STATE OF NEW YORK

6824

2017-2018 Regular Sessions

IN SENATE

June 21, 2017

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general municipal law, in relation to the merger of counties and cities

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 article 17-B to read as follows:

ARTICLE 17-B

MERGER OF A COUNTY AND CITY

Section 795-a. Commencing the proceeding.
795-b. Proposed merger plan.
795-c. Publication of proposed merger plan.
795-d. Public hearings on proposed merger plan.
795-e. Referendum resolution for merger.
795-f. Effective date of merger plan.
795-g. Initiative of electors seeking merger.
795-h. Conduct of referendum.
795-i. Canvassing of vote; moratorium on further referendum.
795-j. Duty to approve proposed elector initiated merger plan.
795-k. Publication of proposed elector initiated merger plan.
795-l. Public hearings on proposed elector initiated merger plan.
795-m. Effective date of elector initiated merger plan; permissive referendum.
795-n. Court-ordered merger; judicial hearing officer.
795-o. Winding down the affairs of a merged county and city.
795-p. Effect on actions and proceedings; disposition of records, books and papers.
795-q. Effect on existing laws.
795-r. Debts, liabilities and obligations.

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

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795-s. Liability of officials and employees.
795-t. Laws governing merged entities.
795-u. Separability.

§ 795-a. Commencing the proceeding. 1. A city may be merged with the county in which it lies by the procedure described in this article to create a merged entity.

2. The merger proceedings may be commenced by:

(a) a joint resolution of the governing body of the county and the city to be merged endorsing a proposed merger plan; or

(b) elector initiative.

§ 795-b. Proposed merger plan. 1. The governing body of a county and a city may, by joint resolution, endorse a proposed merger plan for the purpose of commencing merger proceedings under this article.

2. The proposed merger plan shall specify:

(a) the name of the county and city to be merged;

(b) the territorial boundaries of the merging county and city;

(c) the type and/or class of the county and city;

(d) a fiscal estimate of the cost of the merger;

(e) any plan for the transfer or elimination of public employees;

(f) the county's and city's assets, including but not limited to real and personal property, and the fair value thereof in current money of the United States;

(g) the county's and city's liabilities and indebtedness, bonded and otherwise, and the fair value thereof in current money of the United States;

(h) any agreements entered into with the county to be merged by other municipalities within such county in order to carry out the merger;

(i) the manner and means by which the residents of the county and city will continue to be furnished municipal services by the merged entity following the merger;

(j) terms for the disposition of the county's and city's assets and the disposition of their liabilities and indebtedness, including the levy and collection of the necessary taxes and assessments therefor;

(k) findings as to whether any local laws, ordinances, rules or regulations of the county or city shall remain in effect after the effective date of the merger or shall remain in effect for a period of time other than as provided by section seven hundred ninety-five-q of this article;

(l) the effective date of the proposed merger;

(m) the time and place or places for a public hearing or hearings on the proposed merger plan pursuant to section seven hundred ninety-five-d of this article; and

(n) any other matter desirable or necessary to carry out the merger.

§ 795-c. Publication of proposed merger plan. No later than five business days after commencement of merger proceedings pursuant to section seven hundred ninety-five-b of this article, the governing body of the merging county and city shall:

1. cause a copy of the proposed merger plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the city;

2. cause the proposed merger plan, along with a descriptive summary thereof and a reference to the public place or places within the city where a copy thereof may be examined, to be displayed on a website maintained by the city and on a website maintained by the county to be merged;

3. arrange to be published a descriptive summary of the proposed merger plan and a reference to the public place or places within the city

where a copy thereof may be examined, at least once each week for four successive weeks in a newspaper having a general circulation within the county and city; and

4. cause the proposed merger plan to be mailed by certified or registered mail to the governing body of the county to be merged.

§ 795-d. Public hearings on proposed merger plan. 1. The governing body of the county and city to be merged shall set a time and place or places for one or more public hearings on the proposed merger plan. The hearing or hearings shall be held no less than thirty-five days and no more than ninety days after commencement of merger proceedings pursuant to section seven hundred ninety-five-b of this article. Any interested person shall be given a reasonable opportunity to be heard on any aspect of the proposed merger.

2. The public hearing or hearings shall be held on notice of at least ten days, but not more than twenty days, published in a newspaper or newspapers having general circulation within the county and city to be merged and displayed on a website maintained by the city and on a website maintained by the county to be merged. The notice of the hearing or hearings shall provide a descriptive summary of the proposed merger plan and a reference to the public place or places within the city where a copy of such plan may be examined.

