GENERAL MUNICIPAL LAW

Laws 1909, Chap. 29.

AN ACT relating to municipal corporations, constituting chapter twenty-four of the consolidated laws.

Became a law February 17, 1909, with the approval of the Governor.

Passed, three-fifths being present.

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

CHAPTER 24 OF THE CONSOLIDATED LAWS

GENERAL MUNICIPAL LAW

ARTICLE 1
Short Title; Definitions

§ 1. Short title. This chapter shall be known as the "General Municipal Law."

§ 2. Definitions. The term "municipal corporation," as used in this chapter, includes only a county, town, city and village. The term "governing board" includes the board of supervisors of a county, the town board of a town, the common council of a city, and the board of trustees of a village.

a. "Urban renewal." The term "urban renewal" shall mean a program as defined in article fifteen of this chapter.

b. "Infant" or "minor". The term "infant" or "minor", as used in this chapter, shall mean a person who has not attained the age of eighteen years.

ARTICLE 2
GENERAL MUNICIPAL FINANCES

thereof, or service.

9. Use of tax moneys raised outside constitutional tax limit.

9-a. Inter-fund advances.

10. Deposits of public money; security.

11. Temporary investments.

12. Deposits of public authorities, public benefit corporations and other corporations.

20. Special population census: population data.

21. Cancellation of unpaid checks or drafts.

22. Claims against fire insurance proceeds; procedure.

23. Flexible benefits program.

24. Corporation for the benefit of the city of New York.

25. Treatment of capital costs and certain fund balances of the city of New York; revenue stabilization fund of such city.

§ 3. Compensation for property of a municipal corporation, school district or district corporation taken by eminent domain. Where property of a municipal corporation, school district or district corporation is taken in the exercise of the power of eminent domain for a purpose substantially different from that for which it is held by such municipal corporation, school district or district corporation, just compensation to the municipal corporation, school district or district corporation shall be made in the same manner, to the same extent and subject to the same limitations as though it were private property.

§ 3-a. Rate of interest on judgments and accrued claims against municipal corporations. 1. Except as provided in subdivisions two, four and five of this section, the rate of interest to be paid by a municipal corporation upon any judgment or accrued claim against the municipal corporation shall not exceed nine per centum per annum.

2. The rate of interest to be paid upon any judgment or accrued claim against the municipal corporation arising out of condemnation

proceedings or action to recover damages for wrongful death shall not exceed six per centum per annum.

3. The term "municipal corporation" as used in this section shall mean and include a city, county, village, town, school district, fire district, a special or public district organized for the purpose of financing the costs of public improvements or a pension or retirement system supported in whole or in part by any such city, county, village, town, school district or special or public district.

4. Payments of interest or principal on any note or bond of the city of New York issued on or after the effective date of this act which is guaranteed under the New York City Loan Guarantee Act of 1978, Public Law 95-339, and which such city has not paid or made funds available to pay when due, shall accrue interest at the rate borne for principal by such obligation from such due date until (i) there shall have been deposited with an independent trustee sufficient monies to cover such overdue payment and any interest accrued thereon to the date of such deposit and (ii) the making of such deposit shall have been announced for three days in succession in a newspaper of general circulation in the city of New York.

5. Bonds, notes and certificates of participation, and agreements and instruments related to the foregoing, as authorized pursuant to paragraph (e) of section 54.10, section 54.90 or section 168.00 of the local finance law, or section one hundred nine-b of this chapter may provide for the payment of interest on judgments and claims payable to or for the account of providers of credit or liquidity support or their successors in interest, notwithstanding any limitations imposed by this section.

§ 3-b. Limitation on real estate tax in New York city. 1. The amount to be raised by tax on real estate in any fiscal year commencing on or after July first, nineteen hundred fifty-four by the city of New York and the counties contained therein for city and county purposes, in addition to providing for the interest on and the principal of all indebtedness, shall not, except as otherwise provided herein, exceed an amount equal to a combined total of two and one-half per centum of the average full valuation of taxable real estate of such city less the amount to be raised by tax on real estate in such year for the payment of the interest on and redemption of certificates or other evidence of indebtedness described in paragraphs A and D of section five of article eight of the constitution, or renewals thereof; provided, however, that for the fiscal year commencing July first, nineteen hundred fifty-three the amount to be so raised by tax as provided in this section shall be not in excess of a combined total of two per centum computed as provided herein plus fifty million dollars. The average full valuation of taxable real estate of such city shall be determined as provided by section ten of article eight of the constitution.

2. Notwithstanding the provisions of subdivision one of this section, if any railroad, as defined in the rapid transit law, is operated by the board of transportation or any other agency, except the New York city transit authority created pursuant to title fifteen of the public authorities law, on or after July first in any year, the amount to be raised by tax as provided in subdivision one of this section shall not be in excess of a combined total percentage of two per centum for the city's fiscal year commencing July first in such year and no more. In addition, for the fiscal year commencing July first, nineteen hundred fifty-three, this further limitation to two per centum with no additional amount, as set forth in this subdivision, shall apply unless the board of estimate shall have entered into an agreement pursuant to the provisions of section eighteen hundred three of the public authorities law, as amended, on or before June first, nineteen hundred fifty-three with such authority to transfer to it transit facilities owned by the city, and such transfer is completed prior to July first, nineteen hundred fifty-three.

§ 3-c. Limit upon real property tax levies by local governments. 1. Unless otherwise provided by law, the amount of real property taxes that may be levied by or on behalf of any local government, other than the city of New York and the counties contained therein, shall not exceed the tax levy limit established pursuant to this section.

2. When used in this section:

(a) "Allowable levy growth factor" shall be the lesser of: (i) one and two one-hundredths; or (ii) the sum of one plus the inflation factor; provided, however, that in no case shall the levy growth factor be less than one.

(b) "Available carryover" means the amount by which the tax levy for the prior fiscal year was below the tax levy limit for such fiscal year, if any, but no more than an amount that equals one and one-half percent of the tax levy limit for such fiscal year.

(c) "Coming fiscal year" means the fiscal year of the local government for which a tax levy limit shall be determined pursuant to this section.

(d) "Inflation factor" means the quotient of: (i) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the coming fiscal year minus the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the prior fiscal year, divided by: (ii) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the prior fiscal year, with the result expressed as a decimal to four places.

(e) "Local government" means a county, city, town, village, fire district, or special district including but not limited to a district created pursuant to article twelve or twelve-A, or governed by article thirteen of the town law, or created pursuant to article five-A, five-B or five-D of the county law, chapter five hundred sixteen of the laws of nineteen hundred twenty-eight, or chapter two hundred seventy-three of the laws of nineteen hundred thirty-nine, and shall include town improvements provided pursuant to articles three-A and twelve-C of the town law but shall not include the city of New York or the counties contained therein.

(f) "Prior fiscal year" means the fiscal year of the local government immediately preceding the coming fiscal year.

(g) "Tax levy limit" means the amount of taxes authorized to be levied by or on behalf of a local government pursuant to this section, provided, however, that the tax levy limit shall not include the following:

(i) a tax levy necessary for expenditures resulting from court orders or judgments against the local government arising out of tort actions for any amount that exceeds five percent of the total tax levied in the prior fiscal year;

(ii) in years in which the system average actuarial contribution rate of the New York state and local employees' retirement system, as defined by paragraph ten of subdivision a of section nineteen-a of the retirement and social security law, increases by more than two percentage points from the previous year, a tax levy necessary for expenditures for the coming fiscal year for local government employer contributions to the New York state and local employees' retirement system caused by growth in the system average actuarial contribution rate minus two percentage points;

(iii) in years in which the system average actuarial contribution rate of the New York state and local police and fire retirement system, as defined by paragraph eleven of subdivision a of section three hundred nineteen-a of the retirement and social security law, increases by more than two percentage points from the previous year, a tax levy necessary for expenditures for the coming fiscal year for local government employer contributions to the New York state and local police and fire retirement system caused by growth in the system average actuarial contribution rate minus two percentage points;

(iv) in years in which the normal contribution rate of the New York state teachers' retirement system, as defined by paragraph a of subdivision two of section five hundred seventeen of the education law, increases by more than two percentage points from the previous year, a tax levy necessary for expenditures for the coming fiscal year for local government employer contributions to the New York state teachers' retirement system caused by growth in the normal contribution rate minus two percentage points.

(h) "Tax" or "taxes" shall include (i) a charge imposed upon real property by or on behalf of a county, city, town, village or school district for municipal or school district purposes, and (ii) special ad valorem levies and special assessments as defined in subdivisions fourteen and fifteen of section one hundred two of the real property tax law.

3. (a) Subject to the provisions of subdivision five of this section, beginning with the fiscal year that begins in two thousand twelve, no local government shall adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year. Provided however the tax levy limit shall not prohibit a levy necessary to support the expenditures pursuant to subparagraphs (i) through (iv) of paragraph (g) of subdivision two of this section.

(b) (i) The commissioner of taxation and finance shall calculate a quantity change factor for each local government for the coming fiscal year based upon the physical or quantity change, as defined by section twelve hundred twenty of the real property tax law, reported to the commissioner of taxation and finance by the assessor or assessors pursuant to section five hundred seventy-five of the real property tax law. The quantity change factor shall show the percentage by which the full value of the taxable real property in the local government has changed due to physical or quantity change between the second final assessment roll or rolls preceding the final assessment roll or rolls upon which taxes are to be levied, and the final assessment roll or rolls immediately preceding the final assessment roll or rolls upon which taxes are to be levied. The commissioner of taxation and finance shall, as appropriate, promulgate rules and regulations regarding the calculation of the quantity change factor which may adjust the calculation based on the development on tax exempt land.

(ii) After determining the quantity change factor for the local government, the commissioner of taxation and finance shall proceed as follows:

(A) If the quantity change factor is negative, the commissioner of taxation and finance shall not determine a tax base growth factor for the local government.

(B) If the quantity change factor is positive, the commissioner of taxation and finance shall determine a tax base growth factor for the local government which is equal to one plus the quantity change factor.

(iii) The commissioner of taxation and finance shall notify the state comptroller and each local government of the applicable tax base growth factors, if any, as soon thereafter as such factors are determined.

(c) Each local government shall calculate the tax levy limit applicable to the coming fiscal year which shall be determined as follows:

(i) Ascertain the total amount of taxes levied for the prior fiscal year.

(ii) Multiply the result by the tax base growth factor, calculated pursuant to paragraph (b) of this subdivision, if any.

(iii) Add any payments in lieu of taxes that were receivable in the prior fiscal year.

(iv) Subtract the tax levy necessary to support expenditures pursuant to subparagraph (i) of paragraph (g) of subdivision two of this section for the prior fiscal year, if any.

(v) Multiply the result by the allowable levy growth factor.

(vi) Subtract any payments in lieu of taxes receivable in the coming fiscal year.

(vii) Add the available carryover, if any.

(d) Whenever the responsibility and associated cost of a local government function is transferred to another local government, the state comptroller shall determine the costs and savings on the affected local governments attributable to such transfer for the first fiscal year following the transfer, and notify such local governments of such determination and that they shall adjust their tax levy limits accordingly.

4. (a) When two or more local governments consolidate, the state comptroller shall determine the tax levy limit for the consolidated local government for the first fiscal year following the consolidation based on the respective tax levy limits of the component local governments that formed such consolidated local government from the last fiscal year prior to the consolidation.

(b) When a local government dissolves, the state comptroller shall determine the tax levy limit for the local government that assumes the debts, liabilities, and obligations of such dissolved local government for the first fiscal year following the dissolution based on the respective tax levy limits of such dissolved local government and such local government that assumes the debts, liabilities, and obligations of such dissolved local government from the last fiscal year prior to the dissolution.

(c) The tax levy limit established by this section shall not apply to the first fiscal year after a local government is newly established or constituted through a process other than consolidation or dissolution.

5. A local government may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, not including any levy necessary to support the expenditures pursuant to subparagraphs (i) through (iv) of paragraph g of subdivision two of this section, only if the governing body of such local government first enacts, by a vote of sixty percent of the total voting power of such body, a local law to override such limit for such coming fiscal year only, or in the case of a district or fire district, a resolution, approved by a vote of sixty percent of the total voting power of such body, to override such limit for such coming fiscal year only.

6. In the event a local government's actual tax levy for a given fiscal year exceeds the tax levy limit as established pursuant to this section due to clerical or technical errors, the local government shall place the excess amount of the levy in reserve in accordance with such requirements as the state comptroller may prescribe, and shall use such funds and any interest earned thereon to offset the tax levy for the ensuing fiscal year. If, upon examination pursuant to sections thirty-three and thirty-four of this chapter, the state comptroller finds that a local government levied taxes in excess of the applicable tax levy limit, the local government, as soon as practicable, shall place an amount equal to the excess amount of the levy in such reserve in accordance with this subdivision.

7. All local governments subject to the provisions of this section shall, prior to adopting a budget for the coming fiscal year, submit to the state comptroller, in a form and manner as he or she may prescribe, any information necessary for calculating the tax levy limit for the coming fiscal year.

§ 4. Investigation of expenditures of towns and villages. If twenty-five freeholders in any town or village shall present to a justice of the supreme court of the judicial district in which such town or village is situated, an affidavit, stating that they are freeholders and have paid taxes on real property within such town or village within one year, that they have reason to believe that the moneys of such town or village are being unlawfully or corruptly expended, and the grounds of their belief, such justice, upon ten days' notice to the supervisor, and the officers of the town disbursing the funds to which such moneys belong, or the trustees and treasurer of the village, shall make a summary investigation into the financial affairs of such town or village, and the accounts of such officers, and, in his discretion, may appoint experts to make such investigation, and may cause the result thereof to be published in such manner as he may deem proper.

The costs incurred in such investigation shall be taxed by the justice, and paid, upon his order, by the officers whose expenditures are investigated, if the facts in such affidavit be substantially proved, and otherwise, by the freeholders making such affidavit. If such justice shall be satisfied that any of the moneys of such town or village are being unlawfully or corruptly expended, or are being appropriated for purposes to which they are not properly applicable, or are improvidently squandered or wasted, he shall forthwith grant an order restraining such unlawful or corrupt expenditure, or such other improper use of such moneys.

§ 5. Payment of fines, civil penalties, rent, rates, taxes, fees, charges and other amounts by credit card. (a) The following terms, when used or referred to in this section, shall have the following meaning:

1. "Credit card" means any credit card, credit plate, charge card, charge plate, courtesy card, debit card, other identification card, value transfer device as defined by the state comptroller or device issued by a person to another person which may be used to obtain a cash advance or a loan or credit, or to purchase or lease property or services on the credit of the person issuing the credit card or a person

who has agreed with the issuer to pay obligations arising from the use of a credit card issued to another person.

1-a. "Card issuer" means an issuer of a credit card, charge card or other value transfer device.

2. "Financing agency" means any agency defined as such in subdivision eighteen of section four hundred one of the personal property law.

3. "Person" means an individual, partnership, corporation or any other legal or commercial entity.

(b) The governing board of any local government, as that term is defined in section ten of this article, may, by local law, ordinance or resolution, determine that it is in the public interest and authorize such local government to enter into agreements with one or more financing agencies or card issuers to provide for the acceptance, by such officers of the local government as may be designated pursuant to subdivision (f) of this section, of credit cards as a means of payment of fines, civil penalties, rent, rates, taxes, fees, charges, revenue, financial obligations or other amounts, including penalties, special assessments and interest, owed to the local government. Any such agreement shall govern the terms and conditions upon which a credit card proffered as a means of payment of a fine, civil penalty, rent, rate, tax, fee, charge, revenue, financial obligation or other amount, including penalty, special assessment or interest, shall be accepted or declined and the manner in and conditions upon which the financing agency or card issuer shall pay to such local government the amount of fines, civil penalties, rent, rates, taxes, fees, charges, revenue, financial obligations or other amounts, including penalty, special assessment or interest, paid by means of a credit card pursuant to such agreement. Any such agreement may provide for the payment by such local government to such financing agency or card issuer of fees for the services provided by such financing agency or card issuer pursuant to such agreement, which fees may consist of a discount deducted from or payable in respect of the amount of each such fine, civil penalty, rent, rate, tax, fee, charge, revenue, financial obligation or other amount, including penalty, special assessment or interest. If fees are paid by such a discount, they shall be post-audited by the officer or board of the local government responsible for auditing claims against the local government.

(c) Any local government which has entered into an agreement with a financing agency or card issuer as authorized by the provisions of subdivision (b) of this section may accept credit cards as a means of payment of fines, civil penalties, rent, rates, taxes, fees, charges, revenue, financial obligations or other amounts, including penalties, special assessment or interest, as provided in such agreement and may pay such fees as are specified in such agreement to such financing agency or card issuer in consideration of the services rendered by such financing agency or card issuer thereunder. Notwithstanding any other provision of law to the contrary, it shall be the option of the governing board of the local government to require, as a condition of accepting payment by credit card, that such person offering payment by credit or charge card pay a service fee to the local government not exceeding costs incurred by the local government in connection with the credit or charge card payment transaction, including any fee owed by the local government to the financing agency or card issuer arising from that transaction.

(d) Contracts entered into pursuant to this section between local government and financing agencies or card issuers shall be awarded in accordance with the local government's written internal policies and procedures governing procurements adopted pursuant to section one hundred four-b of this chapter.

(e) The underlying debt, lien, obligation, bill, account or other amount owed to the local government for which payment by credit card is accepted by the local government shall not be expunged, cancelled, released, discharged or satisfied, and any receipt or other evidence of payment shall be deemed conditional, until the local government has received final and unconditional payment of the full amount due from the financing agency or card issuer for such credit card transaction.

(f) The governing board, in enacting a local law, ordinance or resolution pursuant to this section, shall designate which of its officers, charged with the duty of collecting or receiving moneys on behalf of the local government, shall be authorized to accept credit cards as a means of payment of fines, taxes, rent, rates, fees, charges, revenue, financial obligations and other amounts, including penalties, special assessments or interest.

(g) Under circumstances where local governments are otherwise authorized by law to contract for the collection of fines, civil penalties, rent, rates, taxes, fees, charges, revenue, financial obligations or other amounts, including penalties, special assessments or interest, such contract shall provide that the contractor accept credit cards as a mechanism for payment.

§ 5-a. Electronic or wire transfers. 1. Notwithstanding any other law to the contrary, whenever an officer of a local government, as that term is defined in section ten of this article, is authorized or directed pursuant to law to disburse or transfer on behalf of the local government funds in the custody of the officer, that officer shall be authorized to disburse or transfer such funds by means of electronic or wire transfer. Such disbursement shall be otherwise subject to applicable laws, provided that:

(a) the governing board of the local government has entered into a written agreement with the bank or trust company in which such funds have been deposited, prescribing the manner in which electronic or wire transfer of such funds shall be accomplished, identifying by number and name those accounts from which electronic or wire transfers may be made, identifying which officer or officers are authorized to order the electronic or wire transfer of funds from those accounts, and implementing a security procedure as defined in section 4-A-201 of the uniform commercial code; and

(b) the bank or trust company processing the transfer shall provide to the officer ordering the electronic or wire transfer of funds written confirmation of each such transaction no later than the business day following the day on which the funds are transmitted.

2. It shall be the duty of the governing board of the local government to adopt a system of internal controls for the documentation and reporting of all transfers or disbursements of funds accomplished by electronic or wire transfer.

§ 5-b. Collection of fines, civil penalties, rent, rates, taxes, fees, charges and other amounts via the internet. 1. The governing board of any local government, as that term is defined in section ten of this article, may, by local law, ordinance or resolution, determine that it is in the public interest and authorize such local government to provide for the acceptance of penalties, rents, rates, taxes, fees, charges, revenue, financial obligations or other amounts, including penalties, special assessments or interest via a municipal internet website or the website of a third-party vendor that has contracted with the local government to receive such payments on its behalf. Submission via the internet may not, however, be required as the sole method for the collection of fines, civil penalties, rent, rates, taxes, fees, charges and other amounts. Such payments shall be accepted via the internet in a manner and condition defined by such local government. Any method used to receive internet payments shall comply with article three of the state technology law and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum must (a) authenticate the identity of the sender; and (b) ensure the security of the information transmitted.

2. Any local government authorizing the payment of taxes via the internet shall provide or direct its vendor to provide a confirmation page to the taxpayer following the completion of the internet transaction. Such confirmation page shall include, at least, the following:

(a) the date the internet transaction was completed and sent by the taxpayer;

(b) the amount paid;

(c) a unique confirmation number; and

(d) a notice advising the taxpayer to print out and retain the confirmation page as his or her receipt.

3. Payments received via the internet shall be considered received by the appropriate officer and paid by the taxpayer at the time the internet transaction is completed and sent by the taxpayer.

4. The underlying debt, lien, obligation, bill, account or other amount owed to the local government for which payment by internet is accepted by the local government shall not be expunged, cancelled, released, discharged or satisfied, and any receipt or other evidence of payment shall be deemed conditional, until the local government has received final and unconditional payment of the full amount due.

5. The governing board, in enacting a local law, ordinance or resolution pursuant to this section, shall designate which of its officers, charged with the duty of collecting or receiving moneys on behalf of the local government, shall be authorized to accept such payments via the internet.

6. The state comptroller shall issue such guidelines as he or she deems appropriate governing the use of third-party vendors for this purpose. Any local government contracting with a third-party vendor for this purpose shall follow the guidelines issued by the state comptroller.

§ 6-c. Capital reserve funds for counties, cities, villages, towns and sewer and water improvement districts. 1. As used in this section:

a. The term "governing board", insofar as it is used in reference to a village, shall mean the board of trustees thereof; insofar as it is used in reference to a town, shall mean the town board thereof; insofar as it is used in reference to a county, shall mean the legislative body thereof; insofar as it is used in reference to a city, shall mean the "local legislative body" thereof, as that term is defined in subdivision seven of section two of the municipal home rule law, as amended from time to time; insofar as it is used in reference to a town or county improvement district, shall mean the town board of the town or the legislative body of the county in which such district is located unless, in the case of a town improvement district, such district has a separate board of commissioners, in which case it shall mean such board of commissioners.

b. The term "capital improvement" shall mean:

(1) Any physical public betterment or improvement or any preliminary studies and surveys relative thereto.

(2) Land or rights in land.

(3) Any furnishings, equipment, machinery or apparatus for any physical public betterment or improvement acquired at the time when such betterment or improvement is constructed, reconstructed or acquired.

c. The term "equipment" shall include any equipment, machinery or apparatus not included in the definition of the term "capital improvement" and for the acquisition of which a period of probable usefulness has been provided by law.

d. The term "obligations" shall include bonds, notes, certificates or other evidences of indebtedness.

2. The governing board of any county, city, village, town or sewer and water improvement district may establish capital reserve funds for the financing of all or part of the cost of:

a. The construction, reconstruction or acquisition of a specific capital improvement or the acquisition of a specific item or specific items of equipment.

b. The construction, reconstruction or acquisition of a type of capital improvement or the acquisition of a type of equipment.

3. The provisions of paragraph two shall not apply to:

a. Capital improvements to be constructed, reconstructed or acquired, or equipment to be acquired, on behalf of an improvement district or other similar district located within such municipality other than a sewer and/or water improvement district, or

b. Capital improvements or equipment, all or part of the cost of which is to be borne by assessments for benefit or ad valorem taxes upon the real property within an area of benefit within such municipality other than a sewer and/or water improvement district.

4. If the governing board authorizes the establishment of a capital reserve fund for the financing of all or part of the cost of the construction, reconstruction or acquisition of a specific capital improvement or the acquisition of a specific item or specific items of equipment, it shall set forth in such authorization the estimated maximum cost thereof. However, if the authorization by such governing board of the issuance of obligations for such capital improvement or equipment is required by law to be subject to a permissive or mandatory referendum, then the authorization of the establishment of such a fund shall be subject to a permissive referendum. In the event that the authorization by such governing board of the issuance of obligations for such capital improvement or equipment is required by law to be subject to a permissive or mandatory referendum only if such obligations are to have a maturity of more than five years or not less than some other minimum period, then the authorization of the establishment of such a fund shall be subject to a permissive referendum only if the period of probable usefulness of such capital improvement or equipment is equal to or more than such minimum period of maturity. A permissive referendum on the authorization of the establishment of such a capital reserve fund shall be governed by:

a. Sections twenty-four, twenty-five and twenty-six of the municipal home rule law, as amended from time to time, so far as they may be applicable, in the case of cities.

b. Article seven of the town law, as amended from time to time, in the case of towns.

c. Article nine of the village law, as amended from time to time, in the case of villages.

5. There may be paid into any fund:

a. Such an amount as may be provided therefor by budgetary appropriation or raised by tax therefor.

b. Such revenues as are not required by law to be paid into any other fund or account, including the proceeds from the sale of any capital improvement or equipment owned by such county, city, village or town. This provision shall not prevent the use of town highway moneys for the establishment of a capital reserve fund, provided that such moneys are expended therefrom for the purpose for which they were levied or received, that the consent of the town superintendent of highways and town board, together with the approval of the county superintendent of highways, is given to the establishment thereof, and that such moneys are only expended therefrom on order of the town superintendent of highways upon audit and with the consent of the town board.

7. The moneys in each such fund shall be deposited and secured in the manner provided by section ten of this article. The governing board or the chief fiscal officer of such municipality, if the governing board shall delegate such duty to him, may invest the moneys in each such fund in the manner provided in section eleven of this article. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of each such fund. The separate identity of each such fund shall be maintained, whether its assets consist of cash or investments or both.

8. An expenditure shall be made from a fund only by an authorization of the governing board and for a specific capital improvement or a specific item or specific items of equipment, the cost of which may be financed therefrom. However, if a proposed expenditure is from a fund established for a type of capital improvement or equipment and if it is required by law that the authorization by such governing board of the issuance of obligations for such capital improvement or equipment be subject to a permissive or mandatory referendum, then the authorization of such an expenditure shall be subject to a permissive referendum. In the event that the authorization by such governing board of the issuance of obligations for such capital improvement or equipment is required by law to be subject to a permissive or mandatory referendum only if such obligations are to have a maturity of more than five years or not less than some other minimum period, then the authorization of such an

expenditure shall be subject to a permissive referendum only if the period of probable usefulness of such capital improvement or equipment is equal to or more than such minimum period of maturity. Such a permissive referendum shall be governed in the manner provided in paragraph four of this section. Notwithstanding any other provision of this section, but subject to the provisions of this paragraph, if a capital reserve fund has been established for a specific capital improvement and it is later determined that a part of the cost of such capital improvement is to be borne by assessments for benefit or ad valorem taxes upon real property within an area of benefit within a municipality, such fund may be expended to pay all or part of the share to be borne by the municipality at large.

9. The governing board may authorize the transfer to the credit of another capital reserve fund of all or part of:

a. The unexpended balance remaining in a fund established for a specific capital improvement or a specific item or specific items of equipment, which improvement has been completed or acquired, or which equipment has been acquired, after deducting from such balance a sum sufficient to satisfy all outstanding claims arising from the construction, reconstruction or acquisition of such capital improvement or the acquisition of such equipment.

b. The unexpended balance remaining in a fund established for a specific item or specific items of equipment which have not been acquired or a specific capital improvement which has not been completed or acquired, or remaining in a fund established for a type of capital improvement or a type of equipment. If the proposed transfer is from a fund established for a specific capital improvement or a specific item or specific items of equipment, the authorization of such transfer shall be subject to a permissive referendum if the authorization of the creation of a fund for such capital improvement or item or items of equipment was subject to a permissive referendum. A permissive referendum on the authorization of such transfer shall be governed in the manner provided in paragraph four of this section.

c. Nothing in this subdivision shall be construed to authorize the transfer to the credit of another capital reserve fund from a capital reserve fund having a different tax base.

9-a. The governing board also may appropriate for:

1. An object or purpose for which bonds may be issued, or

2. The payment of interest on and principal of indebtedness, other than indebtedness evidenced by bonds and notes described in paragraphs A and D of section five of article eight of the state constitution, and indebtedness for assessable improvements or renewals thereof,
all or part of the unexpended balance remaining in a fund established for a specific capital improvement or specific item or items of equipment. Any such appropriation may not be made unless the improvement has been completed or acquired, or the equipment has been acquired, and shall not include any moneys required to satisfy all outstanding claims arising from the construction, reconstruction or acquisition of such capital improvement or the acquisition of such equipment.

10. The chief fiscal officer shall keep a separate account for each fund established. Such account shall show:

a. The date and amount of each sum paid into the fund.

b. The interest earned by such fund.

c. The capital gains or losses resulting from the sale of investments of the fund.

d. The interest or capital gains which have accrued to the fund.

e. The amount and date of each withdrawal from the fund.

f. The assets of the fund, indicating the cash balance therein and a schedule of the amounts invested in federal or state obligations.
The chief fiscal officer, at the termination of each fiscal year, shall

render a detailed report of the operation and condition of each of such funds to the governing board.

11. The members of the governing board are hereby declared trustees of such funds and shall be subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the county, city, town or village, as the case may be, or by any board, commission, agency, officer or taxpayer thereof.

12. The members of the governing board shall be guilty of a misdemeanor if they:

a. Authorize a withdrawal from a fund for any purpose other than for a capital improvement or an item or items of equipment, the cost of which has been authorized to be financed in whole or in part from such fund.

b. Expend any money withdrawn from a fund for a purpose other than that for which it was authorized to be withdrawn.
The provisions of this paragraph shall be considered to be in addition to any other penalties provided by law.

13. Notwithstanding the foregoing provisions of this section, in any town which is located wholly or partly within the Adirondack park and has within its boundaries state lands subject to taxation assessed at more than thirty per centum of the total taxable assessed valuation of the town as determined from the assessment rolls of the town, as completed from time to time, a capital reserve fund shall not be established on and after May first, nineteen hundred forty-eight, unless the state comptroller, on behalf of the state, shall consent thereto, and, on and after May first, nineteen hundred forty-eight, in any such town no expenditure or transfer shall be made from a capital reserve fund heretofore or hereafter established unless the state comptroller, on behalf of the state, shall consent thereto.

§ 6-d. Repair reserve funds for municipal corporations, school districts, district corporations and improvement districts. 1. The governing board of any municipal corporation, school district, district corporation, or town or county improvement district, may establish a special fund which shall be known as the repair reserve fund of such municipal corporation, school district, district corporation or improvement district. There may be paid into such fund an amount as may be provided therefor by budgetary appropriation or such revenues as are not required by law to be paid into any other fund or account.

2. In cases of emergency, moneys in such fund may be expended pursuant to a resolution approved by not less than two-thirds of the members of the governing body of such municipal corporation, school district, district corporation or improvement district providing that not less than one-half of the moneys so expended shall be repaid in the fiscal year immediately following the fiscal year in which such moneys were expended and the total amount shall be repaid not later than the last day of the second fiscal year succeeding the fiscal year in which the moneys were expended.

Prior to the adoption of any other resolution, act, ordinance or local law by the governing board of such municipal corporation, school district, district corporation or improvement district, appropriating money from such fund, the governing board shall cause to be published in the official newspaper or newspapers, if any, or otherwise in a newspaper or newspapers designated for such purpose, a notice stating in substance that it is proposed to appropriate a specified amount from the repair reserve fund for a particular purpose, and that a public hearing on such proposed appropriation will be held at a time and place stated therein. At least five days shall elapse between the publication of such notice and the date specified for the hearing. The hearing shall be held at the time and place so specified.

3. Moneys in such fund may be appropriated only:

a. For repairs of capital improvements or equipment, which repairs are of a type not recurring annually or at shorter intervals.

b. In the case of a municipal corporation, to a capital reserve fund established pursuant to section six-c of this article or to a contingency and tax stabilization reserve fund established pursuant to section six-e of this article.

c. In the case of a fire district, to a capital reserve fund established pursuant to section six-g.

d. In the case of a school district, to a reserve fund established pursuant to section thirty-six hundred fifty-one of the education law.

4. The moneys in such fund shall be deposited and secured in the manner provided by section ten of this article. The moneys in such fund so deposited shall be accounted for separate and apart from all other funds of the municipal corporation, school district, district corporation or improvement district, in the same manner as provided in subdivision ten of section six-c of this article. The governing board or the chief fiscal officer of such municipal corporation, school district, district corporation or improvement district, if the governing board shall delegate such duty to him, may invest the moneys in such fund in the manner provided in section eleven of this article. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of such fund.

5. The members of the governing board of such municipal corporation, school district, district corporation or improvement district are hereby declared trustees of such fund and shall be subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by such municipal corporation, school district, district corporation or improvement district, as the case may be, or by any board, commission, agency, officer or taxpayer thereof.

6. The members of the governing board of such municipal corporation, school district or district corporation shall be guilty of a misdemeanor if they:

a. Authorize a withdrawal from a repair reserve fund for any other purpose except as provided in this section.

b. Expend any money withdrawn from a repair reserve fund for a purpose other than that as provided in this section.

7. Notwithstanding the foregoing provisions of this section, in any town which is located wholly or partly within the Adirondack park and has within its boundaries state lands subject to taxation assessed at more than thirty per centum of the total taxable assessed valuation of town as determined from the assessment rolls of the town as completed from time to time, or in any district corporation or improvement district situated in whole or in part in any such town, a repair reserve fund shall not be established unless the state comptroller, on behalf of the state, shall consent thereto, and in any such town or district corporation or improvement district no appropriation shall be made from a repair reserve fund unless the state comptroller, on behalf of the state, shall consent thereto.

8. Moneys of a municipal corporation, school district or district corporation which, upon June thirtieth, nineteen hundred fifty, constitute a repair reserve fund of such municipal corporation, school district or district corporation, shall continue to so constitute a special fund and be known as the repair reserve fund of such municipal corporation, school district or district corporation. From and after such date, payments to, and appropriations from, such fund shall be subject to the foregoing provisions of this section.

§ 6-e. Contingency and tax stabilization reserve fund for municipal corporations. 1. As used in this section:

a. "Annual budget" means the annual budget or estimate, as finally adopted, of a municipal corporation which is required by law to adopt an annual budget or estimate of the expenditures to be made for a fiscal year for the general support or for the expenses of the government of such municipal corporation during such fiscal year.

b. "Base year" means the most recent fiscal year for which an annual report has been filed with the state comptroller pursuant to section thirty of this chapter.

c. "Chief executive officer" means a chief executive officer as defined in paragraph five-a of section 2.00 of the local finance law.

d. "Chief fiscal officer" means a chief fiscal officer as defined in paragraph five of section 2.00 of the local finance law.

e. "Eligible portion of the annual budget" means:

(1) in the case of a contingency and tax stabilization reserve fund established for a county, city, village or fire district, the general fund portion of the annual budget;

(2) in the case of a contingency and tax stabilization reserve fund established for a town, the town-wide general fund and highway fund portions of the annual budget; and

(3) in the case of a contingency and tax stabilization reserve fund established for the part of a town outside any villages, the general fund and highway fund portions of the annual budget for such part of the town.

f. "Estimated revenue" means revenue from a specific source which is expected to be received during a fiscal year and which is included in the annual budget as finally adopted for that fiscal year.

g. "Governing board" means a governing board as defined in section two of this chapter and, in the case of a fire district, shall mean the board of fire commissioners.

h. "Municipal corporation" means a municipal corporation as defined in section two of this chapter and shall also include a fire district.

i. "Public emergency" means an epidemic, conflagration, riot, storm, flood or other sudden, unforeseen or unexpected occurrence or condition which requires the immediate expenditure of moneys to protect the public health, safety or welfare of the inhabitants of the municipal corporation.

j. "Tentative budget" means the tentative budget prepared pursuant to section three hundred fifty-four of the county law, section one hundred six of the town law or section 5-504 of the village law, the statement of expenditures prepared pursuant to section one hundred eighty-one of the town law, or similar document prepared pursuant to general, special or local law.

k. "Unanticipated expenditure" means an expenditure for a specific purpose for which there is no or insufficient appropriation or which will cause an appropriation to be insufficient that is necessitated by a change in federal or state laws, rules or regulations, a court order, judgement or decree, a public emergency, or an industry-wide price, rate or premium increase, which takes effect or occurs after final adoption of the annual budget and which could not have been reasonably anticipated prior to final adoption of the annual budget.

l. "Unanticipated revenue loss" means estimated revenue which is rendered unreceivable because of a change in federal or state laws, rules or regulations, a court order, judgement or decree, or other circumstance, which takes effect or occurs after final adoption of the annual budget and which could not have been reasonably anticipated prior to final adoption of the annual budget.

m. "Unappropriated unreserved fund balance" means the difference between the total assets for a fund and the total liabilities, deferred revenues, encumbered appropriations, amounts appropriated for the ensuing fiscal year's budget, and amounts reserved for stated purposes pursuant to law, including reserve funds established pursuant to the general municipal law for the fund, as determined through application of the system of accounts prescribed by the state comptroller pursuant to section thirty-six of this chapter.

n. "Voting strength" means the aggregate number of votes which all the members of the governing board are entitled to cast.

2. The governing board of any municipal corporation, by resolution

subject to a permissive referendum, may establish a contingency and tax stabilization reserve fund for the municipal corporation and, in the case of a town, also for the part of the town outside any villages. Such permissive referendum shall be governed by:

a. in the case of a county, sections one hundred one through one hundred three of the county law;

b. in the case of a city, sections twenty-four through twenty-six of the municipal home rule law;

c. in the case of a town or the part of a town outside any villages, article seven of the town law;

d. in the case of a village, article nine of the village law; and

e. in the case of a fire district, subdivision four of section six-g of this article.

3. There may be paid into the contingency and tax stabilization reserve fund such amounts as may be provided therefor by budgetary appropriation, unappropriated unreserved fund balance in the eligible portion of the annual budget, and such revenues as are not required by law to be paid into any other fund or account; provided, however, that no amount may be appropriated for payment into a contingency and tax stabilization reserve fund which would cause the balance of the fund to exceed ten percent of the eligible portion of the annual budget for the fiscal year for which the appropriation would be made.

4. a. The moneys in a contingency and tax stabilization reserve fund may be expended only pursuant to an appropriation for a purpose authorized by this subdivision. Except as provided in paragraph e of this subdivision, such an appropriation shall be made only upon the recommendation of the chief executive officer and the adoption of a resolution appropriating the recommended amount by at least two-thirds of the voting strength of the governing board.

b. The moneys in a contingency and tax stabilization reserve fund may be used to finance an unanticipated revenue loss chargeable to the eligible portion of the annual budget, subject to the following limitations:

(1) the maximum amount of moneys in the fund that may be used to finance an unanticipated revenue loss shall equal either the amount of the revenue actually received for the base year or the amount of the estimated revenue for the current fiscal year, whichever is less, minus the amount of the revenue actually received for the current fiscal year; and

(2) the moneys in the fund may be used only to finance that portion of the unanticipated revenue loss which, as a matter of law, cannot be financed with amounts available in any other account or fund.

c. The moneys in a contingency and tax stabilization reserve fund may be used to finance an unanticipated expenditure chargeable to the eligible portion of the annual budget, subject to the following limitations:

(1) the maximum amount of moneys in the fund that may be used to finance an unanticipated expenditure shall equal the sum of the amount of the unanticipated expenditure and the amount appropriated for that purpose for the current fiscal year minus either the amount appropriated for that purpose for the current fiscal year or the actual expenditure for the same purpose in the base year, whichever is greater; and

(2) the moneys in the fund may be used only to finance that portion of an unanticipated expenditure which, as a matter of law, cannot be financed with amounts available in any other account or fund.

d. The moneys in the contingency and tax stabilization reserve fund may be used to lessen or prevent any projected increase in excess of two and one-half percent in the amount of the real property tax levy needed to finance the eligible portion of the annual budget for the next succeeding fiscal year. The maximum amount of moneys in the fund that may be used for this purpose shall equal the difference between the projected amount of such real property tax levy and one hundred two and one-half percent of the amount of the real property tax levy needed to finance the eligible portion of the annual budget for the current fiscal year.

e. When preparing the tentative budget of a municipal corporation, if the current balance of a contingency and tax stabilization reserve fund, as shown by the statement of the chief fiscal officer required by subdivision six of this section, exceeds ten percent of the eligible portion of the annual budget for the current fiscal year, such excess shall be used to reduce the amount of real property taxes needed to finance the eligible portion of the annual budget for the next succeeding fiscal year.

5. The moneys in the contingency and tax stabilization reserve fund shall be deposited in one or more of the banks or trust companies designated, in the manner provided by law, as depositories of the funds of such municipal corporation. The governing board, or the chief fiscal officer having custody of such money of such municipal corporation, if the governing board shall delegate such duty to him, may invest the moneys in such fund in obligations specified in section eleven of this article. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund.

6. The chief fiscal officer shall account for the contingency and tax stabilization reserve fund separate and apart from all other funds of the municipal corporation. Such accounting shall show: the source, date and amount of each sum paid into the fund; the interest earned by such fund; capital gains or losses resulting from the sale of investments of the fund; the order, source thereof, date and amount of each appropriation from this fund; the assets of the fund, indicating cash balance and a schedule of investments. Not later than sixty days after the start of each fiscal year and at such times as may be required by the governing board, the chief fiscal officer shall furnish to the governing board a detailed report of the operation and condition of the fund during the preceding fiscal year which shall include a statement of receipts and disbursements, and a statement of the balance of the fund as of the last day of such preceding fiscal year and such other dates as may be specified by the governing board. Not later than thirty days prior to the last date provided by law for the filing of the tentative

budget, the chief fiscal officer shall furnish to the officer or body responsible for preparing the tentative budget a statement of the current balance of the fund.

7. The members of the governing board are hereby declared trustees of the moneys in the contingency and tax stabilization reserve fund and shall be subject to all duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the municipal corporation or by any board, commission, agency, officer or taxpayer thereof.

8. Any officer of a municipal corporation shall be guilty of a misdemeanor if he or she willfully and knowingly causes the municipal corporation to:

a. Appropriate moneys from the contingency and tax stabilization reserve fund for any purpose not authorized by this section.

b. Expend any money from the contingency and tax stabilization reserve fund for a purpose other than that for which it was appropriated.
The provisions of this subdivision shall be considered to be in addition to any other penalties provided by law.
* 4. Moneys in such fund shall be deposited and secured in the manner provided by section ten of this article. The moneys in such fund so deposited shall be kept in a separate bank account. The governing board or the chief fiscal officer of such municipality, if the governing board shall delegate such duty to him, may invest the moneys in such fund in the manner provided in section eleven of this article. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of such fund. Such board or officer shall incur no personal liability on account of any investment made pursuant to the provisions of this section.
* NB sb. 4 amended by Ch. 708/92, § 3 is to former section 6-E - repealed Ch. 655/92

§ 6-f. Snow and ice removal and road repair reserve funds for

municipal corporations. 1. The governing board of any municipal corporation may establish a special fund which shall be known as the snow and ice removal and road repair reserve fund of such municipal corporation. There may be paid into such fund an amount as may be provided therefor by budgetary appropriation or such revenues as are not required by law to be paid into any other fund or account.

2. In cases of emergency, moneys in such fund may be expended pursuant to a resolution approved by not less than two-thirds of the members of the governing body of such municipal corporation providing that not less than one-half of the moneys so expended shall be repaid in the fiscal year immediately following the fiscal year in which such moneys were expended and the total amount shall be repaid not later than the last day of the second fiscal year succeeding the fiscal year in which the moneys were expended. Prior to the adoption of any other resolution, act, ordinance or local law by the governing board of such municipal corporation, appropriating money from such fund, the governing board shall cause to be published in the official newspaper or newspapers, if any, or otherwise in a newspaper or newspapers designated for such purpose, a notice stating in substance that it is proposed to appropriate a specified amount from the snow and ice removal and road repair reserve fund for a particular purpose, and that a public hearing on such proposed appropriation will be held at a time and place stated therein. At least five days shall elapse between the publication of such notice and the date specified for the hearing. The hearing shall be held at the time and place so specified.

3. Moneys in such fund may be appropriated only:

a. For the removal of snow and ice from the public thoroughfares and public places of such municipal corporation, which removal is of a type not likely to recur annually or at shorter intervals.

b. For repairing and maintaining roadways to the extent damage to such roadways was caused by the removal of snow and ice, including but not limited to repairing potholes and other road surface maintenance, which repairs and maintenance are of a type not likely to recur annually or at shorter intervals.

c. To a capital reserve fund established pursuant to section six-c, to a repair reserve fund established pursuant to section six-d or to a tax stabilization reserve fund established pursuant to section six-e of this article.

4. The moneys in such fund shall be deposited and secured in the manner provided by section ten of this article. The moneys in such fund so deposited shall be accounted for separate and apart from all other funds of the municipal corporation, in the same manner as provided in subdivision ten of section six-c of this article. The governing board or the chief fiscal officer of such municipal corporation, if the governing board shall delegate such duty to him, may invest the moneys in such fund in the manner provided in section eleven of this article. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of such fund.

5. The members of the governing board of such municipal corporation are hereby declared trustees of such fund and shall be subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by such municipal corporation or by any board, commission, agency, officer or taxpayer thereof.

6. The members of the governing board of such municipal corporation shall be guilty of a misdemeanor if they:

a. Authorize a withdrawal from a snow and ice removal and road repair reserve fund for any other purpose except as provided in this section.

b. Expend any money withdrawn from a snow and ice removal and road repair reserve fund for a purpose other than that as provided in this section.

7. Notwithstanding the foregoing provisions of this section, in any town which is located wholly or partly within the Adirondack park and

has within its boundaries state lands subject to taxation assessed at more than thirty per centum of the total taxable assessed valuation of the town as determined from the assessment rolls of the town as completed from time to time, or in any district corporation or improvement district situated in whole or in part in any such town, a snow and ice removal and road repair reserve fund shall not be established unless the state comptroller, on behalf of the state, shall consent thereto, and in any such town or district corporation or improvement district no appropriation shall be made from a snow and ice removal and road repair reserve fund unless the state comptroller, on behalf of the state, shall consent thereto.

§ 6-g. Capital reserve funds for fire districts. 1. As used in this section:

a. The term "capital improvement" shall mean:

(1) Any physical betterment or improvement or any preliminary studies and surveys relative thereto.

(2) Land or rights in land.

(3) Any furnishings, equipment, machinery or apparatus for any physical public betterment or improvement acquired at the time when such betterment or improvement is constructed, reconstructed or acquired.

b. The term "equipment" shall include any equipment, machinery or apparatus not included in the definition of the term "capital improvement" and for the acquisition of which a period of probable usefulness has been provided by law.

c. The term "obligations" shall include bonds, notes, certificates or other evidences of indebtedness.

2. The board of fire commissioners of any fire district may establish capital reserve funds for the financing of all or a part of the cost of:

a. The construction, reconstruction or acquisition of a specific capital improvement or the acquisition of a specific item or specific items of equipment.

b. The construction, reconstruction or acquisition of a type of capital improvement or the acquisition of a type of equipment.

3. If the board of fire commissioners authorizes the establishment of a capital reserve fund for the financing of all or part of the cost of the construction, reconstruction or acquisition of a specific capital improvement or the acquisition of a specific item or specific items of equipment, it shall set forth in such authorization the estimated maximum cost thereof.

4. Any resolution of the board of fire commissioners authorizing the establishment of a reserve fund shall not take effect until approved by the affirmative vote of a majority of the electors of such fire district affected, qualified to vote at an annual election of fire district officers, voting on such proposition. Any special election shall be held in the manner provided in section one hundred seventy-nine of the town law, as amended from time to time.

A proposition for the submission of any such resolution of the board of fire commissioners to the approval of the said qualified electors pursuant to this section, shall contain an abstract of such resolution concisely stating the purposes and effect thereof. The fire district secretary shall prepare such abstract with the advice of the attorney for the fire district, if there be one, and forthwith transmit the proposition to the board of fire commissioners in the form in which it is to be submitted at such annual or special election of such fire district. If there be more than one such proposition to be voted upon at such election, each proposition shall be separately and consecutively numbered.

5. There may be paid into any such capital reserve fund:

a. Such an amount as may be provided therefor in the annual budget of the fire district adopted pursuant to section one hundred eighty-one of the town law or pursuant to section one hundred eighty-one-a of the town law.

b. Such revenues as are not required by law to be paid into any other fund or account, including the proceeds from the sale of any capital improvement or equipment owned by such fire district.

6. The moneys in each such capital reserve fund shall be deposited and secured in the manner provided by section ten of this article. The board of fire commissioners or the fire district treasurer of such fire district, if the board of fire commissioners shall delegate such duty to him, may invest the moneys in each such fund in the manner provided in section eleven of this article. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of each such fund. The separate identity of each such fund shall be maintained, whether its assets consist of cash or investments or both.

7. An expenditure from a reserve fund shall be made only upon authorization by the board of fire commissioners and for a specific capital improvement or a specific item or specific items of equipment, the cost of which may be financed therefrom. However, if a proposed expenditure is from a fund established for a type of capital improvement or equipment and if it is required by law that the authorization by such board of fire commissioners of the issuance of obligations for such capital improvement or equipment be subject to a permissive or mandatory referendum, then the authorization of such an expenditure shall be subject to a permissive referendum. Within ten working days after the adoption by a board of fire commissioners of a resolution described in this section as being subject to a permissive referendum, the fire district secretary, in the same manner as provided for notice of annual elections, shall publish a notice which shall set forth the date of the adoption of the resolution and contain an abstract of such resolution concisely stating the purposes and effect thereof. The notice shall specify that such resolution was adopted subject to a permissive referendum. Any such resolution of the board of fire commissioners shall not take effect until thirty days after its adoption; nor until approved by the affirmative vote of a majority of the electors of such fire

district affected, qualified to vote at an annual election of fire district officers, voting on such proposition, if within thirty days after its adoption there be filed with the fire district secretary a petition signed and acknowledged or proved in the same manner as a deed to be recorded, by resident taxpayers of such fire district, owning taxable real property aggregating at least one-quarter of the assessed valuation of all the taxable real property of the fire district as such valuations appear upon the latest completed assessment roll of the town or towns in which said fire district is located, protesting against such resolution and requesting that it be submitted to the qualified electors of the fire district affected for their approval or disapproval. If such petition be so filed not more than forty-five days nor less than thirty days prior to an annual election of fire district officers, a proposition for the approval of such resolution shall be submitted at such annual election of fire district officers. If a petition be so filed at any other time, a proposition for the approval of such resolution shall be submitted at a special fire district election to be held not more than forty days after the filing of such petition. If, within five days after the filing of such petition, a written objection thereto be filed with the fire district secretary, and a verified petition setting forth the objections be presented by the person so filing such objections to the supreme court or any justice thereof of the judicial district in which such fire district or any part thereof is located, such court or justice within twenty days shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by section 16-116 of the election law. A proposition for the submission of any such resolution of the board of fire commissioners to the approval of the said qualified electors pursuant to this section, shall contain an abstract of such resolution concisely stating the purposes and effect thereof. The fire district secretary shall prepare such abstract with the advice of the attorney for the fire district, if there be one, and forthwith transmit the proposition to the board of fire commissioners in the form in which it is to be submitted at such annual or special election of such fire district. If there be more than one such proposition to be voted upon at such election, each proposition shall be separately and consecutively numbered.

8. The board of fire commissioners may authorize the transfer to the credit of another capital reserve fund of such fire district all or part of:

a. The unexpended balance remaining in a fund established pursuant to this section for a specific capital improvement or a specific item or specific items of equipment, which improvement has been completed or acquired, or which equipment has been acquired, after deducting from such balance a sum sufficient to satisfy all outstanding claims arising from the construction, reconstruction or acquisition of such capital improvement or the acquisition of such equipment.

b. The unexpended balance remaining in a fund established pursuant to this section for a specific item or specific items of equipment which have not been acquired or a specific capital improvement which has not been completed or acquired, or remaining in a fund established pursuant to this section for a type of capital improvement or a type of equipment. If the proposed transfer is from a fund established for a specific capital improvement or a specific item or specific items of equipment, the authorization of such transfer shall be subject to a permissive referendum if the authorization of the creation of a fund for such capital improvement or item or items of equipment was subject to a permissive referendum. A permissive referendum on the authorization of such transfer shall be governed in the manner provided in subdivision seven of this section.

9. The fire district treasurer shall keep a separate account for each fund established. Such account shall show:

a. The date and amount of each sum paid into the fund.

b. The interest earned by such fund.

c. The capital gains or losses resulting from the sale of investments of the fund.

d. The interest or capital gains which have accrued to the fund.

e. The amount and date of each withdrawal from the fund.

f. The assets of the fund, indicating the cash balance therein and a schedule of the amounts invested in federal or state obligations. The fire district treasurer, at the termination of each fiscal year, shall render a detailed report of the operation and condition of each of such funds to the board of fire commissioners.

10. The members of the board of fire commissioners are hereby declared trustees of such funds and shall be subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the fire district or by any board, commission, agency, officer or taxpayer thereof.

11. The members of the board of fire commissioners shall be guilty of a misdemeanor if they:

a. Authorize a withdrawal from a fund for any purpose other than for a capital improvement or an item or items of equipment, the cost of which has been authorized to be financed in whole or in part from such fund.

b. Expend any money withdrawn from a fund for a purpose other than that for which it was authorized to be withdrawn.

The provisions of this subdivision shall be considered to be in addition to any other penalties provided by law.

12. The board of water commissioners of a water district to which the provisions of article thirteen of the town law apply, and which has the powers of the fire district commissioners as provided in subdivisions nine to twenty-four, inclusive, of section one hundred seventy-six of the town law, may establish capital reserve funds as in this section provided for the financing of all or a part of the cost of capital improvements and equipment for fire department and fire protection purposes, in the same manner and to the same extent that the board of

fire commissioners of a fire district may establish capital reserve funds for such purposes, and all of the provisions of this section shall apply in relation to the financing of all or a part of such capital improvements or equipment, and all references in this section to a fire district shall be deemed to refer to such water district, and all references herein to a fire district secretary or treasurer shall be deemed to refer to the secretary or treasurer of such board of water commissioners, except that if such board of water commissioners does not have a treasurer the provisions relating to the fire district treasurer shall be deemed to refer to the supervisor of the town in which such water district is located.

13. Notwithstanding the foregoing provisions of this section, if any such fire district is situated in whole or in part in a town which is wholly or partly within the Adirondack park and has within the town boundaries state lands subject to taxation assessed at more than thirty per centum of the total taxable assessed valuation of the town as determined from the assessment rolls of the town, as completed from time to time, a capital reserve fund for the fire district shall not be established on and after May first, nineteen hundred forty-eight, unless the state comptroller, on behalf of the state, shall consent thereto, and, on and after May first, nineteen hundred forty-eight, in any such fire district so located, no expenditure or transfer shall be made from a capital reserve fund heretofore or hereafter established unless the state comptroller, on behalf of the state, shall consent thereto.

§ 6-h. Reserve fund for payment of bonded indebtedness in counties, cities, villages, towns and fire districts. 1. As used in this section, the term "governing board," in so far as it is used in reference to a county, shall mean the board of supervisors thereof; in so far as it is used in reference to a city, shall mean the "local legislative body" thereof, as that term is defined in subdivision seven of section two of the municipal home rule law, as amended from time to time; in so far as it is used in reference to a village, shall mean the board of trustees thereof; in so far as it is used in reference to a town, shall mean the town board thereof; in so far as it is used in reference to a fire district, shall mean the board of fire commissioners.

2. The governing board of any county, city, village, town or fire district may by resolution adopted by a majority vote of its governing body establish a reserve fund for the payment of its bonded indebtedness as herein described, provided, however, that such debt reserve fund shall not be established for, or moneys therein used to pay, any obligations payable in the first instance from assessments, or from taxes levied upon an area in such county, city, village, town or fire district smaller than the area of such county, city, village, town or fire district.

3. Such fund may be established for the payment of one or of several issues of bonds of such municipality or the purchase of the same.

4. There may be paid into such fund:

a. Such an amount as may be provided therefor by budgetary appropriation.

b. Such revenues as are not otherwise appropriated or required by law to be paid into any other fund or account.

5. An expenditure from such a reserve fund may only be made by appropriation pursuant to a resolution of the governing board of the municipal corporation or fire district establishing the same and only for the payment of the principal and interest on bonds issued by such municipal corporation or fire district and forming a part of an issue having a maximum maturity of not less than five years; or for the purchase of bonds of such municipal corporation or fire district forming a part of an issue having a maximum maturity of not less than five years at a price not to exceed the par value thereof and accrued interest to the date of delivery of such bonds to such municipal corporation or fire district, provided, however, that if any such bonds were issued subject to the right of such municipal corporation or fire district to redeem the same prior to the maturity date thereof then such purchase may be made for the redemption of such bonds at the price and on the terms

stated in such bonds or in the proceeding authorizing the same as the case may be.

Where provision has been made in the current budget from funds other than a reserve fund for the payment of the principal and interest on bonds or the purchase thereof, no expenditure may be made for the purchase or payment of the same from such a reserve fund during the current fiscal year for which such budget was adopted.

All expenditures from such fund as provided in this subdivision may only be made by the chief fiscal officer of the municipal corporation or fire district establishing the same.

Any such bonds so paid, purchased or redeemed and any interest coupons representing unmatured interest attached thereto shall be cancelled and destroyed by the chief fiscal officer of such municipal corporation or fire district establishing such fund who shall make a notation of such cancellation and destruction in the bond register of such municipal corporation or fire district. Such notation shall describe each such bond by title, date of issue, number, denomination and date of maturity, and if coupons are attached thereto by number, face value and date of maturity.

6. The governing board of a municipal corporation may, subject to a permissive referendum, authorize the transfer of a portion or all of such reserve to a capital reserve fund established pursuant to section six-c of the general municipal law.

The board of fire commissioners of a fire district may, subject to the approval of the voters at a regular or special election in such district, in the manner provided in section one hundred seventy-nine of the town law, authorize the transfer of a portion or all of such reserve to a capital reserve fund established pursuant to section six-g hereof.

7. The chief fiscal officer shall keep a separate account for each fund established. Such account shall show:

a. The date and amount of each sum paid into the fund.

b. The interest earned by such fund.

c. The capital gains or losses resulting from the sale of investments of the fund.

d. The interest or capital gains which have accrued to the fund.

e. The amount and date of each withdrawal from the fund.

f. The assets of the fund, indicating the cash balance therein and a schedule of the amounts invested. The chief fiscal officer at the termination of each fiscal year shall render a detailed report of the operation and condition of each of such funds to the governing board.

8. The members of the governing board are hereby declared trustees of such funds and shall be subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the county, city, village, town or fire district, as the case may be, or by any board, commission, agency, officer or taxpayer thereof.

9. The moneys in each such fund shall be deposited and secured in the manner provided by section ten of this article. The governing board or the chief fiscal officer of such municipal corporation or fire district, if the governing board shall delegate such duty to him, may invest the moneys in each such fund in the manner provided in section eleven of this article. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become a part of each such fund. The separate identity of each such fund shall be maintained whether its assets consist of cash, investments, or both.

10. The members of the governing board shall be guilty of a misdemeanor if they:

a. Authorize a withdrawal from a fund for any other purpose except as provided in this section.

b. Expend any money withdrawn from a fund for a purpose other than that as provided in this section.

11. Notwithstanding the foregoing provisions of this section, in any town which is located wholly or partly within the Adirondack park and has within its boundaries state lands subject to taxation assessed at more than thirty percentum of the total taxable assessed valuation of the town as determined from the assessment rolls of the town, as completed from time to time, a reserve fund for the payment of bonded indebtedness shall not be established on and after May first, nineteen hundred forty-eight, unless the state comptroller, on behalf of the state, shall consent thereto, and, on and after May first, nineteen hundred forty-eight, in any such town no expenditure or transfer from any such fund heretofore or hereafter established shall be made unless the state comptroller, on behalf of the state, shall consent thereto.

