

7240

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 8, 2013

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Introduced by M. of A. OTIS -- read once and referred to the Committee  
on Local Governments

AN ACT to amend the general municipal law, in relation to the consol-  
idation and dissolution of local government

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

1     Section 1. Subdivisions 1 and 2 of section 757 of the general munici-  
2 pal law, as added by chapter 74 of the laws of 2009, are amended and a  
3 new subdivision 2-a is added to read as follows:  
4     1. The electors of two or more local government entities may commence  
5 a consolidation proceeding by filing an original petition, containing  
6 not less than the number of signatures provided for in subdivision two  
7 of this section and in the form provided for in subdivision three of  
8 this section, with the clerk of the town in which the entities or the  
9 greater portion of their territory are located, except that if one or  
10 more of the entities to be consolidated is a village the original peti-  
11 tion of electors from the village shall be filed with the clerk of the  
12 village. Accompanying the filed petition shall be a cover sheet contain-  
13 ing the name, address and telephone number of an individual who signed  
14 the petition and who will serve as a contact person. A PETITION MAY NOT  
15 BE SUBMITTED PURSUANT TO THIS SECTION IF A RESOLUTION INITIATING THE  
16 PROCESS FOR CONSOLIDATION OF TWO OR MORE GOVERNMENT ENTITIES HAS BEEN  
17 ADOPTED PURSUANT TO SECTIONS SEVEN HUNDRED FIFTY-ONE AND SEVEN HUNDRED  
18 FIFTY-TWO OF THIS TITLE UNTIL SUCH PROCESS HAS BEEN COMPLETED; EXCEPT  
19 THAT SUCH PETITIONS SHALL NOT BE BARRED IN CASES WHERE THE POST REFEREN-  
20 DUM PLANNING PROCESS FOR A LOCAL GOVERNMENT ENTITY INITIATED CONSOL-  
21 IDATION IS TO TAKE MORE THAN FOUR HUNDRED FIFTY DAYS.  
22     2. The petition shall contain the signatures of at least ten percent  
23 of the number of electors, AS OF THE DATE OF THE LAST NOVEMBER GENERAL  
24 ELECTION or five thousand electors, whichever is less, in each local  
25 government entity to be consolidated; provided, however, that where the

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

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1 local government entity to be consolidated contains five hundred or  
2 fewer electors, the petition shall contain the signatures of at least  
3 twenty percent of the number of electors. No signature on a petition is  
4 valid unless it is the original signature of an elector.

5 2-A. PETITIONS INITIATED PURSUANT TO THIS SECTION SHALL BE FILED ON  
6 THE SAME DATE AND IN THE SAME MANNER AS NOMINATING AND DESIGNATING  
7 PETITIONS ARE FILED PURSUANT TO SECTION 6-158 OF THE ELECTION LAW. A  
8 SIGNATURE MADE EARLIER THAN SIXTY DAYS PRIOR TO THE LAST DAY TO FILE  
9 SUCH PETITIONS SHALL NOT BE COUNTED.

10 S 2. The general municipal law is amended by adding a new section  
11 757-a to read as follows:

12 S 757-A. TENTATIVE PLAN OR PROSPECTUS. 1. THE CONTACT PERSON IDENTI-  
13 FIED ON THE COVER SHEET OF THE ORIGINAL PETITION SHALL FILE A TENTATIVE  
14 PLAN OR PROSPECTUS OF THE PROPOSED CONSOLIDATION WITH THE FILING OF THE  
15 PETITION. THE TENTATIVE PLAN OR PROSPECTUS WILL INCLUDE AN OUTLINE OF  
16 THE PROPOSED CONSOLIDATION AS CONTEMPLATED BY INDIVIDUALS PROPOSING SUCH  
17 CONSOLIDATION.

