

2229

2013-2014 Regular Sessions

I N S E N A T E

January 14, 2013

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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;  
14 (e) the type and/or class of the proposed consolidated local govern-  
15 ment entity;  
16 (f) the governmental organization of the proposed consolidated local  
17 government entity insofar as it concerns elected and appointed officials  
18 and public employees, along with a transitional plan and schedule for  
19 elections and appointments of officials;  
20 (g) a fiscal estimate of the cost of and savings which may be realized  
21 from consolidation[;], INCLUDING BUT NOT LIMITED TO THE FOLLOWING:  
22 (I) INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE;

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

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1 (II) DISCONTINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR  
2 SERVICES, AND THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING  
3 SUCH SERVICES MAY ONLY BE ACHIEVED THROUGH CONSOLIDATION;

4 (III) THE ELIMINATION OF ELECTED OFFICES;

5 (IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL GOVERNMENT  
6 ENTITY; AND

7 (V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE PROVIDED THROUGH  
8 THE USE OF VOLUNTEERS;

9 (H) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS  
10 LOCATED IN THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED;

11 (I) WHETHER THE CONSOLIDATION WILL RESULT IN A NET INCREASE OR  
12 DECREASE IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS  
13 DEFINED IN THIS ARTICLE;

14 [(h)] (J) each entity's assets, including, but not limited to, real  
15 and personal property, and the fair value thereof in current money of  
16 the United States;

17 [(i)] (K) each entity's liabilities and indebtedness, bonded and  
18 otherwise, and the fair value thereof in current money of the United  
19 States;

20 [(j)] (L) terms for the disposition of existing assets, liabilities  
21 and indebtedness of each local government entity, either jointly, sepa-  
22 rately or in certain defined proportions;

23 [(k)] (M) terms for the common administration and uniform enforcement  
24 of local laws, ordinances, resolutions, orders and the like, within the  
25 proposed consolidated local government entity, consistent with section  
26 seven hundred sixty-nine of this title;

27 [(l)] (N) the effective date of the proposed consolidation; and

28 [(m)] (O) the time and place or places for the public hearing or hear-  
29 ings on such proposed joint consolidation agreement pursuant to section  
30 seven hundred fifty-four of this title.

31 S 2. Section 755 of the general municipal law, as added by chapter 74  
32 of the laws of 2009, is amended to read as follows:

33 S 755. Referendum resolution for consolidation [of towns or villages].

34 1. [If a joint consolidation agreement calls for the consolidation of  
35 two or more towns, two or more villages or one or more towns and  
36 villages, then contemporaneous] CONTEMPORANEOUS with the final approval  
37 of the joint consolidation agreement pursuant to subdivision three of  
38 section seven hundred fifty-four of this title, the governing body or  
39 bodies of the local government entities to be consolidated shall enact a  
40 resolution calling for a referendum on the proposed consolidation by the  
41 electors in each of the entities.

42 2. The resolution calling for the referendum on the proposed consol-  
43 idation shall:

44 (a) provide (i) the name of each [of the towns and/or villages] LOCAL  
45 GOVERNMENT ENTITY proposed to be consolidated, (ii) a statement fully  
46 describing the territory to be included within the proposed consolidated  
47 local government entity, (iii) the name of the proposed consolidated  
48 local government entity, and (iv) the date for the referendum[, in  
49 accordance with subdivision one of section seven hundred fifty-eight of  
50 this title];

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

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

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

4 4. IF THE REFERENDUM SHALL FAIL, THE CONSOLIDATION PROCESS SPECIFIED  
5 BY THIS TITLE SHALL NOT BE INITIATED FOR THE LOCAL GOVERNMENT ENTITIES  
6 BY ELECTORATE PETITION PURSUANT TO SECTION SEVEN HUNDRED FIFTY-SEVEN OF  
7 THIS TITLE WITHIN FOUR YEARS OF THE DATE OF THE REFERENDUM. THIS MORA-  
8 TORIUM SHALL NOT APPLY TO A PROPOSED CONSOLIDATION INVOLVING A DIFFERENT  
9 COMBINATION OF LOCAL GOVERNMENT ENTITIES.