§ 6-i. Airport development and amortization funds. a. There shall be a fund set up for each airport acquired, constructed or maintained by a municipal corporation, which fund shall be known as the "................ airport development fund". There shall be paid into such fund all payments for leases, permits or other privileges at such airport, received prior to its construction or to the commencement of its operation. All moneys paid into such fund shall be used solely for the acquisition, construction or physical development of such airport.

b. There shall be a fund set up for each airport hereafter acquired or constructed by a municipal corporation, which fund shall be known as the "................ airport amortization fund". There shall be paid into such fund all revenues derived from the operation of such airport except parking fees, sightseeing fees and rentals derived from leases of real property at such airport not used exclusively for air transportation operations. The moneys paid into such fund shall be applied to the payment of interest on and the retirement of any outstanding indebtedness incurred for the acquisition and construction of such airport but any balance remaining beyond the amount required for such purposes shall be paid into the general fund of such municipal corporation for general municipal purposes.

§ 6-j. Workmen's compensation reserve fund. 1. The governing board of any municipal corporation, school district or fire district, which is, or shall hereafter become a self-insurer under the provisions of subdivision four of section fifty of the workers' compensation law or section thirty of the volunteer firefighters' benefit law may establish a reserve fund to be known as the workers' compensation reserve fund of such municipal corporation, school district or fire district.

2. There may be paid into any such fund (a) such amounts as may be provided therefor by budgetary appropriations and (b) such other sums as may be legally appropriated.

3. The moneys in such fund shall be deposited and secured in the manner provided by section ten of this article. The money in such fund so deposited shall be accounted for separate and apart from all other funds of the municipality, school district or fire district, in the same manner as provided in subdivision ten of section six-c of this article. The governing board, or the chief fiscal officer of such municipality, school district or fire district, if the governing board shall delegate such duty to him, may invest the moneys in such fund in the manner provided in section eleven of this article. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund. The separate identity of such fund shall be maintained whether its assets consist of cash or investments or both.

4. An expenditure shall be made from such fund only for the payment of compensation and benefits, medical, hospital or other expense authorized by article two of the workers' compensation law and by the volunteer firefighters' benefit law and expenses of administering the self-insurance program for such municipal corporation, school district or fire district.

5. If at the end of any fiscal year the moneys in such fund shall exceed the amounts required to be paid pursuant to subdivision four of this section plus any additional amount required to pay all pending claims, the governing board of the municipal corporation, school district, board of cooperative educational services or fire district may, within sixty days of the close of such fiscal year, elect to: (a) transfer said excess, or any part thereof, to any fund authorized by this article or section thirty-six hundred fifty-one of the education law; and/or (b) apply said excess, or any part thereof to the budget appropriation of the next succeeding fiscal year.

6. If the municipal corporation, school district or fire district shall, after the establishment of such fund, cease to be a self-insurer, the moneys remaining in such fund may be transferred to any other fund authorized by this chapter or section thirty-six hundred fifty-one of the education law only to the extent that the moneys in such fund shall exceed in amount the sum sufficient to pay all expenditures authorized in paragraph numbered four, both accrued and contingent.

§ 6-k. Electric utility depreciation reserve funds. The governing board of any municipal corporation operating an electric public utility service shall establish solely by appropriations from the revenues of such service, a depreciation reserve fund, the assets of which shall be used solely for, and for no other purpose than, the improvement, extension, or replacement of such service, or the payment of indebtedness incurred in relation to the construction, improvement, extension or replacement of such service, except as otherwise provided in section 123.00 of the local finance law and section eight of this article. Such governing board shall require that out of the revenues of such service there shall be deposited in the reserve fund, annually, quarterly, or monthly in its discretion, the amounts entered in the depreciation reserve account of such service as the depreciation accruals for any such period. A depreciation reserve account is an account in which the original cost of the service is being distributed to expenses in substantially equal annual, quarterly or monthly amounts during the expected service life of the component parts of the service, by direction of the public service commission. The moneys in the fund shall be deposited and secured in the manner provided by section ten of this article. The governing board, or the chief fiscal officer of such municipal corporation if the governing board shall delegate such duty to him, may invest the moneys of such fund in the manner provided in section eleven of this article. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the fund. The separate identity of the fund shall be maintained whether its assets consist of cash or investments or both.

§ 6-l. Mandatory reserve fund for municipal corporations, fire districts and school districts. 1. As used in this section, the term "governing board," in so far as it is used in reference to a municipal corporation, shall mean the "legislative body" thereof, as that term is defined in section two of the municipal home rule law, as amended from time to time; in so far as it is used in reference to a fire district, shall mean the board of fire commissioners thereof; in so far as it is used in reference to a school district, shall mean the board of trustees thereof.

2. Notwithstanding any other provision of this chapter, upon the cash sale by a municipal corporation, fire district or school district of a capital improvement, as defined in section six-c of this chapter, for the cost of which obligations were issued pursuant to the local finance law, and when all or part of such indebtedness is outstanding at the time of such sale, a mandatory reserve fund shall be established for the purpose of retiring such obligations, or, as an additional alternative, paying principal of, or redemption premiums in connection with such obligations or other obligations of at least equal weighted average life; provided however, that, if the proceeds of the sale are used or set aside to be used (i) to pay or provide for the construction, reconstruction, acquisition or installation of capital improvements or equipment, as defined in section six-c of this chapter, or (ii) for the payment of principal of, or redemption premiums in connection with, any outstanding obligations issued by the municipal corporation, fire

district or school district to finance such capital improvements or equipment, in an amount not less than the lesser of such proceeds or the principal amount of the indebtedness outstanding on the capital improvement sold, then such fund need not be established; provided, however, that if such amount to be so used, together with any other amounts so used pursuant to this sentence in the same fiscal year of such municipal corporation, fire district or school district, would exceed one percent of the limit prescribed by section 104.00 of the local finance law, then such fund shall nevertheless be established; and provided further, that a municipal corporation, fire district or school district shall within thirty days after the use of such proceeds pursuant to clause (i) herein, file a report with the state comptroller identifying: (a) the asset sold, (b) the amount of net proceeds from such sale, (c) the amount to be paid or provided pursuant to such clause (i), and (d) the capital improvements or equipment to be so paid for or provided. When a municipal corporation, fire district or school district has outstanding indebtedness incurred to finance the cost of such a capital improvement, federal and state aid received on account of such improvement, to the extent that it is not applied directly to the payment of a part of the cost of such improvement or to retire indebtedness issued in anticipation of such aid, shall likewise be deposited in a reserve fund for the purpose of retiring either such obligations or, as an additional alternative, other obligations of at least equal weighted average life. The entire proceeds of the sale or such state or federal aid received, as the case may be, shall be deposited to the credit of such fund, provided however, that if the aggregate amount thereof shall exceed the principal of such indebtedness due or to become due, or if, when all such outstanding obligations have been retired, any moneys remain unexpended in the reserve fund, such excess moneys may be used for any lawful municipal or district purpose, as the case may be. The provisions of this section shall not apply in a case where a provision of any other law requires that the proceeds of the sale of a capital improvement shall be deposited in a reserve fund established for the purpose of retiring outstanding obligations.

2-a. The provisions of this section shall apply to capital improvements of town and county improvement districts. For the purpose of implementing the provisions of this section in regard to such districts, the term "governing board" shall mean the governing board of the town or county, as the case may be, in which such district is located, and the term "chief fiscal officer" shall mean the chief fiscal officer of such town or county.

3. Appropriations from such fund shall be made only for the payment or payments of all or part of the said outstanding indebtedness. However, any balance remaining in said fund upon the payment of all outstanding principal and interest may be expended for any lawful purpose of the municipal corporation, fire district or school district.

4. The chief fiscal officer shall keep a separate account for each of such funds established. Such account shall show:

a. The date of creation of the fund and the amount credited thereto.

b. The interest earned by such fund.

c. The capital gains or losses resulting from the sale of investments of the fund.

d. The interest or capital gains which have accrued to the fund.

e. The amount and date of each withdrawal from the fund.

f. The assets of the fund, indicating the cash balance therein and a schedule of the amounts invested. The chief fiscal officer at the termination of each fiscal year shall render a detailed report of the operation and condition of each of such funds to the governing board.

5. The members of the governing board are hereby declared trustees of such funds and shall be subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the municipal corporation, fire district or school district, as the case may be, or by any board, commission, agency, office or taxpayer thereof. An expenditure from such mandatory reserve fund may be

made only by appropriation pursuant to a resolution of the governing board.

6. The moneys in each such fund shall be deposited and secured in the manner provided by section ten of this article. The governing board or the chief fiscal officer of such municipal corporation, fire district or school district, if the governing board shall delegate such duty to him, may invest the moneys in each such fund in the manner provided in section eleven of this article. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become a part of each such fund. The separate identity of each such fund shall be maintained whether its assets consist of cash, investments, or both.

7. The members of the governing board shall be guilty of a misdemeanor if they:

a. Authorize a withdrawal from any such mandatory reserve fund for any purpose other than as provided in this section.

b. Expend any money withdrawn from any such mandatory reserve fund for a purpose other than as provided in this section.

§ 6-m. Unemployment insurance payment reserve fund. 1. The governing board of any municipal corporation, school district, board of cooperative educational services, or fire district which has elected to become liable for payments in lieu of contributions required of employers liable for contributions under article eighteen of the labor law may establish a reserve fund to be known as an unemployment insurance payment reserve fund.

2. There may be paid into such fund (a) such amounts as may be provided therefor by budgetary appropriations, (b) amounts from any other fund authorized by this chapter by resolution subject to permissive referendum, and (c) such other funds as may be legally appropriated.

3. The moneys in such fund shall be deposited and secured in the manner provided by section ten of this article. The governing board, or the chief fiscal officer of such municipality, school district, board of cooperative educational services, or fire district, if the governing board shall delegate such duty to him, may invest the moneys in such fund in the manner provided by section eleven of this article. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund. The separate identity of such fund shall be maintained whether its assets consist of cash or investments or both.

4. An expenditure shall be made from such fund only as required by law to pay into the unemployment insurance fund an amount equivalent to the amount of benefits paid to claimants and charged to the account of such municipal corporation, school district, board of cooperative educational services, or fire district in accordance with the provisions of paragraph (e) of subdivision one of section five hundred eighty-one of the labor law.

5. If at the end of any fiscal year the moneys in such fund shall exceed the amounts required to be paid pursuant to subdivision four of this section plus any additional amount required to pay all pending claims, the governing board of the municipal corporation, school district, board of cooperative educational services or fire district may, within sixty days of the close of such fiscal year, elect to: (a) transfer said excess, or any part thereof, to any fund authorized by this article or section thirty-six hundred fifty-one of the education law; and/or (b) apply said excess, or any part thereof to the budget appropriation of the next succeeding fiscal year.

6. If the municipal corporation, school district, board of cooperative educational services, or fire district shall, after the establishment of such fund, terminate its election to become liable for payments in lieu of contributions, the moneys remaining in such fund may be transferred to any other fund authorized by this chapter or section thirty-six hundred fifty-one of the education law, only to the extent that the

moneys in such fund shall exceed in amount the sum sufficient to pay all pending claims.

§ 6-n. Insurance reserve fund. 1. a. "Municipal corporation," as used in this section, shall mean a municipal corporation, as defined in section two of this chapter, school district, except a school district in a city with a population of one hundred twenty-five thousand or more, board of cooperative educational services, fire district, a district corporation and a special improvement district governed by a separate board of commissioners.

b. "Judgments", "actions" and "claims", as used in this section, shall mean those judgments, actions and claims against the municipal corporation that arise out of those kinds of risks for which expenditures may be made pursuant to subdivision two of this section.

2. (a) The governing board of any municipal corporation may establish a reserve fund to be known as the insurance reserve fund. Upon the creation of the fund, the municipality may make expenditures from the fund for any loss, claim, action or judgment for which the municipal corporation is authorized or required to purchase or maintain insurance, except those kinds of risks for which insurance is authorized pursuant to paragraph one, two, three, fifteen, sixteen, seventeen, eighteen, twenty-two or twenty-three of subsection (a) of section one thousand one hundred thirteen of the insurance law, or for payments in lieu of contributions under article eighteen of the labor law; provided however, that no municipality shall make an expenditure from such fund for any loss, claim, action or judgment for which the municipal corporation has established a reserve fund under any other provision of law; provided, further that the Scarsdale union free school district, the Mamaroneck union free school district, the Minisink Valley central school district, the Vernon Verona Sherrill central school district, the Ithaca city school district, the Kenmore-Town of Tonawanda union free school district, the Bedford central school district, the Grand Island central school district, the Tonawanda city school district, the enlarged city school district of Middletown, the Frontier central school district, the

Owego Apalachin central school district, the Maine-Endwell central school district, the Binghamton city school district, the Candor central school district, the Cleveland Hill union free school district, the Depew union free school district, the Iroquois central school district, the Liverpool central school district, the Auburn enlarged city school district, the Carmel central school district, the Clarence central school district, the Fulton city school district, and the Canastota central school district may establish insurance reserve funds in compliance with this section and article seventy-four of the education law and such school districts may make expenditures in compliance with this section and article seventy-four of the education law from such reserve fund for any loss, claim, action or judgment for which the school districts are authorized or required to purchase or maintain insurance for the kinds of risks for which insurance is authorized pursuant to paragraph three of subsection (a) of section one thousand one hundred thirteen of the insurance law.

(b) Notwithstanding any other provision of law to the contrary, where a municipal corporation has previously established a reserve fund under another provision of law for a type of risk for which expenditures may be made under paragraph (a) of this subdivision, the municipal corporation may, by resolution, discontinue such other reserve fund and transfer any unexpended balance to the reserve fund established under this section; provided, however, that to the extent such unexpended balance is subject to any liabilities incurred or accrued against the other reserve fund, any unexpended balances so transferred shall only be used for such incurred or accrued liabilities including expenses in connection therewith. Prior to the discontinuance of the other reserve fund, the fiscal and legal officers of the municipal corporation shall certify to the governing board thereof the amount that may be necessary to satisfy all liabilities incurred or accrued against it.

3. There may be paid into such fund:

a. Such amounts as may be provided by budgetary appropriations;

b. Amounts from any other fund authorized by this chapter by resolution subject to permissive referendum; and

c. Such other funds as may be legally appropriated.

4. The amount paid into such fund during any fiscal year shall not exceed the greater of thirty-three thousand dollars or five per centum of the total budget for such fiscal year.

5. The moneys in such fund shall be deposited and secured in the manner provided by section ten of this article. The governing board, or the chief fiscal officer of such municipal corporation, if the governing board shall delegate such duty to him, may invest the moneys in such fund in the manner provided by section eleven of this article. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund.

6. The chief fiscal officer shall account for this fund separate and apart from all other funds of the municipal corporation. Such accounting shall show: the source, date and amount of each sum paid into the fund; the interest earned by such fund; capital gains or losses resulting from the sale of investments of this fund; the order, purpose thereof, date and amount of each payment from this fund; the assets of the fund, indicating cash balance and a schedule of investments. The chief fiscal officer, within sixty days of the end of each fiscal year, shall furnish a detailed report of the operation and condition of this fund to the governing board. The chief fiscal officer shall also keep a separate account for each kind of risk funded pursuant to subdivision two of this section.

7. Notwithstanding any provision of law to the contrary, municipal corporations shall not have the power to enter into agreements, among themselves or one for the other, to pool their reserve fund established pursuant to subdivision two of this section for the payment of judgments, actions and claims.

8. Any action or claim shall be compromised or settled by the governing board, officer or employee of the municipal corporation authorized to settle or compromise actions or claims on behalf of the

municipal corporation.

9. An expenditure may be made from this fund for the payment of all or part of the cost, including interest, of:

a. Judgments;

b. Actions that have been compromised or settled and that have been approved by the court in which the action or proceeding is pending;

c. Claims that have been settled or compromised and that have been approved by a justice of the supreme court of the judicial district in which the municipal corporation is located;

d. The uninsured portion of any loss to property owned by the municipal corporation if such loss arises out of a kind of risk described in subdivision two of this section.

e. Expert or professional services rendered in connection with the investigation, adjustment or settlement of claims, actions or judgments.

10. The order of the court or the justice approving such settlement or compromise may be granted upon motion of the body, officer or employee of the municipal corporation authorized to do so, supported by an affidavit setting forth the cause of action or claim against the municipal corporation and also such other information which, in its or his opinion, will enable the court or justice to arrive at a determination that such compromise or settlement is just, reasonable and to the interest of the municipal corporation. Such body, officer or employee may also present the affidavit of other persons in support of such motion. The court or the justice, in order to arrive at such a determination, may require such body, officer or employee to present additional information by a supplementary affidavit or affidavits or may require other persons to present additional information by their affidavits.

11. Notwithstanding subdivisions eight and nine of this section or any

other provision of law to the contrary, the governing body of any municipal corporation may, without judicial approval, compromise or settle any action or claim and make an expenditure from this fund where the amount of such settlement or compromise does not exceed twenty-five thousand dollars.

12. The members of the governing board shall be guilty of a misdemeanor if they:

a. Authorize a withdrawal from this fund for any purpose except as provided in this section; or

b. Expend any money withdrawn from this fund for a purpose other than as provided in this section.

13. If, after the establishment of such fund, the municipality determines that such fund is no longer needed, the moneys remaining in such fund may be transferred to any other reserve fund of the municipal corporation authorized by this chapter that is comprised of moneys which were raised on the same tax base as the moneys in the reserve fund established under this section or section thirty-six hundred fifty-one of the education law, only to the extent that the moneys in this fund shall exceed the sum sufficient to pay all liabilities incurred or accrued against it. Prior to the discontinuance of such fund, the fiscal and legal officers of such municipal corporation shall certify to the governing board thereof the amount that may be necessary to retain in such fund to satisfy all liabilities incurred or accrued against it and such sum shall be retained in the fund for payment of such amounts or until later certified that such funds are no longer needed.

§ 6-o. Solid waste management facility reserve funds. The governing body of a municipality may establish a fund, to be known as a solid waste management facility reserve fund of such municipality. There shall be deposited in such reserve fund such amounts as such governing body shall from time to time deem appropriate, which may include, but need not be limited to, such percentage of fees received by such municipality from the operation of municipally owned or operated solid waste management facilities as defined in title seven of article twenty-seven of the environmental conservation law, as deemed appropriate by such municipality. Moneys in the solid waste management facility reserve fund shall be deposited and secured in the manner provided by section ten of this article and shall be appropriated only for the purpose of paying amounts due for the design, construction and operation, of solid waste management facilities owned or operated by such municipality, and for closure, or post-closure care, including operation and maintenance expenses of solid waste management facilities owned or operated by or on behalf of such municipality. The management of a solid waste management facility reserve fund established pursuant to this section and shall be subject to the provisions of subdivision seven, eight and ten of section six-h of this article and the investment of moneys therein shall be subject to the provisions of section eleven of this article. The governing board of a municipality may authorize the transfer of funds from the solid waste management facility reserve fund to the credit of another capital reserve fund if the unexpended balance remaining in the fund established for a specific capital improvement has been completed, after deducting from such balance a sum sufficient to satisfy all outstanding claims arising from the construction, reconstruction or acquisition of such capital improvement. For the purposes of this section the term "municipality" shall mean a municipal corporation, as defined in section two of this chapter or any designated agency thereof, or a solid waste management district, public authority or public benefit corporation having power to construct, operate and maintain a solid waste management facility.

§ 6-p. Employee benefit accrued liability reserve fund. 1. The following terms when used or referred to in this section, shall have the following meaning:

(a) "Municipal corporation" shall mean a municipal corporation, as defined in section two of this chapter, school district, except a school district in a city with a population of one hundred twenty-five thousand or more, board of cooperative educational services, fire district, a district corporation and a special improvement district governed by a separate board of commissioners.

(b) "Employee benefits" shall mean the cash payment of the monetary value of accrued and accumulated but unused and unpaid sick leave, personal leave, holiday leave, vacation time, time allowances granted in lieu of overtime compensation and any other forms of payment for accrued but unliquidated time earned by municipal employees and payable to municipal employees upon termination of service, whether by retirement or otherwise, as authorized by ordinance, local law, or collective bargaining agreement or section six of the civil service law for which expenditures may be made pursuant to subdivision two of this section.

2. (a) The governing board of any municipal corporation may establish a reserve fund to be known as the employee benefit accrued liability reserve fund. Upon the creation of the fund, the municipality may make expenditures from the fund for any accrued employee benefit payment due an employee of the municipal corporation upon termination of the employee's service, provided however, that no municipality shall make an expenditure from such fund for any employee benefit for which the municipal corporation has established a reserve fund under any other provision of law.

(b) Notwithstanding any other provision of law to the contrary, where a municipal corporation has previously established a reserve fund for a type of accrued employee benefits for which expenditures may be made under paragraph (a) of this subdivision, the municipal corporation may, by resolution, discontinue such other reserve fund and transfer any unexpended balance to the reserve fund established under this section; provided, however, that to the extent such unexpended balance is subject to any liabilities incurred or accrued against the other reserve fund, any unexpended balances so transferred shall only be used for such incurred or accrued liabilities including expenses in connection therewith. Prior to the discontinuance of the other reserve fund, the fiscal and legal officers of the municipal corporation shall certify to the governing board thereof the amount that may be necessary to satisfy all liabilities incurred or accrued against it.

3. There may be paid into such fund:

(a) such amounts as may be provided by budgetary appropriations;

(b) amounts from any other fund authorized by this chapter by resolution subject to permissive referendum; and

(c) such other funds as may be legally appropriated.

4. The moneys in such fund shall be deposited and secured in the manner provided by section ten of this article. The governing board, or the chief fiscal officer of such municipal corporation, if the governing board shall delegate such duty to him, may invest the moneys in such fund in the manner provided by section eleven of this article. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund.

5. The chief fiscal officer shall account for this fund separate and apart from all other funds of the municipal corporation. Such accounting shall show: the source, date and amount of each sum paid into the fund; the interest earned by such fund; capital gains or losses resulting from the sale of investments of this fund; the order, purpose thereof, date and amount of each payment from this fund; the assets of the fund, indicating cash balance and a schedule of investments. The chief fiscal officer, within sixty days of the end of each fiscal year, shall furnish a detailed report of the operation and condition of this fund to the governing board. The chief fiscal officer shall also keep a separate account for each kind of employee benefit funded pursuant to subdivision two of this section.

6. Any action or claim for accrued employee benefits shall be compromised or settled by the governing board, officer or employee of the municipal corporation authorized to settle or compromise actions or claims on behalf of the municipal corporation.

7. An expenditure may be made from this fund for the payment of all or part of the cost, including interest, of:

(a) the cash payment of the monetary value of accumulated or accrued and unused sick leave, holiday leave, vacation leave, time allowance granted in lieu of overtime compensation and other forms of payment for accrued leave time and benefits due to a municipal employee upon termination of municipal employment and separation from service as required by ordinance, local law, collective bargaining agreement or section six of the civil service law.

(b) the reasonable costs of the administration of the reserve fund.

(c) expert or professional services rendered in connection with the investigation, adjustment or settlement of claims, actions or judgments relating to claims for accrued employee benefits as defined in this section.

8. No member of the governing board shall:

(a) authorize a withdrawal from this fund for any purpose except as provided in this section; or

(b) expend any money withdrawn from this fund for a purpose other than as provided in this section.

Any member of the governing board who violates the provision of this subdivision shall be guilty of a misdemeanor.

9. If, after the establishment of such fund, the municipality determines that such fund is no longer needed, the moneys remaining in such fund may be transferred to any other reserve fund of the municipal corporation authorized by this chapter that is comprised of moneys which were raised on the same tax base as the moneys in the reserve fund established under this section or section thirty-six hundred fifty-one of the education law, only to the extent that the moneys in this fund shall exceed the sum sufficient to pay all liabilities incurred or accrued against it. Prior to the discontinuance of such fund, the fiscal and legal officers of such municipal corporation shall certify to the governing board thereof the amount that may be necessary to retain in such fund to satisfy all liabilities incurred or accrued against it and such sum shall be retained in the fund for payment of such amounts or until later certified that such funds are no longer needed.

10. Notwithstanding any provision of law to the contrary, the governing board of a school district may, during the two thousand fifteen--two thousand sixteen school year, authorize a withdrawal from this fund in an amount not to exceed the lesser of: (a) the dollar value of excess funding in the fund as determined by the comptroller pursuant

to section thirty-three of this chapter or (b) the amount of the school district's remaining gap elimination adjustment as calculated by the commissioner of education pursuant to subdivision seventeen of section thirty-six hundred two of the education law. Funds withdrawn pursuant to this subdivision may only be used for the purpose of maintaining educational programming during the two thousand fifteen--two thousand sixteen school year which otherwise would have been reduced as a result of such gap elimination adjustment. Governing boards which make such a withdrawal shall submit, in a form prescribed by the commissioner of education, relevant information about the withdrawal, which shall include but not be limited to, the amount of such withdrawal, the date of withdrawal, and the use of such withdrawn funds.

11. Notwithstanding any other provision of law to the contrary, a board of cooperative educational services that has been determined upon state audit or in its annual independent audit to have accumulated an excess in such fund over the sum sufficient to pay all liabilities incurred or accrued against it shall withdraw the amount of such excess as of the date of withdrawal and shall distribute such amount to all school districts that paid to such board of cooperative educational services moneys that were deposited to such fund in the same proportion as the total payments from such school district into such fund bears to the total payments from all school districts into such fund, or, at the request of the school district, may use such amount to offset the administrative and capital expenses payable by the school district in the current school year, and any such amount attributable to an approved cost of service computed pursuant to subdivision five of section nineteen hundred fifty of the education law shall not be included in the approved cost of services computed pursuant to subdivision five of section nineteen hundred fifty of the education law. Such withdrawal shall be made within thirty days after the audit becomes final or within thirty days after this subdivision takes effect, whichever is later.

§ 6-q. Intermunicipal agreement for a joint capital reserve fund in the county of Tompkins. 1. As used in this section:

a. "Capital improvement" shall have the same meaning as such term is defined in section six-c of this article.

b. "Commission" shall mean the Southern Cayuga Lake intermunicipal water commission, as established by an intermunicipal agreement among the member municipalities, pursuant to section one hundred nineteen-o of this chapter, for the purposes of constructing and operating a water filtration plant, storage facilities and transmission facilities in the county of Tompkins, among other purposes.

c. "Equipment" shall have the same meaning as such term is defined in section six-c of this article.

d. "Member municipalities" shall mean the villages of Cayuga Heights and Lansing, the towns of Dryden, Ithaca and Lansing, and any other village or town electing to enter into the intermunicipal agreement establishing the Southern Cayuga Lake intermunicipal water commission.

2. Notwithstanding any other provision of law to the contrary, the member municipalities may, by intermunicipal agreement, establish a joint capital reserve fund, for the Southern Cayuga Lake intermunicipal water district, to provide for the financing of all or part of the cost of:

a. the construction, reconstruction or acquisition of a specific capital improvement or the acquisition of a specific item or specific items of equipment;

b. the construction, reconstruction or acquisition of a type of capital improvement or the acquisition of a type of equipment; or

c. a combination of specific and types of capital improvements and equipment.

3. Any agreement establishing such capital reserve fund shall be approved by all of the member municipalities.

4. The member municipalities shall determine by agreement:

a. the maximum amount to be deposited in such capital reserve fund;

b. the manner in which such capital reserve fund shall be funded which may include contributions from each member municipality or retention and dedication to such fund of surplus revenues generated by the operation of the jointly owned water, storage and transmission facilities; and

c. the manner in which, and the capital improvements and/or equipment for which the provisions of the local finance law, the moneys in such capital reserve fund may be expended.

5. Any funds deposited in such capital reserve fund shall be properly deposited in a separate fund or funds in depositories and properly secured in accordance with the provisions of the local finance law governing the deposits and investments of municipal funds. If the agreement establishing such fund so authorizes, the funds deposited may be held in one or more separate accounts in the name of the commission provided that the person or persons authorized to withdraw funds are chief fiscal officers of one or more of the member municipalities and are fully bonded. Otherwise such funds shall be held in a separate account jointly in the name of all member municipalities or, if the member municipalities agree, in the name of one of the member municipalities for the benefit of all of the member municipalities.

6. Except as otherwise expressly provided in this section, the deposit, investment, accrual of interest, expenditure, maintenance of records and other matters relating to the capital reserve shall be governed by the provisions of section six-c of this article.

§ 6-r. Retirement contribution reserve funds 1. As used in this section:

a. "Municipal corporation" means a municipal corporation as defined in section two of this chapter, school district (except a school district in a city with a population of one hundred twenty-five thousand or more), board of cooperative educational services, fire district, district corporation, police district, and special improvement district governed by a separate board of commissioners.

b. "Participating employer" means: (i) a participating employer as defined in subdivision twenty of section two of the retirement and social security law or in subdivision twenty of section three hundred two of such law; or (ii) a participating employer as defined in subdivision three of section five hundred one of the education law.

c. "Retirement contribution" shall mean all or any portion of the amount payable by a municipal corporation to: (i) either the New York state and local employees' retirement system or the New York state and local police and fire retirement system pursuant to section seventeen or three hundred seventeen of the retirement and social security law; or (ii) the New York state teachers' retirement system pursuant to section five hundred twenty-one of the education law.

2. The governing board of any municipal corporation which is also a participating employer by resolution may establish a retirement contribution reserve fund for the purpose of (a) financing retirement contributions, and/or (b) in the case of a municipal corporation which is a participating employer as defined in subdivision three of section five hundred one of the education law, financing appropriations authorized by law in order to offset all or a portion of the amount deducted from the moneys apportioned to the municipal corporation from the state for the support of common schools pursuant to section five hundred twenty-one of the education law.

2-a. With respect to a municipal corporation which is a participating employer as defined in subdivision three of section five hundred one of the education law, which elects to utilize a retirement contribution reserve fund (a) to finance retirement contributions to the New York state teachers' retirement system pursuant to section five hundred twenty-one of the education law and/or (b) to offset all or a portion of the amount deducted from the moneys apportioned to the municipal corporation from the state for the support of common schools pursuant to section five hundred twenty-one of the education law, such municipal corporation shall establish a sub-fund within the retirement contribution reserve fund, which shall be separately administered consistent with the provisions of this section. Such municipal corporation may pay into such sub-fund during any particular fiscal year an amount not to exceed two per centum of the total compensation or salaries of all teachers in the employ of said municipal corporation who are members of the New York state teachers' retirement system paid during the immediately preceding fiscal year. The balance of such sub-fund may not exceed ten per centum of the total compensation or salaries of all teachers in the employ of the municipal corporation who are members of the New York state teachers' retirement system paid during the immediately preceding fiscal year. For the purposes of this subdivision, the term "teacher" shall have the same meaning as such term is defined under subdivision four of section five hundred one of the education law.

3. There may be paid into a retirement contribution reserve fund:

a. such amounts as may be provided therefor by budgetary appropriation or raised by tax therefor;

b. such revenues as are not required by law to be paid into any other fund or account;

c. such other funds as may be legally appropriated; and

d. notwithstanding any law to the contrary, such amounts as may be transferred from a reserve fund established pursuant to section six-c, six-d, six-e, six-f or six-g of this article comprised of moneys raised from the same tax base as the moneys in the retirement contribution reserve fund, or a reserve fund established pursuant to section thirty-six hundred fifty-one of the education law, provided, that any such transfer shall only be made by resolution of the governing board of such municipal corporation adopted after a public hearing held on at least fifteen days prior published notice in the official newspaper of the municipal corporation or, if the municipal corporation does not have an official newspaper, in at least one newspaper having general circulation in the municipal corporation.

4. The moneys in a retirement contribution reserve fund shall be deposited and secured in the manner provided by section ten of this article. The governing board of such municipal corporation, or the chief fiscal officer thereof if the governing board shall delegate such duty to him or her, may invest the moneys in such fund in the manner provided by section eleven of this article. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund.

5. The governing board of such municipal corporation by resolution may authorize expenditures from a retirement contribution reserve fund. Except as otherwise provided by law, moneys in a retirement contribution reserve fund may only be expended (a) to finance retirement contributions, and/or (b) in the case of a municipal corporation which is a participating employer, as defined in subdivision three of section five hundred one of the education law, for appropriations authorized by law in order to offset all or a portion of the amount deducted from the moneys apportioned to the participating employer from the state for the support of common schools pursuant to section five hundred twenty-one of the education law. With respect to a municipal corporation which is a participating employer as defined in subdivision three of section five hundred one of the education law, expenditures from the retirement contribution reserve fund to finance retirement contributions to the New York State teachers' retirement system pursuant to section five hundred twenty-one of the education law and/or to offset all or a portion of the amount deducted from the moneys apportioned to the municipal corporation from the state for the support of common schools pursuant to section five hundred twenty-one of the education law may only be made from the sub-fund established pursuant to subdivision two-a of this section.

6. The governing board of such municipal corporation by resolution may authorize the transfer of a portion of the moneys in a retirement contribution reserve fund to a reserve fund of the municipal corporation

established pursuant to section six-c, six-d, six-e, six-f or six-g of this article comprised of moneys raised from the same tax base as the moneys in the retirement contribution reserve fund, or a reserve fund established pursuant to section thirty-six hundred fifty-one of the education law, provided, that any such transfer shall only be made by resolution of the governing board of such municipal corporation adopted after a public hearing held on at least fifteen days prior published notice in the official newspaper of the municipal corporation or, if the municipal corporation does not have an official newspaper, in at least one newspaper having general circulation in the municipal corporation.

7. The chief fiscal officer of such municipal corporation shall account for a retirement contribution reserve fund separate and apart from all other funds of the municipal corporation. Such accounting shall show: the source, date and amount of each sum paid into the fund; the interest earned by such fund; capital gains or losses resulting from the sale of investments of this fund; the order, purpose thereof, date and amount of each payment from this fund; the assets of the fund, indicating cash balance and a schedule of investments. The chief fiscal officer, within sixty days of the end of each fiscal year, shall furnish a detailed report of the operation and condition of this fund to the governing board.

8. The members of the governing board of such municipal corporation are hereby declared trustees of a retirement contribution reserve fund and shall be subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the municipal corporation, as the case may be, or by any board, commission, agency, officer or taxpayer thereof.

9. No member of the governing board of such municipal corporation shall:

(a) authorize a withdrawal from a retirement contribution reserve fund for any purpose except as provided in this section; or

(b) expend any money withdrawn from such fund for a purpose other than as provided in this section.

Any member of the governing board who violates the provisions of this subdivision shall be guilty of a misdemeanor.

10. The governing board of such municipal corporation by resolution may determine that a retirement contribution reserve fund is no longer needed and terminate the fund. Such resolution shall transfer any moneys remaining in such fund to one or more reserve funds of the municipal corporation established pursuant to section six-c, six-d, six-e, six-f or six-g of this article comprised of moneys raised from the same tax base as the moneys in the retirement contribution reserve fund, or one or more reserve funds established pursuant to section thirty-six hundred fifty-one of the education law.

11. The governing board of a municipal corporation which is a participating employer as defined in subdivision three of section five hundred one of the education law by resolution may (a) authorize the transfer of all or a portion of the monies in the separately administered sub-fund as established under subdivision two-a of this section to the retirement contribution reserve fund, and/or (b) authorize the transfer of all or a portion of the monies in the retirement contribution reserve fund to the separately administered sub-fund as provided in subdivision two-a of this section, subject to the limits on annual payments into the sub-fund and the balance of the sub-fund specified by subdivision two-a of this section.

§ 6-s. Community preservation funds. 1. As used in this section, the following words and terms shall have the following meanings:

(a) "Community preservation" shall mean and include any of the purposes outlined in subdivision four of this section.

(b) "Board" means the advisory board required pursuant to subdivision five of this section.

(c) "Fund" means the community preservation fund created pursuant to subdivision two of this section.

(d) "Designated community" means any town or city within the Hudson Valley counties of Putnam, Ulster, or Westchester.

(e) "Tax" means the real estate transfer tax payable on a real property conveyance pursuant to section fifteen hundred sixty-one of the tax law, but shall have a different meaning if the context clearly indicates such as the real estate transfer tax imposed pursuant to article thirty-one of the tax law.

2. The governing body of any designated community is authorized to establish by local law a community preservation fund pursuant to the provisions of this section. Deposits into the fund may include revenues of the local government from whatever source and shall include, at a minimum, all revenues from a tax imposed upon the transfer of real property interests in such designated community pursuant to article thirty-three-B of the tax law. The fund shall also be authorized to accept gifts of any such interests in land or of funds. Interest accrued by monies deposited into the fund shall be credited to the fund. In no event shall monies deposited in the fund be transferred to any other account. Nothing contained in this section shall be construed to prevent the financing in whole or in part, pursuant to the local finance law, of any acquisition authorized pursuant to this section. Monies from the fund may be utilized to repay any indebtedness or obligations incurred pursuant to the local finance law consistent with effectuating the purposes of this section.

3. The purposes of the fund shall be exclusively, (a) to implement a plan for the preservation of community character as required by this section, (b) to acquire interests or rights in real property for the preservation of community character within the designated community including villages therein in accordance with such plan and in cooperation with willing sellers, (c) to establish a bank pursuant to a transfer of development rights program consistent with section two hundred sixty-one-a of the town law and section twenty-f of the general city law, (d) to provide a management and stewardship program for such interests and rights consistent with subdivision nine of this section and in accordance with such plan designed to preserve community character; provided that not more than ten percent of the fund shall be utilized for such management and stewardship program, and (e) to make payments to school, fire, fire protection and ambulance districts in connection with lands within the designated community that are owned by

the state or any municipal corporation. Such payments may only be made to districts where more than twenty-five percent of the assessed value of such district is wholly exempt from real property taxation pursuant to the real property tax law because it is owned by the state or a municipal corporation. Not more than ten percent of the fund may be used for such purpose in any calendar year. Such payments from the fund shall not exceed the actual tax liability that would have been due if such lands of the state or of a municipal corporation had been subject to real property taxation. Where more than one district is eligible for such a payment under this paragraph, and such payment is less than the actual tax liability that would have been due if such lands of the state or a municipal corporation had been subject to real property taxation, the designated community shall apportion such annual payment on the basis of the total tax levied by each district within the designated community for the year such payment is made. Such payment made by the designated community shall be used solely to reduce the property tax liability of the remaining taxpayers of the district within such designated community. If the implementation of the community preservation project plan, adopted by a governing body, as provided in subdivision six of this section, has been completed, and funds are no longer needed for the purposes outlined in this subdivision, then any remaining monies in the fund shall be applied to reduce any bonded indebtedness or obligations incurred to effectuate the purposes of this section.

4. Preservation of community character shall involve one or more of the following: (a) establishment of parks, nature preserves, or recreation areas; (b) preservation of open space; (c) preservation of lands of exceptional scenic value; (d) preservation of fresh and saltwater marshes or other wetlands; (e) preservation of aquifer recharge areas; (f) preservation of undeveloped beachlands or shoreline; (g) establishment of wildlife refuges for the purpose of maintaining native animal species diversity, including the protection of habitat essential to the recovery of rare, threatened or endangered species; (h) preservation of unique or threatened ecological areas; (i) preservation of rivers and river areas in a natural, free-flowing condition; (j) preservation of forested land; (k) preservation of public access to

lands for public use including stream rights and waterways; (l) preservation of historic places and properties listed on the New York state register of historic places and/or protected under a municipal historic preservation ordinance or law; (m) undertaking any of the paragraphs of this subdivision in furtherance of the establishment of a greenbelt; and (n) preservation of land which is predominantly viable agricultural land, as defined in subdivision seven of section three hundred one of the agriculture and markets law, or unique and irreplaceable agricultural land, as defined in subdivision six of section three hundred one of the agriculture and markets law.

5. The governing body of any designated community which has established a community preservation fund shall create an advisory board to review and make recommendations on proposed acquisitions of interests in real property using monies from the fund. Such board shall consist of five or seven legal residents of the municipality who shall serve without compensation. No member of the local legislative body shall serve on the board. A majority of the members of the board shall have demonstrated experience with conservation or land preservation activities. The municipal legislative body shall make a reasonable effort to appoint at least one active farmer to the board. In any county that has a county agricultural and farmland protection board established pursuant to section three hundred two of the agriculture and markets law, the municipal legislative body shall make a reasonable effort to appoint at least one member of the county agricultural and farmland protection board to the advisory board. The terms of members of the board first appointed shall be so fixed that the term of one member shall expire at the end of the municipal official year in which such members were initially appointed. The terms of the remaining members first appointed shall be so fixed that the term shall expire at the end of each official year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to the number of members of the advisory board. The board shall act in an advisory capacity to the governing body.

6. The governing body of any designated community which has

established a community preservation fund shall, by local law, adopt a community preservation project plan. This plan shall list every project which the designated community plans to undertake pursuant to the community preservation fund. It shall include every parcel which is necessary to be acquired in the designated community in order to protect community character. Such plan shall provide for a detailed evaluation of all available land use alternatives to protect community character, including but not limited to: (a) fee simple acquisition, (b) zoning regulations, including density reductions, cluster development, and site plan and design requirements, (c) transfer of development rights, (d) the purchase of development rights, and (e) scenic and conservation easements. Such evaluation shall be as specific as practicable as to each parcel selected for inclusion in the plan. The plan shall establish the priorities for preservation. Funds from the community preservation fund may only be expended for projects which have been included in said plan. Such plan shall be updated not less than once every five years. A copy of the plan shall be filed with the commissioner of environmental conservation, the commissioner of agriculture and markets and the commissioner of the office of parks, recreation and historic preservation. Such plan shall be completed at least sixty days before the submission of the mandatory referendum required by section fifteen hundred sixty-one of the tax law and shall be made available for public review at the designated community clerk's office, at any public libraries within the designated community, and where practical posted on the municipality's website.

7. The governing body of any designated community which has established a community preservation fund pursuant to this section shall study and consider establishing a transfer of development rights program to protect community character as provided for by section two hundred sixty-one-a of the town law. All provisions of such section two hundred sixty-one-a shall be complied with. If at any time during the life of the community preservation fund a transfer of development rights program is established, the designated community may utilize monies from the community preservation fund in order to create and fund a central bank of the transfer of development rights program. If at any time during the life of the community preservation fund, a transfer of development

rights program is repealed by the designated community, all monies from the central bank shall be returned to the community preservation fund.

8. No interests or rights in real property shall be acquired pursuant to this section until a public hearing is held as required by section two hundred forty-seven of this chapter; provided, however, that nothing in this section shall prevent the governing body from entering into a conditional purchase agreement before a public hearing is held. Any resolution of a governing body approving an acquisition of interests or rights in real property pursuant to this section, shall find that acquisition was the best alternative for the protection of community character of all the reasonable alternatives available to the designated community.

9. Rights or interests acquired pursuant to this section shall be administered and managed in a manner which (a) allows public use and enjoyment in a manner compatible with the natural, scenic, historic and open space character of such lands; (b) preserves the native biological diversity of such lands; (c) with regard to open spaces, limits improvements to enhancing access for passive use of such lands such as nature trails, boardwalks, bicycle paths, hiking trails, snowshoe trails, cross country ski trails, and peripheral parking areas provided that such improvements do not degrade the ecological value of the land or threaten essential wildlife habitat; and (d) preserves cultural property consistent with accepted standards for historic preservation. In furthering the purposes of this section, the designated community may enter into agreements with corporations organized under the not-for-profit corporation law and engage in land trust activities to manage lands including less than fee interests acquired pursuant to the provisions of this section, provided that any such agreement shall contain a provision that such corporation shall keep the lands accessible to the public unless such corporation shall demonstrate to the satisfaction of the designated community that public accessibility would be detrimental to the lands or any natural resources associated therewith.

10. Rights or interests in real property acquired with monies from

such fund shall not be sold, leased, exchanged, donated, or otherwise disposed of or used for other than the purposes permitted by this section without the express authority of an act of the legislature, which shall provide for the substitution of other lands of equal environmental value and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by the state legislature. Any conservation easements created under title three of article forty-nine of the environmental conservation law, which are acquired with monies from such fund, may only be modified or extinguished as provided by section 49-0307 of the environmental conservation law. Nothing in this section shall preclude a designated community, by local law, from establishing additional restrictions to the alienation of lands acquired pursuant to this section. This subdivision shall not apply to the sale of development rights by a designated community acquired pursuant to this section, where such sale is made by a development rights bank created by a designated community, pursuant to a transfer of development rights program established by a designated community pursuant to section two hundred sixty-one-a of the town law, provided, however (a) that the lands from which said development rights were acquired shall remain preserved in perpetuity by a permanent conservation easement or other instrument that similarly preserves the community character referenced in subdivision four of this section, and (b) the proceeds from such sale shall be deposited in the community preservation fund. Notwithstanding any other provision of this subdivision, there shall be no right to public use and enjoyment of land used in conjunction with a farm operation as defined by subdivision eleven of section three hundred one of the agriculture and markets law. In furthering the purposes of this section, the municipality may enter into agreements with corporations organized under the not-for-profit corporation law that engage in land trust activities to manage lands including less than fee interests acquired pursuant to the provisions of this section, provided that any such agreement shall contain a provision that such corporation shall keep and manage the lands consistent with this section.

§ 6-t. Charitable gifts reserve fund. 1. The governing board of any county or New York city may establish a reserve fund to be known as a charitable gifts reserve fund.

2. Such fund may receive unrestricted charitable monetary contributions and the moneys in such fund shall be deposited and secured in the manner provided by section ten of this article. The governing board, or the chief fiscal officer of such county, or New York city, if the governing board shall delegate such duty to him or her, may invest the moneys in such fund in the manner provided by section eleven of this article. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund. The separate identity of such fund shall be maintained whether its assets consist of cash or investments or both.

3. At the end of the fiscal year, the governing board of the county or New York city, within sixty days of the close of the fiscal year, shall transfer the funds to the general fund or other fund of the municipal corporation, so that the funds may be used for charitable purposes.

4. The governing board shall establish a procedure for contributions to the charitable gifts reserve fund, which shall include the provision of a written acknowledgment of the gift to the contributor.

§ 6-u. Charitable gifts reserve fund. 1. The governing board of any city with a population less than one million, town or village may establish a reserve fund to be known as a charitable gifts reserve fund.

2. Such fund may receive unrestricted charitable monetary contributions and the moneys in such fund shall be deposited and secured in the manner provided by section ten of this article. The governing board, or the chief fiscal officer of such town, village or city, if the governing board shall delegate such duty to him or her, may invest the moneys in such fund in the manner provided by section eleven of this article. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund. The

separate identity of such fund shall be maintained whether its assets consist of cash or investments or both.

3. At the end of the fiscal year, the governing board of the town, village or city, within sixty days of the close of the fiscal year, may transfer the funds to the general fund or other fund of the municipal corporation, so that the funds may be used for charitable purposes.

4. The governing board shall establish a procedure for contributions to the charitable gifts reserve fund, which shall include the provision of a written acknowledgment of the gift to the contributor.

§ 6-v. Asset forfeiture escrow fund. 1. As used in this section:

a. The term "governing board", insofar as it is used in reference to a village, shall mean the board of trustees thereof; insofar as it is used in reference to a town, shall mean the town board thereof; insofar as it is used in reference to a county, shall mean the board of supervisors or the county legislature thereof, as applicable; insofar as it is used in reference to a city, shall mean the "legislative body" thereof, as that term is defined in subdivision seven of section two of the municipal home rule law.

b. The term "chief fiscal officer" shall mean:
(i) In the case of counties operating under (1) an alternative form of county government or charter enacted as a state statute or adopted under the alternative county government law or by local law, the official designated in such statute, consolidated law or local law as the chief fiscal officer, or, if no such designation is made therein, the official possessing powers and duties similar to those of a county treasurer under the county law as shall be designated by local law.
(2) In the case of counties not operating under an alternative form of county government or charter enacted as a state statute or adopted under the alternative county government law or by local law, the treasurer, except that, in the case of counties having a comptroller, it shall mean the comptroller.

(ii) In the case of cities, the comptroller; if a city does not have a comptroller, the treasurer; if a city has neither a comptroller nor a treasurer, such official possessing powers and duties similar to those of a city treasurer as the finance board shall, by resolution, designate. A certified copy of such designation shall be filed with the state comptroller and shall be a public record.

(iii) In the case of towns, the town supervisor; if a town has more than one supervisor, the presiding supervisor.

(iv) In the case of villages, the village treasurer.

c. The term "claiming authority" shall mean the district attorney having jurisdiction over the offense or the attorney general for purpose of those crimes for which the attorney general has criminal jurisdiction in a case where the underlying criminal charge has been, is being or could have been brought by the attorney general, or the appropriate corporation counsel or county attorney, where such corporation counsel or county attorney may act as a claiming authority only with the consent of the district attorney or the attorney general, as appropriate.

d. The term "claiming agent" shall mean and shall include all persons described in subdivision thirty-four of section 1.20 of the criminal procedure law, and sheriffs, undersheriffs and deputy sheriffs of counties within the city of New York.

2. The governing board shall authorize the establishment of an asset forfeiture escrow fund for any claiming agent or claiming authority as is deemed necessary for the monies and proceeds of sale of property realized as a consequence of any forfeiture. The separate identity of such fund shall be maintained.

3. There shall be paid into the asset forfeiture escrow fund all proceeds realized as a consequence of any forfeiture action. Such funds shall include, but are not limited to, all funds and any property (real, personal, tangible and/or intangible) that are forfeited pursuant to agreement or otherwise prior to, in lieu of or after the lodging of criminal charges, pre-indictment, post-indictment, or after conviction by plea or trial. Such funds shall also include funds that are forfeited

in compromise of charges that are never brought.

4. The monies and proceeds in the asset forfeiture escrow fund shall be deposited and secured in the manner provided by section ten of this article. All monies and proceeds so deposited in such fund shall be kept in a separate bank account. The chief fiscal officer may invest the moneys in such fund in the manner provided in section eleven of this article. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of such fund. The separate identity of such fund shall be maintained, whether its assets consist of cash, investments, or both.

5. Every claim for the payment of money from the asset forfeiture escrow fund shall specify the purpose of the requested payment and must be accompanied by a written certification that the expenditure is in compliance with all applicable laws. Payments from such fund shall be made by the chief fiscal officer subject to the required certification and the determination of fund sufficiency.

6. The chief fiscal officer, at the termination of each fiscal year, shall render a detailed report of the operation and condition of the asset forfeiture escrow fund to the governing board and the state comptroller. Such report shall be subject to examination and audit. The chief fiscal officer may account for such fund separate and apart from all other funds of the village, town, county, and city.

§ 7. Payment of municipal bonds. Where the bonds of a municipal corporation have been lawfully issued, and the payment of the principal or interest thereof shall not have been otherwise paid or provided for, the same shall be a charge upon such corporation, and shall be levied and assessed, collected and paid the same as other debts and charges. When for any reason any portion of the principal or interest due upon such bonds shall not have been paid, the same shall be assessed, levied and collected at the first assessment and collection of taxes by such corporation after such omission.

§ 8. Application of revenues of a public improvement or part thereof, or service. For the purpose of determining the amount of taxes which may be raised on real estate pursuant to section ten of article eight of the constitution the revenues received in each fiscal year by any county, city or village from that portion of a public improvement or part thereof, or service, owned or rendered by such municipal corporation for which bonds or capital notes are issued after January first, nineteen hundred fifty, shall be applied first to the payment of all costs of operation, maintenance and repairs thereof incurred during such fiscal year, and then to the payment of the amounts required in such fiscal year to pay the interest on and the amortization of, or payment of, such indebtedness contracted for such public improvement or part thereof, or service, or such revenues may be deposited in a special fund to be used solely for such payments. The provisions of this section shall not prohibit the use of excess revenues for any lawful county, city or village purpose. The provisions of this section shall not apply to a public improvement or part thereof constructed to provide for the supply of water or to a joint sewage or drainage project described in section 15.00 of the local finance law.

§ 9. Use of tax moneys raised outside constitutional tax limit. 1. Whenever any county, city (other than the city of New York), village, or school district which is coterminous with, or partly within, or wholly within, a city having less than one hundred twenty-five thousand inhabitants according to the latest federal census, shall make a direct budgetary appropriation for any fiscal year for

a. The payment in such year or in any future fiscal year or years of all or any part of the cost of an object or purpose for which bonds may be issued, or

b. The payment of the interest on and principal of indebtedness, and the taxes required for such appropriation are excluded from the tax limitation prescribed by section ten of article eight of the state constitution, the amount so appropriated shall be used only for the object or purpose for which such appropriation was made, except as otherwise provided in subdivision two of this section.

2. Whenever the total amount of any such appropriation is not used for the object or purpose for which made, any unexpended balance therein may be used, in the manner provided and when authorized by law, for any of the following objects or purposes or a combination thereof:

a. An appropriation for an object or purpose for which bonds may be issued;

b. An appropriation to a reserve fund established pursuant to law for the financing of all or part of the cost of an object or purpose for which bonds may be issued; or

c. An appropriation for the payment of the interest on and principal of indebtedness, other than indebtedness evidenced by bonds and notes described in paragraphs A and D of section five of article eight of the state constitution, or renewals thereof.

§ 9-a. Inter-fund advances. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Fund" shall mean a group of accounts set aside for the purpose of accounting for moneys or other resources of a municipal corporation in accordance with the uniform system of accounts prescribed by the state comptroller pursuant to section thirty-six of this chapter and shall include funds established for special improvement districts and other funds containing moneys which, if raised by taxes, special ad valorem levies or special assessments, would be raised by taxes, special ad valorem levies or special assessments levied on property in less than the entire area of the municipal corporation.

(b) "Moneys" shall mean moneys of the municipal corporation raised or received from any source which are held in the custody of the chief fiscal officer of the municipal corporation and are not immediately required for the purpose for which they were raised or received, except proceeds from the sale of obligations or other moneys which, by law, may

be used only for stated purposes.
(c) "Chief fiscal officer" shall mean chief fiscal officer as defined in paragraph five of section 2.00 of the local finance law.

2. A municipal corporation may temporarily advance moneys held in any fund to any other fund of the municipal corporation. Any such temporary advance shall be authorized in the same manner as prescribed by general, special or local law for making budgetary transfers between appropriations. Suitable records shall be kept of each temporary advance.

3. Moneys temporarily advanced pursuant to this section shall be repaid to the fund from which they were advanced as soon as available but in no event later than the close of the fiscal year in which the advance was made. If moneys from a fund which, if raised by taxes, special ad valorem levies or special assessments, would be raised from taxes, ad valorem levies or special assessments on a different base of properties than those for which taxes, ad valorem levies or special assessments would be raised for the fund to which the advance is made, the repayment shall include an amount reasonably estimated to be the additional amount that would have been earned on the investment of moneys in the fund making the advance had the advance not been made.

§ 10. Deposits of public money; security. 1. For purposes of this section:

a. "Local government" shall mean any municipal corporation, school district, board of cooperative educational services, district corporation, special improvement district governed by a separate board of commissioners, industrial development agency or authority or a public library.

b. "Public funds" shall mean funds of a local government.

c. "Public deposits" shall mean deposits of public funds in a bank or trust company which are available for all uses generally permitted by the bank or trust company to the depositing local government for actually and finally collected funds under the bank's or trust company's account agreement or policies.

d. "Bank" shall mean a bank as defined by the banking law or a national banking association located and authorized to do business in New York.

e. "Trust company" shall mean a trust company as defined by the banking law and located and authorized to do business in New York.

f. "Eligible securities" shall mean any of the following:

(i) Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.

(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

(iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.

(iv) Obligations issued or fully insured or guaranteed by this state, obligations issued by a municipal corporation, school district or district corporation of this state or obligations of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys.

(v) Obligations issued by states (other than this state) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(vii) Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

(viii) Obligations of domestic corporations rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization.

(ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.

(x) Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty days from the date they are pledged.

(xi) Zero-coupon obligations of the United States government marketed as "Treasury STRIPS".

g. "Eligible surety bond" shall mean a bond executed by an insurance company authorized to do business in this state, the claims-paying ability of which is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

h. "Eligible letter of credit" shall mean an irrevocable letter of credit issued in favor of the local government for a term not to exceed ninety days by a bank (other than the bank with which the money is being deposited or invested) whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company's commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories (based on the credit of such bank or holding company) by at least one nationally recognized statistical rating organization or by a bank (other than the bank with which the money is being deposited or invested) that is incompliance with applicable federal minimum risk-based capital requirements.

2. a. (i) The governing board of every local government shall designate one or more banks or trust companies for the deposit of public funds, the disposition of which is not otherwise provided for by law,

received by the chief fiscal officer or any other officer authorized by law to make deposits. Such designation shall be by resolution of the governing board or, in the case of a city, such other body as may be authorized or required by law to designate depositaries. Such resolution shall specify the maximum amount which may be kept on deposit at any time in each such bank or trust company. Such designations and amounts may be changed at any time by further resolution.

(ii) The governing board of a local government that has designated one or more banks or trust companies for the deposit of public funds pursuant to subparagraph (i) of this paragraph may, in its discretion, authorize the designated bank or trust company to arrange for the redeposit of the local government's funds in one or more banking institutions, as defined in section nine-r of the banking law, for the account of the local government, through a deposit placement program that meets all of the following conditions:

(A) On or after the date that the local government's funds are received, the designated bank or trust company (I) arranges for the redeposit of such funds into deposit accounts in one or more banking institutions and (II) serves as custodian for the local government with respect to the funds redeposited into such accounts.

(B) Local government funds deposited in a designated bank or trust company in accordance with this subparagraph and held in the designated bank or trust company in excess of the amount insured by the federal deposit insurance corporation pending redeposit of the funds pursuant to this subparagraph shall be secured in accordance with subdivision three of this section.

(C) The full amount of local government funds redeposited by the designated bank or trust company into deposit accounts in banking institutions pursuant to this subparagraph (plus accrued interest, if any) shall be insured by the federal deposit insurance corporation.

(D) At the same time that the money of the local government is redeposited pursuant to this subparagraph, the selected depository receives an amount of deposits from customers of other financial institutions pursuant to the deposit placement program that are at least equal to the amount of the local government's funds redeposited by the designated bank or trust company.

b. Except as otherwise provided by law, all deposits shall be made to the credit of the local government. The deposit of public funds pursuant to this subdivision shall release the officer making the deposit and his or her surety from any liability for loss of such public funds by reason of the default or insolvency of any such bank or trust company.

c. The governing board of a local government, in which a banking development district has been designated by the superintendent of financial services pursuant to section ninety-six-d of the banking law, may designate a bank, trust company or national bank located in such district for the deposit of public funds, the disposition of which is not otherwise provided for by law, received by the chief fiscal officer or other officer authorized by law to make such deposits. Such designation shall be by resolution of the governing board or, in the case of a city, such other body as may be authorized or required by law to designate depositories. Such resolution shall specify the maximum amount which may be kept on deposit at any time with such bank, trust company or national bank located in such district. Subject to an agreement between such governing board and such banking institution, public funds deposited in such banking institution may earn a fixed interest rate which is at or below such banking institution's posted two year certificate of deposit rate. In those instances where there is such an agreement, its terms and conditions shall also be specified in the resolution. Any such designation, amount, or agreement provisions may be changed at any time by further resolution.

