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2015-2016 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2015

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

AN ACT to amend the general municipal law, in relation to restricting  
the formation of new development agencies in Erie county

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

- 1     Section 1. Section 891-a of the general municipal law is amended by  
2     adding a new subdivision 3 to read as follows:  
3     3. (A) NOTWITHSTANDING THE PROVISIONS OF SECTION EIGHT HUNDRED FIFTY-  
4     SIX OF THIS ARTICLE OR ANY OTHER LAW, RULE OR REGULATION TO THE CONTRA-  
5     RY, NO NEW INDUSTRIAL DEVELOPMENT AGENCY MAY BE FORMED WITHIN ERIE COUN-  
6     TY.  
7     (B) NOTWITHSTANDING THE PROVISIONS OF SECTION EIGHT HUNDRED  
8     SEVENTY-FOUR OF THIS ARTICLE OR ANY OTHER LAW, RULE OR REGULATION TO THE  
9     CONTRARY, WITHIN ERIE COUNTY, ONLY PROJECTS THAT ARE UNDERTAKEN BY THE  
10    ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY:  
11    (1) MAY BE EXEMPT FROM THE FOUR PERCENT SALES AND COMPENSATING USE TAX  
12    IMPOSED FOR THE BENEFIT OF NEW YORK STATE BY ARTICLE TWENTY-EIGHT OF THE  
13    TAX LAW;  
14    (2) MAY BE EXEMPT FROM THE THREE PERCENT, ADDITIONAL ONE PERCENT AND  
15    THE ADDITIONAL THREE-QUARTERS OF ONE PERCENT SALES AND COMPENSATING USE  
16    TAX IMPOSED BY SECTION TWELVE HUNDRED TEN OF THE TAX LAW;  
17    (3) MAY BE EXEMPT FROM REAL PROPERTY TAXES IMPOSED BY THE COUNTY OF  
18    ERIE, PROVIDED HOWEVER, COUNTY REAL PROPERTY TAX RELIEF MAY BE GRANTED  
19    BY A TOWN INDUSTRIAL DEVELOPMENT AGENCY FOR PROJECTS LOCATED WITHIN SUCH  
20    TOWN, IF THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY CONSENTS ON A  
21    PROJECT BY PROJECT BASIS BY RESOLUTION AT A REGULAR OR SPECIAL MEETING  
22    TO SUCH REAL PROPERTY TAX EXEMPTION;  
23    (4) MAY BE EXEMPT FROM REAL PROPERTY TAXES IMPOSED BY A VILLAGE,  
24    PROVIDED HOWEVER, VILLAGE REAL PROPERTY TAX RELIEF MAY BE GRANTED ON A

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

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PROJECT BY PROJECT BASIS BY A TOWN INDUSTRIAL DEVELOPMENT AGENCY FOR PROJECTS LOCATED WITHIN A VILLAGE WHICH IS PART OF SUCH TOWN, IF SUCH VILLAGE CONSENTS BY A RESOLUTION DULY ADOPTED AT A REGULAR OR SPECIAL MEETING OF SUCH VILLAGE BOARD TO SUCH REAL PROPERTY TAX EXEMPTION;

(5) MAY BE EXEMPT FROM REAL PROPERTY TAXES IMPOSED BY A SCHOOL DISTRICT, PROVIDED HOWEVER, SCHOOL DISTRICT REAL PROPERTY TAX RELIEF MAY BE GRANTED ON A PROJECT BY PROJECT BASIS BY A TOWN INDUSTRIAL DEVELOPMENT AGENCY FOR PROJECTS LOCATED WITHIN A SCHOOL DISTRICT WHICH IS PART OF SUCH TOWN, IF SUCH SCHOOL DISTRICT CONSENTS BY A RESOLUTION DULY ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE BOARD OF SUCH SCHOOL DISTRICT TO SUCH REAL PROPERTY TAX EXEMPTION; AND

(6) MAY BE EXEMPT FROM THE MORTGAGE RECORDING TAX IMPOSED BY ARTICLE ELEVEN OF THE TAX LAW.

(C) NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, TOWN INDUSTRIAL DEVELOPMENT AGENCIES WITHIN ERIE COUNTY ARE AUTHORIZED TO ENTER INTO COOPERATIVE AGREEMENTS WITH THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY WHEREBY THE RIGHTS, OBLIGATIONS, DUTIES, AND ASSETS OF SUCH TOWN INDUSTRIAL DEVELOPMENT AGENCY ARE TRANSFERRED IN WHOLE OR IN PART TO THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY SO LONG ANY PLEDGE THAT MAY HAVE BEEN PROVIDED BY THE STATE, SUCH MUNICIPALITY, OR SUCH TOWN INDUSTRIAL DEVELOPMENT AGENCY PURSUANT TO THE PROVISIONS OF SECTION EIGHT HUNDRED SIXTY-EIGHT OF THIS ARTICLE IS NOT ADVERSELY AFFECTED. INsofar AS THE PROVISIONS OF THIS PARAGRAPH ARE INCONSISTENT WITH ANY OF THE PROVISIONS OF SECTION EIGHT HUNDRED NINETY-EIGHT-A, NINE HUNDRED ONE-A, NINE HUNDRED FOURTEEN-A (AS ADDED BY CHAPTER FIVE HUNDRED SEVENTY-NINE OF THE LAWS OF NINETEEN HUNDRED SEVENTY-THREE), NINE HUNDRED TWENTY-FIVE-T OR NINE HUNDRED TWENTY-FIVE-V OF THIS TITLE, THE PROVISIONS OF THIS PARAGRAPH SHALL BE CONTROLLING.