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

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

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

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

37 PETITION FOR LOCAL GOVERNMENT CONSOLIDATION

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

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

51 Date Name - print name under signature Home Address

- 52 1. \_\_\_\_\_
- 53 2. \_\_\_\_\_
- 54 3. \_\_\_\_\_

55 (On the bottom of each page of the petition, after all of the numbered  
56 signatures, insert a signed statement of a witness who is a duly quali-

1 fied elector of the state of New York. Such a statement shall be  
2 accepted for all purposes as the equivalent of an affidavit, and if it  
3 contains a material false statement, shall subject the person signing it  
4 to the same penalties as if he or she has been duly sworn. The form of  
5 such statement shall be substantially as follows:

6 I, (insert name of witness), state that I am a duly qualified voter of  
7 the state of New York. Each of the persons that have signed this peti-  
8 tion sheet containing (insert number) signatures have signed their names  
9 in my presence on the dates indicated above and identified themselves to  
10 be the same person who signed the sheet. I understand that this state-  
11 ment will be accepted for all purposes as the equivalent of an affida-  
12 vit, and if it contains a materially false statement, shall subject me  
13 to the penalties of perjury.

14 \_\_\_\_\_  
15 Date Signature of Witness)  
16 (In lieu of the signed statement of a witness who is a duly qualified  
17 voter of the state of New York, the following statement signed by a  
18 notary public or a commissioner of deeds shall be accepted:

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

25 \_\_\_\_\_  
26 Date Notary Public or Commissioner of Deeds)  
27 4. An alteration or correction of information appearing on a  
28 petition's signature line, other than an un-initialed signature and  
29 date, shall not invalidate such signature.

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

33 6. Within ten days of the filing of the petition seeking consolidation  
34 pursuant to subdivision one of this section, the clerk with whom the  
35 petition was filed shall make a final determination regarding the suffi-  
36 ciency of the number of signatures on the petition and provide timely  
37 written notice of such determination to the contact person named in the  
38 cover sheet accompanying the petition. The contact person or any indi-  
39 vidual who signed the petition may seek judicial review of such determi-  
40 nation in a proceeding pursuant to article seventy-eight of the civil  
41 practice [laws] LAW and rules.

42 [7. Upon the clerk's determination that the petition contains not less  
43 than the number of signatures of electors required in subdivision two of  
44 this section, the governing body or bodies of the local government enti-  
45 ties to be consolidated shall, no later than thirty days thereafter,  
46 enact a resolution in accordance with subdivision two of section seven  
47 hundred fifty-five of this title calling for a referendum on the  
48 proposed consolidation by the electors in each of the entities and set a  
49 date for such referendum.]

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

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

53 S 760. [Duty to approve proposed elector initiated] STUDY COMMISSION  
54 AND DEVELOPMENT OF PROPOSED consolidation plan. 1. [In the case of a  
55 proposed consolidation of local government entities properly initiated  
56 by petition of electors pursuant to section seven hundred fifty-seven of

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

13 2. THE STUDY COMMISSION MAY HAVE ANY NUMBER OF MEMBERS THE LOCAL  
14 GOVERNING BODIES DETERMINE TO BE BENEFICIAL FOR DEVELOPING A CONSOL-  
15 IDATION PLAN WITH THE REQUIREMENT THAT THE COMMISSION MUST, IN ADDITION  
16 TO APPOINTMENTS MADE BY THE CHIEF ELECTED OFFICER SUBJECT TO THE GOVERN-  
17 ING BODY'S APPROVAL, INCLUDE THE CHIEF ELECTED OFFICIAL (IN THE CASE OF  
18 A SPECIAL DISTRICT OR FIRE DISTRICT, THE CHAIRMAN OF THE BOARD OF  
19 COMMISSIONERS) OF EACH LOCAL GOVERNMENT ENTITY, ONE MEMBER OF EACH LOCAL  
20 GOVERNMENT ENTITY'S GOVERNING BODY TO BE SELECTED BY A MAJORITY VOTE OF  
21 THE GOVERNING BODY (IN THE CASE OF A SPECIAL DISTRICT OR FIRE DISTRICT,  
22 THE BOARD OF COMMISSIONERS MUST SELECT NO LESS THAN ONE COMMISSIONER OR  
23 REPRESENTATIVE). EACH LOCAL GOVERNMENT ENTITY MUST HAVE EQUAL REPRESENTA-  
24 TATION ON THE COMMISSION.