18 2. SUCH TENTATIVE PLAN OR PROSPECTUS CAN BE MODIFIED DURING THE PLAN-  
19 ING PROCESS THAT WOULD OCCUR UPON PASSAGE OF THE REFERENDUM. THE TENTA-  
20 TIVE PLAN OR PROSPECTUS SHALL BE MADE AVAILABLE TO THE PUBLIC WITH OTHER  
21 NOTICE INFORMATION AS PROVIDED IN SECTION SEVEN HUNDRED SIXTY-ONE OF  
22 THIS TITLE. THE TENTATIVE PLAN OR PROSPECTUS SHALL INCLUDE STATEMENTS  
23 THAT OUTLINE THE STRUCTURE OF THE CONSOLIDATION ON THE FOLLOWING ISSUES:

24 (A) THE NAME OF EACH LOCAL GOVERNMENT ENTITY TO BE CONSOLIDATED;

25 (B) THE NAME OF THE PROPOSED CONSOLIDATED LOCAL GOVERNMENT ENTITY,  
26 WHICH NAME SHALL BE SUCH AS TO DISTINGUISH IT FROM THE NAME OF ANY OTHER  
27 LIKE UNIT OF GOVERNMENT IN THE STATE OF NEW YORK (EXCEPT THE NAME OF  
28 ANY ONE OF THE ENTITIES TO BE CONSOLIDATED);

29 (C) THE RIGHTS, DUTIES AND OBLIGATIONS OF THE PROPOSED CONSOLIDATED  
30 LOCAL GOVERNMENT ENTITY;

31 (D) THE TERRITORIAL BOUNDARIES OF THE PROPOSED CONSOLIDATED LOCAL  
32 GOVERNMENT ENTITY;

33 (E) THE GOVERNMENTAL ORGANIZATION OF THE PROPOSED CONSOLIDATED LOCAL  
34 GOVERNMENT ENTITY INsofar AS IT CONCERNS ELECTED AND APPOINTED OFFICIALS  
35 AND PUBLIC EMPLOYEES, ALONG WITH A TRANSITIONAL PLAN AND SCHEDULE FOR  
36 ELECTIONS AND APPOINTMENTS OF OFFICIALS;

37 (F) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REALIZED  
38 FROM CONSOLIDATION INCLUDING BUT NOT LIMITED TO EFFICIENCIES, RESTRUC-  
39 TURING, OR DISCONTINUING SERVICES AND PROJECTED CHANGES IN AID FROM THE  
40 STATE;

41 (G) THE CONTEMPLATED DISPOSITION OF EACH ENTITY'S ASSETS;

42 (H) THE CONTEMPLATED DISPOSITION OF EACH ENTITY'S LIABILITIES AND  
43 INDEBTEDNESS, BONDED AND OTHERWISE; AND

44 (I) CONTEMPLATED TRANSITION OR DISCONTINUANCE OF LOCAL LAWS, ORDI-  
45 NANCES, RESOLUTIONS, ORDERS AND THE LIKE, WITHIN THE PROPOSED CONSOL-  
46 IDATED LOCAL GOVERNMENT ENTITY.

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

49 S 758. Conduct of referendum. 1. A referendum required by [sections]  
50 SECTION seven hundred fifty-five or seven hundred fifty-seven of this  
51 title shall be placed before the electors of each of the local govern-  
52 ment entities to be consolidated at [a special election to be held not  
53 less than sixty or more than ninety days after the enactment of a resol-  
54 ution calling for such referendum, provided, however, that in cases  
55 where a town or village general election falls within such period, the  
56 question may be considered during a town or village general election.

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

4 3.] EITHER THE GENERAL ELECTION IN NOVEMBER OR AT A VILLAGE GENERAL  
5 ELECTION.

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

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

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

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

18 (d) with respect to a resolution calling for a referendum under  
19 section seven hundred fifty-five of this title only, the name of the  
20 proposed consolidated local government entity;

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

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

26 [4.] 3. The referendum question placed before the electors of each  
27 local government entity to be consolidated shall be in a form reading  
28 substantially as follows:

29 "Shall (insert type and name of local government entity) be consol-  
30 idated with (insert type and name of local government entity or enti-  
31 ties)?

32 YES \_\_\_\_\_

33 NO \_\_\_\_\_"

34 [5.] 4. In any referendum held pursuant to this title, each local  
35 government entity to be consolidated shall bear only the costs of hold-  
36 ing such referendum in its respective entity and shall not be required  
37 to bear the costs of a referendum held in any other entity.

38 [6.] 5. In any referendum held pursuant to this title, and except as  
39 otherwise specified herein, the referendum shall be conducted in the  
40 same manner as other municipal elections or referendums for the local  
41 government entities to be consolidated.