S 2. Section 898-a of the general municipal law, as added by chapter 995 of the laws of 1972, is amended to read as follows:

S 898-a. Town of Lancaster industrial development agency. For the benefit of the town of Lancaster in the county of Erie, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of THIS article [eighteen-A of this chapter]. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of THIS article [eighteen-A of this chapter] upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of the Town of Lancaster, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of THIS article [eighteen-A of this chapter]. Its members shall be appointed by the governing body of the Town of Lancaster. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of THIS article [eighteen-A of this chapter]. INsofar AS ANY OF THE PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH THE PROVISIONS OF SUBDIVISION THREE OF SECTION EIGHT HUNDRED NINETY-ONE-A OF THIS TITLE, THE PROVISIONS OF SUCH SUBDIVISION SHALL BE CONTROLLING.

S 3. Section 901-a of the general municipal law, as added by chapter 364 of the laws of 1973, is amended to read as follows:

1 S 901-a. Town of Clarence, Erie county, industrial development agency.  
2 For the benefit of the town of Clarence, Erie county, and the inhabit-  
3 ants thereof, an industrial development agency, to be known as the TOWN  
4 OF CLARENCE, ERIE COUNTY, INDUSTRIAL DEVELOPMENT AGENCY, is hereby  
5 established for the accomplishment of any or all of the purposes speci-  
6 fied in title one of THIS article [eighteen-A of this chapter]. It shall  
7 constitute a body corporate and politic, and be perpetual in duration.  
8 It shall have the powers and duties now or hereafter conferred by title  
9 one of THIS article [eighteen-A of this chapter] upon industrial devel-  
10 opment agencies and provided that the exercise of the powers by such  
11 agency with respect to the acquisition of real property whether by  
12 purchase, condemnation or otherwise, shall be limited to the corporate  
13 limits of the town of Clarence, and such agency shall take into consid-  
14 eration the local zoning and planning regulations as well as the  
15 regional and local comprehensive land use plans. It shall be organized  
16 in a manner prescribed by and be subject to the provisions of title one  
17 of THIS article [eighteen-A of this chapter]. Its members shall be  
18 appointed by the governing body of the town of Clarence. The agency, its  
19 members, officers and employees and its operations and activities shall  
20 in all respects be governed by the provisions of title one of THIS arti-  
21 cle [eighteen-A of this chapter]. INsofar AS ANY OF THE PROVISIONS OF  
22 THIS SECTION ARE INCONSISTENT WITH THE PROVISIONS OF SUBDIVISION THREE  
23 OF SECTION EIGHT HUNDRED NINETY-ONE-A OF THIS TITLE, THE PROVISIONS OF  
24 SUCH SUBDIVISION SHALL BE CONTROLLING.

25 S 4. Section 914-a of the general municipal law, as added by chapter  
26 579 of the laws of 1973, is amended to read as follows:

27 S 914-a. Town of Amherst industrial development agency. For the bene-  
28 fit of the town of Amherst in the county of Erie, and the inhabitants  
29 thereof, an industrial development agency, to be known as the TOWN OF  
30 AMHERST INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the  
31 accomplishment of any or all of the purposes specified in title one of  
32 THIS article [eighteen-A of this chapter]. It shall constitute a body  
33 corporate and politic, and be perpetual in duration. It shall have the  
34 power and duties now or hereafter conferred by title one of THIS article  
35 [eighteen-A of this chapter] upon industrial development agencies and  
36 provided that the exercise of the powers by such agency with respect to  
37 the acquisition of real property whether by purchase, condemnation or  
38 otherwise, shall be limited to the corporate limits of the town of  
39 Amherst, and such agency shall take into consideration the local zoning  
40 and planning regulations as well as the regional and local comprehensive  
41 land use plans. It shall be organized in a manner prescribed by and be  
42 subject to the provisions of title one of THIS article [eighteen-A of  
43 this chapter]. Its members shall be appointed by the governing body of  
44 the town of Amherst. The agency, its members, officers and employees and  
45 its operations and activities shall in all respects be governed by the  
46 provisions of title one of THIS article [eighteen-A of this chapter].  
47 INsofar AS ANY OF THE PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH  
48 THE PROVISIONS OF SUBDIVISION THREE OF SECTION EIGHT HUNDRED  
49 NINETY-ONE-A OF THIS TITLE, THE PROVISIONS OF SUCH SUBDIVISION SHALL BE  
50 CONTROLLING.

51 S 5. Section 925-t of the general municipal law is amended by adding a  
52 new subdivision 3 to read as follows:

53 3. INsofar AS ANY OF THE PROVISIONS OF THIS SECTION ARE INCONSISTENT  
54 WITH THE PROVISIONS OF SUBDIVISION THREE OF SECTION EIGHT HUNDRED NINE-  
55 TY-ONE-A OF THIS TITLE, THE PROVISIONS OF SUCH SUBDIVISION SHALL BE  
56 CONTROLLING.

1 S 6. Section 925-v of the general municipal law is amended by adding a  
2 new subdivision 3 to read as follows:

3 3. INsofar AS ANY OF THE PROVISIONS OF THIS SECTION ARE INCONSISTENT  
4 WITH THE PROVISIONS OF SUBDIVISION THREE OF SECTION EIGHT HUNDRED NINE-  
5 TY-ONE-A OF THIS TITLE, THE PROVISIONS OF SUCH SUBDIVISION SHALL BE  
6 CONTROLLING.

7 S 7. This act shall take effect immediately; provided, however, it  
8 shall not apply to any project approved by a town industrial development  
9 agency prior to the effective date of this act.