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

34 4. WITHIN TWO HUNDRED SEVENTY DAYS OF ITS FORMATION, THE STUDY COMMIS-  
35 SION MUST PREPARE AND APPROVE A PROPOSED ELECTOR INITIATED CONSOLIDATION  
36 PLAN. UPON THE REQUEST OF THE STUDY COMMISSION, THE LOCAL GOVERNING  
37 BODIES MAY EXTEND THE TIME TO COMPLETE THE CONSOLIDATION PLAN BY NINETY  
38 DAYS.

39 [2.] 5. The proposed elector initiated consolidation plan shall  
40 include:

- 41 (a) the name of each local government entity to be consolidated;
- 42 (b) the name of what will be the consolidated local government entity,  
43 which name shall be such as to distinguish it from the name of any other  
44 like unit of government in the state of New York (except the name of any  
45 one of the entities to be consolidated);
- 46 (c) the rights, duties and obligations of the consolidated local  
47 government entity;
- 48 (d) the territorial boundaries of the consolidated local government  
49 entity;
- 50 (e) the type and/or class of the consolidated local government entity;
- 51 (f) the governmental organization of the consolidated local government  
52 entity insofar as it concerns elected and appointed officials and public  
53 employees, along with a transitional plan and schedule for elections and  
54 appointments of officials;
- 55 (g) a fiscal estimate of the cost of and savings which may be realized  
56 from consolidation;

1 (h) each entity's assets, including, but not limited to, real and  
2 personal property, and the fair value thereof in current money of the  
3 United States;

4 (i) each entity's liabilities and indebtedness, bonded and otherwise,  
5 and the fair value thereof in current money of the United States;

6 (j) terms for the disposition of existing assets, liabilities and  
7 indebtedness of each local government entity, either jointly, separately  
8 or in certain defined proportions;

9 (k) terms for the common administration and uniform enforcement of  
10 local laws, ordinances, resolutions, orders and the like, within the  
11 consolidated local government entity, consistent with section seven  
12 hundred sixty-nine of this title;

13 (l) the effective date of the PROPOSED consolidation; [and]

14 (m) the time and place or places for the public hearing or hearings on  
15 such proposed elector initiated consolidation plan pursuant to section  
16 seven hundred sixty-two of this title[.];

17 (N) THE PROJECTED CHANGE, IF ANY, IN PROPERTY TAXES FOR THE TAXPAYERS  
18 LOCATED IN THE LOCAL GOVERNMENT ENTITIES TO BE CONSOLIDATED;

19 (O) A FISCAL ESTIMATE OF THE COST OF AND SAVINGS WHICH MAY BE REALIZED  
20 FROM CONSOLIDATION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: (I)  
21 INCREASED EFFICIENCIES THROUGH IMPROVED ECONOMIES OF SCALE, (II) DISCON-  
22 TINUING AND/OR RESTRUCTURING THE PROVISION OF PARTICULAR SERVICES, AND  
23 THE EXTENT TO WHICH DISCONTINUING AND/OR RESTRUCTURING SUCH SERVICES MAY  
24 ONLY BE ACHIEVED THROUGH CONSOLIDATION; (III) THE ELIMINATION OF ELECTED  
25 OFFICES; (IV) INCREASED AID FROM THE STATE TO THE RESULTING LOCAL  
26 GOVERNMENT ENTITY; (V) THE EXTENT TO WHICH SERVICES WILL NO LONGER BE  
27 PROVIDED THROUGH THE USE OF VOLUNTEERS;

28 (P) WHETHER THE CONSOLIDATION WILL RESULT IN A NET INCREASE OR  
29 DECREASE IN THE STATE'S LOCAL GOVERNMENT ENTITIES AS THAT TERM IS  
30 DEFINED IN THIS ARTICLE; AND

31 (Q) ANY OTHER MATTER DESIRABLE OR NECESSARY TO CARRY OUT THE CONSOL-  
32 IDATION.