3. After completion of the final hearing, the governing body of the county and city to be merged may amend the proposed merger plan, provided that the amended version complies with the provisions of subdivision two of section seven hundred ninety-five-b of this article and is publicized pursuant to subdivision four of this section, and/or approve a final version of the merger plan, or decline to proceed further with merger proceedings. Any approval by a governing body of a final version of the merger plan must occur within one hundred eighty days of the final hearing.

4. No later than five business days after amending the proposed merger plan, the governing bodies of the county and city to be merged shall:

(a) cause a copy of the amended version of the proposed merger plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the city; and

(b) cause the amended version of the proposed merger plan, along with a descriptive summary thereof and a reference to the public place or places within the city where a copy thereof may be examined, to be displayed on a website maintained by the city and on a website maintained by the county to be merged.

§ 795-e. Referendum resolution for merger. 1. Contemporaneous with the final approval of the merger plan pursuant to subdivision three of section seven hundred ninety-five-d of this article, the governing bodies of the county and city shall enact a joint resolution calling for a referendum on the proposed merger by the electors in the county and city.

2. The resolution calling for the referendum on the proposed merger shall:

(a) provide (i) the name of the county and city to be merged; and (ii) the date for the referendums, in accordance with subdivision one of section seven hundred ninety-five-h of this article;

(b) state the substance of the question to be submitted to the electors; and

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

3. The joint resolution calling for the referendums on the proposed merger shall have attached to it the final approved version of the merger plan.

§ 795-f. Effective date of merger plan. A county and city merged pursuant to a merger plan shall continue to be governed as before being merged until the effective date of the merger specified in the merger plan; provided, however, that no merger plan shall take effect unless approved by a majority of electors of both the county and the city at referendums called through a joint resolution enacted pursuant to section seven hundred ninety-five-e of this article.

§ 795-g. Initiative of electors seeking merger. 1. The electors of a county or city may commence a merger proceeding by filing an original petition, containing not less than the number of signatures provided for in subdivision two of this section and in the form provided for in subdivision three of this section with the the county clerk. Accompanying the filed petition shall be a cover sheet containing the name, address and telephone number of an individual who signed the petition and who will serve as a contact person.

2. The petition shall contain the signatures of at least ten percent of the number of electors or ten thousand electors, whichever is less, in the county to be merged; provided, however, that where the county to be merged contains fifty thousand or fewer electors, the petition shall contain the signatures of at least twenty percent of the number of electors. Additionally, at least thirty percent of the required number of signatures on the petition must be from electors in the city to be merged. No signature on a petition is valid unless it is an original signature of an elector.

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

PETITION FOR COUNTY AND CITY MERGER

We, the undersigned, electors and legal voters of the county of (insert name of the county), New York, qualified to vote at the next general or special election, respectfully petition that there be submitted to the electors of the county of (name of the county proposed to be merged), for their approval or rejection at a referendum held for that purpose, a proposal to merge the county of (name of the county) with the city of (name of the city).

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 merger pursuant to subdivision one of this section, the clerk with whom the petition was filed shall make a final determination regarding the sufficiency of the signatures on the petition and provide timely written notice of such determination to the contact person named in the cover sheet accompanying the petition. The contact person or any individual who signed the petition may seek judicial review of such determination in a proceeding pursuant to article seventy-eight of the civil practice law and rules.

7. Upon the clerk's determination that the petition contains not less than the number of signatures of electors required in subdivision two of this section, the governing body of the county and city to be merged shall, no later than thirty days thereafter, enact a joint resolution in accordance with subdivision two of section seven hundred ninety-five-e of this article calling for a referendum on the proposed merger by the electors in the county and the city and set a date for such referendum.

§ 795-h. Conduct of referendum. 1. A referendum on a proposed merger required by sections seven hundred ninety-five-e and seven hundred ninety-five-g of this article shall be placed before the electors in the county and the city to be merged at a special election to be held not less than sixty or more than ninety days after the enactment of a joint resolution calling for the referendum, provided, however, that in cases where a county or city general election falls within such period, the referendum question may be considered during a city general election.

2. Notice of the referendum shall be given to the electors of the county and city to be merged by publication in a newspaper having a general circulation within the boundaries of the county at least once a week for four consecutive weeks immediately prior to the referendum. The notice shall include, but not be limited to:

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

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

(c) the name of the county and city to be merged and a statement fully describing their territory;

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

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

3. The referendum question placed before the electors of the county and the city to be merged shall be in a form reading substantially as follows:

"Shall (insert name of the county and the name of the city) be merged?