3. All public deposits in excess of the amount insured under the provisions of the Federal Deposit Insurance Act as now or hereafter amended shall be secured in accordance with this subdivision:

a. The officers making a deposit may accept a pledge of eligible securities having in the aggregate a market value at least equal to the aggregate amount of public deposits from such officers, or a pledge of a pro rata portion of a pool of eligible securities having in the aggregate a market value at least equal to the aggregate amount of public deposits from all such officers within the state at such bank or trust company, together with a security agreement from the bank or trust company. The security agreement and custodial agreement referred to below may be the same agreement including when the bank or trust company holding the public deposits holds the collateral for the public body. The security agreement shall provide that such eligible securities or pro rata portion of a pool of eligible securities are being pledged by the bank or trust company as security for the public deposits, together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposit upon a default. It shall also provide for the conditions under which the securities or pro rata portion of a pool of eligible securities held may be sold, presented for payment, substituted or released and the events of default which will enable the local government to exercise its rights against the pledged securities. Such agreement shall include all provisions deemed necessary and sufficient to secure in a satisfactory manner the local government's interest in the collateral. The custodial agreement shall provide that the pledged securities or pro rata portion of a pool of eligible securities will be held by the custodial bank or trust company as agent of, and custodian for, the local government, and will be kept separate and apart from the general assets of the custodial bank or trust company and it shall also provide for the manner in which the custodial bank or trust company shall confirm the receipt, substitution or release of the collateral. Such agreement shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and the substitution of collateral when a change in the rating of a security causes ineligibility pursuant to paragraph f of subdivision one of this section. Such agreement shall include all provisions deemed necessary and sufficient to secure in a satisfactory manner the local government's interest in the collateral. Such agreement may also contain such other provisions as the governing board may deem necessary.

b. Whenever eligible securities delivered to a custodial bank or trust company pursuant to this paragraph are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of such obligations, the records of the custodial bank or trust company shall show, at all times, the interest of the local government in such securities or pro rata portion of a pool of eligible securities as set forth in the security agreement.

c. (i) In lieu of or in addition to the deposit of eligible securities, the officers making a deposit may accept an eligible surety bond payable to such local government as security for the payment of one hundred percent, or an eligible letter of credit payable to such local government as security for the payment of one hundred forty percent, of the aggregate amount of public deposits from such officers and the agreed upon interest, if any. The terms and conditions of any eligible surety bond shall be approved by the governing board.

(ii) In lieu of or in addition to the deposit of eligible securities, the officers making a deposit may, in the case of an irrevocable letter of credit issued in favor of the local government by a federal home loan bank whose commercial paper and other unsecured short-term debt obligations are rated in the highest rating category by at least one nationally recognized statistical rating organization, accept such letter of credit payable to such local government as security for the payment of one hundred percent of the aggregate amount of public deposits from such officers and the agreed upon interest, if any.

d. For purposes of determining the market value of securities as required by this subdivision:

(i) The eligible securities described in subparagraphs (viii), (x) and (xi) of paragraph f of subdivision one of this section shall be valued at eighty percent of their market value.

(ii) The eligible securities described in subparagraph (ix) of paragraph f of subdivision one of this section shall be valued at seventy percent of their market value.

(iii) Of the eligible securities described in subparagraphs (v), (vi) and (vii) of paragraph f of subdivision one of this section, those securities rated in the highest category shall be valued at one hundred percent of their market value; those securities rated in the second highest rating category shall be valued at ninety percent of their market value; and those securities rated in the third highest rating category shall be valued at eighty percent of their market value. When two nationally recognized statistical rating organizations rate a security in two different categories, the security shall be considered to be rated in the higher of the two categories.

4. (a) Notwithstanding any other provision of law to the contrary, the chief fiscal officer, or other officer authorized by law to make deposits, may, subject to the approval of the governing body of a local government, by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company as provided in this section.

(b) The entrusting of public funds for deposit pursuant to paragraph (a) of this subdivision shall release the officer entrusting the public funds to the courier service and his or her surety from any liability for loss of such public funds by the courier service in the process of delivering such public funds to the designated bank or trust company.

(c) The local government authorizing the deposit of public funds by a courier service pursuant to paragraph (a) of this subdivision shall require the courier service to obtain a surety bond for the full amount entrusted to the courier, payable to the local government and executed by an insurance company authorized to do business in this state, the claims paying ability of which is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public funds entrusted to the courier service for deposit or failure to deposit the full amount entrusted to the courier.

(d) A deposit made by a courier on behalf of a local government shall be deemed to be a deposit made by the chief fiscal officer or other officer entrusting such funds for purposes of the requirements contained in this section for securing public deposits.

(e) A bank or trust company may, from time to time and as agreed upon with a local government, reimburse all or part of, but not more than, the actual cost incurred by the local government in transporting cash, negotiable instruments or other items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the department of financial services or other federal or state authority.

§ 11. Temporary investments. 1. For purposes of this section, the terms "local government", "bank" and "trust company" shall have the same meanings as in section ten of this article.

2. a. The governing board of any local government or, if the governing board so delegates, the chief fiscal officer or other officer having custody of the moneys may temporarily invest moneys not required for immediate expenditure, except moneys the investment of which is otherwise provided for by law, either: (1) in special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in this state; or (2) in accordance with all of the following conditions:

(i) the moneys are invested through a bank or trust company located and authorized to do business in this state;

(ii) the bank or trust company arranges for the deposit of the moneys in certificates of deposit in one or more banking institutions, as defined in section nine-r of the banking law, for the account of the local government;

(iii) the full amount of principal and accrued interest of each such certificate of deposit must be insured by the federal deposit insurance corporation;

(iv) the bank or trust company acts as custodian for the local government with respect to such certificates of deposit issued for the local government's account; and

(v) at the same time that the local government's moneys are deposited and the certificates of deposit are issued for the account of the local government, the bank or trust company receives an amount of deposits from customers of other financial institutions equal to or greater than the amount of the moneys invested by the local government through the bank or trust company.

b. For any investment made pursuant to paragraph a of this subdivision, such time deposit account or certificate of deposit shall be payable within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained and provided further that such time deposit account or certificate of deposit be secured in the same manner as is provided for securing deposits of public funds by subdivision three of section ten of this article.

* 3. a. Investments pursuant to this section may also be made in the following:

(1) obligations of the United States of America or in obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America or in obligations of the state of New York, or with the approval of the state comptroller in obligations issued pursuant to section 24.00 or 25.00 of the local finance law by any municipality, school district or district corporation other than the municipality, school district or district corporation investing such moneys pursuant to this paragraph. In addition, moneys in any reserve fund established pursuant to section six-c, six-d, six-e, six-f, six-g, six-h, six-j, six-k, six-l, six-m or six-n of this article may be invested in obligations of the municipality, school district, fire district or district corporation which has established the reserve fund, or in the case of a capital reserve fund established for a town or county improvement district, obligations of the town or county issued for the purposes of such district.

(2) notwithstanding any other provision of general, special or local law, any city having a population of one million or more and any county may also make investments in the following:

(i) general obligation bonds and notes of any state other than this state, provided that such bonds and notes receive the highest rating of at least one independent rating agency designated by the state comptroller;

(ii) obligations of any corporation organized under the laws of any state in the United States maturing within two hundred seventy days, provided that such obligations receive the highest rating of two independent rating services designated by the state comptroller and that the issuer of such obligations has maintained such ratings on similar obligations during the preceding six months, provided, however, that the issuer of such obligations need not have received such rating during the prior six month period if such issuer has received the highest rating of two independent rating services designated by the state comptroller and is the successor or wholly owned subsidiary of an issuer that has maintained such ratings on similar obligations during the preceding six month period or if the issuer is the product of a merger of two or more issuers, one of which has maintained such ratings on similar obligations during the preceding six month period, provided, however, that no more than two hundred fifty million dollars may be invested in such obligations of any one corporation; or

(iii) bankers' acceptances maturing within two hundred seventy days which are eligible for purchase in the open market by federal reserve banks and which have been accepted by a bank or trust company which is organized under the laws of the United States or of any state thereof and which is a member of the federal reserve system and whose short-term obligations meet the criteria outlined in clause (ii) of this subparagraph. Provided, however, that no more than two hundred fifty million dollars may be invested in such bankers' acceptances of any one bank or trust company; or

(iv) obligations of, or instruments issued by or fully guaranteed as to principal and interest by, any agency or instrumentality of the United States acting pursuant to a grant of authority from the congress of the United States, including but not limited to, any federal home loan bank or banks, the Tennessee valley authority, the federal national mortgage association, the federal home loan mortgage corporation and the United States postal service, provided, however, that no more than two hundred fifty million dollars may be invested in such obligations of any one agency.

(v) no-load money market mutual funds registered under the Securities Act of 1933, as amended, and operated in accordance with Rule 2a-7 of the Investment Company Act of 1940, as amended, provided that such funds are limited to investments in obligations issued or guaranteed by the United States of America or in obligations of agencies or instrumentalities of the United States of America where the payment of principal and interest are guaranteed by the United States of America (including contracts for the sale and repurchase of any such obligations), and are rated in the highest rating category by at least one nationally recognized statistical rating organization, provided, however, that no more than two hundred fifty million dollars may be invested in such funds.

b. All investments made pursuant to this subdivision shall be subject to the following conditions:

(1) Such obligations shall be payable or redeemable at the option of the owner within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event, at the option of the owner, within two years of the date of purchase. Obligations that are purchased pursuant to a repurchase agreement shall be deemed to be payable or redeemable for purposes of this paragraph on the date on which the purchased obligations are scheduled to be repurchased by the seller thereof. Any obligation that provides for the adjustment of its interest rate on set dates shall be deemed to be payable or redeemable for purposes of this paragraph on the date on which the principal amount can be recovered through demand by the holder thereof.

(2) Such obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company or, with respect to the city of New York and counties, a reputable dealer in such obligations as shall be designated by the state comptroller, in this state. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company or dealer in obligations only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the local government by the bank or trust company. All obligations held in the custody of a bank or trust company pursuant to this paragraph shall be held by such bank or trust company pursuant to a written custodial agreement as set forth in paragraph a of subdivision three of section ten of this article.

* NB Effective until July 1, 2029

* 3. Investments pursuant to this section may also be made in obligations of the United States of America or in obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America or in obligations of the state of New York,. In addition, moneys in any reserve fund established pursuant to section six-c, six-d, six-e, six-f,

six-g, six-h, six-j, six-k, six-l, six-m or six-n of this article may be invested in obligations of the municipality, school district, fire district or district corporation which has established the reserve fund, or in the case of a capital reserve fund established for a town or county improvement district, obligations of the town or county issued for the purposes of such district.

All investments made pursuant to this subdivision shall be subject to the following conditions:

a. Such obligations shall be payable or redeemable at the option of the owner within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event, at the option of the owner, within two years of the date of purchase. Obligations that are purchased pursuant to a repurchase agreement shall be deemed to be payable or redeemable for purposes of this paragraph on the date on which the purchased obligations are scheduled to be repurchased by the seller thereof. Any obligation that provides for the adjustment of its interest rate on set dates shall be deemed to be payable or redeemable for purposes of this paragraph on the date on which the principal amount can be recovered through demand by the holder thereof.

b. Such obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company or, with respect to the city of New York and counties, a reputable dealer in such obligations as shall be designated by the state comptroller, in this state. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company or dealer in obligations only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the local government by the bank or trust company. All obligations held in the custody of a bank or trust company pursuant to this paragraph shall be held by such bank or trust company pursuant to a written custodial agreement as set forth in paragraph a of subdivision three of section

ten of this article.
  * NB Effective July 1, 2029

4. Notwithstanding any other provision of law, the governing board of a local government may authorize the aforementioned officers to turn over the physical custody and safekeeping of the evidences of the investments made pursuant to this section to (a) any bank or trust company incorporated in this state, or (b) any national bank located in this state, or (c) any private banker duly authorized by the superintendent of financial services of this state to engage in business here. All such private bankers shall, as private bankers, maintain a permanent capital of not less than one million dollars in this state. The said officers may direct such bank, trust company or private banker to register and hold any such evidences of investments in its custody, in the name of its nominee. Such officers may deposit or authorize such bank, trust company or private banker, to deposit, or arrange for the deposit of any such evidences of investments with a federal reserve bank or other book-entry transfer system operated by a federally regulated entity to be credited to an account as to which the ownership of, and other interests in, such evidences of investments may be transferred by entries on the books of such federal reserve bank or other book-entry transfer system operated by a federally regulated entity without physical delivery of any such evidences of investments. The records of any such bank, trust company or private banker shall show, at all times, the ownership of such evidences of investments, and they shall, when held in the possession of such bank, trust company or private banker be, at all times, kept separate from the assets of such bank, trust company or private banker. All evidences of investments delivered to a bank, trust company, or private banker pursuant to this subdivision shall be held by such bank, trust company or private banker pursuant to a written custodial agreement as set forth in paragraph a of subdivision three of section ten of this article. When any such evidences of investments are so registered in the name of a nominee, such bank, trust company or private banker shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

5. A county clerk may invest any money collected on behalf of the

state until such time as the money is required to be remitted to the state. The county clerk shall invest the state money only in those investments authorized by this section and payable within such time as the proceeds shall be required to be remitted to the state. Any interest that accrues on moneys invested pursuant to this subdivision shall be payable in equal shares to the state and to the county provided, however, that any fees or service charges associated with the investment shall be paid from such interest.

6. Except as may otherwise be provided in a contract with bond or note holders, any moneys of a political subdivision authorized to be invested pursuant to this section may be commingled for investment purposes; provided, however, that any investment of commingled moneys shall be payable or redeemable at the option of the owner within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained or as otherwise specifically provided in this section. The separate identity of the sources of such funds shall at all times be maintained and income received on moneys commingled for the purpose of investment shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

7. The chief fiscal officer of each local government shall maintain or cause to be maintained a proper record of all books, notes, securities or other evidences of indebtedness held by or for such subdivision for the purpose of investment. Such record shall at least identify the security, the fund for which held, the place where kept and entries shall be made therein showing date of sale or other disposition and the amount realized therefrom.

§ 12. Deposits of public authorities, public benefit corporations and other corporations. In the event any public authority, public benefit corporation or such other corporation to whose governing board the mayor of the city of New York appoints one or more members shall require security from a bank or trust company for deposit of moneys, then such security may include obligations of the city of New York.

§ 20. Special population census: population data. 1. Any county on behalf of all cities, towns and villages therein or any county, city, town, or village on its own behalf is hereby authorized and empowered to contract with the United States bureau of the census to supervise a special population census for purposes of computation of state assistance payable pursuant to section fifty-four of the state finance law in any year and the cost of such a census shall be an expense of the county, city, town, or village respectively. Such county, city, town, or village shall give written notice to the commissioner of taxation and finance that such a contract has been entered into with the United States bureau of the census within thirty days thereof.

2. A county, city, town, or village may request from the United States bureau of the census and pay such bureau for the cost of special data for possible use in apportioning its local legislative body.

§ 21. Cancellation of unpaid checks or drafts.

Checks or drafts of any municipal corporation, district corporation or school district which shall have been outstanding for more than one year from the respective dates thereof, shall be cancelled and the amount thereof returned to the fund which was originally charged. Prior to such cancellation, the bank or banks on which such checks or drafts were drawn shall be notified, by the fiscal officer or other officer having responsibility for issuance of such checks, not to pay the same. A complete and accurate record of all checks and drafts so cancelled shall be maintained. The amount of any such check or draft shall be paid without interest in the same manner as any other claim presented for payment within six years from the original date of issuance, from any moneys legally available, to the lawful holder thereof, or in the absence of such check or draft, to the person or entity lawfully entitled to payment upon submission of a voucher and a statement accounting for such absence. For purposes of such payment, the governing body of the municipal corporation, district corporation or school district may establish an appropriation containing moneys sufficient to pay the amounts of any outstanding checks or drafts which may be presented.

§ 22. Claims against fire insurance proceeds; procedure. 1. As used in this section, any inconsistent provision of law notwithstanding, the following terms shall have the following meanings:

(a) "Enforcing officer" means the elected or appointed officer of any tax district charged by law with the duty to enforce the collection of tax liens on real property.

(b) "Governing body" means the legislative body for the tax district.

(c) "Lien" means an unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of a municipal corporation or special district which is an encumbrance on real property, whether or not evidenced by a written instrument, and provided that one such tax, levy, assessment or other charge has remained undischarged for a period of one year or more.

(d) "Municipal corporation" means a county, city, town, village or school district.

(e) "Real property" means property upon which there is erected any residential, commercial or industrial building or structure except an owner-occupied single family residential structure and owner-occupied two family residential structures.

(f) "Tax district" means a county, city, town or village having the power to enforce the collection of taxes, special ad valorem levies, special assessments or other charges imposed upon real property by or on behalf of a municipal corporation or special district.

2. Every tax district is hereby authorized and empowered to claim against the proceeds of a policy of fire insurance insuring the interest of an owner and issued on real property located therein to the extent of any lien thereon which claim, when made and perfected in the manner provided in this section, shall further constitute a lien against such proceeds and which shall, as to such proceeds, be prior to all other liens and claims except the claim of a mortgagee of record named in such policy.

3. Upon the adoption of a resolution by the governing body providing therefor, the enforcing officer of the tax district shall cause a notice of intention to claim against proceeds to be served upon the state superintendent of financial services for entry in the index of tax districts maintained by him as provided in section three hundred thirty-one of the insurance law. Thereafter the enforcing officer shall render to any insurer the certificate required and in the manner prescribed by such section and the amounts stated in such certificate shall be a lien on the proceeds of the insurance policy until paid.

4. No resolution adopted as provided for in subdivision three hereof shall be effective unless prior thereto the local legislative body for the tax district shall have adopted a local law providing for the release or return to the insured of any amounts to which it would otherwise be entitled to claim provided that the insured agrees with the tax district in writing to restore the affected premises to the same or improved condition that it was in prior to the time that the lien of such district against proceeds provided for in this section arose, subject to such conditions as such resolution shall provide to guarantee performance of such obligation including, but not limited to, an agreement to deposit such proceeds in an escrow account or that the insured shall obtain a performance bond.

5. The provisions of this section shall not be deemed or construed to alter or impair the right of a tax district to acquire or enforce any lien against real property but shall be in addition to any other power provided by law to acquire or enforce such right.

§ 23. Flexible benefits program. 1. For purposes of this section, the following terms shall have the following meanings:

a. "Code" shall mean the United States internal revenue code of nineteen hundred eighty-six, as amended, and regulations promulgated thereunder.

b. "Commissioner of labor relations" shall mean the officer of a city having a population of one million or more responsible for the administration of health benefits on behalf of such city and any of the entities set forth in subparagraph two of paragraph c of this subdivision.

c. "Employer" shall mean (1) a city having a population of one million or more, or (2) any one of the following entities: (i) the city university of New York, (ii) the New York city health and hospitals corporation, (iii) the New York city transit authority, (iv) the New York city housing authority, (v) the New York city off-track betting corporation, (vi) the New York city rehabilitation mortgage insurance corporation, (vii) the New York city board of education, or (viii) the New York city school construction authority.

d. "Employee" shall mean any officer or employee of a city having a population of one million or more, or any officer or employee of any of the entities set forth in subparagraph two of paragraph c of this subdivision who are eligible to receive benefits from the New York city employee benefits program.

For purposes of this section, an independent contractor shall not be considered an employee.

e. "Flexible benefits program" shall mean the program established pursuant to this section, qualifying as a cafeteria plan as defined in section one hundred twenty-five of the code or any successor section thereto providing similar benefits, and provided as a part of the employee benefits program administered by the commissioner of labor relations.

f. "Program administrator" shall mean that agent, as determined by the commissioner of labor relations, responsible for the maintenance and management of the flexible benefits program as authorized in subdivision two of this section.

2. Any city having a population of one million or more, acting by the commissioner of labor relations, subject to the approval of the director

of the budget of such city, is authorized to establish and implement a flexible benefits program for its employees and the employees of any employer as defined in subparagraph two of paragraph c of subdivision one of this section, consistent with applicable provisions of the code. The commissioner of labor relations is authorized to enter into agreements with persons or entities, on behalf of such city or employer, to act as program administrators of the flexible benefits program. The commissioner of labor relations shall promulgate rules for the appropriate administration of such flexible benefits program.

3. At the request of an employee, the chief fiscal officer of the employer, or the officer responsible for the administration of such employer's payroll, shall, by payroll deduction, adjust the payment of the compensation of such employee as provided in a written statement by the employee in connection with the establishment and maintenance of the flexible benefits program as authorized by subdivision two of this section, and shall transfer the amount so adjusted to the authorized program administrator.

4. Moneys held for employees in any accounts established pursuant to the flexible benefits program, as authorized in subdivision two of this section, shall be held by the program administrator as agent for the participating employee, shall be accounted for separately and shall remain the property of the employer to the extent required by the code. Notwithstanding any law to the contrary, moneys may be paid out of such accounts without any appropriation by law. Any unexpended balances in such accounts at the end of a plan year as that term is defined by the United States internal revenue service shall be returned to the control of the employer to the extent required by the code.

5. To the extent permitted by the code, any salary deduction or deferral to an employee under the flexible benefits program established pursuant to this section shall be considered part of such employee's annual compensation for the purpose of computing pension contributions and retirement benefits by any retirement system or plan to which the employer contributes on behalf of said employee. However, this subdivision shall in no way be construed to supersede the provisions of

sections four hundred thirty-one, five hundred twelve and six hundred eight of the retirement and social security law or any other similar provision of law which limits the salary base for computing retirement benefits payable by a public retirement system.

§ 24. Corporation for the benefit of the city of New York. 1. Notwithstanding any provision of state or local law, the city of New York is hereby authorized to provide for the creation of a single not-for-profit corporation subject to section fourteen hundred eleven of the not-for-profit corporation law, except to the extent that such section is inconsistent with this section, which corporation shall have the purpose, among others, of financing or refinancing costs arising from or related to the closing of Freshkills landfill.

2. Such corporation shall have the authority to issue and sell one or more series or classes of bonds, notes and other obligations from time to time on behalf of the city of New York to finance or refinance costs relating to the closure of the Freshkills Landfill. Such bonds, notes and other obligations shall not constitute a debt or indebtedness of such city and, together with the income therefrom, shall be exempt from taxation, except for transfer and estate taxes.

3. The incorporation of TSASC, Inc. under section fourteen hundred eleven of the not-for-profit corporation law, and the approval of articles of incorporation and bylaws for such corporation, are hereby ratified and shall be deemed to meet the requirements of this section, notwithstanding that such requirements were enacted after such creation and approval, and such corporation shall be treated for all purposes as if it had been formed by and pursuant to the provisions of this section. TSASC, Inc. shall be deemed to be the corporation formed pursuant to the authorization provided in subdivision one of this section.

4. The provisions of this section shall not be deemed or construed to alter or impair any other power of the city of New York to provide for the creation of not-for-profit corporations pursuant to any other applicable provision of law, but shall be in addition to any other such

power.

§ 25. Treatment of capital costs and certain fund balances of the city of New York; revenue stabilization fund of such city. Notwithstanding the provisions of any general or special state law or local law to the contrary, including but not limited to the New York city charter, the following shall apply with respect to the budget and accounts of the city of New York:

1. All costs that would be capital costs in accordance with generally accepted accounting principles, but for the application of governmental accounting standards board statement number forty-nine, shall be deemed to be capital costs for purposes of this chapter and any other provision of state or local law, including but not limited to the New York city charter, relevant to the treatment of such costs;

2. The determination as to the existence of a deficit pursuant to the New York state financial emergency act for the city of New York, while such act remains in effect, and any other provision of state or local law, including but not limited to the New York city charter, shall be made without regard to changes in restricted fund balances, as defined by the governmental accounting standards board, where restrictions in relation to such fund balances are imposed by state or federal law or regulation, or otherwise by private or governmental parties other than the city of New York, and without regard to funds held in the health stabilization fund, the school crossing guards health insurance fund, any revenue stabilization fund established pursuant to section fifteen hundred twenty-eight of the New York city charter and the management benefits fund established by the city of New York. Deposits into any such revenue stabilization fund shall be deemed to be expenses of such city for all purposes in the fiscal year during which such deposits are made, and withdrawals from such fund shall be deemed to be revenues of such city for all purposes in the fiscal year during which such withdrawals are made; provided however, that surpluses of such city, whether accumulated from fiscal years ending prior to the effective date of the chapter of the laws of two thousand twenty that amended this

subdivision or existing at the close of any fiscal year ending after such effective date, shall be deposited into such revenue stabilization fund as soon as practicable, and such deposits shall not be deemed expenses of the city in the fiscal years during which such deposits are made; and

3. The city of New York may establish and maintain a revenue stabilization fund pursuant to section fifteen hundred twenty-eight of the New York city charter. Except as required by subdivision two of this section with respect to surpluses, deposits into and withdrawals from such fund may be made by means of the procedures set forth in such charter for adoption or modification of the expense budget of such city, as applicable, provided that no more than fifty percent of the total amount of such fund may be withdrawn in any fiscal year unless the mayor has certified that there is a compelling fiscal need, which may be based on circumstances including, but not be limited to, a national or regional recession, a reduction in total revenues from the preceding fiscal year as projected in the financial plan of the city of New York, a natural or other disaster, or a declared state of emergency in the city of New York or the state of New York. The authority to establish a revenue stabilization fund set forth in this subdivision shall be in addition to any other authorization set forth in this article or other applicable law.

ARTICLE 3
REPORT OF FINANCIAL CONDITION

§ 30. Reports. 1. Except as hereinafter provided, every municipal corporation and school, fire, improvement and special district shall annually make a report of its financial condition to the comptroller. Such report shall be made by the chief fiscal officer of each municipal corporation, by the chief fiscal officer of a municipal corporation having a school district governed by article fifty-two of the education law, for such school district, by the treasurer of each other school district, except for a common school district not having a treasurer, by the chairman of the school board or the sole trustee and by the treasurer of each fire, improvement or special district, or in the case of a consolidated health district, the president of the board of health. Such reports shall include the financial transactions of joint services defined by section one hundred nineteen-n of this chapter. If, pursuant to any general or special law, there is a separate treasurer for any municipal activity, the financial report of the activity shall be made by such treasurer.

2. An annual financial report for each municipal urban renewal agency shall be made by the treasurer of the agency.

3. An annual report of financial transactions shall be made by the treasurer of each public library and library service system established pursuant to section two hundred fifty-five of the education law, each county vocational education board established pursuant to section eleven hundred one of the education law and each board of cooperative educational services established pursuant to section nineteen hundred fifty-eight of the education law.

4. If for any reason, the comptroller shall deem it necessary that additional information be furnished by any other officer, he may require

such additional information from such other officer in such form as he may deem necessary to carry into effect the purposes of this article.

5. All reports shall be certified by the officer making the same. Except as otherwise provided in this subdivision with respect to the time for filing, all reports shall be filed with the comptroller within sixty days after the close of the fiscal year of such municipal corporation, district, agency or activity, provided, however, that upon written request from the chief fiscal officer of a municipal corporation, district, agency or activity, the comptroller may extend such sixty day period for filing such report for an additional sixty days. Reports may be filed by electronic transmission or in paper form. The method of certifying a report filed in electronic form shall be prescribed by the comptroller. It shall be the duty of the incumbent officer at the time such reports are required to be filed with the comptroller to file such report. The refusal or wilful neglect of such officer to file a report as herein prescribed shall be a misdemeanor and subject the financial officer so refusing or neglecting to a penalty of five dollars per day for each day's delay beyond the sixty days to be paid on demand of the comptroller. Notwithstanding any of the provisions contained in this section:

(a) Each town or village having a population, as shown by the latest preceding decennial federal census, between five thousand to nineteen thousand nine hundred ninety-nine, shall file their respective reports with the comptroller within ninety days after the close of the fiscal year of such town or village. Upon written request from the chief fiscal officer of such a town or village, the comptroller may extend such ninety day period for an additional thirty days.

(b) Each town or village having a population, as shown by the latest preceding decennial federal census, with twenty thousand or more, and all cities and counties, irrespective of their populations, shall file their respective reports with the comptroller within one hundred twenty days after the close of the fiscal year of such county, city, town or village.

6. Annually, each industrial development agency, the Troy industrial development authority established pursuant to title eleven of article

eight of the public authorities law, and the Auburn industrial development authority established pursuant to title fifteen of article eight of the public authorities law, shall file a financial report pursuant to section eight hundred fifty-nine of this chapter.

7. Each municipal corporation shall make accessible to the public on its municipal website required under article thirteen-E of this chapter documentation pertaining to its most recent annual financial reports, current year budget, most recent independent audit report and most recent fiscal performance plan or multiyear financial plan required pursuant to paragraph g of subdivision ten of section fifty-four of the state finance law, unless such information is covered by subdivision two of section eighty-seven of the public officers law.

§ 30-a. Reports from entities receiving foreign fire insurance premium tax. Every entity receiving and disbursing foreign fire insurance premium tax funds distributed pursuant to sections nine thousand one hundred four and nine thousand one hundred five of the insurance law, the administrative code of the city of New York and the charter of the city of Buffalo shall make an annual verified report of the receipts, expenditures and balances relating to the use and application of such funds received and disbursed after January first, nineteen hundred seventy-six to the state comptroller. Such report shall be made by the treasurer, or if there be none, by the chief fiscal officer of such entity, and shall be filed no later than the last day of February of each year for the preceding calendar year.

§ 31. Form of reports. The reports shall be in the form to be prescribed by the comptroller and shall contain:

1. A statement of the receipts of such municipal corporation, industrial development agency, district, agency or activity from all sources and of all accounts or revenue which may be due and uncollected at the close of the fiscal year.

2. A statement of the disbursements of such municipal corporation, industrial development agency, district, agency or activity during the fiscal year.

3. A detailed statement of the indebtedness of the municipal corporation, industrial development agency, district, agency or activity at the close of the fiscal year, the provisions made for the payment thereof, together with the purposes for which it was incurred.

4. A detailed statement of installment purchase contracts entered into by a municipal corporation, school district, district corporation or board of cooperative educational services, the provisions made for the payment thereof, the purposes for which such contract was entered into, whether such contract was financed by the execution and delivery of certificates of participation, and such other information as the comptroller shall require.

5. A statement of the costs of ownership and operation and of the income of each and every public service industry owned, maintained or operated by any such municipal corporation, industrial development agency, district, agency or activity.

6. Such further or more specific information in relation to the cost of any branch of the service, or the cost of any improvement, of such municipal corporation, industrial development agency, district, agency or activity, as may be required by the comptroller.

§ 32. Comptroller to furnish blank forms. The comptroller shall annually furnish to the officers required to make reports by the provisions of this article other than officers of a school district subject to the jurisdiction of a district superintendent under the provisions of article forty-five of the education law, and other than officers filing the required reports by electronic or other paperless method as authorized by section thirty of this article, upon request, printed blanks and forms on which shall be indicated the information required, together with suitable printed instructions for filling out the same. In the case of school districts subject to the jurisdiction of a district superintendent, such printed blanks, forms and printed instructions shall be furnished to such district superintendent who shall aid and assist the officers of such school district in making and filing such report.

§ 33. Accounts of officers to be examined. 1. Inspection and examination of certain accounts. The comptroller shall cause the accounts of all officers of each such municipal corporation, industrial development agency, district, agency and activity to be inspected and examined by one or more examiners of municipal affairs for such periods as the comptroller shall deem necessary. On every such examination inquiry shall be made as to the financial condition and resources of the municipal corporation, industrial development agency, district, agency or activity, and into the method and accuracy of its accounts.

2. Audits of school districts, boards of cooperative educational services (BOCES) and charter schools. a. Notwithstanding any other provisions of law to the contrary, the inspection and examination of school districts, charter schools and boards of cooperative educational services accounts shall be conducted pursuant to provisions of this subdivision. Within such funds as are made available for such purpose, the comptroller shall cause the accounts of every school district, BOCES and charter school in the state to be examined pursuant to a plan developed by the comptroller. Such audits shall be conducted in a manner so as to provide, that every school district, BOCES and charter school shall be audited at least once by March thirty-first, two thousand ten. The priority and frequency of such audits, and any audits conducted thereafter, shall be based upon a risk assessment process conducted by the comptroller which may include investigations of alleged improprieties, previous audit findings and recommendations, or other financial performance indicators. The comptroller shall provide affected school districts, BOCES and charter schools reasonable prior notice before the commencement of any audit.

b. In undertaking such audits the comptroller's review shall include, but not be limited to:

(1) examining, auditing and evaluating financial documents and records of school districts, BOCES and charter schools,

(2) assessing the current financial practices of school districts, BOCES and charter schools to ensure that they are consistent with established standards, including whether any school district that uses a risk-based or sampling methodology to determine which claims are to be audited in lieu of auditing all claims has adopted a methodology that provides reasonable assurance that all the claims represented in the sample are proper charges against the school district; and

(3) determining that school districts, BOCES, and charter schools provide for adequate protections against any fraud, theft, or professional misconduct.

c. All audits shall include any appropriate findings and recommendations of the auditors, regarding the fiscal practices that the auditors believe to be in violation of, any state or federal law, rule or regulation, or demonstrate negligence or incompetence.

d. The office of the state comptroller shall upon making a finding of misconduct refer any findings of fraud, abuse or other conduct constituting a crime that are uncovered during the course of an audit, as appropriate, to the commissioner of education, the charter entity, the attorney general, United States attorney or district attorney having jurisdiction for appropriate action, together with any documents supporting the auditors' findings.

e. The final audit report resulting from audits performed pursuant to this section shall be made available to the public by school districts, BOCES or charter schools upon request for a period of at least five years. Furthermore, the school district, BOCES, or charter school shall be required to post the final audit report on their internet website, if available, or otherwise make available, for a period of five years.

f. Upon the request of the comptroller, any state agency, board of cooperative educational services, school district or charter school, shall cooperate with and make its staff, facilities, and resources available to the comptroller for the purpose of assisting the comptroller in carrying out all actions taken pursuant to this section, and shall provide the comptroller upon request, with all data and records in its possession that relate to audits undertaken pursuant to this section.

g. The comptroller shall inform and advise the governor and the legislature in December of each year regarding a review of all school districts, BOCES, and charter schools audits conducted during the preceding twelve months and any other pertinent information the comptroller deems appropriate.

3. Examinations and report. In addition to the inspection and examination of certain accounts pursuant to this section, the comptroller by the end of the two thousand eleven--two thousand twelve school year, shall also examine for the most recent school year as practicable, the employee benefit accrued liability reserve funds of school districts established pursuant to section six-p of this chapter. Such examination shall be for the purpose of determining the amount of funding in the reserve fund, the amount of liabilities against such fund and if there exist funds in the reserve fund which are in excess of the total liabilities of such fund. The comptroller shall notify the school district if such excess funds exist and the dollar value of the excess funding. The comptroller shall also prepare a report on the school districts with excess funds in their employee benefit accrued liability reserve fund and the amount of the excess funding for each district. Such report shall be submitted by July first, two thousand twelve to the director of the budget, the chair of the senate finance committee, the chair of the assembly ways and means committee and the commissioner of education.

§ 33-a. Examination of distribution of foreign fire insurance premium tax. The state comptroller may cause the records and accounts of any entity receiving and disbursing foreign fire insurance premium tax funds distributed pursuant to sections nine thousand one hundred four and nine thousand one hundred five of the insurance law, the administrative code of the city of New York and the charter of the city of Buffalo to be inspected and examined respecting such funds received after January first, nineteen hundred seventy-six for such periods as the comptroller shall deem necessary. On every such examination inquiry shall be made as to the method and accuracy of accounts.

§ 34. Powers and duties of examiners. 1. The comptroller and each examiner of municipal affairs shall have power to examine into the financial affairs of every such municipal corporation, industrial development agency, district, agency, activity, any fire company as defined in section two hundred four-a of this chapter, and any other organization, except a statewide association of local governments or local government officials, that is controlled by one or more of any such municipal corporations, industrial development agencies, districts or agencies. An organization shall be deemed under the control of one or more municipal corporations, industrial development agencies, districts or agencies when one or more individuals who serve as officers or employees of any such municipal corporation, industrial development agency, district or agency: (a) select either a majority of the organization's highest policy-making body or the organization's chief executive officer; (b) constitute a majority of the voting strength that selects either a majority of the organization's highest policy-making body or the organization's chief executive officer; or (c) serve as: (i) a majority of the organization's highest policy-making body; (ii) in his or her official capacity, the organization's chief executive officer; or (iii) in his or her official capacity, a partner in the organization. An organization under the control of one or more municipal corporations, industrial development agencies, districts or agencies shall also include any other organization that is controlled by such organization.

2. In connection with any examination authorized by subdivision one of this section, the comptroller and each examiner of municipal affairs shall have power to administer an oath to any person whose testimony may be required, and to compel the appearance and attendance of such person for the purpose of any such examination and investigation, and the production of books and papers. In the case of a municipal corporation,

industrial development agency, or school district, no such person shall be compelled to appear or be examined elsewhere than within such municipal corporation, industrial development agency, or school district. In the case of any district other than a school district, no such person may be compelled to appear or be examined elsewhere than within the town or one of the towns in which such district or portion thereof is located. In the case of an urban renewal agency, no such person shall be compelled to appear or be examined outside the municipal corporation wherein such agency is established. In the case of a fire company, no such person shall be compelled to appear or be examined outside the area served by the company. In the case of an activity, no such person shall be compelled to appear outside the area served by the activity. In the case of an organization under the control of one or more municipal corporations, industrial development agencies, districts or agencies, no such person shall be compelled to appear or to be examined outside the county in which the organization has its principal headquarters. Willful false swearing in such examination shall be perjury and shall be punishable as such.

3. For purposes of this section, the term "a majority of the organization's highest policy-making body" shall mean a majority of the whole number of positions comprising such body, provided, however, that if the documents establishing the organization's internal governance allow such body to act by a majority of a quorum, then such term shall mean a majority of the quorum.

§ 34-a. Buffalo city comptroller. 1. Notwithstanding any other provision of law to the contrary, the Buffalo city comptroller shall have the power to examine into the financial affairs of the Buffalo public school district and audit all school district accounts as the comptroller deems necessary. The school district shall make available all books, papers, records, other materials or information required by the comptroller to conduct the examinations and audits authorized by this section. The school district shall be provided sufficient time and opportunity to respond to the findings and recommendations contained in any audit document or any report as a result of an examination prior to the release of any such audit or report. Any final audit document or report shall contain any responses and/or comments submitted by the school district.

2. The comptroller shall annually prepare and submit an audit report on the financial status of the school district to the school board, the mayor, the city council, the state comptroller and the state education department and shall also be made available to the public upon request. Any final report on the financial status of the school district shall contain any responses and/or comments submitted by the school district. The school district shall be given sufficient time and opportunity to review the report and submit a response and/or comments prior to such report's release.

§ 35. Filing of report of examination and notice thereof. 1. A report of such examination shall be made and shall be filed in the office of the state comptroller and in the office of the clerk of the municipal corporation, industrial development agency, district, agency or activity, or with the secretary if there is no clerk. An additional copy thereof shall be filed with the chief fiscal officer, except that in the case of a school district, such additional copy shall be filed in the office of the chairman of the board of trustees, the president of the board of education or the sole trustee, as the case may be. When so filed, each such report and copy thereof shall be a public record open to inspection by any interested person.

2. (a) Within ten days after the filing of a report of examination performed by the office of the state comptroller, a report of an external audit performed by an independent public accountant or any management letter prepared in conjunction with such an external audit with the clerk of the municipal corporation, industrial development agency, district, agency or activity, or with the secretary if there is no clerk, he shall give public notice thereof in substantially the following form: "Notice is hereby given that the fiscal affairs of (name of municipal corporation, industrial development agency, district, agency or activity) for the period beginning on............... and

ending on..............., have been examined by (the office of the state comptroller or an independent public accountant), and that the (report of examination performed by the office of the state comptroller or report of, or management letter prepared in conjunction with, the external audit by the independent public accountant) has been filed in my office where it is available as a public record for inspection by all interested persons. Pursuant to section thirty-five of the general municipal law, the governing board of (name of municipal corporation, district, agency or activity) may, in its discretion, prepare a written response to the (report of examination performed by the office of the state comptroller or the report of external audit or management letter by independent public accountant) and file any such response in my office as a public record for inspection by all interested persons not later than (last date on which response may be filed)."

(b) Except as otherwise provided for a common school district, the clerk, or secretary if there is no clerk, shall cause such notice to be published at least once in the official newspaper, or if there be no official newspaper, in a newspaper having general circulation in the municipal corporation, industrial development agency, district or area served by the agency or activity. If there be no newspaper having general circulation, the clerk, or the secretary if there is no clerk, shall post such notice conspicuously in ten public places in the municipal corporation, industrial development agency, district or area served. In a common school district which maintains a home school, the clerk shall post such notice on the front door of the school house. In a common school district which does not maintain a home school, the clerk shall post such notice conspicuously in at least five public places in the district.

(c) The clerk of every municipal corporation, industrial development agency, district, agency and activity, or the secretary if there is no clerk, shall file in his office proof of the publication or posting of notices pursuant to this section. The proof so filed shall be in such form as may be prescribed by the state comptroller.

(d) In each school district subject to the jurisdiction of a district superintendent, under the provisions of article forty-five of the education law, such district superintendent shall ascertain that the public notice required by this subdivision has been published or posted, as the case may be.

3. The clerk, or secretary if there is no clerk, shall present the report of the examination to the governing body of the municipal corporation, industrial development agency, district, agency or activity for its consideration at the first meeting thereof held after the filing of the report with the clerk or secretary.

4. (a) The governing board or other board, officer or employee of the municipal corporation, industrial development agency, district, agency or activity receiving a report of an external audit performed by an independent public accountant or a management letter prepared in conjunction with such an audit shall file in the office of the clerk of the municipal corporation, industrial development agency, district, agency or activity, or with the secretary if there is no clerk, and shall furnish to the comptroller, a copy of the report or letter within ten days after receipt. If the report or letter is not received by the governing board, a copy shall be provided to the governing board within three days after receipt by any other board, officer or employee receiving the same.

(b) (1) Not later than ninety days after presentation to the governing board of a report of examination performed by the office of the state comptroller, or receipt by the governing board of any report of an external audit performed by an independent public accountant or any management letter in conjunction with such an audit, the governing board may, in its discretion, provide to the comptroller, and file in the office of the clerk, or with the secretary if there is no clerk, of the municipal corporation, industrial development agency, district, agency or activity, a written response to the findings and recommendations, if any, in the report or letter. In the case of municipal corporations, industrial development agency, districts, agencies or activities subject to examination by the commissioner of education, any written response shall also be provided to such commissioner.

(2) A written response prepared pursuant to subparagraph one of this paragraph shall be in such form as may be prescribed by the comptroller and shall include, with respect to each finding or recommendation, a statement of the corrective actions taken or proposed to be taken, or if

corrective action is not taken or proposed, an explanation of the reasons therefor. Any such written response shall also include a statement on the status of corrective actions taken on findings or recommendations contained in any previous report of examination, or report of an external audit, or any management letter prepared in conjunction therewith, by an independent public accountant for which a written response was required. All officers and employees of the municipal corporation, industrial development agency, district, agency or activity shall fully cooperate with the governing board in the preparation of the response by the governing board.

(c) The provisions of this subdivision shall not apply to any city having a population of one million or more.

§ 36. Systems of accounts. The state comptroller may formulate and prescribe systems of keeping accounts for the municipal corporations, districts, agencies and activities specified in section thirty of this chapter. The comptroller, from time to time, whenever he shall deem it necessary, may direct the installation of a system of keeping accounts by any one or more of the municipal corporations, industrial development agency, districts, agencies or activities for which such system was formulated and prescribed. Any officer who shall refuse or willfully neglect to comply with such direction of the comptroller within such reasonable time as the comptroller may prescribe shall be guilty of a misdemeanor. The comptroller may, however, and upon good and sufficient cause shown shall, extend such prescribed time as may be reasonable and necessary. The expense of installing a system of keeping accounts in pursuance of this section shall be paid out of such appropriation as shall be made to carry this article into effect.

§ 37. Statistical report of comptroller. The substance of the reports required by the provisions of this article shall be arranged by the comptroller in such form as shall indicate the comparative receipts from the various sources of revenue and the comparative costs of government in the municipal corporations, industrial development agency, districts, agencies and activities, and shall be published in an annual statement of comparative statistics for each type or class of municipal corporation, industrial development agency, district, agency or activity. Such statement shall be issued at the expense of the state as a public document and shall be submitted by the comptroller to the legislature at each regular session.

§ 38. Expense of examination. The expenses of examining the accounts of any municipal corporation, industrial development agency, district, agency or activity shall be paid out of such appropriation as shall be made to carry the provisions of this article into effect.

§ 39. Investment policies for local governments. 1. Each local government, which for purposes of this section shall include counties, cities, towns, villages, school districts including boards of cooperative educational services and district corporations, within the meaning of that term as set out in subdivision three of section sixty-six of the general construction law, or any other governmental subdivision of the state, shall by resolution adopt a comprehensive investment policy which details the local government's operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the local government. The investment policy shall be annually reviewed by the local government.

2. Funds of the local government, for purposes of this section, shall consist of all moneys and other financial resources available for investment by the local government on its own behalf or on behalf of any other entity or individual.

3. The investment policy adopted by the local government shall include, but not be limited to, the following:

(a) A list of the permitted types of investments of the local government, which shall be consistent with the appropriate provisions of law relating to the local government and any additional requirements pursuant to any contract with bondholders and noteholders or established by the local government.

(b) Procedures and provisions to secure in a satisfactory manner the local government's financial interest in investments.

(c) Standards for written agreements pursuant to which investments are made. Such standards shall be consistent with the appropriate provisions of law relating to the local government and any additional requirements pursuant to any contract with bondholders and noteholders or established by the local government.

(d) Procedures for the monitoring, control, deposit and retention of investments and collateral.

(e) Standards for security agreements and custodial agreements with banks or trust companies authorized to do business in the state of New York, pursuant to which obligations and collateral are held by such banks and trust companies for the local government. Such standards shall be consistent with the appropriate provisions of law relating to the local government and any additional requirements pursuant to any contract with bondholders and noteholders or established by the local government.

(f) Standards for the diversification of investments, including diversification with respect to the permitted types of investments listed in accordance with paragraph (a) of this subdivision and to the firms with whom the local government transacts business. Such standards may also specify the maximum percentage of moneys available for temporary investment or the maximum dollar amount that the local government is authorized to invest in any one permitted type of investment or pursuant to transactions with any one firm.

(g) Standards for the qualification of firms with whom the local government transacts business, such as criteria covering creditworthiness, experience, capitalization, size and any other factors that make a firm capable and qualified to transact business with the local government.

(h) For purposes of this section, the term "firm" shall include, but not be limited to, a bank or trust company as defined in subdivision one of section ten of this chapter, the lead participant of a cooperative investment agreement as defined in subdivision one of section forty-nine-c of this chapter, and the seller of an obligation that is purchased pursuant to a repurchase agreement.

4. Each local government shall have the power to amend its investment policy from time to time in accordance with the provisions of this section.

ARTICLE 3-A

COOPERATIVE INVESTMENTS

§ 42. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Cooperative investment agreement" shall mean the temporary investment of moneys by more than one municipal corporation pursuant to a municipal cooperation agreement entered into in accordance with the provisions of article five-G of this chapter and this article. Such term, however, shall not include investments made pursuant to a municipal cooperation agreement that: (a) has as its primary purpose the performance of a function, power or duty, or the provision of a joint service, other than the investment of funds, provided that the only moneys invested pursuant to such an agreement are those reasonably necessary to perform such other function, power or duty or provide such other joint service; or (b) identifies the specific investments to be made thereunder and provides for the termination of the agreement upon the sale, redemption or maturity of such investments.

2. "Irrevocable letter of credit" shall mean an irrevocable letter of credit issued in favor of every participant in the agreement by a bank whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company's commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories (based on the credit of such bank or holding

company) by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. "Market value" shall mean market prices obtained from a nationally recognized security pricing service or from a minimum of three primary reporting dealers in government securities as determined by the federal reserve bank.

4. "Municipal corporation" shall have the same meaning as in section one hundred nineteen-n of this chapter.

5. "Participant" shall mean each municipal corporation that enters into a cooperative investment agreement in accordance with the provisions of this article.

§ 43. Required elements of a cooperative investment agreement. Every cooperative investment agreement shall contain, at a minimum, the following:

1. a description of the creation, membership, powers and responsibilities of the governing board of the cooperative investment agreement as set forth in sections forty-four and forty-five of this article.

2. a statement designating one of the participants as the lead participant. Moneys to be invested pursuant to the cooperative investment agreement and the investments made pursuant to the cooperative investment shall be held in the custody of the lead participant on behalf of all the participants. Moneys or investments held in the custody of the lead participant on behalf of the participants shall not be commingled with other moneys or investments of the lead participant.

3. a statement that each participant shall have an undivided interest in moneys and investments held by the lead participant on behalf of the

participants in the proportion that the total amount of contributions made by that participant bears to the total amount of contributions by all the participants.

4. a statement of the investment policy applicable to investments made pursuant to the agreement. This investment policy shall conform to the requirements of section thirty-nine of this chapter and shall also include:

(a) a statement of the governing board's intention to maintain the value of each participant's interest in the cooperative investments at a stable value of one dollar,

(b) a statement of the types of investments authorized by section eleven of this chapter in which moneys may be invested under the agreement and, if deemed appropriate, further limitations pertaining to matters such as the use of repurchase agreements and the purchase of variable rate and structured obligations,

(c) a statement of the maximum time remaining to maturity of individual investments permitted under the agreement and the maximum weighted average maturity of all investments made pursuant to the agreement as are deemed necessary to fulfill the investment policy stated in the agreement and to ensure that a participant's investment will be available when needed to meet expenditures; provided, however, that the maximum time remaining to maturity of individual investments shall not exceed three hundred ninety-seven days and the maximum weighted average maturity of all investments shall not exceed sixty days. Compliance under the cooperative investment agreement with the maturity limitations stated in this subdivision shall be deemed to be compliance with the requirements of paragraph a of subdivision three of section eleven of this chapter, and

(d) standards for the diversification of investments, including diversification with respect to types of investments and firms with whom the governing board transacts business.

5. the participants' rights to make contributions and receive distributions, the frequency with which earnings will be distributed to the participants, and the circumstances, if any, under which a participant's rights to make contributions or receive distributions may

be limited or deferred.

6. a description of the manner in which expenses incurred by the governing board in administering the cooperative investment agreement, including, but not limited to, the cost of procuring the services of professionals to assist the governing board, the compensation of an executive director, if one is appointed, and other costs of administering the investments made pursuant to the agreement, are to be apportioned among the participants.

7. a description of the methodology, including, but not limited to, the amortized cost method, that will be utilized to establish the value of each participant's interest in investments made pursuant to the agreement, including the value of contributions and distributions, and the calculation of yield thereon.

8. a provision requiring that the market value of investments made pursuant to the agreement shall be determined at least monthly and whenever the method of valuation authorized by the agreement does not accurately reflect the value of participants' interests in such investments.

9. a provision requiring that, at least once a month, the portfolio of investments made pursuant to the agreement be tested for sensitivity to changes in interest rates. This provision must require that the testing methodology adopted by the board be reasonably designed to reliably quantify the effect of a change in interest rates on the market value of the portfolio.

10. a provision requiring that the governing board secure an irrevocable letter of credit in an amount sufficient to cover any potential losses as quantified pursuant to the testing described in subdivision nine of this section. The cost of such irrevocable letter of credit shall be deemed to be an expense incurred by the board in administering the investments made pursuant to the agreement.

11. a statement that the governing board may procure the services of

professionals such as an administrator, investment advisor, independent auditor, custodial bank, and any other professional services it deems appropriate to assist the governing board in fulfilling its responsibilities under the agreement, provided that: (a) the professionals who will render such services, individually and collectively, shall meet all qualifications deemed appropriate by the governing board; (b) the procurement of such services shall be in compliance with section one hundred four-b of this chapter, subject to a request for proposal process at least every three years; (c) the contracts for such services shall ensure compliance with the requirements of sections ten and eleven of this chapter; and (d) the charges, fees and other compensation for any contracted services shall be clearly stated in written service contracts.

12. a provision requiring that each participant receive written confirmation of each contribution made by or distribution made to the participant no later than the following business day after which the contribution or distribution occurs.

13. a provision requiring that each participant receive a monthly statement that sets forth the following information for the preceding month: (a) all activity by the participant; (b) the value of the participant's interest under the agreement at the beginning and end of the month; and (c) an itemization of all investments held under the agreement as of the end of the month, including the market value of each investment as of that date.

14. a provision requiring that each participant and the state comptroller receive immediate notification of any event or circumstance that may require a deferral of distributions or may cause investment losses not anticipated by the investment policy and of any other material adverse event relating to the investments made pursuant to the agreement.

15. a provision requiring that a certified public accountant annually conduct an audit, in accordance with generally accepted government auditing standards, of the activities undertaken pursuant to the

agreement. A copy of this annual audit shall be distributed to each participant and to the state comptroller within ninety days after the close of the fiscal year established under the agreement.

16. a provision requiring that each participant annually receive, and each prospective participant receive prior to their participation in the agreement, an information statement that includes, at a minimum, the following: (a) a brief history of the agreement; (b) a description of the organization and terms of the cooperative investment agreement, including the powers and responsibilities of the governing board and the qualifications of any professionals retained under the agreement; (c) a description of the investment objectives, policies and practices contained in the agreement including those pertaining to liquidity, methodology for determining participants' interests, distribution of earning and calculation of yield; (d) a description of the current investments held under the agreement; (e) a listing of any fees or charges to be incurred by participants; and (f) a description of the required procedures for initiation and termination of participation in the agreement.

17. a provision requiring that all participants receive at least once a year a report detailing the following information for the preceding twelve months: (a) the portfolio of investments currently held pursuant to the agreement, including, for each investment, the market value, time remaining to maturity, interest earned and realized, and unrealized gains and losses; (b) the overall investment results, yield and weighted average maturity; (c) a list of the fees paid for all professional services procured under the agreement; and (d) a statement of all other expenses incurred by the governing board in administering the investments made pursuant to the agreement.

18. a provision requiring that, if the governing board obtains a rating from a nationally recognized statistical rating organization, such rating and any subsequent changes therein be disclosed to each participant.

§ 44. Governing board; creation and membership. 1. Every cooperative investment agreement shall be administered by a governing board. The numerical membership of the board shall be not less than ten percent of the total number of participants in the agreement as of April first each year; provided, however, that in no event shall the numerical membership of the board be less than three, except in those instances where the cooperative investment agreement has only two participants, in which event the numerical membership of the board shall be two; and provided further that in no event shall the numerical membership of the board be more than fifteen. All board members shall be chief fiscal officers of participants or such other officers or employees of participants having knowledge and expertise in financial matters. Candidates for board membership shall be nominated by the participants they represent.

2. Of the initial governing board members, one-third shall serve one year terms, one-third shall serve two year terms, and one-third shall serve three year terms. In the event that the board has only two members, one member of the initial board shall serve a two year term and the other member shall serve a three year term. Thereafter, all board members shall serve three year terms. An annual election shall be held for those board members whose terms have expired. The first such election shall be held within ninety days of the date on which the participants enter into the cooperative investment agreement. Thereafter, the board shall establish an annual date for the election. All participants shall be given at least thirty days notice of an election and the opportunity to vote by mail or proxy.

3. If a member becomes ineligible for office because he or she is no longer the chief fiscal officer or other officer or employee of a participant or the municipal corporation he or she represents is no longer a participant in the agreement, or if for any other reason a member resigns or can no longer fulfill the obligations of membership, then the remaining members of the board may appoint an eligible chief fiscal officer to fill the vacancy until the next annual election at which time the unexpired term of the vacancy shall be filled in the same manner as all board member positions.

4. A quorum of the members must be present to transact any board business. Two-thirds of the membership shall constitute a quorum. To transact any business or exercise any power, the board shall act by a majority vote of the members present at any meeting at which a quorum is in attendance. A member of the board may designate a representative to attend meetings, vote or otherwise act on his or her behalf.

5. The board shall meet at least quarterly at dates and times to be established by the members of the board.

6. All members must have an appropriate bond or undertaking in an amount to be determined by the board. The cost of such bond or undertaking shall be deemed to be an expense incurred by the board in administering the investments made pursuant to the agreement.

7. The provisions of article eighteen of this chapter shall apply to the governing board as if the governing board were a municipality. No member of the governing board shall have an interest in a contract entered into by the governing board prohibited by section eight hundred one of this chapter. In addition, except as provided in section eight hundred two of this chapter, an officer or employee of a participant shall be prohibited from having an interest, as defined in subdivision three of section eight hundred of this chapter, in any contract entered into by the governing board of the cooperative investment agreement.

8. No member may receive compensation from the cooperative investment agreement for service as a board member, but may be reimbursed for actual and necessary expenses incurred in the performance of his or her official duties as a board member.

§ 45. Governing board; powers and responsibilities. The governing board of a cooperative investment agreement shall have the following powers and responsibilities:

1. administering all aspects of the agreement;

2. entering into those contracts deemed appropriate to assist in the management of the agreement;

3. where authorized under the agreement: (a) delegating the daily responsibilities of making investment decisions pursuant to the agreement to the chief fiscal officer of one of the participants, provided that such delegation shall in no way relieve the board of its responsibilities under this article, and provided further that such chief fiscal officer has an appropriate bond or undertaking, the cost of which shall be deemed to be an expense incurred by the board in administering the investments made pursuant to the agreement, in an amount to be determined by the board; or (b) appointing an executive director to assume the daily responsibilities of making investment decisions pursuant to the agreement, provided that such appointment shall in no way relieve the board of its responsibilities under this article, and provided further that such executive director: (i) serves at the pleasure of the board; (ii) has been determined by the board to be qualified to assume such responsibilities; (iii) shall be compensated in an amount to be determined by the governing board, such compensation being deemed to be an expense incurred by the board in administering the investments made pursuant to the agreement; (iv) shall be subject to such other provisions, described in paragraph b of subdivision two of section one hundred nineteen-o of this chapter, relating to his or her employment as are included in the agreement; and (v) has an appropriate bond or undertaking, the cost of which shall be deemed to be an expense incurred by the board in administering the investments made pursuant to the agreement, in an amount to be determined by the board;

4. monitoring compliance with the investment policy established under the agreement;

5. monitoring compliance with the maturity limitations established under the agreement and in this article; and

6. monitoring compliance with the reporting and disclosure requirements established under the agreement.

ARTICLE 4

NEGLIGENCE AND MALFEASANCE OF PUBLIC OFFICERS; TAXPAYERS' REMEDIES

§ 50. Cause of action not barred. A cause of action in law or equity against any municipality in the state of New York, or its proper officers, arising from the action of such municipality in derogation of its previous grant or covenant, where a previous action shall not have succeeded, in whole or in part, owing to the failure of the said municipality to produce or prove certain written evidence, which was essential to the plaintiff's claim, shall not be barred by the operation of the statutes limiting the time for the enforcement of civil remedies in favor of the successor in interest to the person entitled to any benefit or damages by reason of such grant, covenant or action of said municipality.

§ 50-a. Municipal liability for negligent operation of vehicles. 1. Every city, town and village shall be liable for the negligence of a person duly appointed by the governing board or body of the municipality, or by any board, body, commission or other officer thereof, to operate a municipally owned vehicle within the state in the discharge of a statutory duty imposed upon the municipality, provided the appointee at the time of the accident or injury was acting in the discharge of his duties and within the scope of his employment. Every such appointee shall, for the purpose of this section, be deemed an employee of the municipality, notwithstanding the vehicle was being operated in the discharge of a public duty for the benefit of all citizens of the community and the municipality derived no special benefit in its corporate capacity.