33 6. DELIVERY OF THE PLAN TO THE GOVERNING BODIES. AFTER CONDUCTING A  
34 PUBLIC HEARING ON THE FINALIZED PLAN, SUCH HEARING HELD ON AT LEAST  
35 SEVEN DAYS NOTICE PUBLISHED IN A NEWSPAPER OR NEWSPAPERS WITH GENERAL  
36 CIRCULATION IN THE LOCAL GOVERNMENT ENTITIES, THE CONSOLIDATION STUDY  
37 COMMISSION MUST FILE A FINALIZED CONSOLIDATION PLAN AND ITS RECOMMENDA-  
38 TIONS ON WHETHER TO CONSOLIDATE WITH THE CLERKS OF THE LOCAL GOVERNMENT  
39 ENTITIES WHO MUST IMMEDIATELY DELIVER THE PLAN AND RECOMMENDATIONS TO  
40 THE LOCAL GOVERNMENT ENTITIES' GOVERNING BODIES.

41 S 6. The opening paragraph of section 761 of the general municipal  
42 law, as added by chapter 74 of the laws of 2009, is amended to read as  
43 follows:

44 No later than five business days after [approving] RECEIVING a  
45 proposed elector initiated consolidation plan pursuant to section seven  
46 hundred sixty of this title, the governing body or bodies of the local  
47 government entities to be consolidated shall:

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

50 1. The governing body or bodies of the local government entities to be  
51 consolidated shall set a time and place or places for one or more public  
52 hearings on the proposed elector initiated consolidation plan. The  
53 hearing or hearings shall be held no less than thirty-five days and no  
54 more than ninety days after RECEIVING the proposed elector initiated  
55 consolidation plan [is approved] DEVELOPED pursuant to section seven  
56 hundred sixty of this title. The hearing or hearings may be held jointly

1 or separately by the governing body or bodies of the entities. Any  
2 interested person shall be given a reasonable opportunity to be heard on  
3 any aspect of the proposed consolidation.

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

6 S 763. [Effective date of] REFERENDUM ON THE elector initiated consol-  
7 idation plan[; permissive referendum]. 1. [Local government entities  
8 consolidated pursuant to an elector initiated consolidated plan shall  
9 continue to be governed as before consolidation until the effective date  
10 of the consolidation specified in such plan, which date shall be no less  
11 than forty-five days after final approval of such plan pursuant to  
12 subdivision three of section seven hundred sixty-two or subdivision four  
13 of section seven hundred sixty-four of this title.

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

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

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

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

37 4. Within ten days of the filing of the petition seeking a referendum  
38 on whether the elector initiated dissolution plan shall take effect, the  
39 clerk with whom the petition was filed shall make a final determination  
40 regarding the sufficiency of the number of signatures on the petition  
41 and provide timely written notice of such determination to the contact  
42 person named in the cover sheet accompanying the petition. The contact  
43 person or any individual who signed the petition may seek judicial  
44 review of such determination in a proceeding pursuant to article seven-  
45 ty-eight of the civil practice law and rules. Upon the clerk's determi-  
46 nation that the petition contains no less than the required number of  
47 signatures, the governing body of the local government entity to which  
48 such petition applies shall within thirty days enact a resolution call-  
49 ing for a referendum by the electors of such entity on the question  
50 whether to approve the elector initiated consolidation plan and set a  
51 date for such referendum in accordance with subdivision five of this  
52 section.