YES ____

NO ____ "

4. In any referendum held pursuant to this title, the county or the city to be merged holding the referendum shall bear the costs associated with the conduct of such referendum.

5. In any referendum held pursuant to this article, and except as otherwise specified herein, the referendum shall be conducted in the same manner as other municipal elections or referendums for the county or city conducting the referendum.

§ 795-i. Canvassing of vote; moratorium on further referendum. 1. In any referendum held pursuant to this article, the ballots cast shall be counted, returns made and canvassed and results certified in the same manner as other municipal elections or referendums for the county or city conducting the referendum.

2. The merger shall not take effect unless a majority of the electors voting in both the county and the city in which the referendums are held vote in favor of merger. If such a majority vote does not result from either referendum, the referendums shall fail and merger shall not take effect.

3. If merger is approved by a majority of the electors voting in both the county and the city referendums, certificates of such results immediately shall be filed with the secretary of state and with the clerks of the city and county in which the merger is to occur.

4. If either referendum shall fail, the merger process specified by this article shall not be initiated for the county or city within four years of the date of such referendum. This subdivision, however, does not apply to a permissive referendum conducted pursuant to section seven hundred ninety-five-m of this article.

§ 795-j. Duty to approve proposed elector initiated merger plan. 1. In the case of a proposed merger of a county and a city properly initiated by petition of electors pursuant to section seven hundred ninety-five-g of this article, if a majority of the electors voting at each referendum vote in favor of merger, the county's and city's governing bodies shall meet within thirty days after certification of the favorable vote and, within one hundred eighty days of such meeting, prepare and approve a proposed elector initiated merger plan.

2. The proposed elector initiated merger plan shall specify:

(a) the name of the county and city to be merged;

(b) the territorial boundaries of the county and city;

(c) the type and/or class of the county and city;

(d) a fiscal estimate of the cost of merger;

(e) any plan for the transfer or elimination of public employees;

(f) the county's and city's assets, including but not limited to real and personal property, and the fair value thereof in current money of the United States;

(g) the county's and city's liabilities and indebtedness, bonded and otherwise, and the fair value thereof in current money of the United States;

(h) any agreements entered into by other municipalities the county to be merged in order to carry out the merger;

(i) the manner and means by which the residents of the county and city will continue to be furnished municipal services by the merged entity following the merger;

(j) terms for the disposition of the county's and city's assets and the disposition of their liabilities and indebtedness, including the levy and collection of the necessary taxes and assessments therefor;

(k) findings as to whether any local laws, ordinances, rules or regulations of the county or city shall remain in effect after the effective date of the merger or shall remain in effect for a period of time other than as provided by section seven hundred ninety-five-q of this article;

(l) the effective date of the merger;

(m) the time and place or places for a public hearing or hearings on such proposed merger plan pursuant to section seven hundred ninety-five-l of this article; and

(n) any other matter desirable or necessary to carry out the merger.

§ 795-k. Publication of proposed elector initiated merger plan. No later than five business days after approving an elector initiated merger plan pursuant to section seven hundred ninety-five-j of this article, the governing bodies of the county and city to be merged shall:

1. cause a copy of the proposed elector initiated merger plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the city;

2. cause the proposed elector initiated merger plan, along with a descriptive summary thereof and a reference to the public place or places within the city where a copy thereof may be examined, to be displayed on a website maintained by the city and on a website maintained by the county to be merged; and

3. arrange to be published a descriptive summary of the proposed elector initiated merger plan and a reference to the public place or places within the city where a copy thereof may be examined, at least once each week for four successive weeks in a newspaper having a general circulation within the county; and

4. cause the proposed elector initiated merger plan to be mailed by certified or registered mail to the governing body of the county in which the city is situated.

§ 795-l. Public hearings on proposed elector initiated merger plan. 1. The governing bodies of the county and city to be merged shall set a time and place or places for one or more public hearings on the proposed elector initiated merger plan. The hearing or hearings shall be held no less than thirty-five days and no more than ninety days after the proposed elector initiated merger plan is approved pursuant to section seven hundred ninety-five-j of this article. Any interested person shall be given a reasonable opportunity to be heard on any aspect of the proposed merger.

2. The public hearing or hearings shall be held on notice of at least ten days, but not more than twenty days, published in a newspaper or newspapers having general circulation within the county and city to be

merged and displayed on a website maintained by the city and on a website maintained by the county to be merged. The notice of the hearing or hearings shall provide a descriptive summary of the proposed elector initiated merger plan, and a reference to the public place or places within the city where a copy of such plan may be examined.