2. The provisions of this section shall not apply to the city of New York.

§ 50-b. Municipal liability for negligent operation of vehicles or other facility of transportation. 1. Every county, city, town, village and other subdivision of government, notwithstanding any inconsistent provisions of law, general, special or local or any limitation contained in the provision of any city charter, shall be liable and shall assume the liability for the negligence of, and shall save harmless, a person duly appointed by the governing board or body of the municipality, or by any board, body, commission or other officer thereof, in the operation of a municipally owned vehicle or other facility of transportation within the state in the discharge of a statutory duty imposed upon such person or municipality, provided the appointee at the time of the accident or injury was acting in the discharge of his duties and within the scope of his employment. Every such appointee shall, for the purpose of this section, be deemed an employee of the municipality, notwithstanding the vehicle or other facility of transportation was being operated in the discharge of a public duty for the benefit of all citizens of the community and the municipality derived no special benefit in its corporate capacity.

2. The provisions of this section shall not apply to the city of New York.

§ 50-c. Liability for negligent operation of certain vehicles in the performance of duty by police officers and paid firefighters. 1. Every city, town, village and fire district, notwithstanding any inconsistent provision of law, general, special or local or the limitation contained in the provisions of any city charter, shall be liable for, and shall assume the liability to the extent that it shall save harmless any duly appointed police officers of the municipality or any duly appointed paid firefighters of the municipality or fire district for, the negligence of such appointee in the operation of a vehicle upon the public streets or highways of the municipality or fire district in the discharge of a statutory duty imposed upon such appointee or municipality or fire district, provided the appointee at the time of the accident, injury or damages complained of, was acting in the performance of his or her duties and within the scope of his or her employment.

A police officer of a municipality or a paid firefighter of a municipality or fire district, although excused from official duty at the time, for the purposes of this section, shall be deemed to be acting in the discharge of duty when engaged in the immediate and actual performance of a public duty imposed by law and such public duty performed was for the benefit of all the citizens of the community and the municipality or fire district derived no special benefit in its corporate capacity.

No action or special proceeding instituted pursuant to the provisions of this section or section fifty-b of this article, shall be prosecuted or maintained against the municipality, fire district or appointee, unless notice of claim shall have been made and served in compliance with section fifty-e of this article. Every such action shall be commenced pursuant to the provisions of section fifty-i of this article.

2. The provisions of this section shall not apply to the city of New York.

§ 50-d. Municipal liability for malpractice of certain physicians, resident physicians, internes, dentists, podiatrists and optometrists in public institutions. 1. Notwithstanding any inconsistent provision of law, general, special or local, or limitation contained in the provisions of any city charter, every municipal corporation shall be liable for, and shall assume the liability, to the extent that it shall save him harmless, of any resident physician, physician, interne, dentist, podiatrist or optometrist rendering medical, dental, podiatry or optometry services of any kind to a person without receiving compensation from such person in a public institution maintained in whole or in part by the municipal corporation, or in the course of a home care service maintained by such public institution, for damages for personal injuries alleged to have been sustained by such person by reason of the malpractice of such resident physician, physician, interne, dentist, podiatrist or optometrist while engaged in the rendition of such services. Every such resident physician, physician, interne, dentist, podiatrist or optometrist for the purpose of this section, shall be deemed an employee of the municipal corporation notwithstanding that the municipal corporation derived no special benefit in its corporate capacity.

2. No action shall be maintained under this section against such

municipality, resident physician, physician, interne, dentist, podiatrist or optometrist unless a notice of claim shall have been made and served in compliance with section fifty-e of this chapter. Every such action shall be commenced pursuant to the provisions of section fifty-i of this chapter.

3. The provisions of this section shall not apply to the city of New York.

§ 50-e. Notice of claim. 1. When service required; time for service; upon whom service required.

(a) In any case founded upon tort where a notice of claim is required by law as a condition precedent to the commencement of an action or special proceeding against a public corporation, as defined in the general construction law, or any officer, appointee or employee thereof, the notice of claim shall comply with and be served in accordance with the provisions of this section within ninety days after the claim arises; except that in wrongful death actions, the ninety days shall run from the appointment of a representative of the decedent's estate. Notwithstanding any provision of law to the contrary, this section shall not apply to any otherwise time-barred civil claims or causes of action revived by section two hundred eight-a of the civil practice law and rules. This exemption shall not apply to any claim that was timely under the otherwise applicable statute of limitations.

(b) Service of the notice of claim upon an officer, appointee or employee of a public corporation shall not be a condition precedent to the commencement of an action or special proceeding against such person. If an action or special proceeding is commenced against such person, but not against the public corporation, service of the notice of claim upon the public corporation shall be required only if the corporation has a statutory obligation to indemnify such person under this chapter or any other provision of law.

2. Form of notice; contents. The notice shall be in writing, sworn to by or on behalf of the claimant, and shall set forth: (1) the name and post-office address of each claimant, and of his attorney, if any; (2)

the nature of the claim; (3) the time when, the place where and the manner in which the claim arose; and (4) the items of damage or injuries claimed to have been sustained so far as then practicable but a notice with respect to a claim against a municipal corporation other than a city with a population of one million or more persons shall not state the amount of damages to which the claimant deems himself entitled, provided, however, that the municipal corporation, other than a city with a population of one million or more persons, may at any time request a supplemental claim setting forth the total damages to which the claimant deems himself entitled. A supplemental claim shall be provided by the claimant within fifteen days of the request. In the event the supplemental demand is not served within fifteen days, the court, on motion, may order that it be provided by the claimant.

3. How served; when service by mail complete; defect in manner of service; return of notice improperly served.

(a) The notice shall be served on the public corporation against which the claim is made by delivering a copy thereof personally, or by registered or certified mail, to the person designated by law as one to whom a summons in an action in the supreme court issued against such corporation may be delivered, or to an attorney regularly engaged in representing such public corporation or, in a city with a population of over one million, by electronic means in a form and manner prescribed by such city.

(b) Service by registered or certified mail shall be complete upon deposit of the notice of claim, enclosed in a postpaid properly addressed wrapper, in a post office or official depository under the exclusive care and custody of the United States post office department within the state.

(c) If the notice is served within the period specified by this section, but in a manner not in compliance with the provisions of this subdivision, the service shall be valid if the public corporation against which the claim is made demands that the claimant or any other person interested in the claim be examined in regard to it, or if the notice is actually received by a proper person within the time specified by this section, and the public corporation fail to return the notice, specifying the defect in the manner of service, within thirty days after the notice is received.

(d) If the notice is served within the period specified by this section and is returned for the reason and within the time provided in this subdivision, the claimant may serve a new notice in a manner complying with the provisions of this subdivision within ten days after the returned notice is received. If a new notice is so served within that period, it shall be deemed timely served.

(e) If the notice is served by electronic means, as defined in paragraph two of subdivision (f) of rule twenty-one hundred three of the civil practice law and rules, it shall contain the information required under the provisions of subdivision two of this section. In addition, such notice shall contain the following declaration: "I certify that all information contained in this notice is true and correct to the best of my knowledge and belief. I understand that the willful making of any false statement of material fact herein will subject me to criminal penalties and civil liabilities." Service of the notice shall be complete upon successful transmission of the notice as indicated by an electronic receipt provided by such city, which shall transmit an electronic receipt number to the claimant forthwith.

(f) Service of a notice of claim on the secretary of state as agent of any public corporation, as defined in subdivision one of section sixty-six of the general construction law, whatsoever created or existing by virtue of the laws of the state of New York upon whom service of a notice of claim is required as a condition precedent to being sued, may be made by personally delivering to and leaving with the secretary of state or a deputy, or with any person authorized by the secretary of state to receive such service, at the office of the department of state in the city of Albany, duplicate copies of such notice of claim together with the statutory fee, which fee shall be a taxable disbursement but only in the amount equal to the portion of the fee collected by the public corporation in accordance with subdivision four of this section. Service on such public corporation shall be complete when the secretary of state is so served. Within ten days after receiving a notice of claim, the secretary of state shall either: (1) send one of such copies by certified mail, return receipt requested, to such public corporation, at the post office address on file in the department of state, specified for the purpose; or (2) electronically transmit a copy to such public corporation at the electronic address on file with the department of state specified for that purpose; or (3) transmit a copy to such public corporation by any other such means or procedure established by the secretary of state, provided that such other means or procedure of transmittal must be verifiable.

4. Requirements of section exclusive except as to conditions precedent to liability for certain defects or snow or ice. No other or further notice, no other or further service, filing or delivery of the notice of claim, and no notice of intention to commence an action or special proceeding, shall be required as a condition to the commencement of an action or special proceeding for the enforcement of the claim; provided, however, that nothing herein contained shall be deemed to dispense with the requirement of notice of the defective, unsafe, dangerous or obstructed condition of any street, highway, bridge, culvert, sidewalk or crosswalk, or of the existence of snow or ice thereon, where such notice now is, or hereafter may be, required by law, as a condition precedent to liability for damages or injuries to person or property alleged to have been caused by such condition, and the failure or negligence to repair or remove the same after the receipt of such notice.

5. Application for leave to serve a late notice.

Upon application, the court, in its discretion, may extend the time to serve a notice of claim specified in paragraph (a) of subdivision one of this section, whether such service was made upon a public corporation or the secretary of state. The extension shall not exceed the time limited for the commencement of an action by the claimant against the public corporation. In determining whether to grant the extension, the court shall consider, in particular, whether the public corporation or its attorney or its insurance carrier acquired actual knowledge of the essential facts constituting the claim within the time specified in subdivision one of this section or within a reasonable time thereafter. The court shall also consider all other relevant facts and circumstances, including: whether the claimant was an infant, or mentally or physically incapacitated, or died before the time limited for service of the notice of claim; whether the claimant failed to serve a timely notice of claim by reason of his justifiable reliance upon settlement representations made by an authorized representative of the public corporation or its insurance carrier; whether the claimant in serving a notice of claim made an excusable error concerning the identity of the public corporation against which the claim should be asserted; if service of the notice of claim is attempted by electronic means pursuant to paragraph (e) of subdivision three of this section, whether the delay in serving the notice of claim was based upon the failure of the computer system of the city or the claimant or the attorney representing the claimant; that such claimant or attorney, as the case may be, submitted evidence or proof as is reasonable showing that (i) the submission of the claim was attempted to be electronically made in a timely manner and would have been completed but for the failure of the computer system utilized by the sender or recipient, and (ii) that upon becoming aware of both the failure of such system and the failure of the city to receive such submission, the claimant or attorney had insufficient time to make such claim within the permitted time period in a manner as otherwise prescribed by law; and whether the delay in serving the notice of claim substantially prejudiced the public corporation in maintaining its defense on the merits.

An application for leave to serve a late notice shall not be denied on the ground that it was made after commencement of an action against the public corporation.

6. Mistake, omission, irregularity or defect. At any time after the service of a notice of claim and at any stage of an action or special proceeding to which the provisions of this section are applicable, a mistake, omission, irregularity or defect made in good faith in the notice of claim required to be served by this section, not pertaining to the manner or time of service thereof, may be corrected, supplied or disregarded, as the case may be, in the discretion of the court, provided it shall appear that the other party was not prejudiced thereby.

7. Applications under this section. All applications under this

section shall be made to the supreme court or to the county court: (a) in a county where the action may properly be brought for trial, (b) if an action to enforce the claim has been commenced, in the county where the action is pending, or (c) in the event that there is no motion term available in any of the counties specified in clause (a) or (b) hereof, in any adjoining county. Where the application is for leave to serve a late notice of claim, it shall be accompanied by a copy of the proposed notice of claim.

8. Inapplicability of section. (a) This section shall not apply to claims arising under the provisions of the workers' compensation law, the volunteer firefighters' benefit law, or the volunteer ambulance workers' benefit law or to claims against public corporations by their own infant wards.

(b) This section shall not apply to: (i) any claim made for physical, psychological, or other injury or condition suffered as a result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than eighteen years of age, incest as defined in section 255.27, 255.26 or 255.25 of the penal law committed against a child less than eighteen years of age, or the use of a child in a sexual performance as defined in section 263.05 of the penal law committed against a child less than eighteen years of age; or

(ii) any civil claim or cause of action revived pursuant to section two hundred fourteen-j of the civil practice law and rules.

§ 50-f. Recording of notice of claim. 1. Wherever a notice of claim is required by section fifty-e of this chapter as a condition precedent to the commencement of an action or proceeding against a municipal corporation or any authority or commission heretofore or hereafter continued or created by the public authorities law, or any officer, appointee or employee thereof, every such municipal corporation and every such authority or commission shall make and keep a record, numbered consecutively and indexed alphabetically according to the name of the claimant, of each notice of claim filed in compliance with such requirement and of the disposition of the claim so noticed. Wherever such notice of claim relates to a cause of action against a municipal corporation or any such authority or commission for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being out of repair, unsafe, dangerous or obstructed, or in consequence of the existence of snow or ice thereon, every municipal corporation and every such authority or commission shall keep an additional record of each such notice of claim indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition. The record shall be made and kept by an officer or employee designated for that purpose by the governing body of such municipal corporation or of such authority or commission. In the absence of such designation the record shall be kept by the secretary of such authority or commission or by the clerk of such municipal corporation, except in the counties, where it shall be kept by the clerk of the board of supervisors, and except in the city of New York, where it shall be kept by the comptroller or a person designated by him for that purpose. The record of each claim shall be preserved for a period of five years after the date of the final disposition thereof.

2. The record shall set forth: (1) the name and post-office address of the claimant and of his attorney, if any; (2) the date of service; (3) the time, place and manner of injury; (4) the nature of the injury and amount claimed; (5) whether the claim was approved or disapproved, with the date; (6) whether referred to an insurance carrier, with the date; (7) the carrier's disposition of the claim with the date; (8) the date of service of a complaint; (9) the name and address of any named co-defendant; (10) the name and address of any third-party defendant; (11) the municipal corporation's equitable share determined in accordance with the relative culpability of each party pursuant to an itemized decision or itemized jury verdict; (12) the extent to which the municipal corporation has paid more than such equitable share. (13) the date and result of any trial; (14) the date and result of any appeal; (15) the date and amount of any settlement; (16) the date and amount of any judgment paid; (17) the reason and date the file was closed.

4. This section shall be applicable notwithstanding any inconsistent provisions of law, general, special or local, or any limitation

contained in the provisions of any city charter.

§ 50-g. Recording of notice of defect. 1. Wherever any statute, city charter or local law provides that no civil action shall be maintained against a city for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being out of repair, unsafe, dangerous or obstructed, or in consequence of the existence of snow or ice thereon, unless it appear that written notice of the defective, unsafe, dangerous or obstructed condition, or of the existence of the snow or ice, was actually given to the city or its specified officer or employee and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed, or the place otherwise made reasonably safe, the city shall keep an indexed record, in a separate book, of all written notices which it shall receive of the existence of such defective, unsafe, dangerous or obstructed condition, or of such snow or ice, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice.

2. Where the statute, charter or local law requires that the written notice be given to a specified city officer or employee the record shall be made and kept by the person so specified. Where the statute, charter or local law requires that the written notice be given to any of several specified city officers or employees, or omits to specify the officer or employee to whom the written notice shall be given, the record shall be made and kept by an officer or employee designated for that purpose by the governing body of the city. In the absence of such designation the record shall be made and kept by the commissioner of public works of the city or, if there be no officer of that title, by an officer exercising corresponding duties. The record of notices of defects shall be a public record. The record of each notice shall be preserved for a period of

five years after the date it is received.

3. This section shall be applicable notwithstanding any inconsistent provisions of law, general, special or local, or any limitation contained in the provisions of any city charter.

§ 50-h. Examination of claims. 1. Wherever a notice of claim is filed against a city, county, town, village, fire district, ambulance district or school district the city, county, town, village, fire district, ambulance district or school district shall have the right to demand an examination of the claimant relative to the occurrence and extent of the injuries or damages for which claim is made, which examination shall be upon oral questions unless the parties otherwise stipulate and may include a physical examination of the claimant by a duly qualified physician. If the party to be examined desires, he or she is entitled to have such examination in the presence of his or her own personal physician and such relative or other person as he or she may elect. Exercise of the right to demand a physical examination of the claimant as provided in this section shall in no way affect the right of a city, county, town, village, fire district, ambulance district or school district in a subsequent action brought upon the claim to demand a physical examination of the plaintiff pursuant to statute or court rule.

2. The demand for examination as provided in subdivision one of this section shall be made by the chief executive officer or, where there is no such officer, by the chairman of the governing body of the city, county, town, village, fire district or school district or by such officer, agent or employee as may be designated by him for that purpose. The demand shall be in writing and shall be served personally or by registered or certified mail upon the claimant unless the claimant is represented by an attorney, when it shall be served personally or by mail upon his attorney. The demand shall give reasonable notice of the examination. It shall state the person before whom the examination is to be held, the time, place and subject matter thereof and, if a physical examination is to be required, it shall so state. If the place of examination is located outside the municipality against which the claim

is made, the claimant may demand, within ten days of such service, that the examination be held at a location within such municipality. Such location shall be determined by the municipality. If a physical examination is to be required and there is no appropriate place for such an examination within the municipality, such examination shall be given at a location as close to such municipality as practicable. No demand for examination shall be effective against the claimant for any purpose unless it shall be served as provided in this subdivision within ninety days from the date of filing of the notice of claim, or if service of the notice of claim is made by service upon the secretary of state pursuant to section fifty-three of this article, within one hundred days from the date of such service.

3. In any examination required pursuant to the provisions of this section the claimant shall have the right to be represented by counsel. The examination shall be conducted upon oath or affirmation. The officer or person before whom the examination is had shall take down or cause to be taken down every question and answer unless the parties consent that only the substance of the testimony be inserted. The testimony so taken, together with the report of the examining physician where a physical examination is required, shall constitute the record of the examination. The transcript of the record of an examination shall not be subject to or available for public inspection, except upon court order upon good cause shown, but shall be furnished to the claimant or his attorney upon request.

4. A transcript of the testimony taken at an examination pursuant to the provisions of this section may be read in evidence by either party, in an action founded upon the claim in connection with which it was taken, at the trial thereof or upon assessment of damages or upon motion. In an action by an executor or administrator to recover damages for a wrongful act, neglect or default by which a decedent's death was caused, the testimony of such decedent taken pursuant to the provisions of this section in respect of such wrongful act, neglect or default may be read in evidence.

5. Where a demand for examination has been served as provided in

subdivision two of this section no action shall be commenced against the city, county, town, village, fire district or school district against which the claim is made unless the claimant has duly complied with such demand for examination, which compliance shall be in addition to the requirements of section fifty-e of this chapter. If such examination is not conducted within ninety days of service of the demand, the claimant may commence the action. The action, however, may not be commenced until compliance with the demand for examination if the claimant fails to appear at the hearing or requests an adjournment or postponement beyond the ninety day period. If the claimant requests an adjournment or postponement beyond the ninety day period, the city, county, town, village, fire district or school district shall reschedule the hearing for the earliest possible date available.

§ 50-i. Presentation of tort claims; commencement of actions. 1. No action or special proceeding shall be prosecuted or maintained against a city, county, town, village, fire district or school district for personal injury, wrongful death or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act of such city, county, town, village, fire district or school district or of any officer, agent or employee thereof, including volunteer firefighters of any such city, county, town, village, fire district or school district or any volunteer firefighter whose services have been accepted pursuant to the provisions of section two hundred nine-i of this chapter, unless, (a) a notice of claim shall have been made and served upon the city, county, town, village, fire district or school district in compliance with section fifty-e of this article, (b) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice, or if service of the notice of claim is made by service upon the secretary of state pursuant to section fifty-three of this article, that at least forty days have elapsed since the service of such notice, and that adjustment or payment thereof has been neglected or refused, and (c) the action or special proceeding shall be commenced within one year and ninety days after the happening of the event upon which the claim is based; except that wrongful death actions shall be commenced within two years after the happening of the death.

2. This section shall be applicable notwithstanding any inconsistent provisions of law, general, special or local, or any limitation contained in the provisions of any city charter.

3. Nothing contained herein or in section fifty-h of this chapter shall operate to extend the period limited by subdivision one of this section for the commencement of an action or special proceeding.

4. (a) Notwithstanding any other provision of law to the contrary, including any other subdivision of this section, section fifty-e of this article, section thirty-eight hundred thirteen of the education law, and the provisions of any general, special or local law or charter requiring as a condition precedent to commencement of an action or special proceeding that a notice of claim be filed or presented, any cause of action against a public corporation for personal injuries suffered by a participant in World Trade Center rescue, recovery or cleanup operations as a result of such participation which is barred as of the effective date of this subdivision because the applicable period of limitation has expired is hereby revived, and a claim thereon may be filed and served and prosecuted provided such claim is filed and served within one year of the effective date of this subdivision.

(b) For the purposes of this subdivision:

(1) "participant in World Trade Center rescue, recovery or cleanup operations" means any employee or volunteer that:

(i) participated in the rescue, recovery or cleanup operations at the World Trade Center site; or

(ii) worked at the Fresh Kills Land Fill in the city of New York after September eleventh, two thousand one; or

(iii) worked at the New York city morgue or the temporary morgue on pier locations on the west side of Manhattan after September eleventh, two thousand one; or

(iv) worked on the barges between the west side of Manhattan and the Fresh Kills Land Fill in the city of New York after September eleventh, two thousand one.

(2) "World Trade Center site" means anywhere below a line starting

from the Hudson River and Canal Street; east on Canal Street to Pike Street; south on Pike Street to the East River; and extending to the lower tip of Manhattan.

5. Notwithstanding any provision of law to the contrary, this section shall not apply to any claim made against a city, county, town, village, fire district or school district for physical, psychological, or other injury or condition suffered as a result of conduct which would constitute a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than eighteen years of age, incest as defined in section 255.27, 255.26 or 255.25 of the penal law committed against a child less than eighteen years of age, or the use of a child in a sexual performance as defined in section 263.05 of the penal law committed against a child less than eighteen years of age.

6. Notwithstanding any provision of law to the contrary, any person who suffers physical, psychological, or other injury or condition while in custody shall have, pursuant to section two hundred eight-a of the civil practice law and rules, the full benefit of the limitations period provided in this section and, in addition, shall have a two-year window following the date of the person's release from that period of custody within which to commence an action based on such injury or condition. For any otherwise time-barred civil claims or causes of action revived by section two hundred eight-a of the civil practice law and rules, no notice of claim shall be required as a condition precedent to the commencement of such action or special proceeding. This exemption shall not apply to any claim that was timely under the otherwise applicable statute of limitations.

*** § 50-j. Liability of police officers for negligence in the performance of duty.** 1. Notwithstanding the provisions of any general, special or local law, charter or code to the contrary, every city, county, town, village, authority or agency shall be liable for, and shall assume the liability to the extent that it shall save harmless, any duly appointed police officer of such municipality, authority or agency for any negligent act or tort, provided such police officer, at the time of the negligent act or tort complained of, was acting in the performance of his duties and within the scope of his employment.

2. For purposes of this section, a police officer of any such municipal corporation, authority or agency, although excused from official duty at the time, shall be deemed to be acting in the discharge of duty when engaged in the immediate and actual performance of a public duty imposed by law and such public duty performed was for the benefit of the citizens of the community wherein such public duty was performed and the municipal corporation, authority or agency derived no special benefit in its corporate capacity.

3. No action or special proceeding instituted hereunder shall be prosecuted or maintained against the municipality, authority or agency concerned or such police officer unless notice of claim shall have been made and served upon such municipality, authority or agency in compliance with section fifty-e of this chapter. Every such action shall be commenced pursuant to the provisions of section fifty-i of this chapter.

4. The provisions of this section shall not apply to the city of New York.

5. The provisions of this section shall not apply to the New York city housing authority.

6. a. In addition to the requirements of subdivision one of this section, upon discretionary adoption of a local law, ordinance, resolution, rule or regulation, any city, county, town, village, authority, or agency shall provide for the defense of any civil action or proceeding brought against a duly appointed police officer of such municipality, authority or agency and shall indemnify and save harmless such police officer from any judgment of a court of competent jurisdiction whenever such action, proceeding or judgment is for punitive or exemplary damages, arising out of a negligent act or other tort of such police officer committed while in the proper discharge of his duties and within the scope of his employment. Such municipality,

authority or agency is hereby authorized and empowered to purchase insurance to cover the cost of such defense and indemnification.

b. The determination of whether any such police officer properly discharged his duties within the scope of his employment shall be made in a manner which shall be promulgated by the chief executive officer or if there be none, the chief legislative officer, and adopted by the governing board of such municipality, authority or agency.

* NB There are 2 § 50-j's

*** § 50-j. Civil actions against correction employees.** 1. As used in this section:

a. "Member" means any active or retired member of the uniformed force as well as any person employed by or retired from the correction department of a city. It also means any employee of such department whose employment has been suspended for budgetary reasons.

b. "Corporation Counsel" means the corporation counsel or chief legal officer of a city.

c. "Department" means the correction department of a city that employs the member.

d. "City" means the particular city that employs the member.

2. No civil action shall be brought in any court of the state, except by the corporation counsel on behalf of the city, against any member of the department, in his personal capacity, for damages arising out of any act done or the failure to perform any act that was (a) within the scope of the employment and in the discharge of the duties by such member and (b) was not in violation of any rule or regulation of the department or of any statute or governing case law of the state at the time the alleged damages were sustained.

3. Any claim for damages arising out of any act done or the failure to

perform any act within the scope of the employment and in the discharge of the duties of any member of the department shall be brought and maintained in the supreme court as a claim against the city.

4. The city shall save harmless and indemnify any member of the department from financial loss resulting from a claim filed in a court of the United States for damages arising out of an act done or the failure to perform any act that was (a) within the scope of the employment and in the discharge of the duties of such member, and (b) was not in violation of any rule or regulation of the department or of any statute or governing case law of the state or of the United States at the time the alleged damages were allegedly sustained, provided that the member shall comply with the provisions of subdivision five of this section.

5. The member shall deliver, within ten days of the time he is served with any summons, complaint, process, notice, demand or pleading, the original or copy thereof to the corporation counsel, and request the corporation counsel to assume control of his representation. The corporation counsel upon receipt of any such summons, complaint, process, notice, demand or pleading may assume control of the representation of the member. Upon the corporation counsel assuming such control, the member shall cooperate fully with the corporation counsel.

6. This section shall not in any way impair, limit or modify the rights and obligations of any insurer under any policy of insurance.

7. The benefits of subdivision four shall inure only to members of the department and shall not enlarge or diminish the rights of any other party.

8. This section shall apply with respect to claims arising on or after the effective date of this section.

9. The provisions of this section shall not apply to the city of New York.

* NB There are 2 § 50-j's

§ 50-k. Civil actions against employees of the city of New York. 1. As used in this section:

a. "Agency" shall mean a city, county, borough, or other office, position, administration, council, department, division, bureau, board, community board, commission, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury, but shall not include, unless otherwise provided by law, any public authority, public benefit corporation or board of education.

b. "City" shall mean the city of New York.

c. "Comptroller" shall mean the comptroller of the city.

d. "Corporation Council" shall mean the corporation council of the city.

e. "Employee" shall mean any person holding a position by election, appointment or employment in the service of any agency, whether or not compensated, or a volunteer expressly authorized to participate in a city sponsored volunteer program, but shall not include an independent contractor. The term employee shall include a former employee, his estate or judicially appointed personal representative.

2. At the request of the employee and upon compliance by the employee with the provisions of subdivision four of this section, the city shall provide for the defense of an employee of any agency in any civil action or proceeding in any state or federal court including actions under sections nineteen hundred eighty-one through nineteen hundred eighty-eight of title forty-two of the United States code arising out of any alleged act or omission which the corporation counsel finds occurred while the employee was acting within the scope of his public employment and in the discharge of his duties and was not in violation of any rule or regulation of his agency at the time the alleged act or omission occurred. This duty to provide for a defense shall not arise where such

civil action or proceeding is brought by or on behalf of the city or state or an agency of either.

3. The city shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court, or in the amount of any settlement of a claim approved by the corporation counsel and the comptroller, provided that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment and in the discharge of his duties and was not in violation of any rule or regulation of his agency at the time the alleged damages were sustained; the duty to indemnify and save harmless prescribed by this subdivision shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.

4. The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon (a) delivery to the corporation counsel at the office of the law department of the city by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within ten days after he is served with such document, and (b) the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the city based upon the same act or omission, and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the city provide for his defense pursuant to this section. In the event that the corporation counsel shall assume an employee's defense and thereafter the employee fails to or refuses to cooperate in the formation or presentation of his defense, the court shall permit the corporation counsel to withdraw his representation ten days after giving written notice to the employee of his intention to discontinue such representation.

5. In the event that the act or omission upon which the court proceeding against the employee is based was or is also the basis of a disciplinary proceeding by the employee's agency against the employee, representation by the corporation counsel and indemnification by the city may be withheld (a) until such disciplinary proceeding has been

resolved and (b) unless the resolution of the disciplinary proceeding exonerated the employee as to such act or omission.

6. Every action or proceeding instituted hereunder, including an action brought to enforce a provision of sections nineteen hundred eighty-one through nineteen hundred eighty-eight of title forty-two of the United States code, shall be commenced pursuant to the provisions of section fifty-i of this chapter and within one year and ninety days. No action or proceeding instituted hereunder, other than one instituted pursuant to sections nineteen hundred eighty-one through nineteen hundred eighty-eight of title forty-two of the United States code shall be prosecuted or maintained against the city or any agency or an employee unless notice of claim shall have been made and served upon the city in compliance with section fifty-e of this chapter and within ninety days after the claim arises.

7. The provisions of this section shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

8. The provisions of this section shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted, except that the provisions of subdivision six shall apply only to actions and proceedings instituted on or after the effective date of this section.

9. The provisions of this section shall not be construed in any way to impair, alter, limit, modify, or abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the city or any agency or any other level of government, or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with, or by reason of, any other provision of state, federal or local law or common law.

§ 50-l. Civil actions against employees of the Nassau county police department. Notwithstanding the provisions of any other law, code or charter, the county of Nassau shall provide for the defense of any civil action or proceeding brought against a duly appointed police officer of the Nassau county police department and shall indemnify and save harmless such police officer from any judgment of a court of competent jurisdiction whenever such action, proceeding or judgment is for damages, including punitive or exemplary damages, arising out of a negligent act or other tort of such police officer committed while in the proper discharge of his duties and within the scope of his employment. Such proper discharge and scope shall be determined by a majority vote of a panel consisting of one member appointed by the Nassau county board of supervisors, one member appointed by the Nassau county executive, and the third member being the Nassau county police commissioner or a deputy police commissioner.

§ 50-m. Civil actions against police and peace officers of Suffolk county; defense and indemnification. 1. Notwithstanding the provisions of any other general, special or local law, code or charter, Suffolk county, upon discretionary adoption of a local law, ordinance, resolution, rule or regulation, shall provide for the defense of any civil action or proceeding brought against a duly appointed police or peace officer, as defined in section 1.20 of the criminal procedure law, employed by the county of Suffolk, and shall indemnify and save harmless such officer from any judgment of a court of competent jurisdiction whenever such action, proceeding or judgment is for damages, including punitive or exemplary damages, arising out of a negligent act or other tort of such officer committed while in the proper discharge of his duties and within the scope of his employment.

2. The determination of whether any such officer properly discharged his duties within the scope of his employment shall be made in a manner which shall be established by rules and regulations and procedures promulgated by the Suffolk county executive and adopted by the Suffolk county legislature.

3. No action or special proceeding instituted hereunder shall be prosecuted or maintained against Suffolk county or such officer unless

notice of claim shall have been made and served upon such county in compliance with section fifty-e of this article. Every such action shall be commenced pursuant to the provisions of section fifty-i of this article.

§ 50-n. Civil actions against peace officers, sheriffs, under-sheriffs and deputy sheriffs of the county of Nassau. Notwithstanding the provisions of any other law, code or charter, the county of Nassau shall provide for the defense of any civil action or proceeding brought against a duly appointed peace officer, sheriff, under-sheriff or deputy sheriff of the county of Nassau and shall indemnify and save harmless such peace officer, sheriff, under-sheriff or deputy sheriff from any judgment of a court of competent jurisdiction whenever such action, proceeding or judgment is for damages, including punitive or exemplary damages, arising out of a negligent act or other tort of such peace officer, sheriff, under-sheriff or deputy sheriff committed while in the proper discharge of his duties and within the scope of his employment. Such proper discharge and scope shall be determined by a majority vote of a panel consisting of one member appointed by the Nassau county board of supervisors, one member appointed by the Nassau county executive, and the third member being either the Nassau county sheriff or in the case of a probation officer the Nassau county director of probation.

§ 51. Prosecution of officers for illegal acts. All officers, agents, commissioners and other persons acting, or who have acted, for and on behalf of any county, town, village or municipal corporation in this state, and each and every one of them, may be prosecuted, and an action may be maintained against them to prevent any illegal official act on the part of any such officers, agents, commissioners or other persons, or to prevent waste or injury to, or to restore and make good, any property, funds or estate of such county, town, village or municipal corporation by any person or corporation whose assessment, or by any number of persons or corporations, jointly, the sum of whose assessments shall amount to one thousand dollars, and who shall be liable to pay taxes on such assessment in the county, town, village or municipal corporation or by any person who owns shares in a cooperative housing corporation where the pro rata share of the assessment attributable to such shares shall amount to one thousand dollars (or by any number of such persons, jointly, the sum of whose pro rata shares shall amount to one thousand dollars) and where the cooperative housing corporation shall be liable to pay taxes on such assessment in the county, town, village or municipal corporation to prevent the waste or injury of whose property the action is brought, or who have been assessed or paid taxes therein upon any assessment of the above-named amount within one year previous to the commencement of any such action, or who has been so assessed but has not paid nor shall be liable to pay any or the full amount of taxes on such assessment because of a veteran's exemption therefrom pursuant to section four hundred fifty-eight of the real property tax law, or who has been so assessed but has not paid nor shall be liable to pay any or the full amount of taxes on such assessment because of an exemption therefrom granted to persons sixty-five years of age or over or their spouses pursuant to the real property tax law. Such person or corporation upon the commencement of such action, shall furnish a bond to the defendant therein, to be approved by a justice of the supreme court or the county judge of the county in which the action is brought, in such penalty as the justice or judge approving the same shall direct, but not less than two hundred and fifty dollars, and to be executed by any two of the plaintiffs, if there be more than one party plaintiff, providing said two parties plaintiff shall severally justify in the sum of five thousand dollars. Said bond shall be approved by said justice or judge and be conditioned to pay all costs that may be awarded the defendant in such action if the court shall finally determine the same in favor of the defendant. The court shall require, when the plaintiffs shall not justify as above mentioned, and in any case may require two more sufficient sureties to execute the bond above provided for. Such bond shall be filed in the office of the county clerk of the county in which the action is brought, and a copy shall be served with the summons in such action. If an injunction is obtained as herein provided for, the same bond may also provide for the payment of the damages arising therefrom to the party entitled to the money, the auditing, allowing or paying of which was enjoined, if the court shall finally determine that the plaintiff is not entitled to such injunction.

In case the waste or injury complained of consists in any board, officer or agent in any county, town, village or municipal corporation, by collusion or otherwise, contracting, auditing, allowing or paying, or conniving at the contracting, audit, allowance or payment of any fraudulent, illegal, unjust or inequitable claims, demands or expenses, or any item or part thereof against or by such county, town, village or municipal corporation, or by permitting a judgment to be recovered against such county, town, village or municipal corporation, or against himself in his official capacity, either by default or without the interposition and proper presentation of any existing legal or equitable defenses, or by any such officer or agent, retaining or failing to pay over to the proper authorities any funds or property of any county, town, village or municipal corporation, after he shall have ceased to be such officer or agent, the court may, in its discretion, prohibit the payment or collection of any such claims, demands, expenses or judgments, in whole or in part, and shall enforce the restitution and recovery thereof, if heretofore or hereafter paid, collected or retained by the person or party heretofore or hereafter receiving or retaining the same, and also may, in its discretion, adjudge and declare the colluding or defaulting official personally responsible therefor, and out of his property, and that of his bondsmen, if any, provide for the collection or repayment thereof, so as to indemnify and save harmless the said county, town, village or municipal corporation from a part or the whole thereof; and in case of a judgment the court may in its discretion, vacate, set aside and open said judgment, with leave and direction for the defendant therein to interpose and enforce any existing legal or equitable defense therein, under the direction of such person as the court may, in its judgment or order, designate and appoint. All books of minutes, entry or account, and the books, bills, vouchers, checks, contracts or other papers connected with or used or filed in the office of, or with any officer, board or commission acting for or on behalf of any county, town, village or municipal corporation in this state or any body corporate or other unit of local government in this state which possesses the power to levy taxes or benefit assessments upon real estate or to require the levy of such taxes or assessments or for which taxes or benefit assessments upon real estate may be required pursuant to law to be levied, including the Albany port district commission, are hereby declared to be public records, and shall be open during all regular business hours, subject to reasonable regulations to be adopted by the applicable local legislative body, to the inspection of any taxpayer or registered voter, who may copy, photograph or make photocopies thereof on the premises where such records are regularly kept. This section shall not be so construed as to take away any right of action from any county, town, village or municipal corporation, or from any public officer, but any right of action now existing, or which may hereafter exist in favor of any county, town, village or municipal corporation, or in favor of any officer thereof, may be enforced by action or otherwise by the persons hereinbefore authorized to prosecute and maintain actions; and whenever by the provisions of this section an action may be prosecuted or maintained against any officer or other person, his bondsmen, if any, may be joined in such action or proceeding and their liabilities as such enforced by the proper judgment or direction of the court; but any recovery under the provisions of this article shall be for the benefit of and shall be paid to the officer entitled by law to hold and disburse the public moneys of such county, town, village or municipal corporation, and shall, to the amount thereof, be credited the defendant in determining his liability in the action by the county, town, village or municipal corporation or public officer. The provisions of this article shall apply as well to those cases in which the body, board, officer, agent, commissioner or other person above named has not, as to those in which it or he has jurisdiction over the subject-matter of its action.

§ 52. Liability insurance for officers and employees. Each city, county, fire district, school district, town, village, town improvement district governed by a separate board of commissioners and each public library as defined in section two hundred fifty-three of the education law, may purchase liability insurance with such limits as it may deem reasonable for the purpose of protecting its officers and employees against liability for claims arising from their acts while exercising or performing or in good faith purporting to exercise or perform their powers and duties. For the purposes of this section, persons performing services pursuant to subdivision five of section 170.55 of the criminal procedure law, section seven hundred fifty-eight-a or section 353.6 of the family court act or paragraph (h) of subdivision two of section 65.10 of the penal law shall be deemed to be employees.

§ 53. Alternative service of notice of claim upon the secretary of state. 1. In lieu of serving a notice of claim upon a public corporation as provided for in section fifty-e of this article, a notice of claim setting forth the same information as required by such section may be served upon the secretary of state in the same manner as if served with the public corporation. All the requirements relating to the form, content, time limitations, exceptions, extensions and any other procedural requirements imposed in such section with respect to a notice of claim served upon a public corporation shall correspondingly apply to a notice of claim served upon the secretary of state as permitted by this section. For purposes of this article, the secretary of state shall be deemed to be the agent for all public corporations upon whom a notice of claim may be served prior to commencement of any action or proceeding subject to the requirements of this article.

2. All public corporations entitled to have served upon them a notice of claim as a condition precedent to commencement of an action or proceeding shall, no later than thirty days after the date upon which this section shall take effect, file a certificate with the secretary of state designating the secretary as the agent for service of a notice of claim and shall in such statement provide the secretary with the name, post office address and electronic mail address, if available, of an officer, person, or designee, nominee or other agent-in-fact for the transmittal of notices of claim served upon the secretary as the public corporation's agent. Any designated post office address or electronic mail address to which the secretary of state shall transmit a copy of the notice of claim served upon him or her as agent shall continue to be the address to which such notices shall be transmitted until the public corporation sends a notice to the secretary informing him or her of a new post office address or electronic mail address to which such notices shall be transmitted. The initial filing with the secretary of state

shall also contain the applicable time limit for filing a notice of claim upon that public corporation, or if later changed by statute, a new filing shall be made detailing the new time limit. Any public corporation that does not have a current and timely statutory designation filed with the secretary of state shall not be entitled to the portion of the fee to which it would otherwise be entitled pursuant to subdivision four of this section. Failure of the public corporation to so file with the secretary of state will not invalidate any service of a notice of claim upon the public corporation which has been received by the secretary of state.

3. The secretary of state is hereby empowered to accept properly transmitted notices of claims on behalf of a public corporation, with the same effect as if served directly upon a public corporation. The secretary of state shall accept such service upon the following terms and conditions:

(a) the secretary of state shall set and notify the public, on his or her website, of times, places and manner of service upon him or her of notices of claims necessary to comply with the provisions of this section;

(b) upon receipt of a notice of claim, the secretary of state shall issue a receipt or other document acknowledging his or her receipt of such notice, and such receipt shall contain the date and time of receipt of the notice, an identifying number or name particular to the notice received, and the logo or seal of the department of state embossed upon it. Such receipt shall be prima facie evidence of service upon the secretary of state for all purposes;

(c) nothing in this section shall be deemed to alter, waive or otherwise abrogate any defense available to a public corporation as to the nature, sufficiency, or appropriateness of the notice of claim itself, or to any challenges to the timeliness of the service of a notice of claim. Timely service upon the secretary of state shall be deemed timely service upon the public corporation for purposes of instituting an action or proceeding or other requirement imposed by law.

4. The secretary of state may impose a fee upon any person who serves a notice of claim with the department. Such fee shall not exceed two

hundred fifty dollars for each such notice filed. One-half of the fee imposed shall be retained by the secretary of state as payment for its services provided in accordance with this section. The remaining one-half of such fee shall be forwarded to the public corporation named in the notice of claim provided, however, if more than one such public corporation is named, each named public corporation shall be entitled to an equal percentage of the one-half amount.

5. The secretary of state shall within sixty days after the effective date of this section post on the departmental website a list of any public corporation, including any public authority, public benefit corporation or any other entity entitled to receive a notice of claim as a condition precedent to commencement of an action or proceeding, and that has filed, pursuant to this section, a certificate with the secretary of state designating the secretary as the agent for service of a notice of claim. The list should identify the entity, the post office address and electronic mail address, if available, of the public corporation to which the notice of claim shall be forwarded by the secretary of state, and any statutory provisions uniquely pertaining to such public corporation and the commencement of an action or proceeding against it.

6. The secretary of state is authorized to promulgate any rules or regulations necessary to implement the provisions of this section.

ARTICLE 5
POWERS, LIMITATIONS AND LIABILITIES

§ 70. Payment of judgments against municipal corporation. When a final judgment for a sum of money shall be recovered against a municipal corporation, and the execution thereof shall not be stayed pursuant to law, or the time for such stay shall have expired, the treasurer or other financial officer of such corporation having sufficient moneys in his or her hands belonging to the corporation not otherwise specifically appropriated, shall pay such judgment upon the production of a certified copy of the docket thereof. Notwithstanding the provisions of any other law to the contrary, in any case where payment for any reason is to be made to an incarcerated individual serving a sentence of imprisonment with the state department of corrections and community supervision or to a prisoner confined at a local correctional facility, the treasurer or other financial officer shall give written notice, if required pursuant to subdivision two of section six hundred thirty-two-a of the executive law, to the office of victim services that such payment shall be made thirty days after the date of such notice.

§ 70-a. Liability for expenses incurred in enforcing lawful required payment of moneys to state agencies. Notwithstanding any inconsistent provision of this chapter or of any law, general, special or local, whenever any municipal corporation is required by law to provide and pay any moneys to a corporate or other agency or instrumentality of the state for a public purpose, any reasonable expenses necessarily incurred by such an agency or instrumentality in compelling or enforcing by judicial proceeding payment to it of such moneys shall be a charge against such municipal corporation and such municipal corporation shall be liable therefor and shall pay the amount thereof upon certification and approval by the attorney-general, to such agency or instrumentality, provided vouchers therefor, properly certified and approved as required by this section, shall be presented to and filed with the chief fiscal officer of the municipal corporation within six months after final determination of such judicial proceedings in the case of any such expenses hereafter incurred, and in the case of any such expenses heretofore incurred within six months after this section as hereby added takes effect. The provisions of this section shall apply to and in the case of such expenses heretofore incurred subsequent to January first, nineteen hundred thirty-two, by such a state agency or instrumentality.

§ 71. Liability for damages by mobs and riots. A city or county shall be liable to a person whose property is destroyed or injured therein by a mob or riot, for the damages sustained thereby, if the consent or negligence of such person did not contribute to such destruction or injury, and such person shall have used all reasonable diligence to prevent such damage, shall have notified the mayor of the city, or sheriff of the county, of a threat or attempt to destroy or injure his property by a mob or riot, immediately upon acquiring such knowledge, and shall bring an action therefor within three months after such damages were sustained. A mayor or sheriff receiving notification of a threat or attempt to destroy or injure property by a mob or riot shall take all lawful means to protect such property; and if he shall neglect or refuse, the person whose property shall be destroyed or injured, may elect to bring his action for damages against such officer instead of the city or county.

§ 71-a. Injury or death of person aiding a police officer or peace officer. A person who, after having been lawfully commanded to aid a police officer or peace officer in effectuating or securing an arrest or in preventing the commission by another of any offense, is killed or injured or his property or that of his employer is damaged and such death, injury or damage arises out of and in the course of aiding such officer, the person or employer so injured or whose property is so damaged or the personal representatives of the person so killed shall have a cause of action to recover the amount of such damage or injury against the municipal corporation by which such officer is employed at the time such command is obeyed. In the event of the death of the person so commanded to aid an officer, the action shall be governed by the provisions of part four of article five of the estates, powers and trusts law.

§ 71-b. Operation of snowmobiles. 1. With respect to injuries arising from the operation of snowmobiles, no civil action shall be maintained against any municipal corporation or an officer thereof in charge of highway supervision and maintenance, for damages or injuries to person or property sustained by reason of any highway, bridge or culvert being defective, out of repair, unsafe, dangerous, or obstructed, unless prior written notice of such defective, unsafe, dangerous or obstructed condition on such highway, bridge or culvert was actually given to the municipal agent, officer, or employee authorized by section three hundred eleven of the civil practice law and rules to receive service or to the chief municipal officer in charge of highway supervision and maintenance, and there was a failure or neglect within a reasonable time thereafter to repair or remove the defect, danger or obstruction complained of, or, in the absence of such notice, such defective, unsafe, dangerous or obstructed condition existed for so long a period of time that the same could have been discovered and remedied in the exercise of reasonable care and diligence, conditions resulting from the removal or non-removal of snow and/or ice shall not constitute a defect until seventy-two hours after written notice has been served on a municipal corporation as provided herein. No such action shall be maintained for damages or injuries to person or property sustained solely due to conditions caused by snow and/or ice removal, or the non-removal thereof from highways designated pursuant to section 8-0303 of the conservation law.

2. The municipal officer in charge of highway supervision and maintenance and any other municipal agent, officer or employee designated to receive service of process shall transmit in writing to the clerk of the municipal body involved within twenty-four hours or as soon as practical after the receipt thereof, all written notices received by him pursuant to this section.

3. The clerk of each municipal body shall keep an indexed record of all written notices which he shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of a hazardous condition caused by snow and/or ice removal, or the non-removal thereof from highways designated pursuant to section 8-0303 of the conservation law, which notice shall state the date of receipt thereof, and the name and address of the person from whom the notice was received. The record of each notice shall be preserved for a period of five years after the date received.

§ 72. Acquisition of lands for erection of monuments. The governing board of a municipal corporation, or the trustees of a monument association, may acquire not to exceed three acres of land, for the erection of an armed forces monument, or a monument or other structure as a memorial of persons who served as members of the armed forces of the United States in any of its wars, or of some distinguishing or important event in the history of the state or nation, and for laying out such lands as a park or square. The governing board of such municipality may provide funds for the construction and maintenance of such memorial in whole or in part and to this end may authorize payments of public funds to the trustees of such a monument association for such purpose.

§ 72-a. Acquisition and development of forest lands. The governing board of a county, town or village may severally acquire for such county, town or village, by purchase, gift, lease or condemnation, and hold as the property of such municipality, tracts of land having forests or tree growth thereon, or suitable for the growth of trees, and may appropriate therefor the necessary moneys of the county, town or village for which the lands are acquired. Such lands shall be under the management and control of such board and shall be developed and used for the planting and rearing of trees thereon and for the cultivation thereof according to the principles of scientific forestry, for the benefit and advantage of the county, town or village. The determination of any such board to acquire lands under the provisions of this section shall be by resolution; but the question of the final adoption of such resolution shall be taken up by the board only after public notice thereof has been published at least once in each week for two successive weeks, as follows: If it be a resolution of a board of supervisors, the publication shall be made in the newspapers in which the session laws and concurrent resolutions are required to be published, provided that if publication cannot be made in both such newspapers as herein required because of infrequency of publication of one of them, such notice need be published in only one such newspaper; if it be a resolution of a town board or of a board of trustees of a village, the publication shall be made in a newspaper published in the town or village respectively. The first publication of such notice shall be at least fourteen days before the question of final adoption of the resolution may be taken up by the board. Any period of seven successive days shall constitute a week under this section. The board shall give a hearing to all persons appearing in support of or in opposition to such proposed resolution. If it be determined to purchase such lands the moneys necessary therefor may be provided as follows: If the acquisition be by a county, the board of supervisors may cause such moneys to be raised, in whole or in part, by taxation and levied and collected as other county taxes or such moneys may be raised, in whole or in part, pursuant to the local finance law; if the acquisition be by a town, the moneys necessary therefor shall constitute a town charge and be raised, in whole or in part, by taxation as other town charges or such moneys may be raised, in whole or in part, pursuant to the local finance law; if the acquisition be by a village, the moneys therefor may be raised, in whole or in part, by taxation, as other village taxes or such moneys may be raised, in whole or in part, pursuant to the local finance law. All revenues and emoluments from lands so acquired shall belong to the municipality and be paid to its chief fiscal officer for the purposes of such municipality and in reduction of taxation therein. Such forest lands shall be subject to such rules and regulations as such governing board of the municipality shall prescribe; but the principal object to be conserved in the maintenance of such lands shall be the sale of forest products in aid of the public revenues and the protection of the water supply of the municipality. Such lands or portions thereof may be sold and conveyed, or leased, if a resolution therefor be adopted by the affirmative vote of two-thirds of all the members of such governing board; but no such resolution directing an absolute conveyance shall be effectual unless adopted after a public hearing, held upon notice given in the manner required in the case of a resolution to acquire such lands. A deed of conveyance or lease of such lands, when authorized as aforesaid, shall be executed by the county treasurer of the county, supervisor of the town or president of the village by which the conveyance or lease is made. Moneys may be appropriated for the care and maintenance of such lands and the development and use for forests thereon annually, by the county, town or village, respectively, and the amount thereof raised by taxation in the same manner that other expenditures of such county, town or village are provided for by law.

§ 72-b. Acquisition of lands and erection of memorial buildings. The governing board of a town or village may acquire lands and erect a memorial building, or lands with buildings thereon and remodel such buildings as a memorial building or remove such buildings and erect a memorial building, in commemoration of the services of the members of the armed forces of the United States of the world war or any veteran association of any of the wars of the United States, at a total cost not to exceed one per centum of the assessed valuation of any such town or village. If such expenditure is to be paid from taxes levied for the fiscal year in which such expenditure is to be made, such expenditure shall be made only upon the adoption of a proposition therefor by a majority vote of the electors of any such town or village qualified to vote upon the submission of propositions. Such proposition may be submitted by the governing board and shall be submitted in the same manner as other town or village propositions are submitted. Two or more adjoining towns may, as herein provided, jointly acquire lands and erect a memorial building in the manner and for the purposes herein specified. A town and a village wholly within such town may, as herein provided, jointly acquire lands and erect a memorial building in the manner and for the purposes herein specified. Taxes levied for the town's share of the cost of such acquisition and erection shall be a charge upon the taxable property of that part of the town outside of such village, and shall be assessed, levied and collected therefrom.

§ 72-c. Expenses of members of the police department and other peace officers in attending police training schools. The board or body of a county, city, town or village authorized to appropriate and to raise money by taxation and to make payments therefrom, is hereby authorized, in its discretion, to appropriate and to raise money by taxation and to make payments from such moneys, for the annual expenses of the members of the police department of such municipal corporation in attending a police training school, as provided by the regulations of the department, either within such municipal corporation or elsewhere within the state; and for the payment of reasonable expenses of such members and other police officers or peace officers of the municipality while going to, attending, and returning from any training school conducted by or under the auspices of the federal bureau of investigation, whether within or without the state. Notwithstanding any inconsistent provision of any general, special or local law to the contrary, whenever a member of the police department of a municipal corporation has attended a police training school, the expense of which was borne by such municipal corporation, terminates employment with such municipal corporation and commences employment with any other municipal corporation or employer county sheriff, such employer municipal corporation or employer county sheriff shall reimburse the prior employer municipal corporation for such expenses, including, salary, tuition, enrollment fees, books, and the cost of transportation to and from training school, as follows: on a pro rata basis, to be calculated by subtracting from the number of days in the three years following the date of the member's graduation from police training school, the number of days between the date of the member's graduation from training school and the date of the termination of employment with the municipal corporation which paid for such training, and multiplying the difference by the per diem cost of such expenses, to be calculated by dividing the total cost of such expenses by the number of days in the three years following the date of the member's graduation, if such change in employment occurs within three years of such member's graduation from police training school. Provided, however, the employer municipal corporation or employer county sheriff shall not be required to reimburse the prior employer municipal corporation for that portion of such expenses which is reimbursable by the member to the prior employer municipal corporation under the terms of an employment or labor agreement. Provided, further, however, the employer municipal corporation or employer county sheriff shall not be required to reimburse the prior employer municipal corporation for such basic training if such change in employment occurs after the expiration of the validity of the member's certificate attesting to the satisfactory completion of an approved municipal police basic training program.

§ 72-d. Acquisition of lands for park and parkway purposes or for district headquarters for the state department of transportation, and dedication of the same in the town of Babylon. The governing board of any municipal corporation in the town of Babylon or the town board of such town may acquire by purchase, gift, devise or condemnation real estate or any interest therein necessary for or incidental to the construction of a state park or state parkway, or for district headquarters for the state department of transportation, and may donate or dedicate the same to the state or may release to the state for such purpose existing rights of way or easements not required for town or village purposes. If the acquisition be by such town, the moneys necessary therefor shall constitute a town charge and be raised, in whole or in part, by taxation as other town charges or such moneys may be raised, in whole or in part, pursuant to the local finance law; if the acquisition be by a village, the moneys therefor may be raised, in whole or in part, by taxation, as other village taxes or such moneys may be raised, in whole or in part, pursuant to the local finance law.

§ 72-e. Acquisition of lands for park and parkway purposes and dedication of the same by the counties of Broome, Monroe and Erie. The board of supervisors of the county of Broome, Monroe or Erie may acquire by purchase, gift, devise or acquisition pursuant to the provisions of the eminent domain procedure law, real estate or any interest therein necessary for or incidental to the construction of a state park, parkway, or boulevard or incidental to the separation of grades at the intersection of the state parkway or boulevard and a county, town or village road, highway or street, and may donate or dedicate the same to the state or may release to the state for such purpose existing rights of way or easements not required for county purposes. The board of supervisors of said county of Broome, Monroe or Erie may cause such moneys as may be required to pay for real estate or interest therein so acquired to be raised, in whole or in part, by taxation and levied and collected as other taxes in such county or such moneys may be raised, in whole or in part, pursuant to the local finance law. In the event involuntary proceedings are had to acquire lands for the above purposes, then, and in that case, upon the vesting of the title to the lands described in the petition as provided in the eminent domain procedure law said lands may be conveyed by warranty deed for a nominal consideration by said county to the people of the state of New York, if and when it becomes necessary to make such conveyance to effect the purposes of this act.

§ 72-f. Acquisition of lands for parkway and airport purposes and dedication of the same by counties and municipal corporations. 1. Notwithstanding the provisions of any general or special act or the provisions of this article, the governing board of any municipal corporation or the board of supervisors of any county may acquire by purchase, gift, devise or condemnation real estate or any interest therein for conservation purposes or for a state park, parkway or boulevard or incidental to the separation of grades at the intersection of a state parkway or boulevard and a county, town or village road, highway or street, and may donate or dedicate the same to the state or may release and convey to the state for such purpose presently owned lands, existing rights of way or easements, wheresoever located, not required for county, city, town or village purposes. Such municipal corporations or boards of supervisors may also purchase options to carry out the purposes of this section in aid of the state park and parkway system. Such municipal corporations or boards of supervisors may acquire such real estate or interest therein by purchase, gift, devise, or by condemnation in the manner provided by law. Several of the municipalities herein mentioned may contribute toward the cost of acquisition of a state park wholly or partly within their boundaries or adjacent or near to them on the basis of probable benefit to such municipalities. In the event that a state park is acquired by agreement involving contributions by several municipalities, the purchase price may be met by one or more payments over a period of not to exceed two years in accordance with the terms of the agreement.

2. The board of supervisors of any county is hereby authorized to agree with owners respecting the extent and use of easements for slope protection acquired prior to March first, nineteen hundred thirty-one,

and to grant to owners of lands abutting upon lands heretofore acquired by such board for such purpose pursuant to authority conferred by this section rights of way over and access to lands so acquired upon such terms and for such considerations, as to such board may seem reasonable and proper.

3. If the acquisition be by a county, the governing board thereof may cause such moneys to be raised, in whole or in part, by taxation and levied and collected as other taxes in such county or such moneys may be raised, in whole or in part, pursuant to the local finance law; if the acquisition be by a town, the moneys necessary therefor shall constitute a town charge and be raised, in whole or in part, by taxation as other town charges or such moneys may be raised, in whole or in part, pursuant to the local finance law; if the acquisition be by a village, the moneys therefor may be raised, in whole or in part, by taxation, as other village taxes or such moneys may be raised, in whole or in part, pursuant to the local finance law.

* 4. The governing board of any municipal corporation in the county of Suffolk or the board of supervisors of said county of Suffolk may acquire by purchase, gift, devise or condemnation, real estate or any interest therein necessary for or incidental to the establishment, construction, equipment, maintenance and operation of an airport or landing field and may enter into a contract or agreement with any other governmental authority, both federal and state, in relation to the establishment, construction, equipment, maintenance and operation of an airport or landing field. Such municipal corporations or the board of supervisors may acquire such real estate or interest therein in the manner provided by chapter one hundred ninety of the laws of nineteen hundred twenty-seven as amended, and all provisions of such act shall, as far as practicable, apply to the acquisition of real estate or interest therein in the same manner and with the same effect as though the lands herein authorized to be acquired were mentioned in such act.

If the acquisition be by the county of Suffolk, the board of supervisors may cause such moneys to be raised by taxation and levy and collected as other taxes in such county or may borrow money therefor on the credit of such county by the issuance and sale of county bonds in the manner provided by law for the issuance and sale of other county obligations. If the acquisition be by a town, the moneys necessary therefor shall constitute a town charge and be raised by taxes as other town charges or the town board may in its discretion cause town bonds to be issued and sold in the manner provided by law for the issuance and sale of town bonds under the town law. If the acquisition be by a village, the moneys therefor may be raised by taxes as other village taxes or by the issuance and sale of village bonds in the manner provided by the laws governing such village relating to village obligations after the adoption of a resolution therefor by the board of trustees, without other authorization.