53 5.] 2. The referendum on the question OF whether the elector initiated  
54 consolidation plan shall take effect shall be submitted at a special  
55 election to be held not less than sixty or more than ninety days after  
56 enactment of a resolution APPROVING THE FINAL VERSION OF THE ELECTOR

1 INITIATED CONSOLIDATION PLAN pursuant to subdivision [four] THREE of  
2 [this] section SEVEN HUNDRED SIXTY-TWO OF THIS TITLE, provided, however,  
3 that in cases where a town or village general election falls within such  
4 period, the referendum question may be considered during [a] THAT town  
5 or village general election.

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

11 (a) a summary of the contents of the resolution and elector initiated  
12 consolidation plan;

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

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

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

20 [7.] 4. In a referendum held pursuant to this section, the referendum  
21 question shall be placed before the electors of the local government  
22 entity to which the petition applies in a form reading substantially as  
23 follows:

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

29 YES \_\_\_\_\_

30 NO \_\_\_\_\_"

31 [8.] 5. The elector initiated consolidation plan shall not take effect  
32 unless a majority of the electors voting in the local government entity  
33 to which the petition applies vote in favor of such plan taking effect.  
34 If such a majority vote does not result, the referendum shall fail and  
35 consolidation shall not take effect.

36 6. IF THE REFERENDUM SHALL FAIL, THE CONSOLIDATION PROCESS SPECIFIED  
37 BY THIS TITLE SHALL NOT BE INITIATED FOR THE LOCAL GOVERNMENT ENTITIES  
38 BY ELECTORATE PETITION PURSUANT TO SECTION SEVEN HUNDRED FIFTY-SEVEN OF  
39 THIS TITLE WITHIN FOUR YEARS OF THE DATE OF THE REFERENDUM. THIS MORA-  
40 TORIUM SHALL NOT APPLY TO A PROPOSED CONSOLIDATION INVOLVING A DIFFERENT  
41 COMBINATION OF LOCAL GOVERNMENT ENTITIES.

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

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

47 2. Dissolution proceedings may be commenced by:

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

50 (b) elector initiative.

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

53 S 774. [Proposed] GOVERNING BODY-INITIATED dissolution [plan]. 1. The  
54 governing body of a local government entity may, by resolution, [endorse  
55 a proposed dissolution plan for the purpose of commencing dissolution  
56 proceedings under this article] INITIATE A DISSOLUTION PROCEEDING BY



1 FORMING A COMMISSION TO STUDY, FORMULATE A PLAN FOR, AND MAKE RECOMMEN-  
2 DATIONS REGARDING THE DISSOLUTION AND TERMINATION OF THE LOCAL GOVERN-  
3 MENT ENTITY. THE RESOLUTION MAY ONLY BE ADOPTED AFTER CONDUCTING A  
4 PUBLIC HEARING ON THE PROPOSAL, SUCH HEARING HELD ON AT LEAST SEVEN DAYS  
5 NOTICE PUBLISHED IN A NEWSPAPER WITH GENERAL CIRCULATION IN THE LOCAL  
6 GOVERNMENT ENTITY.

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

19 3. THE STUDY COMMISSION MAY FORM SUB-COMMITTEES AND CONDUCT COMMUNITY  
20 FORUMS AND PUBLIC HEARINGS IT DEEMS NECESSARY TO DEVELOP A DISSOLUTION  
21 PLAN. IT IS A PROPER PUBLIC PURPOSE FOR THE GOVERNING BODY OF THE LOCAL  
22 GOVERNMENT ENTITY TO APPROPRIATE MONEY FOR NECESSARY EXPENSES RELATED TO  
23 STUDYING THE PROPOSED DISSOLUTION AND DEVELOPING A DISSOLUTION PLAN. THE  
24 STUDY COMMISSION IS A PUBLIC BODY WITHIN THE MEANING OF SECTION ONE  
25 HUNDRED TWO OF THE PUBLIC OFFICERS LAW. MEMBERS OF THE STUDY COMMISSION  
26 ARE REQUIRED TO FILE AN OATH OF OFFICE WITH THE CLERK OF THE LOCAL  
27 GOVERNMENT ENTITY.