3. After completion of the final hearing, the governing body of the county and city to be merged may amend the proposed elector initiated merger plan, provided that the amended version complies with the provisions of subdivision two of section seven hundred ninety-five-j of this article and is publicized pursuant to subdivision four of this section. The governing bodies must approve a final version of the elector initiated merger plan within sixty days of such final hearing.

4. No later than five business days after amending the proposed elector initiated merger plan, the governing body of the county and city to be merged shall:

(a) cause a copy of the amended version of the proposed elector initiated merger plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the city; and

(b) cause the amended version of the proposed elector initiated merger plan, along with a descriptive summary thereof and a reference to the public place or places within the city where a copy thereof may be examined, to be displayed on a website maintained by the city and on a website maintained by the county to be merged.

§ 795-m. Effective date of elector initiated merger plan; permissive referendum. 1. A county and city merged pursuant to an elector initiated merger plan shall continue to be governed as before the merger until the effective date of the merger specified in the elector initiated merger plan, which date shall be no less than forty-five days after final approval of such plan pursuant to subdivision three of section seven hundred ninety-five-l or subdivision three of section seven hundred ninety-five-n of this article.

2. Notwithstanding subdivision one of this section, the elector initiated merger plan shall not take effect if, no later than forty-five days after final approval of such plan pursuant to subdivision three of section seven hundred ninety-five-l or subdivision three of section seven hundred ninety-five-n of this article, electors of the county and the city to be merged shall:

(a) file an original petition, containing not less than the number of signatures provided for in subdivision three of this section, seeking a referendum on the question whether the elector initiated merger plan shall take effect, with the county clerk; and

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

3. The petition shall be circulated, signed and authenticated in substantial compliance with the provisions of section seven hundred ninety-five-g of this article, shall contain the signatures of at least twenty percent of the number of electors or fifteen thousand electors, whichever is less, in the county to be merged, and shall be accompanied by a cover sheet containing the name, address and telephone number of an individual who signed the petition and who will serve as a contact person.

4. Within ten days of the filing of the petition seeking a referendum on whether the elector initiated merger plan shall take effect, the clerk with whom the petition was filed shall make a final determination regarding the sufficiency of the number of signatures on the petition

and provide timely written notice of such determination to the contact person named in the cover sheet accompanying the petition. The contact person or any individual who signed the petition may seek judicial review of such determination in a proceeding pursuant to article seventy-eight of the civil practice law and rules. Upon the clerk's determination that the petition contains no less than the required number of signatures, the governing bodies of the county and the city to be merged shall within thirty days enact a joint resolution calling for referendums by the electors on the question whether the elector initiated merger plan shall take effect and set a date for such referendums in accordance with subdivision five of this section.

5. The referendums on the question whether the elector initiated merger plan shall take effect shall be submitted at a special election to be held not less than sixty or more than ninety days after enactment of a joint resolution pursuant to subdivision four of this section, provided, however, that in cases where a county or a city general election falls within such period, the referendum question may be considered during a county or a city general election.

6. Notice of the referendums shall be given to the electors of the county and the city to be merged by publication in a newspaper having a general circulation within the boundaries of the county at least once a week for four consecutive weeks immediately prior to the referendums. The notice shall include, but not be limited to:

(a) a summary of the contents of the joint resolution and elector initiated merger plan;

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

(c) the time and place or places at which the referendums will be held, in accordance with subdivision five of this section; and

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

7. In a referendum held pursuant to this section, the referendum question shall be placed before the electors of the county or the city to be merged in a form reading substantially as follows:

"The voters of the county/city of (name of county/city to be merged) having previously voted to merge with the city/county of (name of city/county to be merged), shall the elector initiated merger plan take effect?

YES

NO "

8. The elector initiated merger plan shall not take effect unless a majority of the electors voting in the county and the city to which the petition applies votes in favor of merger. If such a majority vote does not result in either referendum, the referendums shall fail and merger shall not take effect.

§ 795-n. Court-ordered merger; judicial hearing officer. 1. If the governing body of a county or a city with a duty to prepare and approve a proposed elector initiated merger plan pursuant to section seven hundred ninety-five-j of this article fails to prepare and approve such plan or is otherwise unable or unwilling to accomplish and complete the merger pursuant to the provisions of this article, then any five electors who signed the petition seeking merger may commence a special proceeding against the county or city pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the county or the city or the greater portion

of its territory is located, to compel compliance with the provisions of this article.

