity;

(e) the time and place or places at which the referendum will be held; and

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

4. The referendum question PURSUANT TO SECTION SEVEN HUNDRED FIFTY-FOUR-A placed before the electors of each local government entity to be consolidated shall be in a form reading substantially as follows:

"DO YOU APPROVE OF THE PROPOSED JOINT CONSOLIDATION AGREEMENT CONCERNING (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITY) AND (INSERT TYPE AND NAME OF LOCAL GOVERNMENT ENTITY OR ENTITIES)?

YES _____

NO _____"

4-A. THE REFERENDUM QUESTION PURSUANT TO SECTION SEVEN HUNDRED FIFTY-FIVE PLACED BEFORE THE ELECTORS OF EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED SHALL BE IN A FORM READING SUBSTANTIALLY AS FOLLOWS:

"Shall (insert type and name of local government entity) be consolidated with (insert type and name of local government entity or entities)?

YES _____

NO _____"

5. In any referendum held pursuant to this title, each local government entity to be consolidated shall bear only the costs of holding such referendum in its respective entity and shall not be required to bear the costs of a referendum held in any other entity.

6. In any referendum held pursuant to this title, and except as otherwise specified herein, the referendum shall be conducted in the same manner as other municipal elections or referendums for the local government entities to be consolidated.

S 4. Subdivision 6 of section 757 of the general municipal law, as added by chapter 74 of the laws of 2009, is amended to read as follows:

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 and rules. UPON A DETERMINATION BY THE CLERK OF AN INSUFFICIENT NUMBER OF SIGNATURES ON THE PETITION, SUCH CONTACT PERSON SHALL HAVE UP TO ONE HUNDRED TWENTY DAYS TO COLLECT THE SUFFICIENT NUMBER OF SIGNATURES FOR SUCH PETITION.

S 5. This act shall take effect immediately, except that if this act shall have become a law on or after March 21, 2010 this act shall be deemed to have been in full force and effect on and after March 21, 2010.