42 S 4. Subdivision 1 of section 760 of the general municipal law, as  
43 added by chapter 74 of the laws of 2009, is amended to read as follows:

44 1. In the case of a proposed consolidation of local government enti-  
45 ties properly initiated by petition of electors pursuant to section  
46 seven hundred fifty-seven of this title, if a majority of the electors  
47 voting in a referendum held in each of the local government entities to  
48 be consolidated vote in favor of consolidation, the entities' governing  
49 body or bodies shall meet within thirty days after certification of the  
50 favorable vote and, within [one hundred eighty] FOUR HUNDRED FIFTY days  
51 of such meeting, prepare and approve by resolution a proposed elector  
52 initiated consolidation plan.

53 S 5. Subdivisions 1, 2 and 3 of section 763 of the general municipal  
54 law, as added by chapter 74 of the laws of 2009, are amended to read as  
55 follows:

1 1. Local government entities consolidated pursuant to an elector  
2 initiated [consolidated] CONSOLIDATION plan shall continue to be  
3 governed as before consolidation until the effective date of the consol-  
4 idation specified in such plan, which date shall be no less than  
5 [forty-five] SIXTY days after final approval of such plan pursuant to  
6 subdivision three of section seven hundred sixty-two or subdivision four  
7 of section seven hundred sixty-four of this title.

8 2. Notwithstanding subdivision one of this section, the elector initi-  
9 ated consolidation plan shall not take effect if, no later than [forty-  
10 five] SIXTY days after final approval thereof pursuant to subdivision  
11 three of section seven hundred sixty-two or subdivision four of section  
12 seven hundred sixty-four of this title, electors of a local government  
13 entity to be consolidated pursuant to such plan shall:

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

21 (b) thereafter less than a majority of the electors in the entity vote  
22 in the affirmative on such question at a referendum.

23 3. The petition shall be circulated, signed and authenticated in  
24 substantial compliance with the provisions of section seven hundred  
25 fifty-seven of this title, shall contain the signatures of at least  
26 [twenty-five] TEN percent of the number of electors or fifteen thousand  
27 electors, whichever is less, in the local government entity to be  
28 consolidated, and shall be accompanied by a cover sheet containing the  
29 name, address and telephone number of an individual who signed the peti-  
30 tion and who will serve as a contact person.

31 S 6. Subdivisions 1 and 2 of section 779 of the general municipal law,  
32 as added by chapter 74 of the laws of 2009 are amended and a new subdi-  
33 vision 2-a is added to read as follows:

34 1. The electors of a local government entity may commence a dissol-  
35 ution proceeding by filing an original petition, containing not less  
36 than the number of signatures provided for in subdivision two of this  
37 section and in the form provided for in subdivision three of this  
38 section, with the clerk of the town in which the entity or the greater  
39 portion of its territory is located, except that if the entity is a  
40 village the original petition of electors from the village shall be  
41 filed with the clerk of the village. Accompanying the filed petition  
42 shall be a cover sheet containing the name, address and telephone number  
43 of an individual who signed the petition and who will serve as a contact  
44 person. A PETITION MAY NOT BE SUBMITTED PURSUANT TO THIS SECTION IF A  
45 RESOLUTION INITIATING THE DISSOLUTION PROCESS HAS BEEN ADOPTED PURSUANT  
46 TO SECTION SEVEN HUNDRED SEVENTY-FOUR OF THIS TITLE UNTIL SUCH PROCESS  
47 HAS BEEN COMPLETED; EXCEPT THAT SUCH PETITIONS SHALL NOT BE BARRED IN  
48 CASES WHERE THE POST REFERENDUM PLANNING PROCESS FOR A LOCAL GOVERNMENT  
49 ENTITY INITIATED DISSOLUTION IS TO TAKE MORE THAN FOUR HUNDRED FIFTY  
50 DAYS.

51 2. The petition shall contain the signatures of at least ten percent  
52 of the number of electors, AS OF THE DATE OF THE LAST NOVEMBER GENERAL  
53 ELECTION or five thousand electors, whichever is less, in the local  
54 government entity to be dissolved; provided, however, that where the  
55 local government entity to be dissolved contains five hundred or fewer  
56 electors, the petition shall contain the signatures of at least twenty

1 percent of the number of electors. No signature on a petition is valid  
2 unless it is an original signature of an elector.