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

32 [2.] 5. The proposed dissolution plan shall specify:

- 33 (a) the name of the local government entity to be dissolved;  
34 (b) the territorial boundaries of the entity;  
35 (c) the type and/or class of the entity;  
36 (d) a fiscal estimate of the cost of dissolution;  
37 (e) any plan for the transfer or elimination of public employees;  
38 (f) the entity's assets, including but not limited to real and  
39 personal property, and the fair value thereof in current money of the  
40 United States;  
41 (g) the entity's liabilities and indebtedness, bonded and otherwise,  
42 and the fair value thereof in current money of the United States;  
43 (h) any agreements entered into with the town or towns in which the  
44 entity is situated in order to carry out the dissolution;  
45 (i) the manner and means by which the residents of the entity will  
46 continue to be furnished municipal services following the entity's  
47 dissolution;  
48 (j) terms for the disposition of the entity's assets and the disposi-  
49 tion of its liabilities and indebtedness, including the levy and  
50 collection of the necessary taxes and assessments therefor;  
51 (k) findings as to whether any local laws, ordinances, rules or regu-  
52 lations of the entity shall remain in effect after the effective date of  
53 the dissolution or shall remain in effect for a period of time other  
54 than as provided by section seven hundred eighty-nine of this title;  
55 (l) the effective date of the proposed dissolution;

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

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

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

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

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

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

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

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

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

37 S 12. Subdivisions 1 and 3 of section 776 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. The governing body of the local government entity to be dissolved  
41 shall set a time and place or places for one or more public hearings on  
42 the proposed dissolution plan. The hearing or hearings shall be held no  
43 less than thirty-five days and no more than ninety days after [commence-  
44 ment of dissolution proceedings] RECEIVING THE DISSOLUTION PLAN RECOM-  
45 MENDATIONS pursuant to section seven hundred seventy-four of this title.  
46 Any interested person shall be given a reasonable opportunity to be  
47 heard on any aspect of the proposed dissolution.

48 3. After completion of the final hearing, the governing body of the  
49 local government entity to be dissolved may amend the proposed dissol-  
50 ution plan, provided that the amended version complies with the  
51 provisions of subdivision [two] FOUR of section seven hundred seventy-  
52 four of this title and is publicized pursuant to subdivision four of  
53 this section, [and/or] OR approve a final version of the dissolution  
54 plan[, or decline to proceed further with dissolution proceedings]. Any  
55 approval by the governing body of a final version of the dissolution  
56 plan must occur within one hundred eighty days of the final hearing.

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

3 S 777. Referendum resolution for dissolution [of villages]. 1. [If a  
4 dissolution plan calls for the dissolution of a village, then contempo-  
5 raneous] CONTEMPORANEOUS with the final approval of the dissolution plan  
6 pursuant to subdivision three of section seven hundred seventy-six of  
7 this title, the governing body of the [village] LOCAL GOVERNMENT ENTITY  
8 shall enact a resolution calling for a referendum on the proposed  
9 dissolution by the electors in the [village] LOCAL GOVERNMENT ENTITY.

10 2. The resolution calling for the referendum on the proposed dissol-  
11 ution shall:

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

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

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

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

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

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

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

45 2. The petition shall contain [the] signatures [of] EQUAL TO at least  
46 [ten] TWENTY-FIVE percent of the number of electors AT THE LAST GENERAL  
47 ELECTION OF THE LOCAL GOVERNMENT ENTITY or five thousand [electors],  
48 whichever is less, in the local government entity to be dissolved[;  
49 provided, however, that where the local government entity to be  
50 dissolved contains five hundred or fewer electors, the petition shall  
51 contain the signatures of at least twenty percent of the number of elec-  
52 tors]. No signature on a petition is valid unless it is an original  
53 signature of an elector. FOR A SIGNATURE TO BE VALID, IT MUST BE SIGNED  
54 WITHIN ONE HUNDRED TWENTY DAYS OF THE PETITION BEING FILED WITH THE  
55 CLERK.