* NB Expired July 1, 1946

§ 72-g. Expenses of volunteer firefighters attending training schools and instruction courses. 1. The chief officer of the fire department of a municipal corporation or fire district, subject to any rules or regulations governing such department, may authorize the volunteer members of the department to attend training schools or courses of instruction for firefighters.

a. If any such school is located, or any such course is given, outside the county or outside one of the counties in which the municipal corporation or fire district is located, such authorization shall be subject to the prior approval of the governing board of the municipal corporation or fire district.

b. If any such school is located, or any such course is given, outside the state, in addition to the approval required in paragraph a of this subdivision, such authorization shall be subject to a finding from the governing board that such training course or school of instruction is necessary and in the public interest and is not available within a reasonable distance and time period in the state.

c. Notification and proof of attendance of any out-of-state training school from the chief officer shall be provided to the state office of fire prevention and control.

2. The governing board by resolution may provide for the payment, in the same manner as other claims against the municipal corporation or fire district are audited, allowed and paid, of all actual and necessary registration fees not in excess of fifty dollars and all actual and necessary expenses of travel, meals and lodging and all necessary tuition fees incurred by such volunteer members in attending such a training school, or course of instruction, in this country or in Canada.

3. If such travel is by car owned by the volunteer firefighter, he or she may be paid a reasonable mileage allowance for each mile actually and necessarily traveled by him or her in attending such school or course of instruction. Such mileage allowance shall not exceed the standard travel allowance for mileage adopted or prescribed for federal income tax purposes. Any claim for such expenses or reimbursement shall have endorsed thereon, or attached thereto, a statement by the chief officer of the fire department that the attendance had been duly authorized by him or her. The provisions of this section shall not be deemed to have amended the provisions of subdivision one of section two hundred nine of this chapter in relation to participation in fire training programs which are not conducted as training schools or regular or special courses of instruction for firefighters.

§ 72-h. Sale, lease and transfer to municipal corporations of certain public lands. (a) Notwithstanding any provision of any general, special or local law or of any charter, the supervisors of a county, the town board of a town, the board of trustees of a village, the board of fire commissioners of a fire district, the board of estimate of a city, or if there be none the local legislative body of such city, and, in a city having a population of one million or more, the mayor, subject to disapproval by the council within thirty days following receipt of notice of the approval of the mayor, may sell, transfer or lease to or exchange with any municipal corporation or municipal corporations, school district, board of cooperative educational services, fire district, the state of New York, or the government of the United States and any agency or department thereof, either without consideration or for such consideration and upon such terms and conditions as shall be approved by such officer or body, any real property owned by such county, town, village, fire district or city; and any municipal corporation or fire district may acquire or lease such real property as provided in this section. The term of any lease entered into pursuant to the provisions of this section shall not exceed ten years but nothing herein contained shall prevent the renewal of any such lease.

(b) The provisions of this section shall not apply to any real property which is made inalienable under the provisions of any general, special or local law or of any charter.

§ 72-i. Acquisition of lands and erection of memorial buildings by adjoining villages. The governing boards of two or more villages, of which at least one boundary of any one adjoins that of any other, may, upon the adoption of a proposition therefor by a majority vote of the electors of each such village, as herein provided, jointly acquire lands and erect a memorial building, or lands with buildings thereon and remodel such buildings as a memorial building or remove such building and erect a memorial building, in commemoration of the services of the members of the armed forces of the United States in any of the wars of the United States. Unless otherwise provided in the proposition voted upon or unless otherwise agreed upon by the governing boards of each participating village, the share of each such village in the cost thereof shall be in the same proportion as the ratio of its population to the other participating village or villages. Money to be borrowed for payment of the cost thereof shall be borrowed pursuant to the provisions of the local finance law and each village shall be subject to the limitations therein contained.

§ 72-j. Parking garages and parking spaces; public off-street loading facilities. 1. The governing board or other appropriate authority of a municipal corporation may acquire by purchase, gift, devise, lease, condemnation or otherwise, in accordance with the provisions of any appropriate general, special, or local law applicable to the acquisition of real property by a municipal corporation, real property or any interest therein necessary for or incidental to the construction or operation of parking garages or parking spaces or public off-street loading facilities for the relief of traffic congestion either as provided in subdivision two hereof or as provided in subdivision three hereof.

2. a. A municipal corporation or an urban renewal agency may construct and operate such garages or spaces or public off-street loading facilities including the use of such portion of the property for other commercial uses as may be necessary to provide revenue adequate to permit the operation of the principal portion of the property for such garages or spaces or public off-street loading facilities, may charge such rentals or fees for their use and make such other provisions for their operation and management as it may deem necessary, and may enter into contracts for their construction or operation subject to such conditions as it may impose for the service of the public and the protection of the public interest. When in furtherance of an urban renewal program such parking garage or spaces or public off-street loading facilities are constructed and operated pursuant to a duly approved urban renewal plan, the same or a portion thereof may be sold, leased for a term not exceeding ninety-nine years, or otherwise disposed of, to any person, firm or corporation, without public auction or sealed bids, subject to such conditions as it may impose for the service of the public and the protection of the public interest, provided such sale, lease or disposal is made in accordance with and pursuant to the provisions of section five hundred seven of this chapter.

b. In addition to such powers as may be granted by any other law or by any other subdivision of this section, a municipal corporation or an urban renewal agency may lease, for a term not exceeding ninety-nine years, such air rights over or the subsurface areas under any property acquired or to be acquired for garages, spaces or public off-street loading facilities, together with easements or other rights of user necessary for the use and development of such air rights or subsurface areas, as are not needed for public purposes, to any person, firm or corporation for commercial or private use. Any such lease may contain provisions requiring the lessee to construct facilities adequate to support and maintain, without interference, the public parking or off-street loading facilities being conducted by the municipality or urban renewal agency and may also contain such other provisions, conditions and restrictions as the municipality or urban renewal agency may prescribe. Any buildings, structures, substructures or superstructures, the title to which remains in the lessee, shall be deemed to be real property for purposes of taxation as defined in subdivision twelve of section one hundred two of the real property tax law.

3. Any municipal corporation, acting through its board of estimate or other governing body, may, in addition to exercising the powers granted to it by subdivision two hereof, sell, lease for a term not exceeding ninety-nine years, or otherwise dispose of any real property or any interest therein owned by it or acquired by it pursuant to this section, to any person, firm, or corporation at the highest marketable price or rental at public auction or by sealed bids pursuant to the provisions of any general, special or local law applicable to the sale, lease, or disposition of real property by such municipal corporation, for the purpose of the construction or establishment on such real property of public parking garages or public parking spaces or public off-street loading facilities for the relief of traffic congestion and for the maintenance and operation thereof. Any deed, lease, or instrument by which real property or any interest therein is conveyed or disposed of shall contain provisions requiring the purchaser, grantee, or lessee to construct or establish on such real property one or more public parking garages or public parking spaces or public off-street loading facilities and to maintain and operate the same for such period as may be prescribed by the board of estimate or other governing body, provisions fixing or providing for the approval by the board of estimate or other analogous body of rates to be charged for the use of such facilities by the operators thereof, and may also contain provisions authorizing the use of such portion of the property for other commercial purposes as may be necessary to provide revenue adequate to permit the operation of the principal portion of the property for public parking garages and public parking space or public off-street loading facilities. Such deed or instrument may contain such other provisions, conditions and

restrictions, including specifications relating to construction, and the rentals at which such property may be leased or subleased by the grantee or lessee as the board of estimate or other governing body may prescribe. The prior consent of the city planning commission or other analogous body of such municipal corporation shall be required for the acquisition by such municipal corporation of property for the purposes of this subdivision, which prior consent shall be based upon a finding by such city planning commission or other analogous body of the desirability thereof and after a public hearing thereon.

4. As used in this section:

a. The term "public garage" shall mean any building or facility where motor vehicles are parked, stored, serviced or repaired, and whose space and facilities are available to the public, with or without fee or charge, without regard to the residence, business or employment of the motor vehicle owner or operator seeking such space or facilities.

b. The term "public off-street loading facility" shall mean any building or area for the loading or unloading of trucks, trailers or other similar vehicles and the temporary storage of goods incidental thereto, which space and facilities shall be made available hereunder to the public with or without fee or charge upon such terms and conditions as may be prescribed by the board of estimate or other governing body.

5. A town, or a town parking district, and a village wholly within such town may, as herein provided, jointly acquire lands for and maintain and operate parking garages and parking spaces or public off-street loading facilities in the manner and for the purposes herein specified. Taxes levied for the town's share of the cost of such acquisition, maintenance and operation shall be a charge upon the taxable property of that part of the town outside of such village, and shall be assessed, levied and collected therefrom. Taxes levied for a parking district's share of the cost of such acquisition, maintenance and operation shall be a charge upon the taxable property of that part of the parking district outside of such village and shall be assessed, levied and collected therefrom.

6. The governing body of any municipal corporation may direct that the whole of the expense of the acquisition of lands for and the construction of parking garages and parking spaces or public off-street loading facilities be assessed upon property deemed benefited, or that the whole or part thereof be charged to the municipal corporation at large and the remainder if any, assessed upon the property deemed benefited. Proceedings for the assessment of the cost of acquisition of land for and construction of parking garages and parking spaces or public off-street loading facilities shall be the same as for a local improvement assessment of other public work.

*** § 72-k. Parking facilities and appurtenances within or outside of the state highway right of way.** The governing body of any county, city, town or village is hereby authorized and empowered to authorize and direct such of its officers or agencies as it shall designate to enter into agreements with the state commissioner of transportation for the assumption of all the rights and obligations for the operation, maintenance and control of parking facilities and appurtenances, including connections to such facilities, as provided by said commissioner of transportation pursuant to subdivisions thirty-nine and forty of section ten of the highway law, and to appropriate and spend moneys of the county, city, town or village for that purpose.

* NB There are 2 § 72-k's

*** 72-k. Notification of change in use of property used for recreational purposes.**

1. Whenever an owner of real property used for recreational purposes desires to change the use of such property he shall notify the chief executive officer of each municipal corporation in which the property is situated of his intention to so change the use. Such notification shall be made by certified or registered mail and may be given at any time before the change in use becomes effective. The notice shall indicate the location of the property, the use to which it is presently devoted

and the proposed new use.

2. Failure to give notice pursuant to the provisions of this section shall not constitute a cloud on the title nor affect in any manner the title to the real property involved.

3. As used in this section the term:
(a) "Real property used for recreational purposes" shall include but not be limited to the utilization of real property for parks, picnic areas, swimming facilities, golf courses and other such similar facilities available to the general public.
(b) "Chief executive officer" shall mean:
(1) In the case of a county, the county executive or manager, or if there is none, the chairman of the board of supervisors.
(2) In the case of cities, the mayor, except in those cities having a city manager, it shall mean such city manager.
(3) In the case of towns, the supervisor.
(4) In the case of villages, the mayor, except in those villages having a president or manager, it shall mean such latter officer.
(c) "Change the use" shall mean the use of recreational property or a portion thereof for non-recreational purposes or the permanent discontinuance of such property or a portion thereof for recreational purposes.
* NB There are 2 § 72-k's

§ 72-l. Navigation and flood control improvements in cooperation with the federal government. Any municipal corporation acting through its governing board or other appropriate authority may; (1) cooperate with the federal government as authorized in the rivers and harbors improvements act of March second, nineteen hundred forty-five, and any federal laws amendatory and supplemental thereto in connection with works of improvement for navigation and flood control or the improvement, development, dredging, utilization or control of the watersheds and waterways within their boundaries; (2) contribute up to one-half of the cost of such improvements as provided under such federal laws and provide the funds required therefor by the use of any surplus moneys or budget funds available for such improvements or may provide same pursuant to the provisions of the local finance law; (3) furnish free of cost to the United States all lands, easements, rights of way and spoil disposal areas for new work, dredged materials and subsequent maintenance as required under such federal laws, and acquire the necessary real property for such purpose in accordance with the provisions of any appropriate general, special or local law applicable to the acquisition of real property by such municipal corporation; (4) contract with the federal government including (a) agreements to hold and save the United States free from claims for damages resulting from the execution and maintenance of such improvements, and (b) such other provisions, covenants and conditions as the federal agency may require for effectuating the federal purposes; (5) (a) apply for and accept grants or other financial assistance, under existing laws, from the state or county and (b) make agreements to hold and save such state and county free from claims for damages resulting from the execution and maintenance of such improvements and (c) such other provisions, covenants and conditions as the state or county may require for effectuating such purposes.

*** § 72-m. Appropriations for Bicentennial celebration.** A municipal corporation may after a public hearing appropriate annually a sum that it deems appropriate for the purpose of defraying the expenses of the preparation and celebration of the bicentennial celebration of the United States of America. The provisions of this section shall remain in full force and effect until December thirty-first, nineteen hundred seventy-seven.

* NB There are 2 § 72-m's

* NB Expired December 31, 1977

*** § 72-m. Emergency transportation plans.** Within sixty days after this section becomes law any transportation authority and any city, county or municipality operating a public transportation system and any county within the geographical territory of any transportation authority shall prepare and publicize a plan for transportation to be followed in the event mass transportation services are discontinued due to a labor dispute, fire, accident, flood, storm or any other emergency, provided, however, that in the case of the five counties comprising the city of New York such plan shall be filed by the city of New York. Such plan shall designate the persons responsible for its implementation and shall provide for designation of emergency routes for vehicular traffic, maximum utilization of existing and emergency parking and alternative mass transportation facilities and such other matters as such transportation authority, city, county or municipality shall determine appropriate.

A plan and any amendment thereto, prepared pursuant to the provisions of this section shall be filed with the department of transportation at its Albany office. The department shall examine the plan and determine its feasibility. The plan shall be made available to any and all persons, corporations, departments and agencies necessary to enable timely publication and implementation in the event of any such emergency.

* NB There are 2 § 72-m's

§ 72-n. Air space and air and subsurface areas. 1. Any municipal corporation acting through its governing board may, in addition to those powers granted it by any other provision of law and notwithstanding any other provision of law to the contrary, lease to any person, firm or corporation for business, commercial, private or other lawful use, the air rights over or the subsurface areas under any of its property together with lands adjacent thereto which have been or are to be acquired by it pursuant to section thirty-four-b of the public lands law, provided that said air space rights and air rights and subsurface rights and adjacent lands are determined by the governing board not thereafter to be needed for municipal purposes.

2. Such lease shall be subject to the provisions of section thirty-four-b of the public lands law and shall in addition contain provisions requiring the lessee to take steps which are adequate and necessary to support and maintain such facilities as are being developed

by the municipality, the state, or any of its duly constituted agencies.

3. Title to any buildings, structures, substructures or superstructures erected or constructed by the lessee shall vest in the municipality at the termination or expiration of the lease.

4. Any such lease may be entered into without recourse to sealed bids or public auction provided that (a) the amount of rental and all essential terms and conditions of the lease shall have been included in a notice published by the governing board in at least one newspaper of general circulation in the municipality not less than twenty days prior to its proposed execution and that (b) such lease shall be approved by the governing board after a public hearing held not less than ten days after the publication of said notice.

5. Interests granted pursuant to this section and any improvements erected or constructed thereunder shall be assessed and taxed in accordance with the provisions of section five hundred sixty-four of the real property tax law.

§ 72-o. Expenses of volunteer fire officers and firefighters appearing before a court or other tribunal. 1. The chief officer of the fire department of a municipal corporation or fire district, subject to any rules or regulations governing such department, may authorize reimbursement for the volunteer officers or members of the department who appear before a court or other tribunal:

a. when the judicial or other proceeding relates to activities arising from the duties of the volunteer fire officer or firefighter; and

b. the volunteer fire officer or firefighter is not involved in any criminal activity or is the subject of or is personally charged with a violation of any section of law, rule or regulation being investigated by the court or other tribunal; and

c. the volunteer fire officer or firefighter has not been given immunity by a court or other tribunal in relation to such proceedings; and

d. the volunteer fire officer or firefighter has no financial interest in the outcome of such proceedings; and

e. the volunteer fire officer or firefighter has been issued a subpoena to appear and give testimony in such action or proceeding; and

f. the chief officer has been notified of the volunteer fire officer's or firefighter's receipt of a subpoena.

Such authorization from the chief officer may not be unreasonably withheld. Failure to obtain such authorization shall not be deemed to excuse a volunteer fire officer or firefighter from complying with a lawfully issued subpoena, but shall not entitle him to the payment of expenses incurred, as provided in subdivision two of this section.

2. The governing board of the municipal corporation or fire district by resolution may provide for the payment, in the same manner as other claims against the municipal corporation or fire district are audited, allowed and paid, of all actual and necessary expenses of travel, meals and lodging necessarily and reasonably incurred by such volunteer fire officers and firefighters in apppearing before a court or other tribunal. Such resolution may also provide for the reimbursement of all actual lost wages necessarily and reasonably incurred by such volunteer fire officers and firefighters, up to a maximum of one hundred dollars per day. If such travel is by a car owned by the volunteer fire officer or firefighter, he may be paid a reasonable mileage allowance for each mile actually and necessarily traveled by him in appearing before such court or other tribunal. If such claim includes any amount for actual lost wages, a statement by the volunteer fire officer's or firefighter's employer shall be attached. Any claim for such expenses or reimbursement shall have endorsed thereon, or attached thereto, a statement by the chief officer of the fire department or fire district that he was notified of the volunteer fire officer's or firefighter's receipt of a subpoena requiring him to appear and give testimony before a court or other tribunal, such chief officer's authorization therefor and copy of

such subpoena.

*** § 72-p. Lease of real property by a municipality.** Notwithstanding any provision of any general, special or local law or of any charter, whenever a municipal corporation enters into a lease of real property the lease agreement shall provide that the tenant may not assign the lease to a third party unless such assignment is approved by the municipal corporation. A municipal corporation may not arbitrarily and capriciously withhold its approval of such assignment. The provisions of this section shall not apply to the leases of real property to municipal or public corporations.

* NB There are two § 72-p's

*** § 72-p. Establishment of farmers' markets.** 1. The governing body of any municipal corporation may establish one or more farmers' markets, as defined in section two hundred sixty of the agriculture and markets law, for public purposes and in the exercise of its public powers.

2. Such municipal corporation shall have the power, charge and authority to:

a. construct, repair, maintain and manage all farmers' markets, market places and market lands of such municipality, and all buildings, structures and facilities thereon;

b. fix fees for services, licenses and privileges and rent space therein and enter into leases therefor;

c. promulgate guidelines, regulations or rules for the governance of farmers' markets, market places and market lands, not in conflict with the rules and regulations of the department of agriculture and markets, and subject to the approval of the governing board of such municipal corporation;

d. grant or revoke licenses to auctioneers of food in such markets and fix a schedule of commissions to be charged by auctioneers;

e. grant, transfer or revoke permits to buy or sell in such market or upon such market places or land; and

f. investigate any complaint in relation to the shipment of food to any farmers' market of the municipality.

3. Nothing in this section shall abridge the powers of local boards or departments of health as otherwise provided by law.

* NB There are two § 72-p's

§ 72-r. Adopt-a-beach stewardship program. 1. The governing body of any municipality may enter into stewardship agreements with any person or persons for the purposes of preserving, maintaining, or enhancing its publicly-owned beach, shoreline area or portion thereof in accordance with the policies of this section.

2. The stewardship agreement shall provide that the beach or shoreline area be preserved and maintained in its natural state or managed to enhance or restore the natural values they provide. Activities may include: remediating vandalism and storm damage, picking up litter and trash, establishing or maintaining access or nature trails, providing interpretive services for school groups and other citizens, and otherwise providing positive benefits to the beach or shoreline area.

3. Stewardship agreement with any person or persons may provide for assistance of personnel, facilities and supplies of the municipality for the purposes of supporting appropriate activities under such stewardship agreement.

4. The municipality shall establish procedures by which a person or persons may apply for a stewardship agreement, and shall be responsible for working with such persons to identify specific sections of a publicly-owned beach or shoreline area and specific activities deemed appropriate for such stewardship agreement. The municipality may

consider factors such as safety, environmental sensitivity, need, cost and other factors deemed relevant in determining which beach or shoreline area or activities may be eligible or appropriate for a stewardship agreement.

5. The municipality shall provide recognition of the stewardship activities by appropriate signage on or near the adopted beach or shoreline area, and may provide recognition by such other measures as it may determine to be appropriate, including but not limited to press releases, certificates, and newsletters.

6. The stewardship agreement may be modified in scope or altered in any other manner at the sole discretion of the municipality, not inconsistent with the provisions of this section. The person or persons shall have the option of renewing the agreement subject to the approval of the municipality and the continuation by the municipality of the adopt-a-beach stewardship program. The municipality may immediately remove the signs and it may terminate the agreement upon thirty days notice, if in its sole judgment it finds and determines that the person or persons are not meeting the terms and conditions of the agreement.

7. Notwithstanding any inconsistent provision of law, the municipality which has entered into a stewardship agreement and its employees shall not be liable for damages suffered by any person resulting from the actions or activities of such volunteers.

§ 73. Cities and villages may hold property in trust for certain purposes. Real and personal estate may be granted and conveyed to the corporation of any city or village of this state, to be held in trust for any purpose of education, or the diffusion of knowledge, or for the relief of distress; or for parks, gardens, or other ornamental grounds, or grounds for the purposes of military parades and exercise, or health and recreation, within or near such incorporated city or village, upon such conditions as may be prescribed by the grantor or donor, and agreed to by such corporation; and all real estate so granted or conveyed to such corporation, may be held by the same, subject to such conditions as may be prescribed and agreed to as aforesaid.

§ 74. Condemnation of real property. A municipal corporation authorized by law to take and hold real property for the uses and purposes of the corporation, may, if it is unable to agree with the owners for the purchase thereof, acquire title to such property by condemnation.

§ 74-b. Payment of moving and relocation expenses of residential and commercial owners and tenants of appropriated property. 1. The chief fiscal officer of every municipal corporation shall establish and may amend rules and regulations authorizing the payment of reasonable and necessary moving expenses of occupants of property acquired by condemnation or agreement, such payments not to exceed one thousand dollars in the case of an owner or tenant of residential property and twenty-five thousand dollars in the case of an owner or tenant of commercial property. Such rules and regulations may further define the terms used in this section. Application for such payment shall be made to the chief fiscal officer of such municipal corporation upon forms prescribed by him and shall be accompanied by such information and evidence as he may require. Upon approval of such application, the chief fiscal officer of such municipal corporation shall deliver a copy thereof to the treasurer of the municipal corporation or other officer of such municipal corporation exercising corresponding functions together with a certificate stating the amount due thereunder, and the amount so fixed shall be paid out of the municipal corporation treasury after audit by the comptroller of the municipal corporation or other officer of the municipal corporation exercising corresponding functions from moneys appropriated for the acquisition of such property. As used in this section "commercial property" shall include property owned by an individual, family, business concern (including the operation of a farm) and a nonprofit organization.

The provisions of this subdivision shall not apply to a city having a population of one million or more.

2. In addition to the authorization of subdivision one of this section, the governing body of any municipal corporation may adopt and amend rules and regulations authorizing the payment of relocation assistance allowances, related and other necessary expenses as described in the uniform relocation assistance act to owners or occupants of property or any interest therein acquired or to be acquired by such municipal corporation by condemnation, agreement or otherwise and for which federal funds shall be used toward the cost of such acquisition. Such rules and regulations may further define the terms used in this subdivision. In acquiring real property for which federal funds shall be used, the municipal corporation is hereby authorized to do such other and further acts not hereby specifically provided as may be necessary to comply with such uniform relocation assistance act. Application for such payment shall be made to the officer of such municipal corporation designated by the governing body, upon forms prescribed by him and shall be accompanied by such information and assistance as may be required to substantiate entitlement thereto. Payment shall be made as provided in such rules and regulations from moneys appropriated for the acquisition of such real property or interest therein.

3. As used in this section, the following terms shall have the following meanings:

(a) "Municipal corporation". A county, city, town, village, school district, fire district, district corporation and public authority.

(b) "Uniform relocation assistance act." The uniform relocation assistance and real property acquisition policies act of nineteen hundred seventy, being public law 91-646, as enacted by the ninety-first Congress of the United States and any federal laws amendatory or supplemental thereto.

(c) "Governing body." In a city, the legislative body as defined in subdivision seven of section two of the municipal home rule law, unless another provision of law or the city charter vests another officer or agency thereof with the power to fix and promulgate, with the approval of the mayor, schedules of relocation payments in which case, governing body shall mean such other officer or agency.

§ 74-c. Taking of billboards. 1. If any local law, ordinance or resolution adopted by a municipal corporation in the exercise of its police power shall require the removal of any legally erected and maintained billboard or like outdoor advertising device, which is leased or rented for profit in areas zoned industrial or manufacturing, just compensation for said taking shall be determined in accordance with the provisions of article five of the eminent domain procedure law; provided, however, section five hundred two of such law shall not be applicable in any such proceeding.

2. Unless compensation therefor is provided pursuant to section eighty-eight of the highway law, if any local law, ordinance or resolution adopted by a municipal corporation in the exercise of its police power shall require the removal of any legally erected and maintained billboard or like outdoor advertising device, which is leased or rented for profit, and which is located in an area or zone, other than an industrial or manufacturing zone, the display shall be allowed to remain in existence for the period of time set forth below after giving notice of the removal requirement:

fair market value on date of notice of removal requirement	minimum years allowed
under $1,999	3
$2,000 to $3,999	4
$4,000 to $5,999	6
$6,000 to $7,999	7
$8,000 to $9,999	9
$10,000 and over	10

If the removal is required sooner than the amortization periods specified herein, such removal by any local law, ordinance or resolution adopted by the municipal corporation shall be with just compensation being paid for such taking and removal determined in accordance with the provisions of article five of the eminent domain procedure law or in accordance with any table of values established by the state department of transportation; provided however section five hundred two of the eminent domain procedure law shall not be applicable to any such proceeding.

Notwithstanding any other law, rule or regulation, all amortization periods under such laws, ordinances or resolutions shall commence not earlier than January first, nineteen hundred ninety.

3. The provisions of this section shall not apply to any city having a population of one million or more.

§ 75. Limitation on acquisition of water rights in Dutchess county. Notwithstanding the provisions of any general or special law, a municipal or other corporation shall not have power to acquire by condemnation for the purpose of increasing or improving its water supply, any stream or water, situated outside the boundaries of such municipal corporation, that flows through the town of Fishkill, Wappingers or Poughkeepsie into the Hudson river, which stream or water affords the chief source of power to, or is necessary in the process of manufacturing, washing or dyeing in, a mill situated in a city or village within the county of Dutchess, the inhabitants whereof are chiefly dependent on such mill for employment and support.

§ 76. Limitation on acquisition of water rights in Westchester and Putnam counties. Notwithstanding the provisions of any general or special law, a municipal or other corporation not situated within the county of Westchester or the county of Putnam shall not have power to acquire by condemnation, for the purpose of increasing or improving the water supply of any such corporation, or for supplying the inhabitants thereof with water, any lands, easements, streams of water, or water rights within the county of Westchester or the towns of Carmel and Putnam Valley in the county of Putnam, except that this section shall not apply to the contemplated reservoir known as the Cross river reservoir, nor to the contemplated reservoir at or near Croton falls, nor to the contemplated acquisition of land in the vicinity of Rye lake; nor shall this section operate to prevent the city of New York from acquiring real estate in said counties necessary for the purpose of constructing, maintaining and operating aqueducts, dams, reservoirs, culverts, sluices, canals, bridges, tunnels, pumping works, blow-offs, shafts, filters and appurtenances for the purpose of conveying to the city of New York and to the said counties, water from sources outside of the said counties, or for the purpose of connecting supplies of water already established within said counties, nor shall this section operate to prevent the city of New York from acquiring such real estate within the Croton watershed in the county of Westchester, contiguous to Little Mohansic Lake and Mohansic Lake, as may be necessary for the sanitary protection of the water supply of the city of New York, and the city of New York is hereby authorized to acquire by purchase or by condemnation in the manner prescribed by the provisions of title two, chapter eleven of the Greater New York charter as amended, such real estate for such purposes, except the lands, buildings and premises known as the Mohansic Lake reservation in the town of Yorktown, the county of Westchester, transferred and conveyed by the people of the state of New York to the county of Westchester by chapter two hundred and seventy-six of the laws of nineteen hundred and twenty-two.

§ 77. Leases of public buildings to posts of veteran organizations, organizations of volunteer firefighters, and child care agencies. 1. A municipal corporation may lease, for not exceeding five years, to a post or posts of the Grand Army of the Republic, Veterans of Foreign Wars of the United States, American Legion, Catholic War Veterans, Inc., Disabled American Veterans, the Army and Navy Union, U.S.A., Marine Corps League, AMVETS, American Veterans of World War II, Jewish War Veterans of the United States, Inc., Italian American War Veterans of the United States, Incorporated, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., Polish-American Veterans of World War II, Amsterdam, N.Y., Inc., Polish-American Veterans of World War II, Schenectady, N.Y., Inc., Polish Legion of American Veterans, Inc., Vietnam Veterans of America or other veteran organization of members of the uniformed services of the United States who (a) were honorably discharged from such service or (b) have a qualifying condition, as defined in section one of the veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (c) are discharged LGBT veterans, as defined in section one of the veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or to an incorporated organization or an association of either active or exempt volunteer firefighters, a public building or part thereof, belonging to such municipal corporation, except schoolhouses in actual use as such, without expense, or at a nominal rent, fixed by the board or council having charge of such buildings and provide furniture and furnishings, and heat, light and janitor service therefor, in like manner.

2. A municipal corporation may lease to a non-profit corporation organized under the laws of the state of New York which is authorized to care for children and which is subject to the visitation, inspection and supervision of the state board of social services a public building or part thereof belonging to such municipal corporation, without expense or at a nominal rent, fixed by the board or council having charge of such buildings, and provide furniture and furnishings and heat, light and janitor service therefor, in like manner.

§ 77-a. Construction and maintenance of memorial building or monument by county or city. A county, or a city by resolution adopted by the governing board of such municipality by a two-thirds vote of its members, may construct and maintain a memorial building, park or a monument at a place within the municipality or upon any public park thereof, in commemoration of soldiers and sailors of the United States in any war or wars in which the United States shall have engaged, at an expense to be borne by the city or county at large. Such resolution shall create a committee, to be at all times composed of members of such governing boards, to have charge of such construction and of such maintenance, direct expenditures therefor and let a contract or contracts for such construction. Upon the adoption of such resolution, the governing board or other proper authorities of such municipality shall appropriate, raise by tax in the city or county, as the case may be, and make available from time to time to the order of such committee, the amount chargeable to the city or county for such construction and maintenance. In a city having a board of estimate and apportionment, the concurrence of such board, with any action by the governing board, shall be necessary to any action by the city under this section. A county and a city wholly contained therein may unite in the construction and maintenance of such a memorial by such resolution being so adopted by the governing board of each municipality, at an expense to be borne by the city and county at large, or by the city and taxable property of the county outside of the city, in such manner and in such proportions as the resolution shall prescribe. Such resolution shall create a committee to be at all times composed of members of each of such governing boards, to have charge of construction and of such maintenance, direct expenditures therefor and let a contract or contracts for such construction. Upon adoption of such resolutions the governing board or other proper authorities of such municipality shall appropriate, raise by tax in the city or county, as the case may be, and make available from time to time to the order of such committee, the amount chargeable to the city or county for such construction and maintenance.

§ 77-b. Expenses of certain public officers and employees attending conventions, conferences and schools. 1. Definitions. As used in this section, the following terms shall mean:

(a) Municipality. A city, county, town, village, school district, cooperative educational services district, improvement district, soil conservation district, public library, community college, fire district.

(b) Governing Board. A common council, board of aldermen, city council, or board of estimate of a city, the county legislature or board of supervisors of a county, the town board of a town, the board of trustees of a village, the board of education of a school district, the board of cooperative educational services, the board of commissioners of an improvement district, the board of directors of a soil conservation district, the trustees of a public library, the trustees of a community college, and the board of fire commissioners of a fire district.

(c) Conference. A convention, conference, or school conducted for the betterment of any municipality or a convention or conference of firefighters or firemanic officers if believed to be of benefit to the municipality.

2. The governing board of a municipality may, by a majority vote, authorize any of its members or any officer or employee or the chief or assistant chief of its fire department or other person who has been elected pursuant to law to a public office of a municipality for which the term of office has not commenced to attend a conference. Such conference travel shall be for official business and shall be made utilizing a cost-effective and reasonable method of travel. Authorization must be by resolution adopted prior to such attendance, duly entered in the record of the proceedings of the municipality. However, the governing board may delegate the power to authorize attendance at such conference to any executive officer or any administrative board.

3. All actual and necessary registration fees, all actual and necessary expenses of travel, meals and lodging and all necessary tuition fees incurred in connection with attendance at a conference shall be a charge against the municipality and the amount thereof shall be audited, allowed and paid in the same manner as are other claims against such municipality.

4. Where authorization to attend a conference shall have been granted by any executive officer or administrative board no claim or expenses shall be audited, allowed or paid unless there shall be attached thereto a travel order or similar document signed by such executive officer or by the chairman of the administrative board, as the case may be, authorizing the claimant to attend such conference. If travel is by car, owned by any person so authorized, he shall receive an amount not to exceed the amount which the governing board allows as mileage.

5. No person shall be entitled to any compensation for the time spent in attending such a conference except that no deductions shall be made from the salary of a person so attending because of such attendance.

6. Advances of money for estimated expenditures, for registration fees, travel, meals, lodging and tuition fees may be made to a person duly authorized to attend a conference provided itemized vouchers

showing actual expenditures are submitted after such attendance and moneys advanced in excess of such expenditures are refunded to the municipality or expenditures in excess of such estimate are audited and paid by the municipality. Where an officer or employee fails to return such excess advance, at the time of submitting his itemzied vouchers or upon demand after audit of such voucher, the municipality shall deduct the amount of such unreturned excess advance from the salary or other money owed the officer or employee by the municipality.

§ 77-c. Per diem meal allowances for travel on official business. Whenever a municipality is authorized or required to reimburse its officers, employees, or the volunteer members or officers of the fire department of the municipality, for their actual and necessary expenses for meals in conjunction with travel on official business, the governing board of such municipality may determine by resolution to allow and pay a reasonable per diem allowance for meals in lieu of such actual and necessary expenses. In determining the amount of such allowance, the governing board shall consider the prevailing costs for meals in the area in which the travel will occur, but in no event shall such allowance exceed the standard meal allowance for business-related travel adopted or prescribed for federal income tax purposes. For purposes of this section, the terms "municipality" and "governing board" shall have the same meaning as in section seventy-seven-b of this article.

§ 77-d. Traveling expenses for applicants for public employment. The governing board of each county, city, town, village, school district, fire district or other district corporation may, by local law, ordinance or resolution, authorize the payment of the actual and necessary travel expenses, including meals and lodging, of an applicant for any office or position in the service of such county, city, town, village, school district, fire district or district corporation. Such payment shall be deemed a purpose of the county, city, town, village, school district, fire district, or other district corporation and shall be a charge against the taxable property within each such county, city, town, village, school district, fire district or district corporation.

However, in the event taxes are levied upon taxable property of an area of less than an entire city, county, town or village for the compensation or salary of such office or position, the expense incurred under this section shall be a charge against such area and shall be levied and collected from the taxable property thereof.

§ 77-e. Baseball field fence leases in Yates county. Notwithstanding any provision of any general, special or local law or of any charter to the contrary, the village of Penn Yan, Yates county, may lease municipal baseball field fences, annually, at a nominal rent, to a not-for-profit corporation or organization, organized under the laws of the state of New York for the purpose of permitting the sale of advertising, with the revenues to be used solely to purchase or repair baseball equipment for said organization.

§ 77-f. Sports field fence leases in the town of Sweden, Monroe county. Notwithstanding any provision of any general, special or local law or of any charter to the contrary, the town of Sweden, Monroe county, may lease any and all sports field fences at the Sweden Town Park annually, at a nominal rent, to a not-for-profit corporation or organization, organized under the laws of the state of New York for the purpose of permitting the sale of advertising, with the revenues to be used solely for the care of said Sweden Town Park on Redman Road in the town of Sweden.

§ 77-g. Sports field fence leases in the city of Rye, Westchester county. Notwithstanding any provision of any general, special or local law or of any charter to the contrary, the city of Rye, Westchester county, may lease any and all sports field fences at Disbrow Park, Gagliardo or Recreation Park annually, at a nominal rent, to a not-for-profit corporation or organization, organized under the laws of the state of New York for the purpose of permitting the sale of advertising, with the revenues to be used solely for the care of said parks in the city of Rye, Westchester county.

§ 77-h. Sports field fence leases in the town of New Castle, Westchester county. Notwithstanding any provision of any general, special or local law or of any charter to the contrary, the town of New Castle, in the county of Westchester, may lease any and all sports field fences at Gedney park, Millwood park and the Recreation Field annually, at a nominal rent, to a not-for-profit corporation or organization, organized under the laws of the state of New York for the purpose of permitting the sale of advertising, with the revenues to be used solely for the care of said parks and field in the town of New Castle, Westchester county.

§ 77-i. Sports field fence leases in the town of Yorktown, Westchester county. Notwithstanding any provision of any general, special or local law or of any charter to the contrary, the town of Yorktown, in the county of Westchester, may lease any and all sports field fences at Legacy Field and Granite Knolls Sports Complex annually, at a nominal rent, to a not-for-profit corporation or organization, organized under the laws of the state of New York for the purpose of permitting the sale of advertising, with the revenues to be used solely for the care of said parks and field in the town of Yorktown, Westchester county.

*** § 77-j. Sports field fence leases in the town of Putnam Valley, Putnam county.** Notwithstanding any provision of any general, special or local law or of any charter to the contrary, the town of Putnam Valley, Putnam county, may lease any and all sports field fences at Leonard Wagner Memorial Park, annually, at a nominal rent, to a not-for-profit corporation or organization, organized under the laws of the state of New York for the purpose of permitting the sale of advertising, with the revenues to be used solely for the care of such Leonard Wagner Memorial Park in the town of Putnam Valley, Putnam county.

* NB There are 2 § 77-j's

*** § 77-j. Sports field fence leases in the town of Kent, Putnam county.** Notwithstanding any provision of any general, special or local law or of any charter to the contrary, the town of Kent, Putnam county, may lease any and all sports field fences at Guglielmo Field, annually, at a nominal rent, to a not-for-profit corporation or organization, organized under the laws of the state of New York for the purpose of permitting the sale of advertising, with the revenues to be used solely for the care of such Guglielmo Field in the town of Kent, Putnam county.

* NB There are 2 § 77-j's

*** § 77-k. Sports field fence leases in the village of Croton-on-Hudson, Westchester county.** Notwithstanding any provision of any general, special or local law or of any charter to the contrary, the village of Croton-on-Hudson, Westchester county, may lease any and all sports field fences at Dobbs Park, Duck Pond Park, Firefighters Memorial Field and David J. Manes Memorial Field, annually, at a nominal rent, to a not-for-profit corporation or organization, organized under the laws of the state of New York for the purpose of permitting the sale of advertising, with the revenues to be used solely for the care of such Dobbs Park, Duck Pond Park, Firefighters Memorial Field and David J. Manes Memorial Field that are all in the village of Croton-on-Hudson, Westchester county.

* NB There are 2 § 77-k's

*** § 77-k. Sports field fence leases in the city of White Plains, Westchester county.** Notwithstanding any provision of any general, special or local law or of any charter to the contrary, the city of White Plains, Westchester county, may lease any and all sports field fences at Gedney Field, annually, at a nominal rent, to a not-for-profit corporation or organization, organized under the laws of the state of New York for the purpose of permitting the sale of advertising, with the revenues to be used solely for the care of such field in the city of White Plains, Westchester county.

* NB There are 2 § 77-k's

§ 78. Insurance of property. Public officers having by law the care and custody of the public buildings and other property of a municipal corporation, may insure the same at the expense and for the benefit of such corporation.

§ 78-b. Demolition and removal of unsafe structures. The governing body of any city, town, or village may commence a special proceeding in a court of competent jursidiction to collect the costs of demolition, including reasonable and necessary legal expenses incidental to obtaining an order to demolish, from the owner of any building or structure that may now be or shall hereafter become dangerous or unsafe to the public. The provisions of article four of the civil practice law and rules shall govern any special proceeding commenced under this section.

§ 80. Discrimination against non-residents. Any restriction or regulation imposed by the governing board of a municipal corporation upon the inhabitants of any other municipal corporation within this state, carrying on or desiring to carry on any lawful business or calling within the limits thereof, which shall not be necessary for the proper regulation of such trade, business or calling, and shall not apply to citizens of all parts of the state alike, except ordinances or regulations in reference to traveling circuses, shows and exhibitions, shall be void.

§ 80-a. Purchasing of products for municipal use. 1. As used in this section:

a. "Practicable" means capable of being used without violating the following criteria: performance, availability at a reasonable price, availability within a reasonable period of time and maintenance of a satisfactory level of competition.

b. "Secondary material" means any material recovered from or otherwise destined for the waste stream, including but not limited to, post-consumer material, industrial scrap material and overstock or obsolete inventories from distributors, wholesalers and other companies, but such term does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

2. The municipality shall review the procurement specifications it currently uses to determine whether such require that products be manufactured from virgin materials or exclude products manufactured from secondary materials and shall make such changes, on or before January first, nineteen hundred ninety-one, as may be necessary to ensure that:

a. Where such specifications exclude the use of products manufactured from secondary materials or require that products be manufactured from virgin materials only, such exclusions or requirements be eliminated; provided, however, that specifications need not be revised if the municipality determines that for a particular end use a product containing secondary materials would not meet necessary performance standards.

b. Performance standards, specifications and a product's intended end use are related, and clearly identified when feasible.

c. Specifications are not overly stringent for a particular end use or performance standard.

d. Specifications incorporate or require the use of secondary materials to the maximum extent practicable without jeopardizing the performance or intended end use of the product; provided, however, where the municipality determines that for a particular end use a product containing secondary materials would not meet necessary performance standards, such specifications need not incorporate or require the use of secondary materials.

§ 81. Peddling and hawking farm produce. The governing board of a municipal corporation shall not by ordinance or otherwise regulate or prohibit the pursuit or exercise of hawking and peddling farm produce except hay and straw within the limits of any such municipal corporation, if such farm produce is hawked or peddled by the producer thereof, or his servants or employees; nor shall the governing board of any such municipal corporation pass an ordinance requiring such producer of farm produce to secure a license for peddling and hawking such farm produce within the limits of such municipal corporation. Nothing contained herein shall affect any pending action or proceeding to recover penalties imposed for violations of existing ordinances and regulations. Nothing in this section shall be construed to permit wagons from which farm produce is sold to stand in front of stores or private residences for a longer time than may be necessary for the sale and delivery of produce purchased by the occupants of such stores or residences; nor to permit the congregating of such wagons upon any street or thoroughfare not set apart by the municipality as a public market for the sale of farm produce. This section shall not apply to villages, or to cities of the first class.

§ 82. Levy to pay a final judgment; to be in addition to amount authorized by law; money to be paid to judgment creditor. If a final judgment for a sum of money, or directing the payment of money shall have been, or shall hereafter be recovered against any county, town, city or incorporated village within this state, and the same remains, or shall hereafter remain unpaid, and the execution thereof is not, or shall not be stayed as required by law, or if so stayed, the stay has expired, or shall hereafter expire, it shall be the duty of the board of supervisors, if the judgment is, or shall be, recovered against a county or town, or of the common council of the city, or the board of trustees of the village, if the judgment is, or shall be, recovered against a city or an incorporated village, and the said board of supervisors, common council or board of trustees is hereby empowered to assess, levy, and cause to be collected at the same time and in like manner as other moneys for the necessary expenses of the county, town, city or village, as the case may be, are then next thereafter to be assessed, levied and collected, and in addition to the moneys now authorized by law to be assessed, levied and collected for that purpose, a sum of money sufficient to pay the said judgment with the interest thereupon, and the fees and expenses chargeable by law upon the execution, if any, issued to collect the same. The moneys so assessed and levied as soon as collected and paid to the proper receiving and disbursing officer, or so much thereof as may be necessary, shall, from time to time, be paid by him to the judgment creditor, administrator or assignee, or other person entitled to receive the same by reason of the said judgment, without any deduction for his fees or commissions.

§ 83. Limitation as to amount of money to be raised; special provision in New York city. No restriction or limitation imposed by law as to the sum to be raised in any year in any city or village shall apply to the moneys to be raised for the purposes specified in the last preceding section; but the said moneys shall be raised in addition to any sum so restricted or limited.

In the city of New York the powers and duties devolved upon the common council of a city by section eighty-two of this chapter shall be exercised by the board of estimate and apportionment.

§ 84. Refunding illegal assessments. Whenever an assessment for a local improvement has been annulled by the judgment or order of any court any sum of money which has been heretofore or shall be hereafter paid thereon, may be refunded with interest from the time of such payment. If not so refunded within one year, from the time of such judgment or order annulling such assessment, an action may be maintained to recover such sum with interest thereon.

§ 85. Service charge on returned checks. 1. The governing body of a municipal corporation may by resolution provide for the imposition of a charge to be added to any account owing to the municipal corporation where a tendered payment of such account was dishonored by a bank or depository institution.

2. Whenever the account owing to the municipal corporation is for a tax, special ad valorem levy or special assessment, the charge authorized by the preceding subdivision shall be included on whatever list of delinquent accounts is prepared for the enforcement of the lien.

3. Said charge shall be determined and set by resolution of the governing body, from time to time, as appropriate, but shall not exceed the maximum charge for dishonored checks authorized under section 5-328 of the general obligations law.

4. Any such service charge shall be collected in the same manner prescribed by law for the collection of the account for which the check was tendered. In addition, such municipal corporation may require future payments to be tendered in cash or by certified or cashier's check.

5. For purposes of this section, the term "municipal corporation" shall mean a municipal corporation as defined in section two of this chapter and a school district.

§ 85-a. Taxation of transient merchants. The legislative body of a city, the town board of a town or the board of trustees of a village has power to provide that a tax shall be levied upon all persons or corporations conducting transient retail business therein, and may provide for the collection of such tax by requiring a permit and bond, cash deposit or other security before the commencement of business by such persons or corporations. Such tax shall be based upon the gross amount of sales and shall be at the same rate as other property is taxed for the year in such city, town or village. If at the time such tax becomes due and payable, the tax rate for the current year of such city, town or village has not been fixed, the same shall be estimated by the assessors thereof. An ordinance, local law or resolution providing for a tax hereunder may require verified reports to be filed from time to time relating to stock and sales, and may make such further requirements as may be necessary in order to determine the amount of such tax, and to provide for the collection thereof. A transient business is one conducted in a store, hotel, house, building or structure for the sale at retail of goods, wares or merchandise, excepting food products, and which is intended to be conducted for a temporary period of time and not permanently. If the place in which a business is conducted is rented or leased for a period of six months or less, such fact shall be presumptive evidence that the business carried on therein is a transient business. Any person or corporation failing to pay said tax, or failing to obey the provisions of an ordinance, local law or resolution adopted hereunder, shall be guilty of a misdemeanor.

§ 86. Regulation of commercial and business activities on Memorial day and Independence day. The municipal officers and boards in the several cities, towns and villages of this state now having the authority to enact ordinances and local laws, may adopt ordinances or local laws regulating the nature of commercial and business activities that may be conducted on Memorial day and Independence day and the hours within which the various types of commercial and business activities may be conducted on Memorial day and Independence day. Provision shall be made in such ordinances or local laws for punishment of violations thereof.

§ 86-a. Regulation of installation of portable electrical equipment used for amusement devices. The governing body of any city, town or village in this state, may adopt ordinances or local laws making it unlawful for any person, firm or corporation to install or cause to be installed, or to alter, repair or maintain any portable electrical equipment connected to fifty or more volts of electrical power, which equipment is intended for use by the public, either as an amusement device or a vending machine, unless such equipment shall be so installed that all exposed metal or other conducting surfaces and parts are effectively grounded in a manner approved by existing electrical installation codes. Provisions shall be made in such ordinances or local laws for punishment of violations thereof.

§ 87. Support and maintenance of charitable and other institutions.

Boards of estimate and apportionment, common councils, boards of aldermen, boards of supervisors, town boards, boards of trustees of villages and all other boards or officers of counties, cities, towns and villages, authorized to appropriate and to raise money by taxation and to make payments therefrom, are hereby authorized, in their discretion, to appropriate and to raise money by taxation and to make payments from said moneys, and from any moneys received from any other source and properly applicable thereto, to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for the care, support and maintenance of their incarcerated individuals and out-patients, of the moneys which are or may be appropriated therefor; such payments to be made only for such incarcerated individuals as are received and retained therein pursuant to regulations established by the state department of social services or other state department having the power of inspection thereof. In the absence within the state of adequate facilities conveniently accessible, payments for the support, care and maintenance of incarcerated individuals and out-patients may be made to institutions, wholly or partly under private control, of a charitable or eleemosynary character, located without the state, which institutions if located within the state would be subject to the visitation, inspection and supervision of the department of social services. However, such payments may be made only to institutions conducted in conformity with the regulations of such department.

*** § 88. Disposition of stray or unwanted dogs by municipality.** 1. A municipality may by local law or ordinance provide that stray or unwanted dogs be given to an agency which trains seeing eye dogs or to a police department which trains dogs as guards.

2. The agency or department may by written order requisition in lieu of destruction or intended destruction, unlicensed, unwanted or unclaimed dogs which may be seized and impounded pursuant to law.

3. Any animal so requisitioned shall be retained within the pound for at least five days in addition to the period within which it may be claimed by its owner, and if still unclaimed may then be given to such

requisitioner.

4. Licensed dogs surrendered to the municipality or an animal shelter shall not be requisitioned without the written consent of the owner obtained at the time of the surrender.
* NB There are 2 § 88's

*** § 88. Catv franchises prohibited.** 1. As used in this section, the following words shall have the following meanings unless the context shall indicate another or different meaning.
(a) "Catv company". Any individual, partnership, association or corporation owning, controlling, operating, managing or leasing a catv system.
(b) "Catv system". Any facility which receives and amplifies the signals broadcast by one or more television stations and redistributes such signals by wire, cable or other means, or which distributes signals it originates or which are originated by another for viewing by subscribers, whether the wire, cable or other facilities are owned or leased. A "catv system" shall not include:

i. the poles or other facilities of any telephone corporation used to provide channel service as a common carrier,

ii. a system serving not more than two hundred fifty subscribers, or

iii. a master antenna system servicing subscribers situated on property under common ownership.
(c) "Facility". Any real property, antennae, poles, wires, cables, conduits, amplifiers, instruments, equipment, appliances, fixtures, and other personal property used by a catv company in providing service to its subscribers including that constructed in whole or in part in, on, under or over any highway or other public place.
(d) "Franchise". Any authorization, permit, license or privilege granted by a municipal corporation to construct, operate, maintain or manage a catv system in the state.

2. Notwithstanding any other provisions of law, until April first, nineteen hundred seventy-three, no municipal corporation may give, grant or award to any individual, partnership, association or corporation, upon any terms or conditions whatever, any franchise for the purpose of constructing, erecting, operating or maintaining any catv system in the state.

3. Notwithstanding any other provisions of law, for a period of one year from the effective date of this section, no individual, partnership, association or corporation shall construct, erect, operate or maintain a nonfranchised catv system which is not in actual and lawful operation on the effective date of this section, or enter into a contract for the construction, erection, operation or maintenance of such a nonfranchised catv system; nor shall any catv company engaged in actual and lawful nonfranchised catv operations on the effective date of this section expand the area of its operations during such period of time.

4. Except as otherwise provided herein, the provisions of this section shall not affect the authority of any catv company to operate pursuant to any franchise heretofore awarded by any municipal corporation, provided however, that all transfer, renewal or amendment of a franchise (whenever awarded by a municipal corporation) taking effect for a period of one year from the effective date of this section shall be subject to review and confirmation by such department or agency of the state as may hereafter be authorized to regulate the catv industry and the awarding of catv franchises, in accordance with the provisions of the act so authorizing such state department or agency to regulate.

5. If any clause, sentence, paragraph, subsection or part of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection or part thereof directly involved in the controversy in which such judgment shall have been rendered.

* NB There are 2 § 88's

§ 88-a. Merit award board to reward employees for suggestions. 1. Any city, county, town, village, school district or board of cooperative educational services is hereby authorized and empowered to establish a merit award board for the purpose of rewarding its employees for suggestions which result in a more efficient and economical operation of its government and may raise and expend moneys for the purposes thereof.

2. In cities such board shall consist of the mayor, corporation counsel and such council members as may be designated by the council and in counties such board shall consist of the chair of the board of supervisors and such members thereof as shall be chosen by the board. In towns such board shall consist of the town supervisor and such members as the town council shall designate. In villages such board shall consist of the mayor and members designated by the board of trustees. In school districts, such board shall consist of the president of the board of education and such members thereof as shall be chosen by the board of education. In boards of cooperative educational services, such board shall consist of the president of the board of cooperative educational services and such members thereof as shall be chosen by the board of cooperative educational services.

3. Such merit award boards when so established shall make rules and regulations to provide for the rewarding of employees of the municipality, school district or board of cooperative educational services for the purposes hereinbefore set forth.

4. Nothing herein contained shall in any way add to or diminish the existing powers of the city of New York with reference to establishment of a merit award board, and its powers.

§ 89. Payment of debts of illegal corporations. Whenever an attempt has been or is hereafter made to create a municipal corporation, either by special act of the legislature or by proceedings taken under the general laws of the state, and such corporation has chosen officers and has exercised the powers, duties and authority vested in it by the law under which it purports to have been created, and such corporation has become indebted to any person, association or corporation in the aggregate amount of five hundred dollars or more, and such corporation shall have been held or declared to be no corporation by a court of record of competent jurisdiction of this state, either because the special act creating it is declared to be unconstitutional, or otherwise, then such corporation shall be deemed a de facto corporation for the purpose of winding up its affairs and paying its indebtedness; and its officers shall be deemed de facto officers and shall have all the powers and authority and shall perform all the functions and duties vested in or required of them under the law pursuant to which such corporation was attempted to be created, so far as may be necessary to liquidate the affairs of such corporation and to pay its money obligations, including all the power and authority to assess, levy and collect taxes upon the taxable persons and property within the corporate limits of such illegal corporation, to such an amount as shall be sufficient to pay obligations of such corporation and the expense incident thereto.

2. Such de facto officers shall keep an accurate record of all their proceedings hereunder, including the amount of money raised by taxation and the purpose for which it was raised and the amount of money paid out, to whom and for what purpose. They shall audit all bills before payment and shall take receipts for all moneys paid out.

3. When all the indebtedness of such illegal corporation has been paid and its obligations discharged, such de facto officers shall make a full, complete and accurate report, under oath, to the county judge of the county in which such illegal corporation is located or to a justice of the supreme court of all their proceedings hereunder and on the order of such judge or justice approving and confirming such report, such de facto officers shall be discharged and their functions and duties shall cease. Such report and order shall be filed in the office of the county clerk of the county in which such illegal corporation was located.

§ 90. Payment of overtime compensation to public officers or

employees. The governing board of each municipal corporation or other civil division or political subdivision of the state, or in the city of New York, the mayor, by ordinance, local law, resolution, order or rule, may provide for the payment of overtime compensation to any or all public officers except elective officers and those officers otherwise excluded by law and to any or all public employees under their jurisdiction at the regular basic pay rate of such officers or employees for all time such officers or employees are required to work in excess of their regularly established hours of employment or at such other rate as such governing board, or in the city of New York, the mayor, may authorize. The amounts received as overtime compensation under this section shall be regarded as salary or compensation for any of the purposes of any pension or retirement system of which the officer or employee receiving the same is a member, except as set forth in sections five hundred one, six hundred one, and twelve hundred three of the retirement and social security law. Such overtime compensation shall not be regarded as salary or compensation for the purpose of determining the right to any increase of salary or any salary increment on account of length of service or otherwise. No such overtime compensation shall be construed to constitute a promotion.

§ 91. Payment of rewards for apprehension and conviction of a person or persons guilty of felony or misdemeanor. The governing board of any municipal corporation shall have power to offer, appropriate and pay rewards of not more than one thousand dollars for information which shall lead to detection, arrest and conviction of a person or persons guilty of a misdemeanor and not more than twenty-five thousand dollars for information which shall lead to the detection, arrest and conviction of a person or persons guilty of a felony or felonies; provided, however, that no police officer, peace officer, or any other law enforcement officer or official shall be entitled, directly or indirectly, to collect any such reward.

§ 91-a. Arson investigation. 1. Every municipal corporation, the office of fire prevention and control, and any two or more municipal corporations jointly, are hereby authorized and empowered to investigate and to take such action as may be required to formulate task forces, teams, fire and/or police investigative units to investigate any case of a burn injury or wound sustained as reported pursuant to section 265.26 of the penal law, and to ascertain the cause of fires or explosions of suspicious origin within the municipality or participating municipalities, pursue necessary investigation thereof and assist in the preparation and prosecution of cases stemming from any alleged criminal activity attendant to such fires or explosions. In the case of a joint endeavor by two or more municipal corporations, the share of the costs to be borne by each such municipal corporation shall be fixed by contract. The expenditure of moneys for such purpose by a municipal corporation shall be deemed a lawful municipal purpose and the moneys appropriated for the purpose shall be raised by tax upon the taxable real property within the municipal corporation in the same manner as moneys for other lawful municipal purposes. Each municipal corporation is hereby authorized to accept and disburse grants of public or private money or other aid paid or made available by the state or federal government for such purpose or purposes.

2. Where an investigative unit formed by this section has investigated a fire and such fire is suspected to have been ignited by a cigarette and not caused by arson, the investigative unit shall forward to the office of fire prevention and control within fourteen days of completing the investigation into such fire information detailing, to the extent possible: (a) the specific brand and style of the cigarette suspected of having ignited such fire; (b) whether the cigarette package was marked as required by subdivision six of section one hundred fifty-six-c of the executive law; and (c) the location and manner in which such cigarette was purchased.

§ 92. Vacations, sick leaves and leaves of absence of officers and employees. 1. The governing board of each county, city, town, village, school district, and of each fire district or other district corporation and of each civil or political division of the state by local law, ordinance or resolution, or in the city of New York the mayor by order may grant vacations, sick leaves and leaves of absence to its officers or employees with or without pay and adopt rules and regulations in relation thereto. Notwithstanding any other provision of law, any such governing board or mayor may also in like manner provide for cash payment of the monetary value of accumulated and unused vacation time or time allowances granted in lieu of overtime compensation standing to the credit of its officers and employees at the time of their separation from the service, or in case of death in service, to be paid to their beneficiaries.

2. An employee of a county, city, town, village, school district, and of each fire district or other district corporation and of each civil or political division of the state who is elected by an employee organization certified or recognized by the employer pursuant to article fourteen of the civil service law may be granted a leave of absence from their regular position for the purpose of serving with such employee organization.

3. The governing board of each county, city, town, village, school district, and of each fire district or other district corporation and of each civil or political division of the state may provide by local law, ordinance or resolution or in the city of New York the mayor by order, that vacations granted to its officers and employees shall be earned by and credited to them for each day, week or month of service and for the payment for such earned and credited vacations prior to the commencement thereof.

§ 92-a. Medical, surgical and hospital services or insurance for officers, employees and retired officers and employees of public corporations and their families. 1. As used in this section, the term "public corporation" shall mean a municipal corporation, a district corporation, a school district, a consolidated health district and a county or town special district or a joint special district, governed by a separate board of commissioners. Officers, employees and retired officers and employees of a county or town special district which is not governed by a separate board of commissioners shall be deemed to be county or town officers and employees, or retired officers and employees, respectively.

1-a. As used in this section the term "retired officer" shall include any former school board member with twenty years or more service in such position. The total cost of participation by such former school board members and their families shall be borne by such former members.