3 2-A. PETITIONS INITIATED PURSUANT TO THIS SECTION SHALL BE FILED ON  
4 THE SAME DATE AND IN THE SAME MANNER AS NOMINATING AND DESIGNATING  
5 PETITIONS ARE FILED PURSUANT TO SECTION 6-158 OF THE ELECTION LAW. A  
6 SIGNATURE MADE EARLIER THAN SIXTY DAYS PRIOR TO THE LAST DAY TO FILE  
7 SUCH PETITIONS SHALL NOT BE COUNTED.

8 S 7. The general municipal law is amended by adding a new section  
9 779-a to read as follows:

10 S 779-A. TENTATIVE PLAN OR PROSPECTUS. 1. THE CONTACT PERSON IDENTI-  
11 FIED ON THE COVER SHEET OF THE ORIGINAL PETITION SHALL FILE A TENTATIVE  
12 PLAN OR PROSPECTUS OF THE PROPOSED DISSOLUTION WITH THE FILING OF THE  
13 PETITION. THE TENTATIVE PLAN OR PROSPECTUS WILL INCLUDE AN OUTLINE OF  
14 THE PROPOSED DISSOLUTION AS CONTEMPLATED BY INDIVIDUALS PROPOSING SUCH  
15 DISSOLUTION.

16 2. SUCH TENTATIVE PLAN OR PROSPECTUS CAN BE MODIFIED DURING THE PLAN-  
17 NING PROCESS THAT WOULD OCCUR UPON PASSAGE OF THE REFERENDUM. THE TENTA-  
18 TIVE PLAN OR PROSPECTUS SHALL BE MADE AVAILABLE TO THE PUBLIC WITH OTHER  
19 NOTICE INFORMATION AS PROVIDED IN SECTION SEVEN HUNDRED EIGHTY-THREE OF  
20 THIS TITLE. THE TENTATIVE PLAN OR PROSPECTUS SHALL INCLUDE STATEMENTS  
21 THAT OUTLINE THE STRUCTURE OF THE DISSOLUTION ON THE FOLLOWING ISSUES:

- 22 (A) THE NAME OF THE LOCAL GOVERNMENT ENTITY TO BE DISSOLVED;
- 23 (B) THE TERRITORIAL BOUNDARIES OF THE ENTITY;
- 24 (C) THE TYPE AND/OR CLASS OF THE ENTITY;
- 25 (D) A FISCAL ESTIMATE OF THE COST OF DISSOLUTION INCLUDING BUT NOT  
26 LIMITED TO EFFICIENCIES, RESTRUCTURING, OR DISCONTINUING SERVICES AND  
27 PROJECTED CHANGES IN AID FROM THE STATE;
- 28 (E) ANY PLAN FOR THE TRANSFER OR ELIMINATION OF PUBLIC EMPLOYEES;
- 29 (F) CONTEMPLATED DISPOSITION OF THE ENTITY'S ASSETS;
- 30 (G) CONTEMPLATED DISPOSITION OF THE ENTITY'S LIABILITIES AND INDEBT-  
31 EDNESS, BONDED AND OTHERWISE;
- 32 (H) ANY AGREEMENTS ENTERED INTO WITH THE TOWN OR TOWNS IN WHICH THE  
33 ENTITY IS SITUATED IN ORDER TO CARRY OUT THE DISSOLUTION;
- 34 (I) THE MANNER AND MEANS BY WHICH THE RESIDENTS OF THE ENTITY WILL  
35 CONTINUE TO BE FURNISHED MUNICIPAL SERVICES FOLLOWING THE ENTITY'S  
36 DISSOLUTION;
- 37 (J) FINDINGS AS TO WHETHER ANY LOCAL LAWS, ORDINANCES, RULES OR REGU-  
38 LATIONS OF THE ENTITY SHALL REMAIN IN EFFECT AFTER THE EFFECTIVE DATE OF  
39 THE DISSOLUTION; AND
- 40 (K) ANY OTHER MATTER DESIRABLE OR NECESSARY TO CARRY OUT THE DISSOL-  
41 UTION.

42 S 8. Section 780 of the general municipal law, as added by chapter 74  
43 of the laws of 2009, is amended to read as follows:

44 S 780. Conduct of referendum. 1. A referendum on a proposed dissol-  
45 ution required by sections seven hundred seventy-seven or seven hundred  
46 seventy-nine of this title shall be placed before the electors in the  
47 local government entity to be dissolved at [a special election to be  
48 held not less than sixty or more than ninety days after the enactment of  
49 a resolution calling for the referendum, provided, however, that in  
50 cases where a town or village general election falls within such period,  
51 the referendum question may be considered during a town or village  
52 general election] EITHER THE GENERAL ELECTION IN NOVEMBER OR AT A  
53 VILLAGE GENERAL ELECTION.

