STATE OF NEW YORK

931--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. MAGNARELLI, SIMON, BUTTENSCHON, COOK, LAVINE, JACOBSON, STIRPE, STECK, PAULIN, GLICK, REYES, EPSTEIN, LEVENBERG, EACHUS -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the public authorities law, in relation to preventing certain elected officials from being a member of an agency or industrial development authority; and to repeal subdivision 4 of section 856 of the general municipal law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 4 of section 856 of the general municipal law is REPEALED and a new subdivision 4 is added to read as follows:

4. No member of an agency shall be an elected official of the municipality nor shall any member of an agency be an elected official of any county, city, town, or village within the county in which the agency is located. Where an individual who currently serves as a member of an agency would be ineligible to serve until their term as a member of an agency has expired, the governing body of the municipality or appointing authority of the agency shall appoint new members of the agency as provided in subdivision two of this section where an individual was no longer able to serve in such a capacity. This subdivision shall not apply to any elected officials required to serve on an industrial development agency under title two of this article. This subdivision shall not apply to any industrial development agency that has a board entirely composed of elected officials from the municipality that chartered such industrial development agency.

§ 2. Section 1952 of the public authorities law, as amended by chapter 579 of the laws of 2021, is amended to read as follows:

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

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§ 1952. Troy industrial development authority. 1. A board to be known as the "Troy industrial development authority" is hereby created. Such board shall be a body corporate and politic, constituting a public benefit corporation and its existence shall commence upon the appointment of the members as herein provided. Its members shall consist of a chair and eight other members, all of whom shall be appointed by the mayor of the city for a term of three years, and shall include two members of the common council of the city, one representative of the city school board, and one representative from each of the fields of business, industry and labor. Every appointment to the board shall be subject to confirmation by the common council of the city. The chair and each member shall continue to serve until the appointment and confirmation of [~~his or her~~] their successor. Vacancies in such board occurring otherwise than by expiration of term shall be filled by the mayor by appointment for the unexpired term subject to confirmation by the common council of the city. The mayor may remove the chair or any member of the board for inefficiency, neglect of duty or misconduct in office, after giving [~~him or her~~] them a copy of the charges against [~~him or her~~] them and an opportunity of being heard in person, or by counsel, in [~~his or her~~] their defense upon not less than ten days' notice. Such removal must be approved by the city council of the city. The members of the board shall be entitled to no compensation for their services but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties. Notwithstanding any inconsistent provisions of law, general, special or local, no officer or employee of the city shall be deemed to have forfeited or shall forfeit [~~his or her~~] their office or employment by reason of [~~his or her~~] their acceptance of membership on the board created by this section, provided, however, that a member who holds such other public office or employment shall receive no additional compensation or allowance for services rendered pursuant to this title, but shall be entitled to reimbursement for [~~his or her~~] their actual and necessary expenses incurred in the performance of such services. The power of the authority shall be vested in and exercised by a majority of the members of the board. Such a board may delegate to one or more of its members, or to its officers, agents and employees, such powers and duties as it may deem proper. Such board and its corporate existence shall continue in accordance with section nineteen hundred sixty-seven of this title. Upon its ceasing to exist, all rights and properties shall pass to and be vested in the city.

2. No member of such board nor any member of such authority shall be an elected official of the city or an elected official of any county, city, town, or village within the county in which the authority is located; provided, however, two members of the common council of the city shall be able to serve as members of such board as required by subdivision one of this section. Where an individual who currently serves as a member of such board or a member of such authority would be ineligible to serve until their term as such a member has expired, the mayor of the city shall appoint new members of the board or members of the authority as provided in subdivision one of this section.

§ 3. Section 2304 of the public authorities law, as amended by chapter 356 of the laws of 1993, is amended to read as follows:

§ 2304. Auburn industrial development authority. 1. A public benefit corporation to be known as the "Auburn industrial development authority" is hereby created. Such board shall be a body corporate and politic, constituting a public benefit corporation and its existence shall commence upon the appointment of the members as herein provided. Its

members shall consist of a [~~chairman~~] chair and eight other members all of whom shall be appointed by the mayor of the city for a term of three years, and shall include two members of the common council of the city, one representative of the city school board and one representative from each of the fields of business, industry and labor. Every appointment to the board shall be subject to confirmation by the common council of the city. The [~~chairman~~] chair and each member shall continue to serve until the appointment and confirmation of [~~his~~] their successor. Vacancies in such board occurring otherwise than by expiration of term shall be filled by the mayor by appointment for the unexpired term subject to confirmation of the common council of the city. The mayor may remove the [~~chairman~~] chair or any member of the board for inefficiency, neglect of duty or misconduct in office, after giving [~~him~~] them a copy of the charges against [~~him~~] them and an opportunity of being heard in person, or by counsel, in [~~his~~] their defense upon not less than ten days' notice. Such removal must be approved by the common council of the city. The members of the board shall be entitled to no compensation for their services but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties. Notwithstanding any inconsistent provisions of law, general, special or local, no officer or employee of the city shall be deemed to have forfeited or shall forfeit [~~his~~] their office or employment by reason of [~~his~~] their acceptance of membership of the authority created by this article, provided, however, that a member who holds such other public office or employment shall receive no additional compensation or allowance for services rendered pursuant to this title, but shall be entitled to reimbursement for [~~his~~] their actual and necessary expenses incurred in the performance of such services. The power of the authority shall be vested in and exercised by a majority of the members of the authority. The authority may delegate to one or more of its members, or to its officers, agents and employees, such powers and duties as it may deem proper. Such board and its corporate existence shall continue only for a period of ten years and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities or bonds have otherwise been discharged. Upon its ceasing to exist, all rights and properties shall pass to and be vested in the city.

2. No member of such board nor any member of such authority shall be an elected official of the city or an elected official of any county, city, town, or village within the county in which the authority is located; provided, however, two members of the common council of the city shall be able to serve as members of such board as required by subdivision one of this section. Where an individual who currently serves as a member of such board or a member of such authority would be ineligible to serve until their term as such a member has expired, the mayor of the city shall appoint new members of the board or members of the authority as provided in subdivision one of this section.

§ 4. This act shall take effect immediately.