2. A public corporation may contract with a non-profit membership corporation, organized under article forty-three of the insurance law and approved by the superintendent of financial services and the state board of social welfare, or with any insurance company authorized to do business in this state for the purpose of furnishing medical and surgical services and hospital service as defined in such article forty-three, or medical and surgical and hospital insurance to persons who contract with such non-profit membership corporation or insurance company, or who subscribe to a plan or plans, as hereinafter provided. Any such contract entered into by a public corporation shall permit any officer or employee or group of officers or employees of an agency or department of the public corporation voluntarily to subscribe to a plan or plans providing for medical and surgical and hospital insurance for, or medical and surgical services and hospital service to, such officers or employees and their families. Any such contract entered into by a public corporation may, if authorized by the governing board or body and subject to such conditions, limitations and eligibility requirements as may be fixed by such board or body, permit any retired officers and employees or group of retired officers and employees of an agency or department of the public corporation voluntarily to subscribe to such a plan or plans to provide such insurance for or service to themselves and their families. The comptroller or other disbursing officer of the public corporation, or of any fund out of which officers or employees of such public corporation are paid, is authorized to deduct from the wages or salary of such contracting or subscribing officer or employee, with his prior consent, in writing, the sums required to be paid by such officer or employee to such non-profit membership corporation or insurance company. Such public corporation, if such contract or plan provides that the employer shall contribute a share of the cost of such

medical and surgical services and hospital service, or medical and surgical and hospital insurance, for its officers and employees or retired officers and employees, is authorized to appropriate a sum required to be paid under such contract by the public corporation as employer. The sum to be paid by it under such contract, in the discretion of such public corporation, may be any percentage of the total cost including the whole thereof. Where the compensation of any officer or employee whose position is covered by medical and surgical services and hospital service or medical and surgical and hospital insurance pursuant to this section is paid from a special or administrative fund provided for by law, the contributions required to be paid by the public corporation for such coverage shall be paid from such special or administrative fund. The public corporation shall be authorized to pay directly to such non-profit membership corporation or to such insurance company, the total of such appropriation and of such officer and employee deductions.

3. The authority conferred upon public corporations by this section shall be in addition to and in no way a limitation upon the authority conferred upon such public corporations to provide the same or similar benefits for their officers and employees pursuant to article eleven of the civil service law.

4. The provisions of this section shall apply to school board members, provided however, that the total cost of participation by such school board members and their families shall be borne by such members.

5. Any contract or contracts made pursuant to this section by a city with a population of one million or more inhabitants and any plan or plans effectuated by any such contract or contracts shall be administered by the department of personnel or the office of municipal labor relations of such city, or if there be no such department or office therein, by a department, agency, or officer thereof designated by the mayor of such city.

6. (a) Notwithstanding any general, special or local law to the contrary, the governing board of a public corporation that, in lieu of

contracting pursuant to subdivision two of this section, self-funds medical, surgical or hospital benefits, may enter into agreements with duly qualified contract administrators or other service providers to receive, investigate, make recommendations on, audit, approve or make payment of claims for such benefits. Such agreements shall be entered into pursuant to competitive bidding, or written request for proposals in accordance with the procurement policies and procedures of the public corporation adopted pursuant to section one hundred four-b of this chapter.

(b) In order to authorize the payment of claims for benefits audited and approved by a contract administrator or other service provider, an agreement entered into pursuant to this subdivision may provide that after claims have been audited by the contract administrator or other service provider, the contract administrator or other service provider shall periodically inform the public corporation of the total amount payable in satisfaction of the audited and approved claims, together with such other supporting information as the public corporation may require, and the public corporation may transfer moneys in that amount to the contract administrator or other service provider for disbursement to the claimants entitled thereto. Any such agreement shall provide that if a check issued by the contract administrator or other service provider in satisfaction of a claim remains unpaid after one hundred eighty days, the moneys payable in satisfaction of that claim shall be returned to the public corporation.

(c) Any agreement entered into pursuant to this subdivision shall contain, at a minimum, the following:

(i) a clear statement of the charges, fees or other compensation for the services provided under the agreement;

(ii) a statement that payment for the services provided under the agreement shall be made only after the services are rendered;

(iii) a provision stating that the contract administrator or other service provider to which functions are delegated shall be liable to the public corporation for all loss or damage that may result from any failure by the contract administrator or other service provider to discharge their duties, or from any improper or incorrect discharge of those duties, and a provision that expressly reserves to the public corporation all legal rights of set-off. The contract administrator or service provider shall save the public corporation free and harmless from any and all loss occasioned by or incurred in the performance of services under an agreement pursuant to this subdivision;

(iv) a provision requiring the contract administrator or other service provider to furnish a surety bond, irrevocable letter of credit or equivalent security, in a form and amount acceptable to the governing board of the public corporation, to secure the contract administrator's or other service provider's performance under the agreement;

(v) a provision requiring the contract administrator or service provider to establish, maintain and retain for a specified period complete and accurate books, records, documents, accounts and other evidence pertinent to performance under the agreement, and to submit quarterly and annual reports, in a form acceptable to the governing board of the public corporation, detailing the payment of claims and other activities of the contract administrator or other service provider during the relevant period. The auditing body or official of the public corporation shall have access to and may examine such books, records, documents, accounts and other evidence pertinent to performance under the agreement upon reasonable notice to the contract administrator or service provider;

(vi) a provision requiring an annual audit, and opinions thereon, by an independent certified public accountant, of the accounting procedures and internal control procedures of the contract administrator or other service provider;

(vii) a provision by which the contract administrator or other service provider agrees to maintain the confidentiality of medical records in its possession and that such confidentiality may only be waived upon the written consent of the covered person; and

(viii) a provision by which the contract administrator or other service provider acknowledges that those records maintained on behalf of the public corporation are subject to the provisions of article six of the public officers law.

(d) A contract entered into pursuant to this section shall be for a term not to exceed five years, except that it shall be subject to cancellation by the municipal corporation at any time upon thirty days' notice.

7. The provisions of this section shall permit a public corporation to provide coverage for volunteer firefighters, as defined in section three of the volunteer firefighters' benefit law, and volunteer ambulance workers, as defined in subdivision one of section three of the volunteer ambulance workers' benefit law, provided however, that the total cost of participation by such volunteers and their families shall be borne by such volunteers.

§ 92-b. Audit of claims under certain contracts for administering medical assistance. Notwithstanding the provisions of section three hundred sixty-nine of the county law or any other law, general, special or local, relating to the audit and payment of claims for the payment of money by a municipal corporation, a contract made pursuant to paragraph d of subdivision one of section three hundred sixty-five of the social services law, between a municipal corporation constituting a public welfare district and a non-profit membership corporation organized under article forty-three of the insurance law or with any insurance company authorized to do business in this state, for the administration of all or any part of the medical assistance required to be furnished pursuant to title eleven of article five of the social services law, may, in addition to its other provisions, authorize such membership corporation or insurance company to audit and make payment with respect to claims for such medical assistance.

§ 92-c. Emergency service volunteer; paid leave. Notwithstanding any provisions of law to the contrary, public officers and employees of municipal corporations and school districts who are certified by the American Red Cross as disaster volunteers shall be granted leave from work with pay to participate in specialized disaster relief operations upon written request for such services by the American Red Cross and upon the approval of the chief executive of the municipal corporation for which the public officer or employee serves or upon the approval of the superintendent of the school district for which the employee serves. The public officer or employee shall be compensated at his or her regular rate of pay for those regular work hours during which the public officer or employee is absent from work while participating in authorized specialized disaster relief operations. Such leave shall be provided without loss of seniority, compensation, sick leave, vacation leave or other overtime compensation to which the volunteer is otherwise entitled and shall not exceed twenty days in any calendar year.

§ 92-d. Sick leave for officers and employees with a qualifying World Trade Center condition. 1.(a) Notwithstanding any other law, rule or regulation to the contrary, officers and employees of the state, a public authority or any municipal corporation outside of a city with a population of one million or more who have filed and received approval for such filed notice of participation in World Trade Center rescue, recovery or cleanup operations or was a participant in World Trade Center rescue, recovery, or cleanup operations as such term is defined in section one hundred sixty-one of the workers' compensation law, who does not have such filed and approved notice of participation and has filed a notice of participation under section one hundred sixty-two of the workers' compensation law and is now employed by the state, a public authority, or any municipal corporation, and subsequently developed a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, shall, after the receipt of a written request for line of duty sick leave, be granted line of duty sick leave commencing on the date that such employee was diagnosed with a qualifying World Trade Center condition regardless of whether such officer or employee was employed by his or her current employer at the time that such officer or employee participated in World Trade Center rescue, recovery or cleanup operations. The officer or employee shall be compensated at his or her regular rate of pay for those regular work hours during which the officer or employee is absent from work due to his or her qualifying World Trade Center condition. Such leave shall be provided without loss of an officer or employee's accrued sick leave.

(b) A public employer shall not take any adverse personnel action against a public employee regarding the employee's employment because either (i) the employee utilizes, or requests to utilize, sick leave or any other available leave due to a qualifying World Trade Center condition, as such term is defined in section two of the retirement and social security law, or (ii) the employee utilizes or requests to utilize line of duty sick leave provided by this section.

(c) For purposes of this section, an "adverse personnel action" means any discipline, including issuing a notice of discipline, discharge, suspension, demotion, penalization, or discrimination against an employee utilizing line of duty sick leave pursuant to paragraph (a) of this subdivision.

Nothing in this section shall be deemed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collectively negotiated agreement or to prohibit any personnel action which otherwise would have been taken regardless of any request to use, or utilization of, any sick leave or other available leave due to a qualifying World Trade Center condition or request to use, or utilization of, any line of duty sick leave provided by this section.

2.(a) Notwithstanding any other law, rule or regulation to the contrary, officers and employees of a city with a population of one million or more who (i) do not receive benefits similar to those provided by this section pursuant to a collectively bargained agreement, section 14-122.1 of the administrative code of the city of New York, section 15-108.1 of the administrative code of the city of New York, or other statutory provision and (ii) have filed and received approval for such filed notice of participation in World Trade Center rescue, recovery or cleanup operations or was a participant in World Trade Center rescue, recovery, or cleanup operations as such term is defined in section one hundred sixty-one of the workers' compensation law, who does not have such filed and approved notice of participation and has filed a notice of participation under section one hundred sixty-two of the workers' compensation law and is now employed by the state, a public authority, or any municipal corporation, and subsequently developed a qualifying World Trade Center condition, as defined in section two of the retirement and social security law, shall, after receipt of a written request for line of duty sick leave, be granted line of duty sick leave commencing on the date that such employee was diagnosed with a qualifying World Trade Center condition regardless of whether such officer or employee was employed by his or her current employer at the time that such officer or employee participated in World Trade Center rescue, recovery or cleanup operations. The officer or employee shall be compensated at his or her regular rate of pay for those regular work hours during which the officer or employee is absent from work due to his or her qualifying World Trade Center condition. Such leave shall be provided without loss of an officer or employee's accrued sick leave.

(b) A public employer shall not take any adverse personnel action against a public employee regarding the employee's employment because either (i) the employee utilizes, or requests to utilize, sick leave or any other available leave due to a qualifying World Trade Center condition, as such term is defined in section two of the retirement and social security law, or (ii) the employee utilizes or requests to utilize line of duty sick leave provided by this section.

(c) For purposes of this section, an "adverse personnel action" means any discipline, including issuing a notice of discipline, discharge, suspension, demotion, penalization, or discrimination against an employee utilizing line of duty sick leave pursuant to subdivision one of this section.

Nothing in this section shall be deemed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collectively negotiated agreement or to prohibit any personnel action which otherwise would have been taken regardless of any request to use, or utilization of, any sick leave or other available leave due to a qualifying World Trade Center condition or request to use, or utilization of, any line of duty sick leave provided by this section.

3. For purposes of this section, "cost" shall mean the number of days of sick leave that must be restored to an officer or employee pursuant to subdivision one or two of this section multiplied by such officer or employee's wage rate at the time that such sick leave for which reimbursement is being sought was taken.

4. A request, for line of duty sick leave shall be in writing and include a waiver of the protection afforded to the officer or employee pursuant to the health insurance portability and accountability act to allow disclosure of the officer or employee's approved notice of

participation and any medical records concerning such officer or employee's notice of participation or qualifying World Trade Center condition in the possession of the retirement system or workers' compensation board in which such officer or employee is a member for the purpose of reviewing, processing and auditing his or her claim for line of duty sick leave. Such waiver shall be in the form required by the retirement system of which he or she is a member or the workers' compensation board, along with the application for line of duty sick leave, with his or her employer.

5. Notwithstanding any provision of law to the contrary, upon request from the state, public authority or municipal corporation other than a city with a population of one million or more for a copy of an approved notice of participation in World Trade Center rescue, recovery or cleanup operations for an officer or employee, the retirement system in which such officer or employee is a member and to which such officer or employee filed his or her notice of participation in World Trade Center rescue, recovery or cleanup operations in accordance with paragraph (a) of subdivision thirty-six of section two of the retirement and social security law, such retirement system shall provide a verified copy of such approved notice of participation that includes the date that such notice was filed to such requestor. A copy of such verified notice of participation shall be filed with any claim for reimbursement submitted to the civil service department pursuant to subdivision four of this section. Except as required for filing, review, and audit purposes, such verified notice of participation and all copies of such verified notice shall be confidential and not subject to disclosure pursuant to article six of the public officers law.

6. A public authority or municipal corporation other than a city with a population of one million or more shall submit any claim for reimbursement under this section to the civil service department. In accordance with subdivision eight of section seven of the civil service law, the civil service department shall review each claim to determine if such claim shall be approved, reduced, amended or rejected and shall notify the submitting public authority or municipal corporation, within sixty days of receipt of such claim, as to its determination. Such

public authority or municipal corporation shall notify the civil service department within thirty days after receipt of the civil service department's notification, as to its acceptance or rejection of such determination. Failure to so notify the civil service department shall constitute an acceptance of the determination. If accepted by such public authority or municipal corporation, such acceptance shall constitute the final and conclusive determination for such claim. Notwithstanding any other law to the contrary, there shall be no appeal of such determination to the civil service commission. If rejected by such public authority or municipal corporation, such public authority or municipal corporation may commence an action in accordance with the provisions of article seventy-eight of the civil practice law and rules.

7. The civil service department shall certify all claims for which a final determination has been made. The civil service department shall submit all certified claims for payment on or before the first day of the immediately succeeding month during which such claim was certified.

8. All claims certified by the civil service department shall be paid monthly.

§ 93. Payment of certain insurance premiums for officers and employees of municipal corporations and agencies or instrumentalities thereof. 1. The fiscal or disbursing officer of every municipal corporation is hereby authorized to deduct from the wage or salary of any officer or employee of the municipality who is insured under any group or group plan of life, group accident or group health insurance or who is a member of a corporation existing by virtue of article forty-three of the insurance law, such amounts for the payment of the premium or premiums or payments thereon, as such officer or employee may specify in a writing filed with the said fiscal or disbursing officer and transmit to the insurer the sum so deducted. Any such written authorization may be withdrawn by such officer or employee or member at any time upon filing written notice of such withdrawal with the fiscal or disbursing officer. The provisions of this section shall apply to and be effective within every city, county, town, village, school district and organized public district in the state.

2. A municipal corporation, including a fire district, or town improvement district governed by a separate board of commissioners, if a group plan of life insurance provides that the employer shall contribute a share of the cost of such insurance for its officers and employees, or for the officers or employees of an agency or instrumentality thereof, is authorized to appropriate a sum required to be paid under such plan by the municipal corporation as employer. The sum to be paid by it under such plan, in the discretion of the municipal corporation, may be any percentage of the total cost, including the whole thereof. For the purposes of this section, the term employee shall include the volunteer firefighters of the municipality or fire district or employees, commissioners, or officers of a town improvement district governed by a separate board of commissioners.

§ 93-a. Written statement of deductions to accompany payment of salary or wages to officers or employees in certain cases. On and after July first, nineteen hundred fifty-four, the chief fiscal officer of every municipal corporation may, upon request in writing therefor, cause to be given to any officer or employee with any payment of salary or wages, a statement in writing of all deductions made from the basic amount of such salary or wages.

The provisions of this section shall not apply to cities with a population of one million or more.

§ 93-b. Deductions from wages or salaries of civil service employees. 1. The fiscal or disbursing officer of every municipal corporation or other civil division or political subdivision of the state is hereby authorized to deduct from the wage or salary of any employee of such municipal corporation or civil division or political subdivision of the state such amount that such employee may specify in writing filed with such fiscal or disbursing officer for the payment of dues in a duly organized association or organization of civil service employees and to transmit the sum so deducted to the said association or organization. Any such written authorization shall remain in effect in accordance with subdivision one of section two hundred eight of the civil service law.

2. The appropriate disbursing or fiscal officer of any municipality or other political subdivision of the state is hereby authorized to deduct from the salary of any employee of such municipality or political subdivision such amount as such employee may specify in writing filed with such appropriate disbursing or fiscal officer within the minimum and maximum amounts prescribed by such appropriate disbursing or fiscal officer for the purchase for such employee of United States bonds and for contributions to federated community campaigns for health, welfare and recreational purposes on behalf of such employee and to the account of such employee with such federated community campaign. Such appropriate disbursing or fiscal officer is hereby authorized to make such rules and regulations governing the purchase of said bonds and contributions to federated community campaigns as he deems necessary, such rules and regulations to be incorporated in the employee's written authorization of payroll deduction filed with such appropriate disbursing or fiscal officer. Any such written authorization may be withdrawn by such employee at any time by filing written notice of such withdrawal with such appropriate disbursing or fiscal officer. As used in this section "federated community campaign" means a charitable non-profit organization which solicits funds for distribution among a substantial number of charitable non-profit organizations.

3. Notwithstanding the provisions of and restrictions of sections two hundred two and two hundred nine-a of the civil service law but subject to the provisions of paragraph (b) of subdivision three of section two hundred eight of such law, every employee organization that has been recognized or certified as the exclusive representative of employees within a negotiating unit of other than state employees shall be entitled to have deducted from the wage or salary of the employees in such negotiating unit who are not members of said employee organization the amount equivalent to the dues levied by such employee organization, and the fiscal or disbursing officer of such public employer shall deduct from the salary of any employee represented by such employee

organization for the purpose of collective negotiations who has not authorized the deduction of membership dues in such employee organization pursuant to subdivision one of this section, an agency shop fee deduction in the amount equivalent to the dues levied by such employee organization. The fiscal or disbursing officer is further authorized to accumulate such fees and transmit the fees so accumulated to the employee organization.

4. The appropriate disbursing or fiscal officer of any municipality or other political subdivision of the state is hereby authorized to deduct from the salary of any employee of such municipality or political subdivision such amount as such employee may specify in writing to be filed with such appropriate disbursing or fiscal officer within the minimum and maximum amounts prescribed by such appropriate disbursing or fiscal officer for contributions to campus-related foundations and to transmit the sums so deducted to such campus-related foundations. Any such written authorization may be withdrawn by such employee at any time upon filing written notice of such withdrawal with such appropriate disbursing or fiscal officer. Such appropriate disbursing or fiscal officer is hereby authorized to make such rules and regulations as he deems necessary to provide for deductions for campus-related foundations. As used in this subdivision, the term "campus-related foundation" shall mean a non-profit corporation organized and existing pursuant to the education law or the not-for-profit corporation law for the benefit of a state-operated campus of the state university of New York or for the benefit of a community college operating under the program of the state university of New York.

§ 93-c. The appropriate disbursing or fiscal officer of any municipality or other political subdivision of the state is hereby authorized to deduct from the salary of any employee of such municipality or political subdivision such amount as such employee may specify in writing filed with such appropriate disbursing or fiscal officer for payment to any credit union doing business in the state of New York, and to transmit the sums so deducted to the said credit union. The disbursing or fiscal officer hereinbefore referred to is hereby authorized to make such rules and regulations governing the payments to credit unions as he deems necessary, such rules and regulations to be incorporated in the employee's written authorization of payroll deduction, filed with the fiscal or disbursing officer of every municipal corporation or other civil division or political subdivision of the state. Any such written authorization may be withdrawn by such employee at any time by filing written notice of such withdrawal with such appropriate disbursing or fiscal officer. As used in this section "credit union" means a non-profit organization which serves only its members and is chartered pursuant to the banking law of the state of New York, or by the United States government pursuant to the federal credit union act.

§ 93-d. Payroll payment by banks or trust companies. The governing body of any municipal corporation, school district, district corporation, town or county improvement district, public authority, or public corporation may enter into a contract to provide for the deposit of the periodic payroll of such corporations, districts or authorities in a bank or trust company for disbursal by them in accordance with the provisions of section ninety-six-b of the banking law.

§ 94. Earnings of municipal corporations from certain municipally operated public utility services. Any municipal corporation operating a gas, electric or water public utility service may earn from and out of such operation an amount equivalent to taxes which the said service, if privately owned, would pay to such municipal corporation; and, in addition, such municipal corporation may earn from and out of such operation a fair return on the value of the property used and useful in such public utility service, over and above costs of operation and necessary and proper reserves. Profits resulting from the operation of such a public utility service may be used for the payment of expenses or obligations incurred by such municipal corporation for municipal purposes or for the payment of refunds to consumers. The provisions of this section shall not apply to any gas, electric or water public utility service operated by the city of New York or any agency thereof.

§ 94-a. Tax equivalent payments of the city of Jamestown board of public utilities. Notwithstanding any law, rule or regulation to the contrary, in addition to the amount equivalent to taxes authorized to be earned and paid pursuant to section ninety-four of this chapter, the city of Jamestown is hereby authorized in the operation of its board of public utilities electric utility service to earn and pay from such operation to the Jamestown city school district an amount equivalent to taxes which said service, if privately owned, would pay to such school district. The terms and conditions of any such tax equivalent payments shall be determined in accordance with agreements entered into from time to time between such school district and such board of public utilities.

§ 95. Youth agencies and assistance. Any municipality as defined by section two hundred forty of this chapter is hereby authorized and empowered to establish, maintain and operate a bureau or agency thereof for the purpose of coordinating and supplementing the activities of public and private agencies devoted in whole or in part to the welfare and protection of youth therein, and to undertake and promote activities and establish, maintain and operate projects devoted in whole or in part to providing leisure-time activities for youth or assistance to children. Any municipality as defined by section two hundred forty of this chapter may appropriate, raise and expend moneys for the purposes of establishing, maintaining and operating such bureau or such agency, and may also receive and expend moneys from the state, the federal government or private individuals, corporations or associations for such purposes.

§ 95-a. Programs for the aging. Any county, city, town, village or school district is hereby authorized and empowered to establish, maintain and operate programs devoted in whole or in part to the welfare of the aging, and to contract with private, nonprofit corporations, associations, institutions or agencies for the operation and maintenance of such programs. Any such county, city, town, village or school district may appropriate, raise and expend moneys for the purposes of establishing, maintaining and operating, or contracting for the operation and maintenance of such programs, and may also receive and expend moneys from the state, the federal government or private individuals, corporations or associations for such purposes.

§ 96. Municipal community garden activities. 1. A municipality is authorized to hold land, however acquired, either in fee or of a lesser interest, or by lease, contract or agreement with the owners and to allow same to be used for community gardening under the terms and conditions established in article thirty-eight of the executive law, as applicable, for such period of time and under such further conditions as may be authorized by local law. Such use of land is a valid exercise of municipal powers. A municipality may encourage individuals, community organizations and groups to use vacant lands and municipal facilities for such period of time and under such conditions as the municipality may determine for use in community garden programs, including but not limited to, a condition that users possess liability insurance and accept liability for injury or damage resulting from use of the vacant public land for community gardening purposes. A fee related to preparation of assigned lots may be charged participants.

2. A municipality may establish a program in conjunction with the cooperative extension or county extension association for ready identification of accessible land resources in the municipality available for such programs. Any community garden program should to the fullest extent practicable be community in scope in order that all interested families and individuals, who reside in the area, be afforded an equal opportunity to use available plots subject to reasonable continuing tenure.

3. A municipal corporation may assist the development of a community garden by contributing, or providing at cost, from resources under the control of the municipality, upon agreement with the user of such land as approved pursuant to the local finance law: initial site preparation, including top soil and grading; water systems; perimeter fencing;

storage bins or sheds, and other necessary appurtenances or equipment.

4. At the discretion of the municipality, fertilizer including municipally produced compost, seeds, or tools may be procured in quantity and made available at cost to community groups involved in garden projects. A tool lending facility may be established by the municipality so that gardening tools are available on an equitable rotating basis to all members of the community. Such assistance shall be a valid municipal purpose.

5. For the purposes of carrying out the provisions of this section, a community gardening program may be deemed part of a youth or senior citizen program.

*** § 96-a. Use of certain lands for the construction and operation of neighborhood youth centers.** 1. Notwithstanding any inconsistent provisions of law, the governing board of each municipal corporation may enter into a contract with a public or private youth agency leasing lands, other than inalienable lands, owned by such municipal corporation for the purpose of the construction thereon of a neighborhood youth center by such agency.

2. At the expiration of the term specified in such contract, title to the neighborhood youth center and appurtenances thereto, free of any and all liens and encumbrances of any nature whatsoever, shall vest in the municipal corporation.

3. For the purposes of this section, the term "public or private youth agency" means any public or non-profit agency providing programs for the moral, physical, or mental improvement, or for the social well-being, of the youth of the municipal corporation.

* NB There are 2 § 96-a's

*** § 96-a. Protection of historical places, buildings and works of art.** In addition to any power or authority of a municipal corporation to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing board or local legislative body of any county, city, town or village is empowered to provide by regulations, special conditions and restrictions for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both. In any such instance such measures, if adopted in the exercise of the police power, shall be reasonable and appropriate to the purpose, or if constituting a taking of private property shall provide for due compensation, which may include the limitation or remission of taxes.

* NB There are 2 § 96-a's

§ 96-b. Tree conservation. 1. The legislature hereby finds that there is a direct relationship between the planting of trees, shrubs and associated vegetation in sufficient number in populated areas and the health, safety, and welfare of communities, and as related to the natural, scenic, and aesthetic values of trees and the physical and visual qualities of the environment which municipalities are authorized to protect. Trees and such vegetation abate noise, provide welcome shade to people, preserve the balance of oxygen in the air by removing carbon dioxide and fostering air quality, and add color and verdure to human construction. They also stabilize the soil and control water pollution by preventing soil erosion and flooding, yield advantageous microclimatic effects, and provide a natural habitat for wildlife. The destructive and indiscriminate removal of trees and related vegetation causes increased municipal costs for proper drainage control, impairs the benefits of occupancy of existing residential properties and impairs the stability and value of both improved and unimproved real property in the area of destruction, and adversely affects the health, safety, and general welfare of the inhabitants of the state.

2. In addition to any power or authority of a municipal corporation to

regulate by planning or zoning laws or regulations or by local laws and regulations, the local legislative body of any county, city, town or village is hereby empowered to provide for the protection and conservation of trees and related vegetation. Such legislative body may require appropriate conditions applicable to any activity involving the removal or destruction of trees or the substantial alteration of grade level around trees may include, where appropriate, requirements that the activity be done as specified in an approved landscape plan and that the removed trees be replaced by the planting of the same or alternate species of trees, and may provide, in connection therewith, required plantings for screening purposes. Such regulations, special conditions and restrictions, adopted in the exercise of the police power, shall be reasonable and appropriate to the purpose. The municipality may require the posting of a performance bond to assure compliance with this section. All charges and expenses incurred under this section by a town shall be a charge upon the taxable property of that part of the town outside any incorporated village.

§ 97. Power of municipalities to furnish and contract for fire and police communication system. In a county having a population of more than five hundred twenty-five thousand and less than six hundred fifty thousand according to the last decennial federal census, it shall be lawful for a city located therein, and for said county and any town or village located therein, to enter into a contract for such a term of years as deemed advisable for the furnishing by said city to such a county, any town or village therein, broadcasting services, auto radio repair service and services incidental to and in connection with a fire and police radio communication system. Such system of communication shall be maintained and operated by the city. Each municipality electing to have such service rendered by the city shall pay to such city such sum or sums as shall be agreed upon toward the cost of the operation and maintenance of such system. The contract shall state the type of service to be rendered, the amount to be paid therefor, the time when such payment shall be made and shall contain such other terms and conditions as may be agreed upon between the parties thereto.

§ 98. Operation and maintenance of railroad passenger stations in certain municipalities. 1. For the purposes of this section only, "municipality" means (i) a county not wholly contained within a city, (ii) a city having a population of more than twenty-five thousand but less than one million inhabitants according to the most recent federal decennial census, and (iii) a town of the first class.

2. Each municipality may from time to time contract with a railroad corporation providing passenger service by rail to or from any passenger station within the municipality for the operation and maintenance of one or more such stations owned or used by such railroad, including the buildings, appurtenances, platforms, land and approaches incidental or adjacent thereto, provided, however, that such contract shall contain provisions pursuant to which:

a. The railroad agrees for the term of such contract not to discontinue all passenger or all freight service, or petition any regulatory agency having jurisdiction in respect thereof for permission to discontinue all passenger or all freight service, to or from such stations without the consent of the municipality;

b. The railroad agrees for the term of such contract to continue the operation and maintenance of such existing facilities or portions thereof as may be required in the public interest for the sale of passenger tickets and the handling of baggage, mail and freight at such stations;

c. The railroad shall continue responsible for all railroad operations and the maintenance and upkeep of all tracks, rights-of-way, yard facilities, signalling devices, automatic protective devices, third rail and catenary systems, electric power transmission and distribution facilities, bridges, tunnels and other roadway structures and facilities used by such railroad in its railroad operations;

d. With respect to the portion of any such station which is not required by the railroad for the sale of passenger tickets, the handling of baggage, mail and freight or its railroad operations, the municipality or, if the contracting municipality is a county, the city, town or village within which such station is located, with the consent of such county, or if the contracting municipality is a town, the village within which such station is located, with the consent of such town, may use the same for public purposes, or may lease the same to others for uses generally available to or serving the general public, including but not limited to access to the railroad and related services, facilities for the convenience and comfort of the general public, the parking of vehicles, public assembly, recreation, cultural activities, shelter, and terminal facilities for other modes of transportation; and

e. Such contract shall expire not later than the first day of July next succeeding its effective date.

Any contract made pursuant to this subdivision may contain such other terms and conditions, not inconsistent with the foregoing, as the municipality and the railroad may agree.

3. The municipality may provide the operation and maintenance required under such contract through its own employees or agents, or may, in its discretion, arrange for the performance of such operation and maintenance by the contracting railroad or, if the contracting municipality is a county, by the city, town or village within which such station is located, or, if the contracting municipality is a town, by the village within which such station is located. The county, and any city, town or village performing such operation and maintenance, are hereby authorized to repair, reconstruct, refurbish, paint, alter and otherwise maintain such station subject, however, to the provisions of the contract entered into between the contracting municipality and such railroad pursuant to this section.

4. The maintenance and operation of such stations are hereby declared county, city and town purposes. The cost of any part thereof shall be a county, city or town charge, as the case may be, and shall be paid from funds of the municipality appropriated, raised and expended in the

manner provided by law for general county, city or town purposes. Such funds shall be appropriated or made available in accordance with applicable law (a) in the budget of the municipality or in any amendment or modification thereof, (b) by supplemental or emergency appropriation, (c) by transfer of appropriations, or (d) from a contingent fund, the unexpended balance of any appropriation, unanticipated revenues, any unappropriated unreserved fund balance, as defined in section six-e of this chapter, or similar source.

5. All action authorized to be taken hereunder by a municipality shall be taken by its governing board by local law, ordinance or resolution and, in the case of a county, upon the recommendation of or with the separate approval of its county executive, and any such local law, ordinance or resolution may be amended from time to time.

6. No contract entered into by a municipality pursuant to this section shall be effective until the terms and conditions thereof shall have been approved by the public service commission and the state commissioner of transportation.

§ 98-a. Acquisition and lease of railroad facilities. 1. Two or more cities, towns or villages in the same county or adjoining counties may jointly acquire, by purchase, lease, condemnation or otherwise, railroad rights-of-way and other railroad facilities and property, except rolling stock, located in such county or counties, and may lease the same to a railroad corporation, for periods not in excess of one year and expiring not later than the first day of July next succeeding the effective date of such lease, subject to an agreement for the maintenance and operation of such rights-of-way, facilities and property for public use in the transportation of persons or property.

2. The local law, ordinance or resolution providing for such action shall be adopted by the governing board of each such municipality and shall create a committee, to be at all times composed of members of each of such boards, to acquire such rights-of-way, facilities and property, in the name of the municipalities jointly, and as their joint agent, and

may specify matters as to which the action of the committee shall require the joint approval of such boards. The local law, ordinance or resolution shall also prescribe the proportions of the cost of such project to be borne by the respective municipalities.

3. The acquisition and lease of such rights-of-way, facilities and property are hereby declared city, town and village purposes. The expenses incurred in connection herewith shall be a city, town or village charge, as the case may be, and may be paid for by appropriation of moneys available therefor or may be financed in whole or part pursuant to the local finance law. The period of probable usefulness of any indebtedness contracted pursuant to this section shall be thirty years.

4. Such local law, ordinance or resolution may be amended from time to time with the concurrence of each of such boards, and additional municipalities may be included therein, in the same manner and subject to the same conditions as were applicable to the original municipalities participating therein.

5. In the event of the abandonment of such project, all rights-of-way, facilities and property acquired by the participating municipalities may be sold and the proceeds distributed in the same proportion as contributions were made.

6. No acquisition, lease or agreement entered into pursuant to this section after the effective date of this subdivision shall be effective until the terms and conditions thereof shall have been approved by the state commissioner of transportation.

§ 98-b. Municipal assistance to public authorities furnishing transportation services. Every city, village, town or county not wholly contained within a city the whole or any part of which is directly served by a transportation facility operated by a public authority shall be empowered to make unconditional grants of money or property to such public authority for the purpose of assisting it in meeting its capital or operating expenses, provided such money does not consist of borrowed funds and such property has not been acquired by the use of borrowed funds. Such purpose is hereby declared to be a city, county, town and village purpose. The term "transportation facility," as used herein, shall include rapid transit, commuter railroad, omnibus, marine, airport and aviation facilities. The provisions of this section are intended as enabling legislation only and shall not be interpreted as implying that absent their enactment a municipality would lack the power to authorize any such grant; but they shall not be interpreted as an authorization to public authorities generally to accept such grants.

The acceptance of any such grant by a public authority shall not operate to make such authority an agency of the municipality making the grant.

§ 99. Regulation of open wells, cesspools, basins or sumps. The governing board of any city, town or village may by local law, ordinance or resolution regulate the construction, maintenance or use of open wells, cesspools, cisterns, re-charging basins, catch basins or sumps and may require that such installations be suitably covered or surrounded with protective fencing. Provision shall be made in such local laws, ordinances or resolutions for punishment of violations thereof.

Nothing herein contained shall be construed to deprive the state water power and control commission of any jurisdiction which that commission may now or hereafter have pursuant to the provisions of the conservation law.

§ 99-a. Use of municipally operated dumping ground by another municipality. One municipality may contract with any other municipality for the use of a municipally operated public dump or dumping ground on such terms as may be agreed upon.

§ 99-b. Receipts for money received; records of money disbursed by check. 1. Every public officer or employee who shall receive payment of money for or on behalf of any municipality, school district, public corporation or political subdivision of which he is an officer or employee shall, where no other evidence satisfactory for purpose of audit is available, issue a receipt to the person paying the same. He shall also retain a copy of such receipt, which receipt and copy or stub thereof shall be numbered consecutively. The receipt shall be in such form as the state comptroller, in the exercise of his supervision of municipal accounts, may approve.

2. Whenever, pursuant to law, a local government, as defined in section ten of this chapter, or any of its officers or employees, is required to receive, retain and/or produce for examination or audit a cancelled check or checks drawn on an account of the local government, the local government, officer or employee may, if so authorized by the governing body of the local government, receive, retain and/or produce proper alternative documentation in the form of check images supplied by the payor bank or trust company in lieu of cancelled checks drawn on the accounts of the local government. Such check images shall show both sides of each check and shall be considered the equivalent of original cancelled checks for purposes of record keeping and auditing requirements.

§ 99-c. Agreements for joint building inspectors by municipal corporations. It shall be lawful for two or more municipal corporations to engage jointly one building inspector and make an agreement specifying how such inspector shall be paid for his services.

§ 99-d. Planning for future capital improvements. 1. Notwithstanding the provisions of any general, special or local law, the governing board or other appropriate authority of a municipal corporation, school district or district corporation may authorize the preparation of surveys, preliminary plans and detailed plans, specifications and estimates necessary for planning for a capital improvement which it is contemplated might be undertaken in the future and may provide for the manner in which the cost thereof shall be financed, subject, however, to the applicable provisions of any general, special or local law respecting the issuance of bonds or notes.

2. The total amount of bonds or capital notes which may be authorized in any fiscal year of the municipal corporation, school district or district corporation to finance such advance planning pursuant to this section shall not exceed the maximum amount of budget notes which it may issue in such year pursuant to subdivision two or subdivision three of paragraph a of section 29.00 of the local finance law, as the case may be, provided, however, that for the purposes of this subdivision, amounts which are to be paid in the first instance from improvement district assessments shall be included in computing "the amount of the annual budget" of a town or a county in accordance with section 29.00 of such law.

3. If the advance planning is undertaken for the purpose of an existing or proposed county or town improvement district, or any extension thereof, the existing district, or the proposed district when created, or the extension thereof, shall reimburse the county or town for the cost of such advance planning, including any interest on any obligations issued to finance such cost. The amount so reimbursed shall be applied first to the payment of any outstanding obligations issued to finance such expenditure.

§ 99-e. 1. Operation, improvement and maintenance of parks. Notwithstanding the provisions of any general, special or local law, or of any charter, ordinance, rule or regulation, any county, except a county wholly included within a city and except a county operating under an alternative form of county government or under a county charter, may undertake to operate, maintain and improve public parks and recreational facilities theretofore established by a municipal corporation within its boundaries on land owned by such municipal corporation. Such county and any municipal corporation located therein may, when authorized by majority vote of the whole number of the members of its governing body, enter into an agreement for the aforesaid purpose for a term not to exceed thirty years, upon such other terms and conditions as such bodies shall determine. Such operation, maintenance and improvement shall be county purposes and the board of supervisors of such county may appropriate and expend county funds for such purposes.

2. After such an agreement has been executed, employees of the municipal corporation so contracting with the county, who at the time of the execution of such agreement were employed in the operation and maintenance of the parks and recreational facilities covered by any such agreement, shall be transferred to the employ of the county in the manner set forth in section seventy of the civil service law.

§ 99-f. Comprehensive sewer and water studies. 1. Any municipal corporation may apply for and expend state aid for comprehensive studies and reports, designate an appropriate official, department, bureau, or agency therefor and to administer such studies, and contract for the accomplishment of such studies, pursuant to section twelve hundred sixty-three-a of the public health law and part five-A of article five of the conservation law. Any such comprehensive study undertaken by a town may include an area within any village partly or wholly located within the town, provided that the board of trustees of any such village shall have consented to such inclusion.

2. The governing board of any municipal corporation may confer upon an appropriate official, department, bureau or agency the duty of planning for the sewer and water needs of the municipality.

§ 99-g. Capital program. 1. Any municipal corporation, by resolution or ordinance of the governing board, may undertake the planning and execution of a capital program in accordance with the provisions of this section.

2. A capital program shall be a plan of capital projects proposed to be undertaken during a six-year period, the estimated cost thereof and

the proposed method of financing.

3. The officer charged with the preparation of the tentative budget shall annually cause the capital program to be prepared, and shall submit it to the governing board with the tentative budget. It shall be arranged in such manner as to indicate the order of priority of each project, and to state for each project:

(a) a description of the proposed project and the estimated total cost thereof;

(b) the proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state governments; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued;

(c) an estimate of the effect, if any, upon operating costs of the municipal corporation within each of the three fiscal years following completion of the project.

4. The tentative budget shall include the amount proposed for the capital program to be financed by direct budgetary appropriation during the fiscal year to which such tentative budget pertains.

5. There shall be included in the budget message, if any, a general summary of the financial requirements for the capital program for the fiscal year to which the budget message relates. Additional comments and recommendations of any other board, officer or agency may also be included in the budget message.

6. The governing board shall annually adopt the capital program after review and revisions, if any. The provisions of any law relating to a public hearing on the tentative budget, and to the adoption of the budget, shall apply to the capital program.

7. At any time during the fiscal year for which the capital program was adopted, the governing board by the affirmative vote of two-thirds

of its total membership, may amend the capital program by adding, modifying or abandoning the projects, or by modifying the methods of financing. No capital project shall be authorized or undertaken unless it is included in the capital program as adopted or amended.

8. The term "capital project" as used in this section shall mean: (a) any physical betterment or improvement, including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired, or (b) any preliminary studies and surveys relating to any physical betterment or improvement, or (c) land or rights in land, or (d) any combination of (a), (b) and (c).

9. Nothing in this section shall be construed to authorize a municipal corporation to incur indebtedness for which obligations may be issued except as provided by the local finance law.

§ 99-h. Participation in federal programs. 1. As used in this section the term "municipal corporation" shall mean a county, city, town, village, school district, or board of cooperative educational services of this state or a board of higher education in a city having a population of one million or more.

2. Any municipal corporation shall have power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the federal government either directly or through the state, pursuant to the provisions of any federal law, which is not inconsistent with the statutes or constitution of this state, in order to administer, conduct or participate with the federal government in programs relating to the general welfare of the inhabitants of such municipal corporation. Any such municipal corporation is authorized to appropriate and expend such sums as are required to administer, conduct or participate in any such programs and may perform any and all acts necessary to effectuate the purposes of any such programs.

3. Any municipal corporation, either individually or jointly with one or more other municipal corporations, may enter into agreements with private, non-profit agencies which are authorized to apply for and accept funds made available by the federal government pursuant to the provisions of any federal law, which is not inconsistent with the statutes or constitution of this state, in order to administer, conduct or participate with the federal government in programs relating to the general welfare of the inhabitants of such municipal corporation. Such agreements may provide that funds, services, or facilities will be made available by any such municipal corporation or municipal corporations to such private, non-profit agency upon such terms and conditions as may be prescribed by such municipal corporation or municipal corporations, in order to defray that portion of the cost of any program administered by any such private, non-profit agency which is not paid for by funds made available by the federal government. Such private, non-profit agency shall file annually with each such municipal corporation with which it has entered into such an agreement or at such more frequent periods as may be required by such municipality, a financial report with respect to such program or programs and shall make available for inspection or audit by each such municipal corporation, its books, records and other data.

No funds, services, or facilities shall be made available by a municipal corporation to a private, non-profit agency pursuant to the provisions of this subdivision unless such agency has obtained approval of its program as required by law, and its program is designed to serve an area within the municipal corporation or municipal corporations with which it has entered into such an agreement.

4. The provisions of this section shall be in addition to and not in substitution for or in limitation of any other authorization to apply for, accept and expend funds made available by the federal government either directly or through the state, and it is not intended by this section to repeal by implication any existing provision of law.

§ 99-i. Participation in programs to promote progress and scholarship

in the humanities and the arts. 1. As used in this section, the following terms shall mean and include:

a. "Municipal corporation". A county, city, town, village, or school district of the state, or a board of higher education in a city having a population of one million or more.

b. "National foundation act". The national foundation on the arts and the humanities act of nineteen hundred sixty-five and any federal laws amendatory or supplemental thereto heretofore or hereafter enacted.

2. Any municipal corporation shall have power, either individually or jointly with one or more other municipal corporations, to apply for, accept, and expend funds made available by the federal government pursuant to the provisions of the national foundation act in order to administer, conduct or participate with the federal government in a program which has as its purpose the promotion of progress and scholarship in the humanities and the arts. Any such municipal corporation is authorized to appropriate and expend such sums as are required to administer, conduct, or participate in any such program and may perform any and all acts necessary to effectuate the purposes of any such program.

3. Any municipal corporation, either individually or jointly with one or more other municipal corporations, may enter into agreements with private, non-profit agencies which are authorized to apply for and accept funds made available by the federal government pursuant to the provisions of the national foundation act. Such agreements may provide that funds, services, or facilities will be made available by any such municipal corporation or municipal corporations to such private, non-profit agency upon such terms and conditions as may be prescribed by such municipal corporation or municipal corporations, in order to defray that portion of the cost of any program administered by any such private, non-profit agency which is not paid for by funds made available by the federal government. Such private, non-profit agency shall file annually with each such municipal corporation with which it has entered into such an agreement, or at such more frequent periods as may be

required by such municipality, a financial report with respect to such program or programs and shall make available for inspection or audit by each such municipal corporation, its books, records and other data.

4. No funds, services, or facilities shall be made available by a municipal corporation to a private, non-profit agency pursuant to the provisions of subdivision three of this section unless such agency has obtained approval of its application for a federal grant-in-aid as required by the provisions of the national foundation act, and its program is designed to promote progress and scholarship in the humanities and the arts within the municipal corporation or municipal corporations with which it has entered into such an agreement.

§ 99-j. Control of aquatic plant growth. Every municipal corporation is, and any two or more municipal corporations jointly are, hereby authorized and empowered to take such action as may be required to adopt plans and specifications and enter into a contract or contracts, or take such other action as may be required for the control of aquatic growth as it may deem to be necessary or desirable, in the case of a joint project by two or more municipal corporations, the share of the cost of such project or activity to be borne by each such municipal corporation shall be fixed by contract. The expenditure of moneys for such purpose by a municipal corporation shall be deemed a lawful municipal purpose and the moneys appropriated therefor shall be raised by tax upon the taxable real property within the municipal corporation in the same manner as moneys for other lawful municipal purposes. Each municipal corporation is hereby authorized to accept and disburse grants of public or private money or other aid paid or made available by the state or federal government for any such purpose.

§ 99-k. Fees to jurors or witnesses. Notwithstanding any other provision of law, no fees are payable to a juror or witness for his service or attendance in a local criminal court, except that the governing board of any city, town of the first class or village of the first class is hereby authorized and may provide for payment of compensation to jurors only, in a local criminal court in criminal cases in any such city, town of the first class or village of the first class.

§ 99-l. Fees in criminal actions and other proceedings. 1. Towns and villages, for their own respective benefits shall be entitled to receive for the services of the town court and the village court in criminal actions and other proceedings:

(a) For all services in each case of a misdemeanor or other offenses, including misdemeanors and moving violations under the vehicle and traffic law, instituted in and triable in such a court, wherein a fine, if imposed, would be the property of the state, fifteen dollars.

(b) For all services in each criminal proceeding instituted before and triable by such a court, wherein a fine, if imposed, would be the property of the state, fifteen dollars.

(c) For all services in any case in which the court acts upon a felony complaint, to be paid by the county, ten dollars.

(d) For all services in any case in which the defendant is held for appearance before another court, no fee.

(e) For endorsing a warrant from another county, no fee.

(f) For furnishing copies of papers in any proceeding, at the rate of twenty-five cents per folio of one hundred words.

(g) For return to any appeal to be paid by the county, ten dollars.

(h) For examination of any information and depositions and issuing a search warrant, including any disposition upon the return thereof, fifteen dollars.

(i) For issuing a license suspension or revocation order pursuant to paragraph (d) of subdivision two of section eleven hundred ninety-three of the vehicle and traffic law, providing the license suspension or revocation order is forwarded to the commissioner along with the certificates required in sections five hundred thirteen and five hundred fourteen of the vehicle and traffic law within ninety-six hours, or for suspending a license pursuant to clause a of subparagraph one of paragraph (e) of subdivision two of section eleven hundred ninety-three of such law, providing the license and the certificate of magistrate required in section five hundred thirteen of such law are forwarded to the commissioner within ninety-six hours, fifteen dollars.

* 2. The county of Nassau shall be entitled to receive the amounts set forth in subdivision one of this section for the services of the Nassau county traffic and parking violations agency and for all services in each case of a parking violation, instituted and triable in such agency, wherein a fine is imposed, a surcharge of ten dollars.

* NB Effective until December 31, 2027

* 2. The county of Nassau shall be entitled to receive the amounts set forth in subdivision one of this section for the services of Nassau county traffic and parking violations agency.

* NB Effective December 31, 2027

3. The county of Suffolk shall be entitled to receive the amounts set forth in subdivision one of this section for the services of the Suffolk county traffic and parking violations agency.

§ 99-m. Cash bail and partially secured bail bond; fee for deposit of money. 1. When, pursuant to the provisions of title P of the criminal procedure law or the provisions of the family court act, a sum of money deposited in connection with a cash bail or a partially secured bail bond is received by a court or other authorized public servant or agency, such money shall be deposited in the same manner as may be by law provided for the deposit of money generally received by such court, public servant or agency. Except as otherwise provided herein, the county treasurer, or, in the city of New York, the commissioner of finance, shall be entitled to a fee of two per centum of the amount of money so deposited and an additional fee of one per centum as provided in subdivision three of this section. Where the money received by a state-paid court hereunder is not deposited with any other officer or agency but is retained by the court, the clerk of such court shall be entitled to a fee of two per centum of the amount of money so retained, and an additional fee of one per centum to be disbursed as provided in subdivision three of this section. All fees collected hereunder by the clerk of a state-paid court shall be paid to the state commissioner of taxation and finance on a monthly basis not later than ten days after the last day of each month. Except as otherwise provided by an order issued pursuant to section 420.10 of the criminal procedure law, upon the exoneration or remission of the bail, the money so deposited, less such fee, shall, by order of the appropriate court, be refunded to the person who originally deposited such money. Upon a termination of the criminal action or proceeding in favor of the accused, as defined in subdivision two of section 160.50 of the criminal procedure law, the two per centum fee so retained shall, by order of the appropriate court, be refunded to the person who originally deposited such money.

2. A town or village court shall be entitled to a fee of two per centum of the amount of bail money deposited with the court in connection with a criminal action or proceeding over which the court retains jurisdiction, other than an action or proceeding in which the accusatory instrument charges one or more traffic infractions only, and an additional fee of one per centum as provided herein. The total fees on a sum of bail shall not, however, exceed three per centum and a town or village court shall not be entitled to collect such fees on bail transferred to a superior court. All fees on bail collected by a town or village court shall be paid to the state comptroller by the court on or before the tenth day of the month next succeeding their collection, except as provided in subdivision three of section ninety-nine-a of the state finance law. Two per centum of the bail moneys so collected shall be the property of the town or village in which the court reporting the same is located, and the additional one per centum of such bail moneys shall be disbursed as provided in subdivision three of this section, and shall be used to fund the alternatives to incarceration service plan approved pursuant to article thirteen-A of the executive law for the county in which the town or village is located.

3. The county treasurer, or, in the city of New York, the commissioner of finance, shall be entitled to an additional fee of one per centum of the money deposited pursuant to the provisions of title P of the criminal procedure law or the provisions of the family court act, and shall deposit such money as an additional credit to the alternatives to incarceration service plan approved pursuant to article thirteen-A of the executive law for such city and each county outside of the city of New York.

4. The additional one per centum fee collected pursuant to the provisions of this section shall not be used to decrease any money approved to fund the alternatives to incarceration service plan approved pursuant to article thirteen-A of the executive law. Upon a termination of the criminal action or proceeding in favor of the accused, as provided in subdivision two of section 160.50 of the criminal procedure law, the one per centum fee shall, by order of the appropriate court, be refunded to the person who originally deposited such money.

§ 99-n. Transfer and lease of ferry boats and buses. 1. As used in this section the term "municipality" shall mean a county, city, town or village.

2. Notwithstanding any other law, general, special or local, a municipality, acting through its chief executive officer and its chief fiscal officer, without further approval, except, in the case of any municipality with respect to which the legislature has declared that a state of financial emergency exists, the approval of any emergency financial control board or similar body established by state law for such municipality, may (a) sell or transfer all interest in any or all of its ferry boats and buses, except to the extent of any portion of any ferry boat or bus financed by federal grants, for consideration and on such terms and conditions as it may deem appropriate, and obtain a lease from the transferee on such terms and conditions and for such period as it may deem appropriate pursuant to which it may operate such ferry boats or buses, as the case may be, provided (i) such lease contains an option to the municipality to repurchase such interest at the expiration of the scheduled lease term for nominal consideration and (ii) the aggregate of the regularly scheduled rental payments which the municipality is obligated to make pursuant to such lease during each twelve month period of the lease term shall not exceed the aggregate amount receivable, whether by principal or interest, by the municipality from its transferee during each such twelve month period. Without limitation of the foregoing, any lease entered into pursuant hereto may also contain provisions requiring the municipality to indemnify the transferee for, among other things, any loss resulting from the loss or

destruction of any property which is the subject of such lease and requiring the municipality to undertake to replace, repair or restore any such property, but such obligations shall not be deemed regularly scheduled rental payments for purposes of the preceding sentence; and (b) provide compensation to one or more third parties for services rendered by them in connection with any such transaction.

3. Notwithstanding any other law, general, special or local, the proceeds from any transaction described in this section may be used by such municipality for any lawful municipal purpose.

4. The lessor of such property, during the term of any lease thereof to a municipality, shall, if the lessor shall have assigned to the lessee all manufacturers' and other warranties furnished to the lessor in connection with its purchase of such property, and except as the lease may otherwise provide, have no liability or responsibility to the lessee or to third parties for damages to real or personal property or for the destruction thereof, or for personal injuries or death, based upon the use, condition or state of such property, or any part thereof, except to the extent such lessor may have any such responsibility or liability by virtue of its being the manufacturer of such property, or any part thereof.

5. With respect to any transaction described in this section, a municipality shall comply with the following standards and procedures: (i) notice of intention to negotiate a transaction described in this section shall be published in at least one newspaper of general circulation, and a copy thereof shall be mailed to all parties who have requested notification from the municipality of its intent to engage in transactions of this type. Such notice shall describe the nature of the proposed transaction and the factors subject to negotiation which shall include, but not be limited to, the price to be paid to the municipality; (ii) the municipality shall consider each proposal which complies with the requirements set forth in the notice; and (iii) the municipality shall determine, on the basis of relevant factors, that the transaction negotiated will provide maximum available financial benefits, consistent with other defined objectives and requirements.

§ 99-o. Transfer and lease of mass commuting vehicles by the county of Suffolk. 1. As used in this section the term "county" shall mean the county of Suffolk. The term "mass commuting vehicle" means any bus, subway car, rail car, locomotive, or similar equipment used or to be used to provide mass commuting services, whether or not operated by a private operator under agreement with the county.

2. Any other law, general, special or local notwithstanding, the county, acting through its chief executive officer or its chief fiscal officer without further approval, except, in case the legislature has declared that a state of financial emergency exists in the county, the approval of any emergency financial control board or similar body established by state law for such county, may (a) sell or transfer any interest in any or all of its mass commuting vehicles, except to the extent of any portion of any mass commuting vehicles financed by federal grants, for consideration and on such terms and conditions as it may deem appropriate, and obtain a lease from the transferee on such terms and conditions and for such period as it may deem appropriate pursuant to which it may operate such mass commuting vehicles, provided (i) such lease contains an option to the county to repurchase such interest at the expiration of the scheduled lease term for nominal consideration and (ii) the aggregate of the regularly scheduled rental payments which the county is obligated to make pursuant to such lease during each twelve month period of the lease term shall not exceed the aggregate amount receivable, whether in the form of principal or interest, by the county from its transferee during each twelve month period. Without limitation of the foregoing, any lease entered into pursuant hereto may also contain provisions requiring the county to indemnify the transferee for, among other things, any loss resulting from the loss or destruction of any property which is the subject of such lease and requiring the county to undertake to replace, repair or restore any such property, but such obligations shall not be deemed regularly scheduled rental payments for purposes of the preceding sentence and (b) provide compensation to one or more third parties for services rendered by them in connection with any such transaction.

3. Proceeds from any transaction described in this section may be used by the county only for the operation, maintenance or acquisition of mass commuting vehicles or expended on the making of any capital improvements to be used in connection with mass commuting vehicles, but may be held and invested alone or with and in the same manner as other revenues of the county pursuant to law before application to such purposes.

4. The lessor of such property, during the term of any lease thereof to the county, shall, if the lessor shall have assigned to the county all manufacturers' and other warranties, if any furnished to the lessor in connection with its purchase of such property, and except as the lease may otherwise provide, have no liability or responsibility to the county or to third parties for damages to real or personal property or for the destruction thereof, or for personal injuries or death, based upon the use, condition or state of such property, or any part thereof.

§ 99-p. Municipality, district corporation or school district as reciprocal insurer. Any county, town, city, village, district corporation (as defined in paragraph three of section 2.00 of the local finance law), or school district and board of cooperative educational services, may become a subscriber to a municipal reciprocal insurer formed under article sixty-one of the insurance law.

§ 99-q. Facilities for the unified court system. Notwithstanding the provisions of any general, special or local law, charter or ordinance to the contrary, a municipality which is a political subdivision specified in paragraph (a) of subdivision two of section thirty-nine of the judiciary law may upon the approval of its governing board:

1. Sell, convey, lease, exchange or otherwise make available to any person, firm, association, corporation or agency, including a public body, the title to or an interest in real property, and enter into contracts therefor, for the design, construction, reconstruction, rehabilitation or improvement of facilities provided or to be provided

for the purposes of the unified court system of the state; and

2. Acquire by purchase, lease, sublease or other agreement the facilities provided or to be provided for the purposes of the unified court system of the state.

All contracts entered into pursuant to the provisions of this section shall be subject to the provisions of sections one hundred one and one hundred three of this chapter.

§ 99-r. Contracts for services. Notwithstanding any other provisions of law to the contrary, the governing board of any municipal corporation may enter into agreements and/or contracts with any state agency including any department, board, bureau, commission, division, office, council, committee, or officer of the state, whether permanent or temporary, or a public benefit corporation or public authority, or a soil and water conservation district, and any unit of the state university of New York, pursuant to and consistent with sections three hundred fifty-five and sixty-three hundred one of the education law within or without such municipal corporation to provide or receive fuel, equipment, maintenance and repair, supplies, water supply, street sweeping or maintenance, sidewalk maintenance, right-of-way maintenance, storm water and other drainage, sewage disposal, landscaping, mowing, technology services, or any other services of government. Such state agency, soil and water conservation district, or unit of the state university of New York, within the limits of any specific statutory appropriation authorized and made available therefor by the legislature or by the governing body responsible for the operation of such state agency, soil and water conservation district, or unit of the state university of New York may contract with any municipal corporation for such services as herein provided and may provide, in agreements and/or contracts entered into pursuant to this section, for the reciprocal provision of services or other consideration of approximately equivalent value, including, but not limited to, routine and/or emergency services, monies, equipment, buildings and facilities, materials or a commitment to provide future routine and/or emergency services, monies, equipment, buildings and facilities or materials. Any such contract may be entered into by direct negotiations and shall not be subject to the provisions of section one hundred three of this chapter.

§ 99-s. Transfer and sale of delinquent real estate tax receivables. 1. A city with a population of one million or more, acting through its finance commissioner, collector of taxes or other officer responsible for the collection of real estate taxes, may sell or transfer any portion of or all its interest in any or all of its delinquent real estate tax receivables, including any penalty or interest thereon. Provided, however, no such sale or transfer shall take place without adoption of a local law, ordinance or resolution authorizing each such sale or transfer.