54 2. Notice of the referendum shall be given to the electors of the  
55 local government entity to be dissolved by publication in a newspaper  
56 having a general circulation within the boundaries of the entity at

1 least once a week for four consecutive weeks immediately prior to the  
2 referendum. The notice shall include, but not be limited to:

3 (a) a summary of the contents of the resolution and dissolution plan  
4 or petition for dissolution, as the case may be;

5 (b) a statement as to where may be examined copies of the resolution  
6 and dissolution plan or petition for dissolution, as the case may be;

7 (c) the name of the local government entity to be dissolved and a  
8 statement fully describing its territory;

9 (d) the time and place or places at which the referendum will be held;  
10 and

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

14 3. The referendum question placed before the electors of the local  
15 government entity to be dissolved shall be in a form reading substan-  
16 tially as follows:

17 "Shall (insert type and name of local government entity) be dissolved?

18 YES \_\_\_\_\_

19 NO \_\_\_\_\_"

20 4. In any referendum held pursuant to this title, the local government  
21 entity to be dissolved shall bear the costs associated with the conduct  
22 of such referendum.

23 5. In any referendum held pursuant to this title, and except as other-  
24 wise specified herein, the referendum shall be conducted in the same  
25 manner as other municipal elections or referendums for the local govern-  
26 ment entity affected by the proposed dissolution.

27 S 9. Subdivision 1 of section 782 of the general municipal law, as  
28 added by chapter 74 of the laws of 2009, is amended to read as follows:

29 1. In the case of a proposed dissolution of a local government entity  
30 properly initiated by petition of electors pursuant to section seven  
31 hundred seventy-nine of this title, if a majority of the electors voting  
32 at a referendum vote in favor of dissolution, the entity's governing  
33 body shall meet within thirty days after certification of the favorable  
34 vote and, within [one hundred eighty] FOUR HUNDRED FIFTY days of such  
35 meeting, prepare and approve a proposed elector initiated dissolution  
36 plan.

37 S 10. Subdivisions 1, 2 and 3 of section 785 of the general municipal  
38 law, as added by chapter 74 of the laws of 2009, are amended to read as  
39 follows:

40 1. A local government entity dissolved pursuant to an elector initi-  
41 ated dissolution plan shall continue to be governed as before dissol-  
42 ution until the effective date of the dissolution specified in the elec-  
43 tor initiated dissolution plan, which date shall be no less than  
44 [forty-five] SIXTY days after final approval of such plan pursuant to  
45 subdivision three of section seven hundred eighty-four or subdivision  
46 three of section seven hundred eighty-six of this title.

47 2. Notwithstanding subdivision one of this section, the elector initi-  
48 ated dissolution plan shall not take effect if, no later than [forty-  
49 five] SIXTY days after final approval of such plan pursuant to subdivi-  
50 sion three of section seven hundred eighty-four or subdivision three of  
51 section seven hundred eighty-six of this title, electors of the local  
52 government entity to be dissolved shall:

53 (a) file an original petition, containing not less than the number of  
54 signatures provided for in subdivision three of this section, seeking a  
55 referendum on the question whether the elector initiated dissolution  
56 plan shall take effect, with the clerk of the town in which the entity

1 or the greater portion of its territory is located, except that if the  
2 entity is a village the original petition of electors from the village  
3 shall be filed with the clerk of the village; and

4 (b) thereafter less than a majority of the electors vote in the affir-  
5 mative on such question at a referendum.

6 3. The petition shall be circulated, signed and authenticated in  
7 substantial compliance with the provisions of section seven hundred  
8 seventy-nine of this title, shall contain the signatures of at least  
9 [twenty-five] TEN percent of the number of electors or fifteen thousand  
10 electors, whichever is less, in the local government entity to be  
11 dissolved, and shall be accompanied by a cover sheet containing the  
12 name, address and telephone number of an individual who signed the peti-  
13 tion and who will serve as a contact person.

14 S 11. This act shall take effect on the thirtieth day after it shall  
15 have become a law; provided, however that any signatures made on  
16 petitions for consolidation or dissolution which are initiated prior to  
17 such effective date and which are otherwise valid shall be counted.