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

2821--A

2011-2012 Regular Sessions

I N S E N A T E

February 2, 2011

Introduced by Sens. STEWART-COUSINS, KLEIN, KRUEGER, KRUGER, MARTINS, OPPENHEIMER, PARKER, SAMPSON, SAVINO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 agencies

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

Section 1. The general municipal law is amended by adding a new section 857 to read as follows:

S 857. MERGER OF INDUSTRIAL DEVELOPMENT AGENCIES. 1. (A) TWO OR MORE TOWN, CITY, OR VILLAGE INDUSTRIAL DEVELOPMENT AGENCIES, WHETHER WITHIN THE SAME COUNTY OR DIFFERENT COUNTIES, OR A TOWN, CITY, OR VILLAGE INDUSTRIAL DEVELOPMENT AGENCY AND A COUNTY INDUSTRIAL DEVELOPMENT AGENCY LOCATED IN THE SAME COUNTY AS SUCH AGENCY, MAY SIMULTANEOUSLY DISSOLVE AND MERGE INTO A SINGLE INDUSTRIAL DEVELOPMENT AGENCY IF EACH OF THE INDUSTRIAL DEVELOPMENT AGENCIES IS CONTIGUOUS TO AT LEAST ONE OF THE OTHER INDUSTRIAL DEVELOPMENT AGENCIES AND IF TOGETHER THE INDUSTRIAL DEVELOPMENT AGENCIES WOULD FORM A MERGED INDUSTRIAL DEVELOPMENT AGENCY THAT IS AUTHORIZED UNDER THE LAWS OF THE STATE OF NEW YORK.

(B) UPON THE EFFECTIVE DATE OF THE DISSOLUTION AND MERGER, THE TOWN, CITY, OR VILLAGE INDUSTRIAL DEVELOPMENT AGENCY SHALL CEASE TO EXIST AND ALL THE RIGHTS, TITLES, INTERESTS, OBLIGATIONS AND LIABILITIES OF SUCH AGENCIES, INCLUDING BUT NOT LIMITED TO THE RIGHTS AND OBLIGATIONS UNDER ANY BOND, NOTE, OR CONTRACT OR OTHER AGREEMENT, EXPRESS OR IMPLIED, SHALL DEVOLVE TO, BE VESTED IN AND POSSESSED BY THE MERGED INDUSTRIAL DEVELOPMENT AGENCY, WHICH SHALL IN ALL RESPECTS AND FOR ALL PURPOSES BE

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

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THE SUCCESSOR IN INTEREST TO THE DISSOLVED TOWN, CITY OR VILLAGE INDUSTRIAL DEVELOPMENT AGENCY.

2. THE GOVERNING BODY OF THE TOWN, CITY, OR VILLAGE OF THE AGENCY TO BE DISSOLVED AND THE GOVERNING BODY OF THE COUNTY, TOWN, CITY, OR VILLAGE AGENCY TO BE MERGED SHALL ADOPT A PLAN SETTING FORTH, AT A MINIMUM:

(A) THE NAME AND DATE OF ESTABLISHMENT OF THE AGENCY OR AGENCIES TO BE DISSOLVED OR MERGED;

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

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

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

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

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

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

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

S 2. This act shall take effect immediately.