2. a. Delinquent real estate tax receivables shall be sold only at public sale to the bidder offering the highest total return to such city including fees and other payments.

b. There shall be published, at least once, not less than five nor more than thirty days before the date fixed for the public sale of delinquent real estate tax receivables, a notice of such public sale. Such notice shall be published in any financial newspaper published and circulated in such city which the state comptroller, by rules and regulations, shall designate for such publication, or in lieu thereof, such notice shall be circulated in such manner as the state comptroller shall prescribe, within ninety days after this section shall take effect, pursuant to such rules and regulations and shall be published in any newspaper or newspapers which the finance board of such city may designate for such purpose.

c. Such notice shall call for sealed bids for the purchase of such delinquent real estate tax receivables, and shall state:

1. The place where bids will be received and considered.

2. (a) The time and date for the opening of bids, which shall be only

on weekdays, Saturdays and holidays excluded, between the hours of ten o'clock ante meridian and four o'clock post meridian, eastern standard time.

(b) In lieu of the statement of the time and date for the opening of bids required by clause (a) of this subparagraph, a statement (i) that the time and date for the opening of bids will be provided on not less than twenty-four hours prior notice by means of a supplemental notice of sale and indicating the manner in which such supplemental notice will be provided, or (ii) setting a time and date for the opening of bids, stating that notice of a change in the time or date for the opening of bids may be provided not less than twenty-four hours prior to the time originally scheduled for the opening of bids by means of a supplemental notice of sale and indicating the manner in which such supplemental notice will be provided. Where notice is given that the time or date of a sale will be changed without specifying the new time or date, notice of the new time or date of sale must be provided by means of a second supplemental notice of sale at least twenty-four hours prior to the new time for the opening of bids.

(c) A supplemental notice of sale shall refer to and be deemed a part of the notice of sale required by this section and shall not establish or change the terms of the sale other than the time or date for the opening of bids. The time set for the opening of bids in the supplemental notice of sale shall not be less than five nor more than thirty days after publication of the notice of sale required pursuant to paragraph a of this subdivision.

(d) Public notice of the time and date set for the opening of bids shall be given to the news media and shall be posted in one or more designated public locations within such city at least twenty-four hours prior to the time and date set for the opening of bids or, in the case of a time and date set or changed in a supplemental notice of sale, at least twenty-four hours prior to such time and date; provided, however, that such public notice shall not be construed to require publication as a legal notice.

d. All bids shall be opened publicly at the time and place stated in the notice of sale, and not before, and shall be publicly announced. Prior to the time fixed for such public opening of bids, a sealed bid may be amended by a bidder by delivery to the official to whom the sealed bid was delivered of a sealed amendment to such bid. No bid shall be amended by a telegraphic or telephonic communication.

e. Advertisements shall contain a provision to the effect that such city, in its discretion, may reject any or all bids made in pursuance of such advertisements, and in the event of such rejection, such city is authorized to readvertise for bids in the form and manner above described as many times as, in its judgement, may be necessary to effect a satisfactory sale.

3. Without limitation of the foregoing, any sale or transfer agreement entered into pursuant hereto may also contain provisions requiring such city to undertake to replace such receivable with the transferee or purchaser for any misrepresentation or mistake as to the description or status of any delinquent real estate tax receivable which is the subject of such sale or transfer agreement.

4. In no event shall such city pay any such receivable other than from moneys collected thereon by such city. Any revenues received by such city for payment of delinquent real estate taxes including any penalties and interest thereon where the interest in such delinquent real estate tax receivable has been sold or transferred, shall be deposited in a special fund to be created by such city. Such fund shall be kept separate and apart from any other funds and accounts of such city. Moneys in such fund shall first be used to pay any such receivables. Moneys in the fund in excess of that needed to pay such receivables may be used for any other city purpose as authorized by law. In no event shall such city guarantee payment, or be construed as guarantor of payment for such receivables.

5. Such city shall remain responsible for servicing, collecting and enforcing any such receivables in the same manner as if such receivables had not been sold. The obligation of such city to service or collect any such receivables on behalf of the purchaser or transferee thereof shall terminate with respect to each receivable upon the date three years from the date such receivable was sold or transferred by such city

or such earlier date as payment is made to such purchaser or transferee of such receivable, including any penalty or interest thereon, equal to the consideration paid for such sale or transfer plus any fees or other payments in accordance with the terms of sale or transfer of the receivables and such city shall thereafter collect and enforce such receivables solely on its own behalf.

6. The transferee of the delinquent real estate tax receivables or interests therein, during the term of an agreement with such city, may perfect a security interest in such delinquent real estate tax receivables or interests therein by the filing of financing statements, as provided in article nine of the uniform commercial code, with respect thereto giving a reasonable description of such receivables or interests so transferred as identified on the records kept for such purpose by the officer of such city responsible for the collection of real estate taxes.

§ 99-t. Contracts with banks or trust companies for the collection of water or sewer user fees, charges, rates or rentals, or certain special assessments. 1. Notwithstanding any general, special or local law to the contrary, a municipal corporation having the responsibility for the collection of water or sewer user fees, charges, rates or rentals, or special assessments which are not collected together with real property taxes, may enter into a contract with one or more banks or trust companies, as those terms are defined in paragraphs d and e of subdivision one of section ten of this article, for the collection of any or all such user fees, charges, rates or rentals, or such special assessments. For purposes of this section, the term "special assessment" shall have the same meaning as in subdivision fifteen of section one hundred two of the real property tax law and shall be limited to those special assessments not collected together with real property taxes.

2. Such bank or trust company shall collect payments of water or sewer user fees, charges, rates or rentals, or special assessments, pursuant to such contract, which contract shall contain provisions relating to:

(a) the period during which payments may be collected;

(b) any authorized prompt payment discounts, penalties and interest for late payments, and acceptance of partial payments;

(c) the furnishing of receipts to each person paying such user fees, charges, rates or rentals, or special assessments;

(d) the deposit of all such user fees, charges, rates or rentals, or special assessments collected, immediately upon receipt, in the account or accounts designated by the municipal corporation in such bank or trust company, or in any other bank or trust company designated by the municipal corporation;

(e) the maintenance of appropriate records of deposits showing the dates and amounts of all user fees, charges, rates or rentals, or special assessments collected, and the individuals from whom such user fees, charges, rates or rentals, or special assessments were collected;

(f) the transmission to the appropriate municipal official of a daily report of the user fees, charges, rates or rentals, or special assessments collected, which report shall be accompanied by a statement showing the deposits credited to the account of the municipal corporation; and

(g) the performance of such other duties, and the maintenance of such other records, as the contract may provide.

3. (a) A bank or trust company which has entered into a contract with a municipal corporation pursuant to this section shall be liable to the municipal corporation for all loss or damage that may result from any failure of the bank's or trust company's officers, employees or agents to discharge their duties, or from any improper or incorrect discharge of those duties. The bank or trust company shall save the municipal corporation free and harmless from any and all loss occasioned by or incurred in the performance of services under a contract pursuant to this section.

(b) A bank or trust company which has entered into a contract with a municipal corporation pursuant to this section, and which receives moneys from an individual for payment of water or sewer user fees, charges, rates or rentals, or special assessments, shall be liable to such individual, upon failure to properly credit such payment, for the amount of the user fees, charges, rates or rentals, or special assessments, plus interest and penalties imposed thereon.

4. Moneys deposited with a bank or trust company pursuant to this section shall be secured in the manner provided by section ten of this chapter.

5. The statutory powers and duties of the municipal officer responsible for collecting water or sewer user fees, charges, rates or rentals, or special assessments, including the authority to receive such user fees, charges, rates or rentals, or special assessments shall not be affected by the existence of a contract executed pursuant to this section, except that such official shall:

a. notify the bank or trust company of the commencement of the collection period for such payments;

b. include in the appropriate notices the fact that payment may be made to the bank or trust company;

c. notify the bank or trust company of the date on which the interest-free or penalty-free collection period expires; and

d. make the appropriate entries in the official records of the municipal corporation, upon receiving each daily report of user fees, charges, rates or rentals, or special assessments, collected by the bank or trust company.

6. A contract executed pursuant to this section shall be subject to the requirements of article five-A of this chapter, and shall be for a term not to exceed five years, except that it shall be subject to cancellation by the municipal corporation at any time upon thirty days notice to the bank or trust company.

§ 99-u. Municipal cooperation agreements for counties. The county legislative body in any county may:

1. enter into municipal cooperation agreements, as provided in article

five-G of this chapter, with one or more other counties for the creation of a task force to determine the needs for mutual aid response to natural or manmade disaster, widespread outbreak of communicable disease, mass casualty incident or terrorist attack; to formulate a plan for such mutual aid; and implement such plan; and

2. appropriate and expend such sums as it may deem necessary and proper for the establishment and maintenance of such municipal cooperation agreements.

§ 99-v. Veterans services; display of events. Each county, city, town or village may adopt a local law to provide a bulletin board to be conspicuously displayed in such county, city, town or village building holding its local legislative body or municipal offices. Such bulletin board shall be used by veterans organizations, the New York state department of veterans' services, the county veterans service agency or city veterans service agency to display information regarding veterans in such county, city, town or village. Such information may include, but not be limited to, benefits or upcoming veterans related events in the community.

§ 99-w. Land for monument erection. 1. The following terms whenever used or referred to in this section shall have the following meanings unless a different meaning clearly appears in the context:

(a) "military action or period of war" means the American Revolution; American Civil War; Spanish-American War; the Mexican border period; World War I; World War II; the hostilities known as the Korean War; the hostilities known as the Vietnam War; the Persian Gulf conflict including but not limited to Operation Enduring Freedom; Operation Iraqi Freedom and Operation New Dawn; and military operations other than war: Panama; Bosnia; Somalia and Haiti;

(b) "military monument" means any structure or part of any structure that was erected or later dedicated with the intent to honor a current or former member or members of the armed forces or to mark or commemorate a military action, battle or period of war, including but not limited to, a tablet, plaque, wall, building, or structure;

(c) "military memorial" means a park, field, grove of trees, land or artwork surrounding a military monument;

(d) "change in status" means a military monument or military memorial that will be alienated, leased, transferred, sold, moved or discontinued for use as a memorial site;

(e) "municipal corporation" means a county, city, town, village, school district or board of cooperative educational services; and

(f) "legislative body" means the board of supervisors, board of aldermen, common council, council, commission, town board, board of trustees or other elective governing board or body of a municipality now or hereafter vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws and ordinances, whether or not such local laws or ordinances require approval of the elective chief executive officer or other official or body to become effective; provided however, in the case of a school district shall mean the board of education, board of trustees or sole trustee, as the case may be; and provided further, in the case of a board of cooperative educational services shall mean the elected members of the board of cooperative educational services.

2. Prior to any change in status of a military monument or military memorial erected or constructed pursuant to sections two hundred twenty-six of the county law, eighty-one of the town law, seventy-two and seventy-seven-a of the general municipal law or where the military monument or military memorial receives a real property tax exemption pursuant to section four hundred forty-four-a of the real property tax law, the legislative body of the municipal corporation where the military monument or military memorial is situated shall adopt a local law, by a two-thirds vote of its members, or in the case of a school district or board of cooperative educational services a resolution, by a two-thirds vote of its members, to authorize such change in status. At least ninety days prior to the adoption of such local law, the municipal corporation shall hold at least one public hearing. Such public hearing shall be on such notice as is required by section twenty of the municipal home rule law. Notice of such public hearing shall also be posted in at least five public places, and shall be advertised for three

consecutive days in at least one newspaper of general circulation in the municipal corporation, which shall be the official newspaper if one exists, within fifteen days of such public hearing. The municipal corporation shall also post such notice on its official website, if one exists, for at least fifteen days prior to such hearing. Written notice shall also be sent by certified mail to the chief executive officer of the municipal corporation, if one exists, prior to the publication of the notice requirements required by this subdivision.

§ 99-x. Prohibit symbols of hate. 1. A municipality shall not sell or display any symbols of hate or any similar image, or tangible personal property, inscribed with such an image unless the image appears in a book, digital medium, museum, or otherwise serves an educational or historical purpose.

2. For the purposes of this section, the following terms shall have the following meanings:
(a) "Symbols of hate" shall include, but not be limited to, symbols of white supremacy, neo-Nazi ideology or the Battle Flag of the Confederacy.
(b) "Municipality" shall mean any county, town, village, city, board of cooperative educational services, other special district, or any office or agency thereof.

§ 99-y. Internet access and communications. The governing body of any county, city, town or village is hereby authorized and empowered to establish, construct, and maintain broadband and related telecommunications infrastructure, or to contract for the construction and maintenance of such services with a corporation or nonprofit organization, and for the maintenance, care, and replacement of infrastructure in connection therewith, if such governing body finds that such facilities are necessary. For the purposes of this section, "nonprofit organization" shall mean a corporation having tax exempt status under section 501 (c) (3) of the United States internal revenue code, or any organization incorporated under the not-for-profit corporation law.

§ 99-z. Municipal officers or employees prohibited from displaying political advertisements on public property. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Municipal officer or employee" shall have the same meaning as defined pursuant to section eight hundred of this chapter, except that it shall also include members of any volunteer fire department which is part of such municipality.

(b) "Political advertisement" shall mean any poster, sign, flag, banner, picture, sticker, patch, bumper sticker, article of clothing, accessory or any other item meant to advertise or promote a certain individual for political office.

2. A municipal officer or employee, whether paid or unpaid, shall be prohibited from displaying or causing to be displayed any political advertisement on or within any public building occupied in the discharge of official duties by an individual employed or holding office in the government of such municipality, or on any public flag pole, monument, sign or any other permanent structure that such municipal officer or employee interacts with as part of their official capacity, or on any uniform, accessory or other gear worn or used by a municipal officer or employee as part of their official capacity, as well as on or within any municipally owned vehicle, vehicle owned by a volunteer fire company, or any equipment owned by a municipality or fire department.

3. This section shall not apply when such a political advertisement appears in a book, digital medium, museum, or otherwise serves an educational or historical purpose, or in instances where the certain individual who is the subject of such political advertisement is deceased.

ARTICLE 5-A

PUBLIC CONTRACTS

§ 100. Definitions. As used in this article:

1. "Political subdivision" means a municipal corporation, school district, district corporation and board of cooperative educational services.

2. "Fire company" means:

a. A volunteer fire company of a county, city, town, village or fire district fire department, whether or not any such company has been incorporated under any general or special law,

b. A fire corporation the members of which are volunteer firefighters and which was incorporated under or is subject to the provisions of section fourteen hundred two of the not-for-profit corporation law, which is not included within paragraph a above, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village or fire district, or

c. A fire corporation the members of which are volunteer firefighters and which was incorporated under, or established pursuant to the provisions of, any general or special law, which is not included within paragraphs a and b above, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village, fire district or a district corporation other than a fire district.

3. "Voluntary ambulance service" means a voluntary ambulance service as defined in article thirty of the public health law and possessing a valid statement of registration or possessing a valid ambulance service certificate pursuant to article thirty of the public health law.

§ 100-a. Declaration of policy. It is hereby declared to be the policy of this state that this article shall be construed in the negotiation of contracts for public works and public purchases to which political subdivisions or and district therein is a party so as to assure the prudent and economical use of public moneys for the benefit of all the inhabitants of the state and to facilitate the acquisition of facilities and commodities of maximum quality at the lowest possible cost.

§ 101. Separate specifications for certain public work. 1. Except as otherwise provided in section two hundred twenty-two of the labor law, every officer, board or agency of a political subdivision or of any district therein, charged with the duty of preparing specifications or awarding or entering into contracts for the erection, construction, reconstruction or alteration of buildings, when the entire cost of such public work shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, shall prepare separate specifications for the following three subdivisions of the work to be performed:

a. Plumbing and gas fitting;

b. Steam heating, hot water heating, ventilating and air conditioning apparatus; and

c. Electric wiring and standard illuminating fixtures.

2. Such specifications shall be drawn so as to permit separate and independent bidding upon each of the above three subdivisions of work. All contracts awarded by any political subdivision or by an officer, board or agency thereof, or of any district therein, for the erection, construction, reconstruction or alteration of buildings, or any part thereof, shall award the three subdivisions of the above specified work

separately in the manner provided by section one hundred three of this article. Nothing in this section shall be construed to prevent any political subdivision from performing any such branches of work by or through their regular employees, or in the case of public institutions, by the incarcerated individuals thereof.

3. In the county of Erie, specifications for public work pertaining to the construction of a county stadium may provide for assignment of responsibility for supervision and coordination of any of the contracts for such work to a single responsible and reliable person, firm or corporation.

4. In the county of Albany, specifications for work pertaining to the construction of a civic center may provide for assignment of responsibility for supervision and coordination of any or all of the contracts for such work to a single responsible and reliable person, firm or corporation.

5. Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (a) plumbing and gas fitting, (b) steam heating, hot water heating, ventilating and air conditioning apparatus and (c) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law, or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of

subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

§ 102. Deposits on plans and specifications. 1. Notwithstanding any inconsistent provision of any general, special or local law, the officer, board or agency of any political subdivision or of any district therein, charged with the duty of preparing plans and specifications for and awarding or entering into contracts for the performance of public work, may require, as a deposit to guarantee the safe return of such plans and specifications, the payment of a fixed sum of money, not exceeding one hundred dollars for each copy thereof, by persons or corporations desiring a copy thereof. Any person or corporation desiring a copy of such plans and specifications and making the payment required by this section shall be furnished with one copy of the plans and specifications.

2. If a proposal is duly submitted by any person or corporation making the deposit required by subdivision one and such proposal is accompanied by a certified check or other security in accordance with the requirements contained in the plans and specifications or in the public advertisement for bids, and if the copy of the plans and specifications used by such person or corporation, other than the successful bidder, is returned in good condition within thirty days following the award of the contract covered by such plans and specifications or the rejection of the bid of such person or corporation, the full amount of such deposit for one copy of the plans and specifications shall be returned to such person or corporation, including the successful bidder. Partial reimbursement, in an amount equal to the full amount of such deposit for one set of plans and specifications per unsuccessful bidder or non-bidder less the actual cost of reproduction of the plans and specifications as determined by the officer, board or agency of any political subdivision or of any district therein, charged with the duty of preparing the plans and specifications, shall be made for the return of all other copies of the plans and specifications in good condition within thirty days following the award of the contract or the rejection of the bids covered by such plans and specifications.

§ 103. Advertising for bids and offers; letting of contracts; criminal conspiracies. * 1. Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred fifty-three, all contracts for public work involving an expenditure of more than thirty-five thousand dollars and all purchase contracts involving an expenditure of more than twenty thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section, provided, however, that purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the basis of best value, as defined in section one hundred sixty-three of the state finance law, to a responsive and responsible bidder or offerer in the manner provided by this section except that in a political subdivision other than a city with a population of one million inhabitants or more or any district, board or agency with jurisdiction exclusively therein the use of best value for awarding a purchase contract or purchase contracts must be authorized by local law or, in the case of a district corporation, school district or board of cooperative educational services, by rule, regulation or resolution adopted at a public meeting. In any case where a responsible bidder's or responsible offerer's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the best value. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his or her or its discretion, reject all bids or offers and readvertise for new bids or offers in the manner provided by this section. In determining whether a purchase is an expenditure within the discretionary threshold amounts established by this subdivision, the officer, board or agency of a political subdivision or of any district therein shall consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase. Purchases of commodities, services or technology shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by this subdivision. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount of all purchases of the same commodities, services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount. For purposes of this section, "sealed bids" and "sealed offers", as that term applies to purchase contracts, (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) shall include bids and offers submitted in an electronic format including submission of the statement of non-collusion required by section one hundred three-d of this article, provided that the governing board of the political subdivision or district, by resolution, has authorized the receipt of bids and offers in such format. Submission in electronic format may, for technology contracts only, be required as the sole method for the submission of bids and offers. Provided however, the appropriate officer, board or agency of a city with a population of one million inhabitants or more, or any district, board or agency with jurisdiction exclusively within such city, may authorize or require bids and offers for any contract to be submitted in an electronic format. Bids and offers submitted in an electronic format shall be transmitted by bidders and offerers to the receiving device designated by the political subdivision or district. Any method used to receive electronic bids and offers shall comply with article three of the state technology law, and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum, must (a) document the time and date of receipt of each bid and offer received electronically; (b) authenticate the identity of the sender; (c) ensure the security of the information transmitted; and (d) ensure the confidentiality of the bid or offer until the time and date established for the opening of bids or offers. The timely submission of an electronic bid or offer in compliance with instructions provided for such submission in the advertisement for bids or offers and/or the specifications shall be the responsibility solely of each bidder or offerer or prospective bidder or offerer. No political subdivision or district therein shall incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids and offers.

* NB Effective until June 1, 2028

* 1. Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred fifty-three, all contracts for public work involving an expenditure of more than thirty-five thousand dollars and all purchase contracts involving an expenditure of more than twenty thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section, provided, however, that purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the basis of best value, as defined in section one hundred sixty-three of the state finance law, to a responsive and responsible bidder or offerer in the manner provided by this section except that in a political subdivision other than a city with a population of one million inhabitants or more or any district, board or agency with jurisdiction exclusively therein the use of best value of awarding a purchase contract or purchase contracts must be authorized by local law or, in the case of a district corporation, school district or board of cooperative educational services, by rule, regulation or resolution adopted at a public meeting. In determining whether a purchase is an expenditure within the discretionary threshold amounts established by this subdivision, the officer, board or agency of a political subdivision or of any district therein shall consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period

commencing on the date of purchase. Purchases of commodities, services or technology shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by this subdivision. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount of all purchases of the same commodities, services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount. In any case where a responsible bidder's or responsible offerer's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid or best value. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his, her or its discretion, reject all bids or offers and readvertise for new bids or offers in the manner provided by this section.

* NB Effective June 1, 2028

1-a. Whenever possible, practical, and feasible and consistent with open competitive bidding or competitive offering, the officer, board or agency of any political subdivision or of any district therein charged with the awarding of contracts may use the stock item specifications of manufacturers, producers and/or assemblers located in New York state in developing specifications for items to be let for bid or offer in its purchasing contracts and may use the data and information contained in stock item specifications forms as provided in section one hundred sixty-four-a of the state finance law to assist in his determination of what constitutes a stock item of a manufacturer, producer and/or assembler located in New York state for the purpose of helping to retain jobs, business and industry presently in the state of New York and attracting expanded and new business and industry to the state of New York so as to best promote the public interest.

* 1-b. A political subdivision or any district therein shall have the option of purchasing information technology and telecommunications

hardware, software and professional services through cooperative purchasing permissible pursuant to federal general services administration information technology schedule seventy or any successor schedule. A political subdivision or any district therein that purchases through general services administration schedule seventy, information technology and consolidated schedule contracts shall comply with federal schedule ordering procedures as provided in federal acquisition regulation 8.405-1 or 8.405-2 or successor regulations, whichever is applicable. Adherence to such procedures shall constitute compliance with the competitive bidding requirements under this section.

* NB Repealed July 31, 2029

* 1-c. In determining the lowest responsible bidder, the officer, board or agency of any political subdivision or of any district therein charged with awarding of contracts, shall consider whether or not the bidder, or any "substantially owned-affiliated entity" as defined by paragraph g of subdivision five of section two hundred twenty of the labor law, has been found to be in violation of the Davis-Bacon Act pursuant to 40 U.S.C. 3144, the Copeland Act pursuant to 18 U.S.C. 874 and 40 U.S.C. 3145 or the Contract Work Hours and Safety Standards Act pursuant to 40 U.S.C. 332.

* NB Repealed March 18, 2027

* 2. Advertisement for bids and offers shall be published in the official newspaper or newspapers, if any, or otherwise in a newspaper or newspapers designated for such purpose and may be published in the procurement opportunities newsletter pursuant to article four-C of the economic development law. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such notice will be publicly opened and read and where the identity of all offerers will be publicly disclosed, and the designation of the receiving device if the political subdivision or district has authorized the receipt of bids and offers in an electronic format. Such board or agency may by resolution designate any officer or employee to open the bids and offers at the time and place specified in the notice. Such designee shall make a record of such bids and offers in such form and detail as the board or agency shall prescribe and present the same at the next regular or special meeting of such board or agency. All bids received shall be publicly opened and read at the time and place so

specified and the identity of all offerers shall be publicly disclosed at the time and place so specified. Provided, however, the appropriate officer, board or agency of a city with a population of one million inhabitants or more, or any district, board or agency with jurisdiction exclusively within such city, may conduct a public opening, reading and identification by means of livestreaming on a publicly accessible website listed in the advertisement at a time and date specified in such advertisement, and post a record of such bids or offers and any other required information on a website maintained or controlled by such district, officer, board or agency on such date within five days. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids and offers.

* NB Effective until June 1, 2028

* 2. Advertisement for bids and offers shall be published in the official newspaper or newspapers, if any, or otherwise in a newspaper or newspapers designated for such purpose and may be published in the procurement opportunities newsletter pursuant to article four-C of the economic development law. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such notice will be publicly opened and read and where the identity of all offerers will be publicly disclosed. Such board or agency may by resolution designate any officer or employee to open the bids and offers at the time and place specified in the notice. Such designee shall make a record of such bids and offers in such form and detail as the board or agency shall prescribe and present the same at the next regular or special meeting of such board or agency. All bids received shall be publicly opened and read at the time and place so specified and the identity of all offerers shall be publicly disclosed at the time and place so specified. At least five days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of bids and offers.

* NB Effective June 1, 2028

* 3. Notwithstanding the provisions of subdivision one of this section, any officer, board or agency of a political subdivision or of any district therein authorized to make purchases of materials, equipment or supplies, or to contract for services, may make such

purchases, or may contract for services, other than services subject to article nine of the labor law, when available, through the county in which the political subdivision or district is located or through any county within the state subject to the rules established pursuant to subdivision two of section four hundred eight-a of the county law; provided that the political subdivision or district for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor or contractor. All purchases and all contracts for such services shall be subject to audit and inspection by the political subdivision or district for which made. Prior to making such purchases or contracts the officer, board or agency shall consider whether such contracts will result in cost savings after all factors, including charges for service, material, and delivery, have been considered. No officer, board or agency of a political subdivision or of any district therein shall make any purchase or contract for any such services through the county in which the political subdivision or district is located or through any county within the state when bids and offers have been received for such purchase or such services by such officer, board or agency, unless such purchase may be made or the contract for such services may be entered into upon the same terms, conditions and specifications at a lower price through the county.

* NB Effective until July 31, 2029

* 3. Notwithstanding the provisions of subdivision one of this section, any officer, board or agency of a political subdivision or of any district therein authorized to make purchases of materials, equipment or supplies, or to contract for services, may make such purchases, or may contract for services, other than services subject to article eight or nine of the labor law, when available, through the county in which the political subdivision or district is located or through any county within the state subject to the rules established pursuant to subdivision two of section four hundred eight-a of the county law; provided that the political subdivision or district for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor or contractor. All purchases and all contracts for such services shall be subject to audit and inspection by the political subdivision or district for which made. Prior to making such purchases or contracts the officer, board or agency

shall consider whether such contracts will result in cost savings after all factors, including charges for service, material, and delivery, have been considered. No officer, board or agency of a political subdivision or of any district therein shall make any purchase or contract for any such services through the county in which the political subdivision or district is located or through any county within the state when bids and offers have been received for such purchase or such services by such officer, board or agency, unless such purchase may be made or the contract for such services may be entered into upon the same terms, conditions and specifications at a lower price through the county.

* NB Effective July 31, 2029

4. Notwithstanding the provisions of subdivision one of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein.

5. Upon the adoption of a resolution by a vote of at least three-fifths of all the members of the governing body of a political subdivision or district therein stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material, supplies or services in excess of the monetary threshold fixed for purchase contracts in this section may be awarded by the appropriate officer, board or agency of such political subdivision or any such district therein, to the lowest responsible bidder or responsible offerer furnishing the required security after advertisement for sealed bids or sealed offers therefor in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption.

6. Surplus and second-hand supplies, material or equipment may be purchased without competitive bidding or competitive offering from the

federal government, the state of New York or from any other political subdivision, district or public benefit corporation.

7. A person or corporation who conspires to prevent competitive bidding or competitive offering on a contract for public work or purchase advertised for bidding or offering shall be guilty of a misdemeanor as provided in section one hundred three-e of this article.

8. Where municipal hospitals or nutrition programs that receive federal, state, or local funding purchase goods, supplies and services under joint contracts and arrangements entered into pursuant to section twenty-eight hundred three-a of the public health law, they shall not be required to comply with the provisions of subdivision one of this section.

8-a. (a) Notwithstanding the foregoing provisions of this section, a political subdivision, when letting contracts in accordance with this subdivision for the purchase of food products, may require provisions that mandate that the essential components of such food products are grown, produced or harvested in New York state, or that any processing of such food products take place in facilities located within New York state.

(b) The commissioner of agriculture and markets shall determine, using uniform criteria, those food products for which the requirements of this subdivision are deemed beneficial. The commissioner shall promulgate a list of such food products and ascertain those periods of time each year that the listed food products are available in sufficient quantity for competitive purchasing and shall forward such information upon request to such political subdivisions that shall make determinations as provided herein. The commissioner of agriculture and markets shall update such list as often as he deems necessary.

(c) (i) Such political subdivision shall specify, with the advice of the commissioner of agriculture and markets, the percentage of each food product required to be grown, produced, harvested or processed within New York state.

(ii) Upon a determination by such political subdivision that such food products are not available in sufficient quantity for purchasing, the specifications requiring such purchase shall be waived for that specific food product until the next contract for such food product is let out for bid.

(iii) Upon a determination by such political subdivision that food processing facilities are not available for the processing of food products purchased under specifications required by this section, the specifications requiring such processing shall be waived.

(iv) In the event that such a political subdivision receives no acceptable bids it may waive the provisions of this section and shall award a contract in accordance with other applicable statutes. In addition, if the commissioners of agriculture and markets and economic development agree as to any deleterious economic impact of specifications requiring such purchase, the provisions of this subdivision may be waived by a political subdivision for such purchase.

(d) The commissioner of the office of general services and the commissioner of agriculture and markets may issue such regulations as they deem necessary to implement this subdivision and to assist political subdivisions in complying with this subdivision.

(e) Notwithstanding any other provision of law, the department of agriculture and markets shall supply information required by paragraph (b) of this subdivision to the office of general services within one hundred eighty days of the effective date of this subdivision.

(f) The commissioners of general services, agriculture and markets, and economic development shall provide the legislature with a report on the fifteenth day of January of the second year next succeeding the year in which this subdivision became effective, and in their discretion periodically report thereafter, on the effects of this subdivision and on recommendations on ways to make it more effective.

9. (a) Notwithstanding the foregoing provisions of this section to the contrary, a board of education, on behalf of its school district, or a board of cooperative educational services, may separately purchase eggs, livestock, fish, dairy products (excluding milk), juice, grains, and species of fresh fruit and vegetables, grown, produced or harvested, in New York State, provided that such order is for one hundred fifty thousand dollars or less as herein authorized, provided however, that a school district or board of cooperative educational services may apply

to the commissioner of education for permission to purchase orders of more than one hundred fifty thousand dollars from an association of owners of such farms when no other producers or growers have offered to sell to such school.

(b) All such purchases shall be administered pursuant to regulations promulgated by the commissioner of education. Such regulations shall: be developed in consultation with the commissioner of agriculture and markets to accommodate and promote the provisions of the farm-to-school program established pursuant to subdivision five-b of section sixteen of the agriculture and markets law and subdivision thirty-one of section three hundred five of the education law as added by chapter two of the laws of two thousand two; ensure that the prices paid by a district or board of cooperative educational services for any items so purchased do not exceed the prices of comparable local farm products that are available to districts through their usual purchases of such items; ensure that all producers and growers who desire to sell to school districts or boards of cooperative educational services can readily access information in accordance with the farm-to-school law; include provisions for situations when more than one producer or grower seeks to sell the same product to a district or board of cooperative educational services to ensure that all such producers or growers have an equitable opportunity to do so in a manner similar to the usual purchasing practices of such districts or boards of cooperative educational services; and, to the maximum extent practicable, minimize additional paperwork, recordkeeping and other similar requirements on both growers and producers and school districts.

9-a. Notwithstanding any provision of this section to the contrary, a county may separately purchase eggs, livestock, fish, dairy products, juice, grains, and species of fresh fruit and vegetables directly from New York state producers or growers, or associations of producers and growers, provided that:

(a) such association of producers or growers is comprised of ten or fewer owners of farms who also operate such farms and who have combined to fill the order of a county as herein authorized, provided however, that a county may purchase from an association of more than ten owners of such farms when no other producers or growers have offered to sell to such county;

(b) the amount that may be expended by a county in any fiscal year for such purchases shall not exceed the greater of:

(i) the expenditure threshold provided in subdivision one of this section; or

(ii) twenty cents multiplied by the total population of such county;

(c) all such purchases shall be administered pursuant to policies and procedures adopted by the county governing board and developed in consultation with the commissioner of agriculture and markets. Such policies and procedures shall ensure that the prices paid by a county for any items so purchased do not exceed the prices of comparable local farm products that are available to the political subdivision or district therein through their usual purchases of such items; include provisions for situations when more than one producer or grower seeks to sell the same product to a county to ensure that all such producers or growers have an equitable opportunity to do so in a manner similar to the usual purchasing practices of such county; include guidelines for the approval of purchases of items from associations of more than ten growers or producers; and, to the maximum extent practicable, minimize additional paperwork, recordkeeping and other similar requirements on both growers and producers and counties.

10. Notwithstanding the foregoing provisions of this section to the contrary, a board of education may, on behalf of its school district, separately purchase milk produced in New York State, directly from licensed milk processors pursuant to the provisions of this subdivision. The amount that may be expended by a school district in any fiscal year pursuant to this section shall not exceed an amount equal to twenty-five cents multiplied by the total number of days in the school year multiplied by the total enrollment of such school district. All purchases made pursuant to this subdivision shall be administered pursuant to regulations promulgated by the commissioner of education. The regulations promulgated by the commissioner of education shall ensure that the prices paid by a school district for items purchased pursuant to this subdivision do not exceed the market value of such items and that all licensed processors who desire to sell to a school district pursuant to this subdivision have equal opportunities to do so.

11. Bid mistake; public projects. (a) In all contracts governed by this section, where a unilateral error or mistake is discovered in a bid, such bid may be withdrawn after a showing of the following: (1) the mistake is known or made known to the awarding officer, board or agency prior to the awarding of the contract or within three days after the opening of the bid, whichever period is shorter; and (2) the price bid was based on an error of such magnitude that enforcement would be unconscionable; and (3) the bid was submitted in good faith and the bidder submits credible evidence that the mistake was a clerical error as opposed to a judgment error; and (4) the error in the bid is actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material, goods or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work paper, documents, or materials used in the preparation of the bid sought to be withdrawn; and (5) it is possible to place the public agency, board, officer, or subdivision in status quo ante.

(b) Unless otherwise required by law, the sole remedy for a bid mistake in accordance with this section shall be withdrawal of that bid and the return of the bid bond or other security, if any, to the bidder. Thereafter, the awarding officer, board or agency may, in its discretion, award the contract to the next lowest responsible bidder or rebid the contract. Any amendment to or reformation of a bid or a contract to rectify such an error or mistake therein is strictly prohibited.

12. Notwithstanding any other provision of this section or any other provision of law, boards of education shall have the authority to determine that a bidder on a contract for the purchase of apparel or sports equipment is not a responsible bidder for purposes of subdivision one of this section, based upon either or both of the following considerations: (a) the labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or (b) the bidder's failure to provide

information sufficient for boards of education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

15. (a) Notwithstanding any general, special or local law or rule or regulation to the contrary, an officer, board or agency of any county, any school district or any political subdivision of the state with a population of fifty thousand or more charged with awarding a contract for public work may establish guidelines governing the qualifications of bidders seeking to bid or enter into such contracts. If such officer, board or agency maintains an appropriate list of qualified bidders, the bidding shall be restricted to those who have qualified prior to the receipt of bids according to standards fixed by such officer, board or agency. In determining whether a prospective bidder qualifies for inclusion on a list of pre-qualified bidders, the officer, board or agency shall consider the experience and record of performance of the prospective bidder in the particular type of work, as well as: (i) the prospective bidder's ability to undertake the particular type and complexity of work; (ii) the financial capability, responsibility and reliability of the prospective bidder for such type and complexity of work; (iii) the record of the prospective bidder in complying with existing labor standards and maintaining harmonious labor relations; (iv) the prospective bidder's compliance with equal employment opportunity requirements and anti-discrimination laws, and demonstrated commitment to working with minority and women-owned businesses through joint ventures or subcontractor relationships; and (v) the record of the prospective bidder in protecting the health and safety of workers on public works projects and job sites as demonstrated by the prospective bidder's experience modification rate for each of the last three years.

(b) Such public officer, board or agency shall, not less than annually, publish in a newspaper of general circulation in such political subdivision an advertisement requesting prospective bidders to submit qualification statements. Lists of pre-qualified bidders may be established on a project-specific basis. Prequalified lists shall include all bidders that qualify; provided, however, that any such list shall have no less than five bidders but shall remain open for all additional qualified bidders. The public officer, board or agency's procedures for prequalifying bidders shall include an appeals process for those denied a place on a pre-qualified list. Any denial must be based upon substantial evidence, cannot be arbitrary or capricious, and shall be subject to judicial review pursuant to article seventy-eight of the civil practice law and rules. The public officer, board or agency may move forward on the contract award during such appeals.

(c) Any school district or political subdivision of the state with a population of less than fifty thousand may utilize a list of pre-qualified bidders maintained by the county within which the subdivision is located, if such list is maintained.

* 16. Notwithstanding the provisions of subdivisions one, two and three of this section, and section one hundred four of this article, any officer, board or agency of a political subdivision or of any district therein authorized to make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may be required by such political subdivision or district therein through the use of a contract let by the United States of America or any agency thereof, any state or any other political subdivision or district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section and made available for use by other governmental entities; provided, however, that no political subdivision or district therein, other than a city with a population of one million or more inhabitants or any district, board or agency with jurisdiction exclusively therein, may make such purchases or contract for such services through the use of such a contract let on the basis of best value in a manner consistent with this section unless the political subdivision or district shall first adopt a local law, rule, regulation or resolution, as the case may be, pursuant to subdivision one of this section, authorizing the use of best value for awarding purchase contracts.

The authority provided to political subdivisions and districts therein pursuant to this subdivision shall not relieve any obligation of such political subdivision or district therein to comply with any applicable minority and women-owned business enterprise program mandates and the preferred source requirements of section one hundred sixty-two of the state finance law.

* NB Repealed June 30, 2027

§ 103-a. Ground for cancellation of contract by municipal corporations and fire districts. A clause shall be inserted in all specifications or contracts made or awarded by a municipal corporation or any public department, agency or official thereof on or after the first day of July, nineteen hundred fifty-nine or by a fire district or any agency or official thereof on or after the first day of September, nineteen hundred sixty, for work or services performed or to be performed, or goods sold or to be sold, to provide that upon the refusal of a person, when called before a grand jury, head of a state department, temporary state commission or other state agency, the organized crime task force in the department of law, head of a city department, or other city agency, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation concerning any transaction or contract had with the state, any political subdivision thereof, a public authority or with any public department, agency or official of the state or of any political subdivision thereof or of a public authority, to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract,

(a) such person, and any firm, partnership or corporation of which he is a member, partner, director or officer shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with any municipal corporation or fire district, or any public department, agency or official thereof, for goods, work or services, for a period of five years after such refusal, and to provide also that

(b) any and all contracts made with any municipal corporation or any public department, agency or official thereof on or after the first day of July, nineteen hundred fifty-nine or with any fire district or any agency or official thereof on or after the first day of September, nineteen hundred sixty, by such person, and by any firm, partnership, or corporation of which he is a member, partner, director or officer may be cancelled or terminated by the municipal corporation or fire district without incurring any penalty or damages on account of such cancellation or termination, but any monies owing by the municipal corporation or fire district for goods delivered or work done prior to the cancellation or termination shall be paid.

The provisions of this section as in force and effect prior to the first day of September, nineteen hundred sixty, shall apply to specifications or contracts made or awarded by a municipal corporation on or after the first day of July, nineteen hundred fifty-nine, but prior to the first day of September, nineteen hundred sixty.

§ 103-b. Disqualification to contract with municipal corporations and fire districts. Any person who, when called before a grand jury, head of a state department, temporary state commission or other state agency, the organized crime task force in the department of law, head of a city department or other city agency, which is empowered to compel the attendance of witnesses and examine them under oath, to testify in an investigation concerning any transaction or contract had with the state, any political subdivision thereof, a public authority, or with a public department, agency or official of the state or of any political subdivision thereof or of a public authority, refuses to sign a waiver of immunity against subsequent criminal prosecution or to answer any relevant question concerning such transaction or contract, and any firm, partnership or corporation of which he is a member, partner, director or officer shall be disqualified from thereafter selling to or submitting bids to or receiving awards from or entering into any contracts with any municipal corporation or fire district, or with any public department, agency or official thereof, for goods, work or services, for a period of five years after such refusal or until a disqualification shall be removed pursuant to the provisions of section one hundred three-c of this article.

It shall be the duty of the officer conducting the investigation before the grand jury, the head of a state department, the chairman of the temporary state commission or other state agency, the organized crime task force in the department of law, the head of a city department or other city agency before which the refusal occurs to send notice of such refusal, together with the names of any firm, partnership or corporation of which the person so refusing is known to be a member, partner, officer or director, to the commissioner of transportation of the state of New York and the appropriate departments, agencies and officials of the state, political subdivisions thereof or public authorities with whom the person so refusing and any firm, partnership or corporation of which he is a member, partner, director or officer, is known to have a contract. However, when such refusal occurs before a body other than a grand jury, notice of refusal shall not be sent for a period of ten days after such refusal occurs. Prior to the expiration of this ten day period, any person, firm, partnership or corporation which has become liable to the cancellation or termination of a contract or disqualification to contract on account of such refusal may commence a special proceeding at a special term of the supreme court, held within the judicial district in which the refusal occurred, for an order determining whether the questions in response to which the refusal occurred were relevant and material to the inquiry. Upon the commencement of such proceeding, the sending of such notice of refusal to answer shall be subject to order of the court in which the proceeding was brought in a manner and on such terms as the court may deem just. If a proceeding is not brought within ten days, notice of refusal shall thereupon be sent as provided herein.

§ 103-c. Removal of disqualification of public contractors by petition. 1. Any firm, partnership or corporation which has become subject to the cancellation or termination of a contract or disqualifications to contract on account of the refusal of a member, partner, director or officer thereof to waive immunity when called to testify, as provided in sections one hundred three-a and one hundred three-b of this article, may, upon ten days' notice to the attorney general and to the officer who conducted the investigation before the grand jury, the head of a state department, the chairman of the temporary state commission or other state agency, the organized crime task force in the department of law, the head of a city department or other city agency in which the refusal occurred, commence a special proceeding at a special term of the supreme court held within the judicial district in which the refusal occurred for an order discontinuing the disqualification. The petition shall set forth grounds, including that the cooperation by petitioner with the grand jury or other body which conducted the investigation at the time of the refusal was such, and the amount and degree of control and financial interest, if any, in the petitioning firm, partnership or corporation by the member, partner, officer or director who refused to waive immunity is such, that it will not be in the public interest to cancel or terminate petitioner's contracts or to continue the disqualification, as provided in sections one hundred three-a and one hundred three-b of this article.

A copy of the petition and accompanying papers shall be served with the notices to be given pursuant to this subdivision.

2. Upon the filing of such petition the court may stay as to petitioner, pending a decision upon the petition, the cancellation or termination of any contracts resulting from such refusal upon such terms as to notice or otherwise as may be just.

3. At least two days prior to the return day, the officer who conducted the investigation before the grand jury or other body and the attorney general may file answers to the petition or apply for judgment dismissing the petition as a matter of law. On or before the return day the petitioner may file a reply to the answer.

4. Upon the return day the court may, upon the petition and answer and other papers filed, forthwith render such judgment as the case requires, or if a triable issue of fact is duly raised, it shall forthwith be tried before a court sitting without a jury or before a referee. The provisions of statute or rule governing references in an action shall apply to a reference under this subdivision.

5. The court shall render judgment dismissing the petition on the merits or discontinuing the disqualification upon the ground that the public interest would be served by its discontinuance, and granting such other relief as to the cancellation or termination of contracts as may be appropriate, but without costs to petitioner.

*** § 103-d. Statement of non-collusion in bids and proposals to political subdivision of the state.** 1. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury: Non-collusive bidding certification.

"(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition. "

(a-1) Notwithstanding the foregoing, the statement of non-collusion may be submitted electronically in accordance with the provisions of subdivision one of section one hundred three of the general municipal law.

(b) A bid shall not be considered for award nor shall any award be made where (a) (1) (2) and (3) above have not been complied with;

provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where (a) (1) (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (a).

2. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

* NB Effective until June 1, 2028

* § 103-d. Statement of non-collusion in bids and proposals to political subdivision of the state. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury: Non-collusive bidding certification.

"(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition. "

(b) A bid shall not be considered for award nor shall any award be made where (a) (1) (2) and (3) above have not been complied with; provided however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. Where (a) (1) (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (a).

2. Any bid hereafter made to any political subdivision of the state or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule,

regulation, or local law, and where such bid contains the certification referred to in subdivision one of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

* NB Effective June 1, 2028

§ 103-e. Conspiracies to prevent competitive bidding or competitive offering on public contracts. 1. A person or corporation who shall wilfully, knowingly and with intent to defraud, make or enter into, or attempt to make or enter into, with any other person or corporation, a contract, agreement, arrangement or combination to submit a fraudulent or collusive bid or offer, or to refrain from submitting a bona fide competitive bid or competitive offer, to any board, officer, agency, department, commission or other agency of the state or of a public corporation on a contract for public work or purchase which has been advertised for bidding or offering, shall be guilty of a misdemeanor, and on conviction thereof shall, if a natural person, be punished by a fine not exceeding five thousand dollars or by imprisonment for not longer than one year, or by both such fine and imprisonment, and if a corporation by a fine not exceeding twenty thousand dollars. An indictment or information based upon a violation of any provision of this section must be found within three years after its commission.

2. For the purpose of this section a public corporation shall mean a county, city, town, village, school district, a territorial division of the state established by law and possessing the power to contract indebtedness and levy taxes or benefit assessments upon real estate or to require the levy of such taxes or assessments, whether or not such territorial division is expressly declared to be a body corporate and politic by the statute creating or authorizing the creation of such territorial division, and a corporation organized to construct or operate a public improvement wholly or partly within the state, the profits from which inure to the benefit of this or other states or to the people thereof.

§ 103-f. Security bonds; municipal projects. Whenever a security bond is posted by a successful bidder for the faithful performance of a municipal project, for which state aid is approved, the name and address of the bonding company or person issuing the security bond, the number of such bond, and such other information as may be required by the state department or agency responsible for supervising the aid program regarding the project, shall be transmitted to such department or agency, where it shall be reviewed to determine its authenticity prior to award of such contract. The original of such bond shall remain in the office of the municipality. Upon request of such department or agency, the superintendent of financial services shall render such assistance as is necessary to determine the authenticity of the security bond.

§ 103-g. Iranian energy sector divestment. 1. As used in this section:

a. "Energy sector" shall have the same meaning as defined in paragraph (a) of subdivision one of section one hundred sixty-five-a of the state finance law.

b. "Financial institution" shall have the same meaning as defined in paragraph (b) of subdivision one of section one hundred sixty-five-a of the state finance law.

c. "Investment" shall have the same meaning as defined in paragraph (c) of subdivision one of section one hundred sixty-five-a of the state finance law.

d. "Iran" shall have the same meaning as defined in paragraph (d) of subdivision one of section one hundred sixty-five-a of the state finance law.

e. "Person" shall have the same meaning as defined in paragraph (e) of subdivision one of section one hundred sixty-five-a of the state finance law.

2. For purposes of this section, a person engages in investment activities in Iran if:

a. The person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or

b. The person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran.

3. A person that is identified on a list created pursuant to paragraph (b) of subdivision three of section one hundred sixty-five-a of the state finance law as a person engaging in investment activities in Iran as described in subdivision two of this section, shall not be deemed a responsible bidder or offerer pursuant to section one hundred three of this article.

4. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury:

a. "By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law."

b. Notwithstanding paragraph a of this subdivision, the statement of non-investment in the Iranian energy sector may be submitted electronically in accordance with the provisions of subdivision one of section one hundred three of this article.

c. A bid shall not be considered for award nor shall any award be made where the condition set forth in paragraph a of this subdivision has not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. A political subdivision may award a bid to a bidder who cannot make the certification pursuant to paragraph a of this subdivision on a case-by-case basis if:

(1) The investment activities in Iran were made before the effective date of this section, the investment activities in Iran have not been expanded or renewed after the effective date of this section, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or

(2) The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

*** § 103-h. Restriction on purchasing certain technology which poses a security threat.** 1. (a) Notwithstanding any inconsistent provision of law a political subdivision shall not enter into or renew any contract or agreement to procure technology, including hardware, systems, devices, software, or services that include embedded or incidental information technology, which are prohibited from federal procurement pursuant to section 889 of Public Law 115-232 of 2018, or which are included on the list created pursuant to subdivision two of section one hundred sixty-three-e of the state finance law.

(b) The term "technology" shall have the same meaning as such term is defined in subdivision ten of section one hundred sixty of the state finance law.

2. The office of information technology services, in collaboration with the division of homeland security and emergency services, the office of general services, the division of military and naval affairs, and the chief cyber officer, may provide a waiver from this section if:

(a) any such entity determines the waiver is in the interest of the political subdivision;

(b) no compliant product or service is available to be procured as, and when, needed at United States market prices or a price that is not considered prohibitively expensive; and

(c) such waiver could not reasonably be expected to compromise the security or integrity of a computer network operated by an instrumentality of the state.

(d) Any political subdivision seeking a waiver from any federal agency authorized under section 889 of Public Law 115-232 of 2018 must provide notice of any such waiver granted to the office of information technology services within thirty days of waiver approval.

3. Nothing in this section shall be construed:

(a) to require any technology resident in equipment, systems, or services as of the day before the effective date of this section to be removed or replaced;

(b) to prohibit or limit the utilization of such technology throughout the lifecycle of such existing equipment; or

(c) to require the recipient of a state contract, grant, loan, or loan guarantee to replace technology resident in equipment, systems, or services before the effective date of this section.

* NB Effective December 19, 2027

*** § 104. Purchase through office of general services; purchases from other public contracts; certain federal contracts.** 1. Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any officer, board or agency of a political subdivision, of a district therein, of a fire company or of a voluntary ambulance service authorized to make purchases of commodities, materials, equipment, technology, food products, supplies or services available pursuant to section one hundred sixty-three of the state finance law, may make such purchases through the office of general services or any other department or agency of the state subject to rules promulgated pursuant to article eleven of the state finance law; provided that any such purchase shall exceed five hundred dollars and that the political subdivision, district, fire company or voluntary ambulance service for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor. All purchases shall be subject to audit and inspection by the political subdivision, district, fire company or voluntary ambulance service for which made. No officer, board or agency of a political subdivision, or a district therein, of a fire company or of a voluntary ambulance service shall make any purchase through such public entity when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office. Two or more fire companies or voluntary ambulance services may join in making purchases pursuant to this section, and for the purposes of this section such groups shall be deemed "fire companies or voluntary ambulance services."

2. Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any officer, board or agency of a political subdivision, or of a district therein, may make purchases from federal general service administration supply schedules pursuant to section 211 of the federal e-government act of 2002, P.L. 107-347 and the local preparedness acquisition act, P.L. 110-248, and pursuant to section 1122 of the national defense authorization act for fiscal year 1994, P.L. 103-160 and section 833 of the John Warner national defense authorization act for fiscal year 2007, P.L. 109-364, and the federal supply schedule usage act of 2010, P.L. 111-263, or any successor schedules, in accordance with procedures established in connection therewith. Prior to making such purchases the officer, board or agency shall consider whether such purchases will result in cost savings after all factors, including charges for service, material, and delivery, have been considered.

* NB Effective until July 31, 2029

* § 104. Purchase through office of general services. Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any officer, board or agency of a political subdivision, of a district therein, of a fire company or of a voluntary ambulance service is authorized to make purchases of commodities and services available pursuant to section one hundred sixty-three of the state finance law, may make such purchases through the office of general services subject to such rules as may be established from time to time pursuant to section one hundred sixty-three of the state finance law or through the general services administration pursuant to section 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355; provided that any such purchase shall exceed five hundred dollars and that the political subdivision, district, fire company or voluntary ambulance service for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor. All purchases shall be subject to audit and inspection by the political subdivision, district, fire company or voluntary ambulance service for which made. No officer, board or agency of a political subdivision, or a district therein, of a fire company or of a voluntary ambulance service shall make any purchase through such office when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office. Two or more fire companies or voluntary ambulance services may join in making purchases pursuant to this section, and for the purposes of this section such groups shall be deemed "fire companies or voluntary ambulance services."

* NB Effective July 31, 2029

§ 104-a. Purchasing of products for public use. Notwithstanding the provisions of section one hundred three of this chapter, when purchasing products the officer, board or agency of any political subdivision or of any district therein charged with the awarding of public contracts may, wherever recycled products meet contract specifications and the price of such products is reasonably competitive, purchase such products. For the purpose of this section and until July first, nineteen hundred ninety-six, "recycled product" shall mean any product which has been manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and meets secondary material content requirements adopted by the office of general services under subdivision one of section one hundred seventy-seven of the state finance law for products available to the political subdivision or district under state contract or, if no such contract for such product is available, any product which meets the secondary material content requirements adopted by the political subdivision or district thereof with respect to a specific commodity procurement by such entity. On and after July first, nineteen hundred ninety-six, "recycled product" shall mean, for the purposes of this section, any product which is manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and which meets the requirements of subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto. For the purpose of this section, "reasonably competitive" shall mean that the cost of the recycled product does not exceed a cost premium of ten percent above the cost of a comparable product that is not a recycled product or, if at least fifty percent of the secondary materials utilized in the manufacture of that product are generated from the waste stream in New York state, the cost of the recycled product does not exceed a cost premium of fifteen percent above the cost of a comparable product that is not a recycled product.

Whenever such officer, board or agency shall purchase or cause the purchase of printing on recycled paper pursuant to this section, he or she shall require the printed material to contain the official state recycling emblem established pursuant to subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto if such paper has been approved by the department of environmental conservation as satisfying the requirements of such statute and regulations, or, if such paper has not been so approved, require the printed material to include a printed statement which indicates the percentages of pre-consumer and post-consumer recycled material content of such paper.

§ 104-b. Procurement policies and procedures. 1. Goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the governing board of every political subdivision and any district therein, by resolution, shall adopt internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of section one hundred three of this article or of any other general, special or local law. In cities with a population of one million or more, the procurement policy board shall develop and promulgate such policies and procedures by rule.

2. Such policies and procedures shall contain provisions which, among other things:

a. prescribe a procedure for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law;

b. provide that, except for procurements made pursuant to subdivision three of section one hundred three or section one hundred four of this article, section one hundred seventy-five-b of the state finance law, section one hundred eighty-six of the correction law, or the policies and procedures adopted pursuant to paragraph f of this subdivision, alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of this section;

c. set forth when each such method of procurement will be utilized, taking into account which method will best further the purposes of this section and the cost-effectiveness of the method;

d. require adequate documentation of actions taken in connection with each such method of procurement;

e. require justification and documentation of any contract awarded to other than the lowest responsible dollar offeror, setting forth the reasons such an award furthers the purpose of this section; and

f. identify the individual or individuals responsible for purchasing and their respective titles. Such information shall be updated biennially.

g. set forth any circumstances when, or types of procurements for which, in the sole discretion of the governing body (or in the case of cities with a population of one million or more, the procurement policy board), the solicitation of alternative proposals or quotations will not be in the best interest of the political subdivision or district therein.

3. Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of the policies and procedures, and from time to time thereafter.

4. The governing board shall annually review its policies and procedures. In the case of a city with a population of one million or more, the annual review shall be the duty and responsibility of the procurement policy board.

5. The unintentional failure to fully comply with the provisions of this section shall not be grounds to void action taken or give rise to a cause of action against the political subdivision or district or any officer or employee thereof.

6. Notwithstanding any other provisions of this section or any provision of law, boards of education shall have the authority to include in the internal policies and procedures governing procurement of apparel or sports equipment, where such procurement is not required to be made pursuant to the competitive bidding requirements of section one hundred three of this article, a prohibition against the purchase of apparel or sports equipment from any vendor based upon either or both of the following considerations: (a) the labor standards applicable to the manufacture of the apparel or sports equipment, including but not limited to employee compensation, working conditions, employee rights to form unions, and the use of child labor; or (b) the bidder's failure to provide information sufficient for boards of education to determine the labor standards applicable to the manufacture of the apparel or sports equipment.

*** § 104-c. Disposal of surplus computer equipment.** 1. Definitions. As used in this section:

(a) "Computer" means a computer central processing unit and, where attached to a computer central processing unit, such computer cases, computer memory, card and other peripheral devices as may reasonably be viewed functionally as one unit.

(b) "Computer equipment" means computers, computer memory, cards and associated peripheral devices including, but not limited to, floppy disk drives, hard disk drives, printers, modems, computer-related cables and networking devices, scanners, computer monitors, and computer software.

(c) "Computer software" means executable computer programs and related data files on computer-related media including, but not limited to, floppy disks, hard disks, optical and magneto-optical computer data storage devices.

2. The governing board of a political subdivision may by resolution, adopt policies authorizing the disposal of computers, computer software and computer equipment no longer needed for the purposes of the political subdivision through donation to public schools, public libraries, and other public and private institutions for secular

educational use, and to not-for-profit institutions for use by individuals with disabilities, senior citizens, or low income individuals, upon proof of need by such institution and subordinate to the requirements of the public schools and libraries of the state. Such donation shall be based on a public notification process and competitive proposals from schools, libraries, and other public and private educational programs for secular education use, and not-for-profit institutions serving persons with disabilities, senior citizens, or low income individuals, which shall demonstrate need and specific plans for the use of such equipment.

3. Every resolution enacted pursuant to this section shall provide that no computer software of a political subdivision shall be transferred if such transfer would cause a breach of a computer software license agreement or an infringement of a copyright.

* NB Repealed July 1, 2028

§ 104-d. The New York state buy American salt act. 1. Use of American materials. (a) Notwithstanding any other provision of law, when soliciting a contract for the purchase of rock salt or sodium chloride, any department or agency of a political subdivision may award such contract to the responsible and reliable bidder offering to supply rock salt or sodium chloride that is mined or hand harvested in the United States, and which offer is within ten percent of the lowest price or best value offer, rather than to the lowest responsible and reliable bidder.

(b) If it has been determined by a court or federal or state agency that any person intentionally:

(i) affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any rock salt, or sodium chloride product used in projects to which this section applies, sold in or shipped to the United States that was not mined or hand harvested in the United States; or

(ii) represented that any rock salt, or sodium chloride product procured in a contract to which this section applies that was not produced in the United States, was produced in the United States; then that person shall be ineligible to receive any contract or subcontract with this state pursuant to the debarment or suspension provisions provided under section one hundred thirty-nine-a of the state finance law.

(c) This section shall be applied in a manner consistent with the state's obligations under any applicable international agreements pertaining to government procurement.

2. Definitions. For the purposes of this section, the following words shall have the following meanings unless specified otherwise:

(a) "Public agency" means a governmental entity as that term is defined in section one hundred thirty-nine-j of the state finance law;

(b) "Mined or hand harvested in the United States" means: extracted or collected from land or ponds within the boundary of the United States, from the initial separation from the earth through the addition of any additives necessary for commercial sale;

(c) "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States.