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

PETITION FOR LOCAL GOVERNMENT DISSOLUTION

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

- 1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

(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)

(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)

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 dissolution pursuant to subdivision one of this section, the clerk with whom the petition was filed shall make a final determination regarding the suffi-

1 ciency of the signatures on the petition and provide timely written  
2 notice of such determination to the contact person named in the cover  
3 sheet accompanying the petition. The contact person or any individual  
4 who signed the petition may seek judicial review of such determination  
5 in a proceeding pursuant to article seventy-eight of the civil practice  
6 law and rules.

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

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

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

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

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

42 3. THE STUDY COMMISSION MAY FORM SUB-COMMITTEES AND CONDUCT COMMUNITY  
43 FORUMS AND PUBLIC HEARINGS IT DEEMS NECESSARY TO DEVELOP A DISSOLUTION  
44 PLAN. IT IS A PROPER PUBLIC PURPOSE FOR THE GOVERNING BODY OF THE LOCAL  
45 GOVERNMENT ENTITY TO APPROPRIATE MONEY FOR NECESSARY EXPENSES RELATED TO  
46 STUDYING THE PROPOSED DISSOLUTION AND DEVELOPING A DISSOLUTION PLAN. THE  
47 STUDY COMMISSION IS A PUBLIC BODY WITHIN THE MEANING OF SECTION ONE  
48 HUNDRED TWO OF THE PUBLIC OFFICERS LAW. MEMBERS OF THE STUDY COMMISSION  
49 WHO ARE NOT ALREADY PUBLIC OFFICERS MUST FILE AN OATH OF OFFICE WITH THE  
50 CLERK OF THE LOCAL GOVERNMENT ENTITY.

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

56 [2.] 5. The proposed elector initiated dissolution plan shall specify:

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

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

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

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

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

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

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

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

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

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

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

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

49 4. Within ten days of the filing of the petition seeking a referendum  
50 on whether the elector initiated dissolution plan shall take effect, the  
51 clerk with whom the petition was filed shall make a final determination  
52 regarding the sufficiency of the number of signatures on the petition  
53 and provide timely written notice of such determination to the contact  
54 person named in the cover sheet accompanying the petition. The contact  
55 person or any individual who signed the petition may seek judicial  
56 review of such determination in a proceeding pursuant to article seven-

1 ty-eight of the civil practice law and rules. Upon the clerk's determi-  
2 nation that the petition contains no less than the required number of  
3 signatures, the governing body of the local government entity to be  
4 dissolved shall within thirty days enact a resolution calling for a  
5 referendum by the electors on the question whether the elector initiated  
6 dissolution plan shall take effect and set a date for such referendum in  
7 accordance with subdivision five of this section.

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

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

22 (a) a summary of the contents of the resolution and elector initiated  
23 dissolution plan;

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

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

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

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

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

38 YES \_\_\_\_\_

39 NO \_\_\_\_\_"

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

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

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

52 2. Any such local law, or an amendment or repeal of one or more  
53 provisions thereof which would have the effect of transferring or abol-  
54 ishing a function or duty of the county or of the cities, towns,  
55 villages, districts or other units of government wholly contained in the  
56 county, shall not become operative unless and until it is approved at a



1 general election or at a special election, held in the county by receiv-  
2 ing a majority of the total votes cast thereon: (a) in the area of the  
3 county outside of cities and (b) in the area of cities of the county, if  
4 any, considered as one unit, and if it provides for the transfer of any  
5 function or duty to or from any village or for the abolition of any  
6 office, department, agency or unit of government of a village wholly  
7 contained in the county, it shall not take effect unless it shall also  
8 receive a majority of [all] the votes cast thereon in [all] EACH OF the  
9 villages OR LOCAL UNITS OF GOVERNMENT so affected [considered as one  
10 unit]. Such a local law, amendment or repeal thereof, shall provide for  
11 its submission to the electors of the county at the next general  
12 election or at a special election, occurring not less than sixty days  
13 after the adoption thereof by the board of supervisors.

14 S 21. This act shall take effect immediately.