

# STATE OF NEW YORK

2317--A

Cal. No. 1146

2025-2026 Regular Sessions

## IN SENATE

January 16, 2025

Introduced by Sens. SKOUFIS, KRUEGER, MATTERA, MAYER, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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2 is REPEALED and a new subdivision 4 is added to read as follows:

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

17 § 2. Section 1952 of the public authorities law, as amended by chapter  
18 579 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.

LBD01283-02-5

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

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

50 § 3. Section 2304 of the public authorities law, as amended by chapter  
51 356 of the laws of 1993, is amended to read as follows:

52 § 2304. Auburn industrial development authority. 1. A public benefit  
53 corporation to be known as the "Auburn industrial development authority"  
54 is hereby created. Such board shall be a body corporate and politic,  
55 constituting a public benefit corporation and its existence shall  
56 commence upon the appointment of the members as herein provided. Its

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

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

47 § 4. This act shall take effect immediately.