2. If the petitioners in such special proceeding shall substantially prevail, then the court shall issue an injunction ordering the governing body to comply with the applicable provisions of this article. If the governing body violates the injunction, the court shall appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to hear and determine an elector initiated merger plan for the city that complies with the provisions of subdivision two of section seven hundred ninety-five-j of this article.

3. The final determination of the judicial hearing officer shall constitute the final approval of the elector initiated merger plan and provide that such plan takes effect forty-five days after the filing of such determination, unless a petition for a permissive referendum is properly filed pursuant to section seven hundred ninety-five-m of this article.

4. In any proceeding pursuant to this section in which the petitioners substantially prevail, the costs of such proceeding, including the costs of any judicial hearing officer appointed pursuant to subdivision two of this section, shall be borne by the county or the city at the rate provided for in article twenty-two of the judiciary law and regulations promulgated pursuant thereto.

§ 795-o. Winding down the affairs of a merged county and city. 1. Upon the successful completion of merger proceedings pursuant to this article, the governing bodies of the merging county and city shall wind down the affairs thereof, dispose of their property as provided by law, make provisions for the payment of all indebtedness thereof and for the performance of their contracts and obligations, and, if applicable and appropriate under law, levy taxes and assessments as necessary to accomplish the merger.

2. In furtherance of its duty to wind down the affairs of the county or city, the governing body shall cause notice to be given, in the same manner as notice for a proposed merger plan pursuant to section seven hundred ninety-five-c of this article, requiring all claims against the merging county or city, excluding any of its outstanding securities, to be filed within a time fixed in the notice, but not less than three months or more than six months, and all claims not so filed shall be forever barred. At the expiration of such time the governing body shall adjudicate claims so filed, and any resident of the county or city at the time of the effective date of the merger may appear and defend against any claim so filed, or the governing body may in its discretion appoint some person for that purpose.

§ 795-p. Effect on actions and proceedings; disposition of records, books and papers. 1. Except as otherwise provided for in this article, no action for or against the county or city to be merged shall abate, nor shall any claim for or against it be affected by reason of their merger.

2. Upon the merger of a county and a city, all their records, books and papers shall be deposited with the clerk of the merged entity, and they shall thereupon become a part of the records of the merged entity.

3. Upon the merger of local justice courts, all court records of such court shall be deposited with a justice court judge to be designated by the administrative judge of the judicial district within which the merging justice court is located. The designated justice court judge shall have authority to execute and complete all unfinished business.

§ 795-q. Effect on existing laws. 1. Except as otherwise provided in the merger plan or elector initiated merger plan, as the case may be, all local laws, ordinances, rules and regulations of a county or a city in effect on the date of the merger of such county or city, including but not limited to zoning ordinances, shall remain in effect for a period of two years following merger, as if same had been duly adopted by the merged entity and shall be enforced by the merged entity within the limits of the merged county or city, except that the merged entity shall have the power at any time to amend or repeal such local laws, ordinances, rules or regulations in the manner as other local laws, ordinances, rules or regulations of the merged entity.

2. If the county or city has a zoning board of appeals, or a planning board, or both, and the merged entity does not, then upon merger the merged entity shall act in place of such board or boards until the merged entity shall have appointed such board or boards for the merged entity in accordance with the provisions of the county law. Such appointments may be made prior to merger, to become effective upon the effective date of merger.

§ 795-r. Debts, liabilities and obligations. The outstanding debts, liabilities and obligations of the merged county and city shall be assumed by the merged entity in which the merged county and city was situated and shall be a charge upon the taxable property within the limits of the merged county and city, collected in the same manner as county taxes. The merged entity shall have all powers with respect to the debts, liabilities and obligations as the governing body of the merged county and city possessed prior to their merger, including the power to issue county bonds to redeem bond anticipation notes issued by the merged county and city.

§ 795-s. Liability of officials and employees. In the absence of fraud, gross negligence or willful misfeasance, no officer or employee of a county or city shall be held personally liable upon any claim arising from the merger of a county and a city pursuant to this article or any circumstances connected with such merger.

§ 795-t. Laws governing merged entities. Any merged entity created under this article shall be considered both a city and a county and shall be governed by the county law.

§ 795-u. Separability. If any section, subdivision, paragraph or other part of this article shall be adjudged invalid by any court of competent jurisdiction, such judgment shall not invalidate the remainder thereof, but shall be confined in its operation to the section, subdivision, paragraph or other part directly involved in the controversy wherein such judgment shall have been rendered.

§ 2. This act shall take effect immediately.