§ 105. Disposition of deposit accompanying bid. Notwithstanding any inconsistent provision of any general, special or local law, whenever as a condition precedent to the reception or consideration of a bid for furnishing supplies, materials, or equipment or performing work for a political subdivision or any officer, board or agency thereof or of any district therein, a deposit of a certified check, money, bonds or other obligations is required, a person or corporation submitting a bid may withdraw the same if no award of the contract be made within forty-five days after the receipt thereof, and upon such withdrawal such deposit shall be forthwith returned. A certified check, money, bonds or other obligations or security deposited to secure a bid shall be retained under the jurisdiction and control of the chief fiscal officer or other officer of the political subdivision or district having custody of its money, until returned to the bidder or forfeited.

§ 106. Withdrawal of retained percentages. Notwithstanding any inconsistent provision of any general, special or local law, under any contract heretofore or hereafter made or awarded by any political subdivision, or any officer, board or agency thereof, or of any district therein, the contractor may, from time to time, withdraw the whole or any portion of the amount retained from payments to the contractor pursuant to the terms of the contract, upon depositing with the fiscal officer of the political subdivision or district therein or, if so directed by the fiscal officer of the political subdivision or district therein, with a bank or trust company which has entered into an agreement with said fiscal officer to provide the services which said fiscal officer is required to perform pursuant to the provisions of this section (1) bonds or notes of the United States of America, or obligations, the payment of which is guaranteed by the United States of America, or (2) bonds or notes of the state of New York, or (3) bonds of any political subdivision in the state of New York, of a market value equal to the amount so withdrawn. The fiscal officer of the political subdivision or of a district therein, from time to time, shall collect all interest and income on the obligations so deposited, and shall pay the same, when and as collected, to the contractor who deposited such obligations. When the deposit is in the form of coupon bonds, the coupons shall be clipped, presented for payment, and the proceeds remitted to the contractor as they respectively come due. The contractor shall not be entitled to interest or income on, or the coupons of, any obligations so deposited by him, the proceeds of which shall have been used or applied by the political subdivision or district therein pursuant to the terms of the contract. The fiscal officer of the political subdivision or district therein or any such bank or trust company when authorized by said fiscal officer, may impose upon each contractor a service charge for receiving, handling and disbursing obligations, funds and coupons pursuant to the provisions of this section in amount to be determined by said fiscal officer. Such a service charge shall not exceed a reasonable amount which is generally consistent with charges by a bank or trust company for such a service.

§ 106-a. Service charge for receiving, handling and disbursing funds

and coupons. The fiscal officer of the political subdivision or of a district therein shall impose upon each contractor such service charge for receiving, handling and disbursing funds and coupons pursuant to section one hundred six of this article as the local governing body of the political subdivision may provide by local law or ordinance. Such service charge shall not exceed a reasonable amount which is generally consistent with charges by a bank or trust company for such a service. This section shall not apply where a political subdivision or district therein has entered into an agreement with a bank or trust company pursuant to section one hundred six of this article.

§ 106-b. Payment on public work projects. Notwithstanding the provisions of any other law to the contrary, all contracts made and awarded by the appropriate officer, board or agency of a political subdivision or of any district therein, hereafter referred to as the public owner, for construction, reconstruction or alteration of any public work project shall provide for payment by the public owner to the contractor and payment by the contractor to the subcontractor in accordance with the following:

1. Payment by public owners to contractors. (a) The contractor shall periodically, in accordance with the terms of the contract, submit to the public owner and/or his agent a requisition for a progress payment for the work performed and/or materials furnished to the date of the requisition less any amount previously paid to the contractor. The public owner shall in accordance with the terms of the contract approve and promptly pay the requisition for the progress payment less an amount necessary to satisfy any claims, liens or judgments against the contractor which have not been suitably discharged and less any retained amount as hereafter described. The public owner shall retain not more than five per centum of each progress payment to the contractor except that the public owner may retain in excess of five per centum but not more than ten per centum of each progress payment to the contractor provided that there are no requirements by the public owner for the contractor to provide a performance bond and a labor and material bond both in the full amount of the contract. The public owner shall pay,

upon requisition from the contractor, for materials pertinent to the project which have been delivered to the site or off-site by the contractor and/or subcontractor and suitably stored and secured as required by the public owner and the contractor provided, the public owner may limit such payment to materials in short and/or critical supply and materials specially fabricated for the project each as defined in the contract. When the work or major portions thereof as contemplated by the terms of the contract are substantially completed, the contractor shall submit to the public owner and/or his agent a requisition for payment of the remaining amount of the contract balance. Upon receipt of such requisition the public owner shall approve and promptly pay the remaining amount of the contract balance less two times the value of any remaining items to be completed and an amount necessary to satisfy any claims, liens or judgments against the contractor which have not been suitably discharged. As the remaining items of work are satisfactorily completed or corrected, the public owner shall promptly pay, upon receipt of a requisition, for these items less an amount necessary to satisfy any claims, liens or judgments against the contractor which have not been suitably discharged. Any claims, liens and judgments referred to in this section shall pertain to the project and shall be filed in accordance with the terms of the applicable contract and/or applicable laws. Where the public owner is other than the city of New York, the term "promptly pay" shall mean payment within thirty days, excluding legal holidays, of receipt of the requisition unless such requisition is not approvable in accordance with the terms of the contract. Notwithstanding the foregoing, where the public owner is other than the city of New York and is a municipal corporation which requires an elected official to approve progress payments, "promptly pay" shall mean payment within forty-five days, excluding legal holidays, of receipt of the requisition unless such requisition is not approvable in accordance with the terms of the contract.

(b) Not later than forty-five business days after the date when the project has reached substantial completion, as such term is defined in the contract or as it is contemplated by the terms of the contract, the public owner shall submit to the contractor a written list describing all remaining items to be completed by the contractor. Not later than five business days after receiving a written list describing all remaining items to be completed by the contractor, the contractor shall submit to each subcontractor from whom the contractor is withholding retainage a written list of all remaining items required to be completed by the subcontractor. Such list may include items in addition to those items on the public owner's list.

(c) Each public owner other than the city of New York which is required to make a payment from public funds pursuant to a contract and which does not make such contract payment by the required payment date shall make an interest payment to the contractor on the amount of the contract payment which is due unless failure to make such contract payment is the result of a lien, attachment, or other legal process against the money due said contractor, or unless the amount of the interest payment as computed in accordance with the provisions set forth hereinafter is less than ten dollars. Interest payments on amounts due to a contractor pursuant to this paragraph shall be paid to the contractor for the period beginning on the day after the required payment date and ending on the payment date for those payments required according to this section and shall be paid at the rate of interest in effect on the date when the interest payment is made. Notwithstanding any other provision of law to the contrary, interest shall be computed at the rate equal to the overpayment rate set by the commissioner of taxation and finance pursuant to subsection (e) of section one thousand ninety-six of the tax law. A pro rata share of such interest shall be paid by the contractor or subcontractor, as the case may be, to subcontractors and materialmen in a proportion equal to the percentage of their pro rata share of the contract payment. Such pro rata share of interest shall be due to such subcontractors and materialmen only for those payments which are not paid to such subcontractors and materialmen prior to the date upon which interest begins to accrue between the public owner and the contractor. Such pro rata shares of interest shall be computed daily until such payments are made to the subcontractors and materialmen.

(d) For projects of a public owner other than the city of New York, if state funds directly related to and which have been budgeted for the construction of the project for which the payment is due have not been received prior to the expiration of the thirty or forty-five days specified in paragraph (a) of this subdivision, the interest provided for in paragraph (c) of this subdivision shall not begin to accrue and payment shall not be due, until ten days after receipt of the state funds. Nothing in this paragraph shall prevent the public owner from approving the requisition, subject to receipt of the state funds. State funds shall mean monies provided to the public owner by the state, its officers, boards, departments, commissions, or a public authority and public benefit corporation, a majority of the members of which have been appointed by the governor or who serve as members by virtue of holding a civil office of the state, or a combination thereof.

2. Payment by contractors to subcontractors. Within seven calendar days of the receipt of any payment from the public owner, the contractor shall pay each of his subcontractors and materialmen the proceeds from the payment representing the value of the work performed and/or materials furnished by the subcontractor and/or materialman and reflecting the percentage of the subcontractor's work completed or the materialman's material supplied in the requisition approved by the owner and based upon the actual value of the subcontract or purchase order less an amount necessary to satisfy any claims, liens or judgments against the subcontractor or materialman which have not been suitably discharged and less any retained amount as hereafter described. Failure by the contractor to make any payment, including any remaining amounts of the contract balance as hereinafter described, to any subcontractor or materialman within seven calendar days of the receipt of any payment from the public owner shall result in the commencement and accrual of interest on amounts due to such subcontractor or materialman for the period beginning on the day immediately following the expiration of such seven calendar day period and ending on the date on which payment is made by the contractor to such subcontractor or materialman. Such interest shall be the sole responsibility of the contractor, and shall be paid at the rate of interest in effect on the date payment is made by the contractor. Notwithstanding any other provision of law to the contrary, interest shall be computed at the rate established in paragraph (b) of subdivision one of section seven hundred fifty-six-b of the general business law. The contractor shall retain not more than five per centum of each payment to the subcontractor and/or materialman except that the contractor may retain in excess of five per centum but

not more than ten per centum of each payment to the subcontractor provided that prior to entering into a subcontract with the contractor, the subcontractor is unable or unwilling to provide a performance bond and a labor and material bond both in the full amount of the subcontract at the request of the contractor. However, the contractor shall retain nothing from those payments representing proceeds owed the subcontractor and/or materialman from the public owner's payments to the contractor for the remaining amounts of the contract balance as provided in subdivision one of this section. If the contractor has failed to submit a requisition for payment of the remaining amounts of the contract balance within ninety days of substantial completion as provided in subdivision one of this section, then any clause in the subcontract between the contractor and the subcontractor or materialman which states that payment by the contractor to such subcontractor or materialman is contingent upon payment by the owner to the contractor shall be deemed invalid. Within seven calendar days of the receipt of payment from the contractor, the subcontractor and/or materialman shall pay each of his subcontractors and materialmen in the same manner as the contractor has paid the subcontractor, including interest as herein provided above. Nothing provided herein shall create any obligation on the part of the public owner to pay or to see to the payment of any moneys to any subcontractor or materialman from any contractor nor shall anything provided herein serve to create any relationship in contract or otherwise, implied or expressed, between the subcontractor or materialman and the public owner.

3. In the event that the terms of payment on a public works project, as provided in this section, are pre-empted or superseded as a result of the provisions of any federal statute, regulation or rule applicable to the project, the terms of this section shall not apply.

§ 107. Claims against political subdivisions; contractor's undertaking. A contractor under a contract heretofore or hereafter made or awarded by any political subdivision, or by any officer, board or agency thereof, or of any district therein, in case any claim or notice of claim for injury or damage to person or property arising out of or in connection with the performance of such contract, be made against or filed with such municipality or district therein, may file with the fiscal officer of such political subdivision or district therein an undertaking as prescribed in this section, and thereupon such fiscal officer shall be authorized to make payments to such contractor pursuant to the terms of such contract. Such undertaking shall be executed with such sureties, in such form and for such amount as the fiscal officer of such political subdivision or district therein may prescribe, and shall be conditioned for the payment by such contractor of any judgment which may be recovered in an action brought upon such claim.

§ 108. Workmen's compensation insurance on public works. Each contract to which a political subdivision or any officer, board or agency thereof, or of any district therein, is a party and which is of such a character that the employees engaged thereon are required to be insured under the provisions of the workmen's compensation law, shall contain a stipulation that such contract shall be void and of no effect unless the person or corporation making or performing such contract shall secure compensation for the benefit of, and keep insured during the life of such contract, such employees, in compliance with the provisions of the workmen's compensation law.

§ 109. Assignment of public contracts. 1. A clause shall be inserted in all specifications or contracts hereafter made or awarded by any officer, board or agency of a political subdivision, or of any district therein, prohibiting any contractor, to whom any contract shall be let, granted or awarded, as required by law, from assigning, transferring, conveying, subletting or otherwise disposing of the same, or of his right, title, or interest therein, or his power to execute such contract, to any other person or corporation without the previous consent in writing of the officer, board or agency awarding the contract.

2. If any contractor, to whom any contract is let, granted or awarded, as required by law, by any officer, board or agency of a political

subdivision, or of any district therein, shall without the previous written consent specified in subdivision one of this section, assign, transfer, convey, sublet or otherwise dispose of such contract, or his right, title or interest therein, or his power to execute such contract, to any other person or corporation, the officer, board or agency which let, made, granted or awarded such contract shall revoke and annul such contract, and the political subdivision or district therein, as the case may be, and such officer, board or agency shall be relieved and discharged from any and all liability and obligations growing out of such contract to such contractor, and to the person or corporation to which such contract shall have been assigned, transferred, conveyed, sublet or otherwise disposed of, and such contractor, and his assignees, transferees or sublessees shall forfeit and lose all moneys, theretofore earned under such contract, except so much as may be required to pay his employees. The provisions of this section shall not hinder, prevent, or affect an assignment by any such contractor for the benefit of his creditors made pursuant to the laws of this state.

§ 109-a. Purchases through the office of general services by certain public associations. The New York State Association of Counties, the Association of Towns of the State of New York, the New York State Town Clerk's Association, Inc., the New York State Conference of Mayors and Other Municipal Officials, the New York State School Boards Association, Inc., the New York Planning Federation and the Association of Fire Districts of the State of New York, the New York State Association of School Business Officials, the New York state council of school superintendents, any nonpublic elementary and/or secondary school of the state of New York, which provides the instruction required by section thirty-two hundred four and article seventeen of the education law, and which is chartered by, registered with or subject to examination and inspection by the department of education and which is a not for profit institution and any public library, association library, library system, cooperative library system, the New York Library Association, and the New York State Association of Library Boards or any other library except those which are operated by for profit entities, may make purchases through the office of general services subject to such rules as may be promulgated pursuant to section one hundred sixty-three of the state finance law and subdivision eight-a of section one hundred three of this article which may establish limitations with respect to commodities and impose such other appropriate conditions upon purchasing as deemed necessary by the commissioner of general services in order to protect the state's own purchasing interests; and that such association, school, library, library system or cooperative library system shall accept sole responsibility for any payment due the vendor. Boards of education may permit such nonpublic schools to make purchases pursuant to this section through the school district in which the nonpublic school is located, provided that any administrative costs incurred by the school district will be paid by the nonpublic school.

*** § 109-b. Installment contracts.** 1. As used in this section:

(a) "Political subdivision" shall mean a municipal corporation, school district, district corporation or board of cooperative educational services.

(b) "Installment purchase contract" shall mean any lease purchase agreement, installment sales agreement or other similar agreement providing for periodic payments between a corporation, person or other entity and a political subdivision which has as its purpose the financing of equipment, machinery or apparatus.

(c) "Certificate of participation" shall mean a security or other instrument representing a proportionate interest or the right to receive a proportionate share in lease, rental, installment or other periodic payments made or to be made by a political subdivision or made by the agency on behalf of a political subdivision pursuant to an installment purchase contract.

(d) "Agency" shall mean the state of New York municipal bond bank agency established by section twenty-four hundred thirty-three of the public authorities law.

(e) "Agency certificates of participation" shall mean certificates of participation executed and delivered by the agency on behalf of, for the benefit of and pursuant to a written agreement with a political subdivision.

(f) Functions performed by a governing board under this section shall, in the city of New York, be performed by the mayor and comptroller, and the approvals of the mayor and the comptroller of any agreement, contract, instrument, arrangement or transaction contemplated by this section shall be the only approvals required therefor, subject to the provisions of the New York state financial emergency act for the city of New York.

2. A political subdivision may enter into an installment purchase contract subject to the following restrictions:

(a) Neither any person, partnership, corporation or other legal entity nor any political subdivision, officer, employee, agency or department nor the agency for agency certificates of participation shall execute and deliver or cause the execution and delivery of certificates of participation except in accordance with the provisions of this section and with express written approval of the governing board of such political subdivision and with the concurrence of the agency for agency certificates of participation. The provisions of this section are hereby made a part of every installment purchase contract entered into by such a political subdivision or by the agency for agency certificates of participation. Every such contract shall contain a clause expressly reciting the provisions of this subdivision, provided, however, that the absence of such clause in such a contract shall not obviate the duty of all parties thereto to comply with the provisions of this subdivision. Neither this provision, nor any other provision of this section, shall be construed to prevent such political subdivisions from entering into installment purchase or lease purchase agreements funded without the use of certificates of participation or similar instruments, as otherwise provided in this section.

(b) Subject to the provisions of subdivision five of this section, the governing board of a political subdivision shall adopt a resolution authorizing the installment purchase contract.

(c) Subject to the provisions of subdivision five of this section, where the financing of equipment, machinery or apparatus pursuant to an installment purchase contract is to be provided by agency certificates of participation, the governing board of a political subdivision shall adopt a resolution authorizing the written contract with the agency setting forth the rights and liabilities of the agency and the political subdivision as provided for in section twenty-four hundred thirty-five-a of the public authorities law.

(d) The term of such installment purchase contract, including all renewals thereof, shall not exceed the period of probable usefulness prescribed by section 11.00 of the local finance law for the equipment, machinery or apparatus being financed under the installment purchase contract.

(e) The installment purchase contract shall separately state the principal and interest component of the periodic payments to be made thereunder. The total of all periodic payments which include both principal and interest components made by the political subdivision during each year throughout the term of the installment purchase contract shall be substantially level or falling.

(f) The installment purchase contract shall contain the following clause: "This contract shall be deemed executory only to the extent of monies appropriated and available for the purpose of the contract, and no liability on account thereof shall be incurred by the political subdivision beyond the amount of such monies. The installment purchase contract is not a general obligation of (insert name of political subdivision(s)). Neither the full faith and credit nor the taxing power of (insert name of political subdivision(s)) are pledged to the payment of any amount due or to become due under such installment purchase contract. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to appropriate or make monies available for the purpose of the contract." Where agency certificates of participation are the security for such contract, such contract shall also contain the following clause: "Further no liability on account thereof shall be incurred by the state of New York municipal bond bank agency beyond the amount of such monies. It is understood that neither this contract nor any representation by any employee or officer of such agency creates any legal or moral obligation to appropriate or make state monies available for the purpose of the contract."

(g) No payment under the installment purchase contact except payment for the total amount outstanding shall be financed from the proceeds of obligations issued pursuant to the local finance law other than the proceeds of revenue anticipation notes, tax anticipation notes or budget notes.

3. (a) Installment purchase contracts for equipment, machinery or apparatus shall constitute purchase contracts for public bidding purposes and shall be subject to public bidding requirements to the extent applicable by law. For purposes of determining whether the cost of the equipment, machinery or apparatus exceeds the monetary threshold fixed in section one hundred three of this article, the cost of the equipment, machinery or apparatus, exclusive of the cost of financing, shall be considered. If the equipment, machinery or apparatus is to be financed by a party other than the party submitting the bid, the bid specifications may provide that the political subdivision may assign its right to purchase to a third party without the necessity of approval by the other party to the contract. Nothing herein shall preclude a political subdivision from advertising for bids in the alternative with and without financing.

(b) Certificates of participation caused to be executed and delivered by the political subdivision pursuant to this section, in connection with one or more installment purchase contracts entered or expected to be entered into by such political subdivision may be sold at public or private sale, either independently or in connection with a pooled or aggregate program, as determined by the governing board. The governing board may, by resolution, delegate such power to the chief fiscal officer, in which event such chief fiscal officer shall exercise such powers and perform such duties until the governing board shall, by resolution, elect to reassume the same. If certificates of participation are sold at public sale, they shall be sold to the bidder offering the lowest interest cost as computed in accordance with the net interest cost method, taking into consideration any premium or discount, or the actuarial or true interest cost method, whichever is specified in the notice of sale, not less than four nor more than fifteen days, Sundays excepted, after a notice of such sale has been circularized in accordance with any rule or order prescribed by the state comptroller, pursuant to paragraph d of section 57.00 of the local finance law, for the circularization of notices for the sale of bonds. The terms of the sale may not be changed unless a supplemental notice of sale is provided in accordance with the procedure for the sale of bonds in paragraph b of section 58.00 of the local finance law.

(c) Whenever in the judgement of the governing board, or if authorized by the governing board, the chief fiscal officer, the interest of the political subdivision will be served thereby, the governing board, or chief fiscal officer as the case may be, may authorize the sale of such certificates of participation at private sale, including such sale in connection with a pooled or aggregate program.

(d) The state comptroller shall promulgate rules in conformance with the state administrative procedure act governing the procedure which shall be adhered to when entering into installment purchase contracts or authorizing the execution and delivery of certificates of participation pursuant to this section, including guidelines for the private sale of certificates of participation. No private sale of certificates of participation shall be conducted by a political subdivision without prior approval of the state comptroller except as provided in such rules which shall set forth the circumstances under which such approval shall not be required. The state comptroller shall annually deliver to the state division of the budget, the senate finance committee and the assembly ways and means committee a report listing all negotiated sales conducted in the previous year, including the name of the issuer and amount of the issue for each such sale.

4. (a) The proceeds of certificates of participation executed and delivered in connection with the installment purchase contract made pursuant to this section, in addition to being applied towards the cost of the equipment, machinery or apparatus, may also be used for the establishment of reserve funds to secure such certificates, the cost or premium of letters of credit, insurance or other credit enhancements, the costs of bond counsel, a financial advisor, underwriter, trustees and paying agent, and other actual and necessary expenses directly related to the issuance of such certificates. The foregoing shall not be construed to authorize the use of such proceeds for the payment of personal service expenses of the political subdivision. Where agency certificates are executed and delivered, proceeds may be used for payment by the political subdivision of the expenses incurred by the agency in connection with the execution and delivery and sale of such certificates.

(b) Each political subdivision shall have the power to enter into agreements providing credit enhancement with respect to the installment purchase contract and/or certificates of participation, but any reimbursement obligation of the political subdivision shall be subject to appropriation.

(c) The proceeds from certificates of participation may be invested only in obligations of the United States of America, obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America, obligations of the state of New York, or special time deposit accounts in or certificates of deposit issued by a bank or trust company located and authorized to do business in the state and secured by a pledge of obligations of the United States of America, obligations of the state of New York, or obligation of any political subdivision, school district or district corporation of the state of New York.

(d) All certificates of participation shall contain the following clause: "This certificate shall be deemed executory only to the extent of monies appropriated and available for the purpose of the installment purchase contract to which it relates, and no liability on account thereof shall be incurred by the political subdivision beyond the amount of such monies. The installment purchase contract is not a general obligation of (insert name of political subdivision(s)). Neither the full faith and credit nor the taxing power of (insert name of political subdivision(s)) are pledged to the payment of any amount due or to become due under such installment purchase contract. It is understood that neither this certificate nor any representation by any public employee or officer creates any legal or moral obligation to appropriate or make monies available for the purpose of the contract."

Agency certificates of participation shall also bear the following legend: "Further, the installment purchase contract is not a general obligation of the state of New York municipal bond bank agency. Neither the full faith and credit nor the taxing power of the state of New York are pledged to the payment of any amounts due or to become due under such installment purchase contract."

5. (a) If an authorization for the issuance of obligations to finance

the equipment, machinery or apparatus would have been required by law to be subject to a permissive or mandatory referendum, then the authorization to enter into an installment purchase contract shall be subject to a permissive or mandatory referendum, as the case may be, in the same manner as provided for such referendum on the issuance of obligations.

(b) If the authorization for the issuance of obligations to finance the equipment, machinery or apparatus would have been required by law to be subject to: (i) a certain supermajority vote of the governing board, (ii) a mandatory or permissive referendum, or (iii) both, then the authorization to enter into an installment purchase contract for equipment, machinery or apparatus shall be subject to such vote, referendum or such referendum and vote, as the case may be, in the same manner as provided for such vote and/or referendum on the issuance of obligations.

(c) If the authorization for the issuance of obligations would have been subject to a referendum only if the obligations had a maturity of more than five years or not less than some other minimum period, then the authorization to enter into the installment purchase contract shall be subject to referendum only if the term of the contract is equal to or more than such minimum period of maturity.

6. (a) Installment purchase contracts made pursuant to this section, together with any certificates of participation executed and delivered or caused to be executed and delivered in connection therewith, shall not constitute or create indebtedness of the state or a political subdivision for purposes of article seven or eight of the state constitution or section 20.00 of the local finance law, nor shall they constitute a contractual obligation in excess of the amounts appropriated therefor. Neither the state nor a political subdivision has any continuing legal or moral obligation to appropriate money for said payments or other obligations due under the installment purchase contract. No installment purchase contract shall contain any provision which, in the event of non-appropriation, precludes a political subdivision from acquiring equipment, machinery or apparatus for the same or similar purpose as the equipment, machinery or apparatus included in the installment purchase contract for a period of more than

sixty days from the date of expiration, termination or cancellation of such contract, provided, however, that in no case shall an installment purchase contract contain any provision which would preclude a political subdivision from performing any statutorily or constitutionally required duties or functions, or require the political subdivision to pay liquidated damages.

(b) In the case of the failure to appropriate, the sole security, apart from any security provided by a credit enhancement, for any remaining periodic payments shall be the equipment, machinery or apparatus subject to the installment purchase contract, and if certificates of participation are executed and delivered or caused to be executed and delivered, reserve funds, if any, or any remaining proceeds from certificates executed and delivered by or on behalf of the political subdivision. Any installment purchase contract or any agreement for the execution and delivery of certificates of participation to fund an installment purchase contract may provide that the installment purchase contract or certificates of participation are secured by the underlying equipment, machinery or apparatus and that, in the event the political subdivision fails to appropriate funds sufficient for payments required under the contract, the financed equipment, machinery or apparatus may be sold on behalf of the holders of the certificates or other person entitled to receive payments under the installment purchase contract, provided that any excess proceeds from such a sale, after deduction for and payment of fees, expenses and any taxes levied on the sale, and distribution to the holders of the certificates in the amount of the face value of the certificates plus accrued interest shall be paid to the political subdivision.

(c) The aggregate amount of unpaid periodic payments, excluding interest, to be made under any outstanding installment purchase contract shall be deemed to be existing indebtedness for the purpose of determining the power of any political subdivision to contract indebtedness under section 104.00 of the local finance law. No political subdivision shall enter into any installment purchase contract if the amount of unpaid periodic payments, excluding interest, proposed to be made under such installment purchase contract and those outstanding, together with the amount of outstanding indebtedness, would exceed one hundred fifteen percent of the limit prescribed by such section 104.00

or if the total amount of such payments, excluding interest, under such proposed contract and those outstanding would exceed forty percent of such limit.

7. A political subdivision shall not have the power to enter into an installment purchase contract except as authorized in this section or the education law and nothing in this section shall authorize the conveyance or lease of property owned by a political subdivision except as authorized by law.

8. Whether or not certificates of participation are of such form and character as to be negotiable instruments under the terms of the uniform commercial code, the certificates of participation are hereby made negotiable instruments within the meaning of and for all purposes of the uniform commercial code, subject only to the provisions of the certificates of participation for registration.

9. All installment purchase contracts and certificates of participation of a political subdivision and the interest thereon, shall be exempt from taxation for municipal and state purposes.

10. Certificates of participation are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or in other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them; and are also hereby made securities which may be deposited with and may be received by all public officers and bodies of the state and all municipalities and public corporations for any purpose for which the deposit of bonds or other obligations of the state is now or may hereafter be authorized.

11. Enactment of this section shall not be constructed as invalidating any installment purchase contract for an improvement to real property entered into by a political subdivision prior to the effective date of such enactment.

12. References in this section to the agency and agency certificates of participation shall cease to have force and effect on and after July first, nineteen hundred ninety-two.

* NB Repealed July 15, 2027

§ 109-c. Purchases through county contracts by certain not-for-profit corporations. Not-for-profit corporations that provide a service to a county are authorized to make purchases or to contract for services other than services subject to article eight or any provisions of the labor law and other than purchases of motor fuel, diesel motor fuel or cigarettes, through the county which the not-for-profit has a contract with. Such purchases or contracts for services made through a county contract by a not-for-profit shall directly relate to the service for which the not-for-profit provides to such county. The county may establish limitations with respect to commodities and services and impose such other appropriate conditions upon purchasing as deemed necessary by the chief fiscal officer of the county in order to protect the county's own purchasing interests; and such not-for-profit corporation shall make any purchase pursuant to this section in its own name and accept sole responsibility for any payment due to the vendor and such not-for-profit corporation and vendor shall each be responsible for any tax due with respect to the purchases by the not-for-profit corporation. Nothing in this section shall be construed as altering any tax exemption afforded to the not-for-profit corporation or as creating a principal/agent relationship between the county and not-for-profit corporation.

§ 109-d. Emergency vehicle warranties. 1. Definitions. As used in this section:

a. "Ambulance" means a motor vehicle designed, appropriately equipped and used for the purpose of: (i) transporting emergency medical personnel and equipment to sick or injured persons; and (ii) carrying sick or injured persons by a person or entity registered or certified as an ambulance service by the department of health, that was subject to a manufacturer's express warranty at the time of original delivery and was purchased or transferred in this state within either the first eighteen thousand miles of operation or two years from the date of original delivery, whichever is earlier.

b. "Fire vehicle" means a motor vehicle specially designed and equipped for firefighting purposes which was subject to a manufacturer's express warranty at the time of original delivery and was purchased or transferred in this state within either the first two thousand hours of service or two years from the date of original delivery, whichever is earlier.

c. "Municipal consumer" means a political subdivision or fire company which is the purchaser or transferee of a fire vehicle or ambulance and any other person entitled by the terms of the warranty to enforce the obligations of such warranty.

d. "Warranty" means the written warranty, so labeled, of the manufacturer and any other warranties set forth in the manufacturer's or its agent's bid or offer submitted where competitive bidding is required by statute, rule, regulation or local law, including but not limited to, a bid or offer submitted pursuant to the competitive bidding requirements of section one hundred three of this article, and including any conditions precedent to the enforcement of obligations under such warranties.

2. Warranties. a. (i) If a new fire vehicle which is sold and registered in this state does not conform to all express warranties during the first two thousand hours of service or during the period of two years following the date of original delivery of the fire vehicle to the municipal consumer, whichever is the earlier date, or if a new

ambulance which is sold and registered in this state does not conform to all express warranties during the first eighteen thousand miles of operation or during the period of two years following the date of original delivery of the ambulance to the municipal consumer, whichever is the earlier date, the municipal consumer shall during such period report the nonconformity, defect or condition to the manufacturer, its agent or its authorized dealer. If the notification is received by the manufacturer's agent or authorized dealer, the agent or dealer shall within seven days forward written notice thereof to the manufacturer by certified mail, return receipt requested, and shall include in such notice a statement indicating whether or not such repairs have been undertaken. The manufacturer, its agent or its authorized dealer shall correct said nonconformity, defect or condition at no charge to the municipal consumer, notwithstanding the fact that such repairs are made after the expiration of such period of operation or such two year period.

(ii) If a manufacturer's agent or authorized dealer refuses to undertake repairs within seven days of receipt of the notice by a municipal consumer of a nonconformity, defect or condition pursuant to subparagraph (i) of this paragraph, the municipal consumer may immediately forward written notice of such refusal to the manufacturer by certified mail, return receipt requested. The manufacturer or its authorized agent shall have twenty days from receipt of such notice of refusal to commence such repairs. If within such twenty day period, the manufacturer or its authorized agent fails to commence such repairs, the manufacturer, at the option of the municipal consumer, shall replace the fire vehicle or ambulance with a comparable vehicle, or accept return of the fire vehicle or ambulance from the municipal consumer and refund to the municipal consumer the full purchase price plus fees and charges. Such fees and charges shall include but not be limited to all license fees, registration fees and any similar governmental charges, less a reasonable allowance for any damage not attributable to normal wear or improvements.

b. (i) If, within the period specified in paragraph a of this subdivision, the manufacturer or its agents or authorized dealers are unable to repair or correct any defect or condition which substantially impairs the value of the fire vehicle or ambulance to the municipal consumer after a reasonable number of attempts, the manufacturer, at the option of the municipal consumer, shall replace the fire vehicle or ambulance with a comparable vehicle, or accept return of the fire vehicle or ambulance from the municipal consumer and refund to the municipal consumer the full purchase price plus fees and charges. Any return of a fire vehicle or ambulance may, at the option of the municipal consumer, be made to the dealer or other authorized agent of the manufacturer who sold such fire vehicle or ambulance to the municipal consumer or to the dealer or other authorized agent who attempted to repair or correct the defect or condition which necessitated the return and shall not be subject to any further shipping charges. Such fees and charges shall include but not be limited to all license fees, registration fees and any similar governmental charges, less a reasonable allowance for any damage not attributable to normal wear or improvements.

(ii) A manufacturer which accepts return of a fire vehicle or ambulance because such vehicle does not conform to its warranty shall notify the commissioner of motor vehicles that the fire vehicle or ambulance was returned to the manufacturer for nonconformity to its warranty and shall disclose, in accordance with the provisions of section four hundred seventeen-c of the vehicle and traffic law prior to resale either at wholesale or retail, that it was previously returned to the manufacturer for nonconformity to its warranty. Refunds shall be made to the municipal consumer and lienholder, if any, as their interests may appear on the records of ownership kept by the department of motor vehicles.

(iii) It shall be an affirmative defense to any claim under this section that:

(A) the nonconformity, defect or condition does not substantially impair the value of the fire vehicle or ambulance; or

(B) the nonconformity, defect or condition is the result of abuse, neglect, or unauthorized modifications or alterations of the fire vehicle or ambulance.

c. It shall be presumed that a reasonable number of attempts have been undertaken to conform a fire vehicle or ambulance to the applicable express warranties, if:

(i) the same nonconformity, defect or condition has been subject to repair four or more times by the manufacturer or its agents or authorized dealers within the first two thousand hours of service or during the period of two years following the date of original delivery of the fire vehicle to a municipal consumer, whichever is the earlier date, or, within the first eighteen thousand miles of operation or during the period of two years following the date of original delivery of the ambulance to a municipal consumer, whichever is the earlier date, but such nonconformity, defect or condition continues to exist; or

(ii) the fire vehicle or ambulance is out of service by reason of repair of one or more nonconformities, defects or conditions for a cumulative total of thirty or more calendar days during either period, whichever is the earlier date.

d. The term of an express warranty, the two year warranty period and the thirty day out of service period shall be extended by any time during which repair services are not available to the municipal consumer because of a war, invasion or strike, fire, flood or other natural disaster.

3. Informal dispute settlement. a. (i) If a manufacturer has established an informal dispute settlement mechanism, such mechanism shall comply in all respects with the provisions of this section; provided, however, that the provisions of subdivision two of this section concerning refunds or replacement shall not apply to any municipal consumer who has not first resorted to such mechanism. In the event that an arbitrator in such an informal dispute mechanism awards a refund or replacement fire vehicle or ambulance, he or she shall not reduce the award to an amount less than the full purchase price or a fire vehicle or ambulance of equal value, plus all fees and charges except to the extent such reductions are specifically permitted under subdivision two of this section.

(ii) A manufacturer shall have up to thirty days from the date the municipal consumer notifies the manufacturer of their acceptance of the arbitrator's decision to comply with the terms of that decision. Failure to comply with the thirty day limitation shall also entitle the municipal consumer to recover a fee of twenty-five dollars for each business day of noncompliance up to five hundred dollars. Provided, however, that nothing contained in this paragraph shall impose any liability on a manufacturer where a delay beyond the thirty day period is attributable to a municipal consumer who has requested a replacement fire vehicle or ambulance built to order or with options that are not comparable to the vehicle being replaced or otherwise made compliance impossible within said period. In no event shall a municipal consumer who has resorted to an informal dispute settlement mechanism be precluded from seeking the rights or remedies available by law.

b. (i) Each municipal consumer shall have the option of submitting any dispute arising under this section upon the payment of a prescribed filing fee to an alternate arbitration mechanism established pursuant to regulations promulgated hereunder by the New York state attorney general. Upon application of the municipal consumer and payment of the filing fee, all manufacturers shall submit to such alternate arbitration. Such alternate arbitration shall be conducted by a professional arbitrator or arbitration firm appointed by and under regulations established by the New York state attorney general. Such mechanism shall insure the personal objectivity of its arbitrators and the right of each party to present its case, to be in attendance during any presentation made by the other party and to rebut or refute such presentation. In all other respects, such alternate arbitration mechanism shall be governed by article seventy-five of the civil practice law and rules; provided, however, that notwithstanding paragraph (i) of subdivision (a) of section seventy-five hundred two of the civil practice law and rules, special proceedings brought before a court pursuant to such article seventy-five in relation to an arbitration hereunder shall be brought only in the county where the municipal consumer is located or where the arbitration was held or is pending.

(ii) A court may award reasonable attorney's fees to a municipal consumer who prevails in any judicial action or proceeding arising out of an arbitration proceeding held pursuant to subparagraph (i) of this paragraph. In the event a municipal consumer is required to retain the services of an attorney to enforce collection of an award granted pursuant to this section, the court may assess against the manufacturer reasonable attorney's fees for services rendered to enforce collection of said award.

c. (i) Each manufacturer shall require that each informal dispute settlement mechanism used by it provide, at a minimum, the following:

(A) that the arbitrators participating in such mechanism are trained in arbitration and familiar with the provisions of this section, that the arbitrators and municipal consumers who request arbitration are provided with a written copy of the provisions of this section, together with the notice set forth below entitled "NEW EMERGENCY VEHICLE LEMON LAW BILL OF RIGHTS", and that municipal consumers, upon request, are given an opportunity to make an oral presentation to the arbitrator;

(B) that the rights and procedures used in the mechanism comply with federal regulations promulgated by the federal trade commission relating to informal dispute settlement mechanisms; and

(C) that the remedies set forth under paragraph c of subdivision two of this section are awarded if, after a reasonable number of attempts have been undertaken under paragraph d of subdivision two of this section to conform the vehicle to the express warranties, the defect or nonconformity still exists.

(ii) The following notice shall be provided to municipal consumers and arbitrators and shall be printed in conspicuous ten point bold face type:

NEW EMERGENCY VEHICLE LEMON LAW BILL OF RIGHTS

(1) IN ADDITION TO ANY WARRANTIES OFFERED BY THE MANUFACTURER, YOUR NEW FIRE VEHICLE, IF PURCHASED AND REGISTERED IN NEW YORK STATE, IS WARRANTED AGAINST ALL MATERIAL DEFECTS FOR THE FIRST TWO THOUSAND HOURS OF OPERATION OR TWO YEARS, WHICHEVER COMES FIRST AND YOUR NEW AMBULANCE, IF PURCHASED AND REGISTERED IN NEW YORK STATE, IS WARRANTED AGAINST ALL MATERIAL DEFECTS FOR THE FIRST EIGHTEEN THOUSAND MILES OR TWO YEARS, WHICHEVER COMES FIRST.

(2) YOU MUST REPORT ANY PROBLEMS TO THE MANUFACTURER, ITS AGENT OR AUTHORIZED DEALER.

(3) UPON NOTIFICATION, THE PROBLEM MUST BE CORRECTED FREE OF CHARGE.

(4) IF THE SAME PROBLEM CANNOT BE REPAIRED AFTER FOUR OR MORE ATTEMPTS; OR IF YOUR FIRE VEHICLE OR AMBULANCE IS OUT OF SERVICE TO

REPAIR A PROBLEM FOR A TOTAL OF THIRTY DAYS DURING THE WARRANTY PERIOD; OR IF THE MANUFACTURER OR ITS AGENT REFUSES TO REPAIR A SUBSTANTIAL DEFECT OR CONDITION WITHIN TWENTY DAYS OF RECEIPT OF NOTICE SENT BY YOU TO THE MANUFACTURER BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED; THEN YOU MAY BE ENTITLED TO EITHER A COMPARABLE FIRE VEHICLE OR AMBULANCE, OR, A REFUND OF YOUR PURCHASE PRICE PLUS LICENSE AND REGISTRATION FEES.

(5) A MANUFACTURER MAY DENY LIABILITY IF THE PROBLEM IS CAUSED BY ABUSE, NEGLECT, OR UNAUTHORIZED MODIFICATIONS OF THE FIRE VEHICLE OR AMBULANCE.

(6) A MANUFACTURER MAY REFUSE TO EXCHANGE A COMPARABLE FIRE VEHICLE OR AMBULANCE, OR, REFUND YOUR PURCHASE PRICE IF THE PROBLEM DOES NOT SUBSTANTIALLY IMPAIR THE VALUE OF YOUR FIRE VEHICLE OR AMBULANCE.

(7) IF A MANUFACTURER HAS ESTABLISHED AN ARBITRATION PROCEDURE, THE MANUFACTURER MAY REFUSE TO EXCHANGE A COMPARABLE FIRE VEHICLE OR AMBULANCE, OR, REFUND YOUR PURCHASE PRICE UNTIL YOU FIRST RESORT TO THE PROCEDURE.

(8) IF THE MANUFACTURER DOES NOT HAVE AN ARBITRATION PROCEDURE, YOU MAY RESORT TO ANY REMEDY BY LAW AND MAY BE ENTITLED TO YOUR ATTORNEY'S FEES IF YOU PREVAIL.

(9) NO CONTRACT OR AGREEMENT CAN VOID ANY OF THESE RIGHTS.

(10) AS AN ALTERNATIVE TO THE ARBITRATION PROCEDURE MADE AVAILABLE THROUGH THE MANUFACTURER, YOU MAY INSTEAD CHOOSE TO SUBMIT YOUR CLAIM TO AN INDEPENDENT ARBITRATOR, APPROVED BY THE ATTORNEY GENERAL. YOU MAY HAVE TO PAY A FEE FOR SUCH AN ARBITRATION. CONTACT THE ATTORNEY GENERAL'S OFFICE TO FIND OUT HOW TO ARRANGE FOR INDEPENDENT ARBITRATION.

(iii) All informal dispute settlement mechanisms shall maintain the following records:

(A) the number of purchase price refunds and fire vehicle and ambulance replacements requested, the number of each awarded in arbitration, the amount of each award and the number of awards that were complied with in a timely manner;

(B) the number of awards where additional repairs or a warranty extension was the most prominent remedy, the amount or value of each award, and the number of such awards that were complied with in a timely manner;

(C) the number and total dollar amount of awards where some form of reimbursement for expenses or compensation for losses was the most prominent remedy, the amount or value of each award and the number of such awards that were complied with in a timely manner; and

(D) the average number of days from the date of a municipal consumer's initial request to arbitrate until the date of the final arbitrator's decision and the average number of days from the date of the final arbitrator's decision to the date on which performance was satisfactorily carried out.

d. Any action brought pursuant to this section shall be commenced within four years of the date of original delivery of the fire vehicle or ambulance to the municipal consumer.

4. Notice of rights. At the time of purchase of a fire vehicle or ambulance, the manufacturer, its agent or authorized dealer shall provide to the municipal consumer a notice, printed in not less than eight point bold face type, entitled "New Emergency Vehicle Lemon Law Bill of Rights". The text of such notice shall be identical with the notice required by paragraph c of subdivision three of this section.

5. Void agreements. Any agreement entered into by a municipal consumer for the purchase of a new fire vehicle or ambulance which waives, limits or disclaims the rights set forth in this section shall be void as contrary to public policy. Said rights shall inure to a subsequent transferee of such fire vehicle or ambulance. Any provision of any agreement entered into by a municipal consumer for the purchase of a new fire vehicle or ambulance which includes as an additional cost for such vehicle an expense identified as being for the purpose of affording such municipal consumer their rights under this section, shall be void as contrary to public policy.

6. Preservation of rights. Nothing in this section shall in any way limit the rights or remedies which are otherwise available to a municipal consumer under any other law.

ARTICLE 5-B

COMMON WATER SUPPLIES

§ 110. Definition. The term "municipality" as used in this article shall mean a city, a village, a county on behalf of a county water district and a town acting on behalf of a water district or water storage and distribution district, including a water district governed by a separate board of commissioners.

§ 111. Contracts. Two or more municipalities are hereby empowered to enter into a contract to provide for a common supply of water, including joint acquisition, construction, operation and maintenance. Such contract shall provide for the method of acquisition or construction of the common supply; the management and operation of the system; the method of fixing the proportionate share of each participating municipality and of making contributions; the method of making annual adjustments of the proportionate shares of the annual cost and expense; the method of collection of water rates and other charges, and enforcement thereof; the accumulation of reserves; the fixing of rate schedules and other charges; the adoption of rules and regulations covering the operation of the system and the conditions of sale; the adjudication of disputes and all other matters necessary to effectuate such an arrangement.

§ 112. Acquisition of a common supply. A common supply of water may be acquired and developed (including acquisition or construction of all facilities necessary for distribution of water in bulk) by all of the contracting municipalities acting jointly or by the individual action of one of the contracting municipalities, acting for all of the contracting municipalities, as such municipalities may provide in the contract, or, pursuant to contract therewith, by a public authority which possesses express reciprocal powers of contract. Regardless of the method agreed upon, title to all real or personal property acquired or constructed shall be held jointly in the names of all of the contracting municipalities subject to such provisions for disposition as the contract between such municipalities may contain.

Rider I. Such water authority shall be deemed the agent of the county or counties which are a party or parties to such contract. If such contract shall authorize the water authority to purchase supplies or equipment or to construct public works, such authority shall be subject to all provisions of law to which a county would be subject in relation to advertising and awarding any such contracts for supplies, equipment or public works.

§ 112-a. Certain acquisitions by eminent domain. Notwithstanding any provision of the eminent domain procedure law to the contrary, in any proceeding brought pursuant to such law, by any municipal corporation located in the county of Nassau regarding the Jamaica water supply company, title shall vest in the municipal corporation and compensation shall be paid only (a) upon a decision by the supreme court that compensation for the property so condemned shall be determined solely by the income capitalization method of valuation, based on the actual net income as allowed by the public service commission, and (b) upon such court's determination of the amount of such compensation, based upon the income capitalization method, entry of the final judgment, the filing of the final decree, and the conclusion of any appeal or expiration of the time to file an appeal related to the condemnation proceeding. Should any court determine that a method of compensation other than the income capitalization method be utilized, or if the proposed award is more than the rate base of the assets taken in condemnation as utilized by the public service commission in setting rates and as certified by the public service commission, the municipal corporation may withdraw the condemnation proceeding without prejudice or costs to any party.

§ 113. Management and operation. The joint water works system may be managed and operated by a joint operating agency, by one of the contracting municipalities or by contract with a public authority as the contracting municipalities shall provide. A contract with a public authority shall provide for periodic reports of operations to the participating municipalities.

§ 114. Costs. The cost of providing a common supply of water may be financed either by the issuance and sale of the joint obligations of the contracting municipalities or by individual issuance and sale of obligations to finance the proportionate share of each contracting municipality, as such shares shall be fixed pursuant to the contract. In the event that the acquisition and development of a common water supply and the construction of a water works system shall be effected by the individual action of one of the contracting municipalities, it shall be lawful for any of the other contracting municipalities to make a lump sum payment to such contracting municipality either from moneys on hand and available for such purpose or from moneys received from the issuance and sale of obligations. Nothing herein contained shall prevent the purchase or condemnation of existing sources of supply, water works systems or portions thereof necessary for the purposes of the joint project, provided, however, that there shall be no power to condemn property the legal title to which is vested in a public corporation, district corporation or a special improvement district unless the owner shall consent thereto. In the event that any source of water supply, water works system or portion thereof owned by one of the contracting municipalities is acquired for the purposes of the common supply and joint water works system, such municipality may be allowed a credit against its share of the cost equal to the agreed value of the assets so acquired.

§ 115. Sale of Water. Water shall be sold in bulk to the several contracting municipalities. Rates shall be fixed in such amounts that revenue therefrom shall be at least sufficient to pay all estimated annual costs of operation and maintenance and debt service on all obligations issued for the purposes of a common supply, whether or not such obligations are joint obligations. In the event that such revenues in any year are insufficient, the excess of cost over revenues may be apportioned to the participating municipalities and shall be assessed by each against the real property within its boundaries.

§ 116. Authorization to participate. Before any municipality shall participate in a joint project pursuant to this article, it shall authorize such participation by taking the same procedural steps which it would be required to take if it proposed to effectuate such improvements itself. Other municipalities may be permitted to participate in the joint project by making a lump sum contribution in such amount and such manner as the original participating municipalities may determine. Necessary funds for such contribution may be raised in the manner provided in the local finance law.

§ 117. Jurisdiction of state agencies. Nothing contained in this article shall be held to alter or abridge the powers and duties of the state department of health or of the water power and control commission over water supply matters.

ARTICLE 5-C

WATER SUPPLY

§ 118. Development of a supply of water for sale. Any city or village, any county on behalf of a county water district and any town on behalf of a town water district or water storage and distribution district may, in addition to all other powers possessed with respect to the development and distribution of water, provide for the development of a supply of water in excess of its own needs, for the purpose of sale to a public corporation or improvement district which possesses the power to purchase a supply of water, and, any provision of law to the contrary notwithstanding, may contract indebtedness for such purpose. The term "public corporation" as used in this article shall mean a public corporation as defined in the general corporations law.

§ 118-a. Contracts. Any municipality authorized herein to develop a supply of water for sale is hereby empowered to enter into contracts for such periods as it may deem necessary but not in excess of forty years. Such contracts may contain provisions for establishment and revision of charges for water, for adjudication of disputes and, in return for a guaranteed minimum consumption by the purchaser, for the application of conservation methods by the seller when necessary to preserve such excess.

§ 118-b. Jurisdiction of other state agencies. Nothing contained in this article shall be held to alter or abridge the powers and duties of the state department of health or of the water power and control commission over water supply matters.

§ 118-c. Financing. Any municipal corporation shall have the power to enter into contracts with any public benefit corporation created pursuant to article five of the public authorities law which is authorized by law to furnish water to such municipal corporation, providing for the financing of the acquisition and construction of improvements to the water supply system or water distribution system of such municipal corporation. The terms of such contract may include, among other provisions, provisions requiring such municipal corporation to purchase water only from such public authority during the term of such contract, and which term shall be limited to the lesser of (i) thirty years or (ii) the probable useful life of the items for which any bonds are issued by such public benefit corporation to finance the acquisition and construction of improvements to such water supply system or water distribution system. The resolution of the municipal governing body authorizing the municipality to enter into the contract for financing shall be subject to the same referendum requirements as if it were a resolution of the municipality to authorize the sale of bonds for the same purpose and amount. For purposes of this section, the term "municipal corporation" shall mean any city or village or any county on behalf of a county water district or any town on behalf of a town water district, water storage and distribution district or water improvement area.

ARTICLE 5-D
SEWAGE DISPOSAL

§ 119. Construction and development of excess sewage capacity. Any city or village, any county on behalf of a county sewer district and any town on behalf of a town sewer district or sewage disposal district may, in addition to all other powers possessed with respect to the construction and development of sewage facilities, provide for the construction and development of capacity in excess of its own needs for conveyance, treatment and disposal of sewage for the purpose of conveying, treating and disposing of sewage of another public corporation or improvement district, and, any provision of law to the contrary notwithstanding, may contract indebtedness for such purpose. The term "public corporation" as used in this article shall mean a public corporation as defined in the general corporation law.

§ 119-a. Contracts. Any municipality authorized herein to construct and develop sewage facilities in excess of its own needs is hereby empowered to enter into contracts for such periods as it may deem necessary but not in excess of forty years. Such contracts may contain provisions for establishment and revision of charges for conveyance, treatment and disposal of sewage and for adjudication of disputes.

§ 119-b. Jurisdiction of other state agencies. Nothing contained in this article shall be held to alter or abridge the powers and duties of the state department of health, the state conservation department or the water pollution control board over sewage treatment and disposal matters.

ARTICLE 5-E

DRAINAGE

§ 119-c. Construction and development of excess drainage facilities. Any city, town or village, any county on behalf of a county drainage district and any town on behalf of a town drainage district may, in addition to all other powers possessed with respect to the construction and development of drainage facilities, provide for the construction and development of capacity in excess of its own needs for the purpose of conveying and disposing of storm waters and other surface or sub-surface waters collected by another public corporation or improvement district, and, any provision of law to the contrary notwithstanding, may contract indebtedness for such purpose. The term "public corporation" as used in this article shall mean a public corporation as defined in the general corporations law.

§ 119-d. Contracts. Any municipality authorized herein to construct and develop drainage facilities in excess of its own needs is hereby empowered to enter into contracts for such periods as it may deem necessary but not in excess of forty years. Such contracts may contain provisions for establishment and revision of charges for conveyance and disposing of storm water and other surface and sub-surface waters so collected and for adjudication of disputes.

§ 119-e. Jurisdiction of state agencies. Nothing contained in this article shall be held to alter or abridge the powers and duties of any state department or agency in relation to drainage matters.

ARTICLE 5-F

COMMON DRAINAGE FACILITIES

§ 119-f. Definition. The term "municipality" as used in this article shall mean a city, a village, a county on behalf of a county drainage district, a town and a town acting on behalf of a town drainage district.

§ 119-g. Contracts. Two or more municipalities are hereby empowered to enter into contracts to provide for common drainage facilities, including joint acquisition, construction, operation and maintenance. Such contracts shall provide for the method of acquisition or construction of the common facilities; the management and operation of the system; the method of fixing the proportionate share of each participating municipality and of making contributions; the method of making annual adjustments of the proportionate shares of the annual cost and expense; the adoption of rules and regulations covering the operation of the system; the adjudication of disputes and all other matters necessary to effectuate such an arrangement.

§ 119-h. Development of common facilities. Common drainage facilities may be acquired and developed by all of the contracting municipalities acting jointly or by the individual action of one of the contracting municipalities, acting for all of the contracting municipalities, as such municipalities may provide in the contract. Regardless of the method agreed upon, title to all real or personal property acquired or constructed shall be held jointly in the names of all of the contracting municipalities subject to such provisions for disposition as the contract between such municipalities may contain.

§ 119-i. Management and operation. The common facilities may be managed and operated by a joint operating agency or by one of the participating municipalities.

§ 119-j. Costs. The share of each participating municipality of the cost of providing common drainage facilities shall be fixed by the contract. In the event that the acquisition and development of common drainage facilities shall be effected by the individual action of one of the participating municipalities, it shall be lawful for any of the other participating municipalities to make a lump sum payment of its share from moneys on hand and available for such purpose. Nothing herein contained shall prevent the purchase or condemnation of existing drainage facilities or portions thereof necessary for the purposes of the joint project, provided, however, that there shall be no power to condemn property the legal title to which is vested in a public corporation, district corporation or a special improvement district unless the owner shall consent thereto. In the event that any drainage facility owned by one of the participating municipalities is acquired for the purpose of the common facilities, such municipality may be allowed a credit against its share of the cost equal to the agreed value of the assets so acquired. The share of each participating municipality may be paid from taxes levied for the fiscal year in which such expenditure is to be made or may be financed as provided in title one-A of article two of the local finance law.

§ 119-k. Authorization to participate. Before any municipality shall participate in a joint project pursuant to this article, it shall authorize such participation by taking the same procedural steps which it would be required to take if it proposed to effectuate such improvements itself. Other municipalities may be permitted to participate in the joint project by making a lump sum contribution in such amount and such manner as the original participating municipalities may determine.

§ 119-l. Jurisdiction of state agencies. Nothing contained in this article shall be held to alter or abridge the powers and duties of the state conservation department or any other state department or agency over drainage matters.

ARTICLE 5-G

MUNICIPAL COOPERATION

§ 119-m. Legislative intent. The provisions of this article are designed to effectuate in part (1) section two-a of article eight of the constitution and (2) section one of article eight of the constitution as amended January first, nineteen hundred sixty, and shall be in addition to and not in substitution for or in limitation of any other authorization for performance by municipal corporations or districts of their functions, powers or duties on a cooperative, joint or contract basis.

§ 119-n. Definitions. As used herein:

a. The term "municipal corporation" means a county outside the city of New York, a city, a town, a village, a board of cooperative educational services, fire district or a school district.

b. The term "district" means a county or town improvement district for which the county or town or towns in which such district is located is or are required to pledge its or their faith and credit for the payment of the principal of and interest on all indebtedness to be contracted for the purposes of such district. The term "district" shall also mean, for the purposes of joining a municipal cooperative health benefit plan authorized under article forty-seven of the insurance law, a soil and water conservation district established under the soil and water conservation districts law.

c. The term "joint service" means joint provision of any municipal facility, service, activity, project or undertaking or the joint performance or exercise of any function or power which each of the municipal corporations or districts has the power by any other general or special law to provide, perform or exercise, separately and, to effectuate the purposes of this article, shall include extension of appropriate territorial jurisdiction necessary therefor.

d. The term "joint water, sewage or drainage project" means a joint project to provide for a common supply of water, the common conveyance, treatment and disposal of sewage or a common drainage system, as described in paragraphs B, D and F of section two-a of article eight of the constitution.

e. The term "voting strength" means the aggregate number of votes which all the members of the local governing body of a municipal corporation or district are entitled to cast.

§ 119-o. Performance of municipal cooperative activities; alternative powers; alternative assignment of responsibilities. 1. In addition to any other general or special powers vested in municipal corporations and districts for the performance of their respective functions, powers or duties on an individual, cooperative, joint or contract basis, municipal corporations and districts shall have power to enter into, amend, cancel and terminate agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service or a joint water, sewage or drainage project. Notwithstanding the foregoing grant of authority, the temporary investment of moneys by more than one municipal corporation or district pursuant to a municipal cooperation agreement which meets the definition of "cooperative investment agreement" as set forth in article three-A of this chapter shall be in compliance with all of the requirements of that article. Any agreement entered into hereunder shall be approved by each participating municipal corporation or district by a majority vote of the voting strength of its governing body. Where the authority of any municipal corporation or district to perform by itself any function, power and duty or to provide by itself any facility, service, activity, project or undertaking or the financing thereof is, by any other general or special law, subject to a public hearing, a mandatory or permissive referendum, consents of governmental agencies, or other requirements applicable to the making of contracts, then its right to participate in an agreement hereunder shall be similarly conditioned. Municipal corporations and districts shall also have the power to enter into, amend, cancel and terminate agreements with a soil and water conservation district established under the soil and water conservation districts law for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service or a joint project; provided, however, that the exercise of any powers and duties under this article by a soil and water conservation district shall be subject to the powers, duties and limitations in section nine of the soil and water conservation districts law.

2. An agreement may contain provisions relating to:

a. A method or formula for equitably providing for and allocating revenues and for equitably allocating and financing the capital and operating costs, including payments to reserve funds authorized by law and payments of principal and interest on obligations. Such method or formula shall be established by the participating corporations or districts on a ratio of full valuations of real property, or on the basis of the amount of services rendered or to be rendered, or benefits received or conferred or to be received or conferred, or on the increase in taxable assessed value attributable to the function, facility, service, activity or project which is the subject of an agreement, or on any other equitable basis, including the levying of taxes or assessments to pay such costs on the entire area of the corporation or district, or on a part thereof, which is benefited or which receives the service.

b. The manner of employing, engaging, compensating, transferring or discharging necessary personnel, subject, however, to the provisions of the civil service law where applicable; the making of employer's contributions for retirement, social security, health insurance, workers' compensation, volunteer firefighter and volunteer ambulance worker benefits, including participation in a public group self-insurer, and other similar benefits; the approval of attendances at conventions, conferences and schools for public officials and the approval and payment of travel and other expenses incurred in the performance of official duties; the bonding of designated officers and employees; the filing of oaths of office and resignations consistent with general laws applicable thereto; provisions that for specific purposes designated officers or employees of the joint service or a joint water, sewage or drainage project shall be deemed those of a specified participating corporation or district; and provisions that personnel assigned to a joint service or a joint water, sewage or drainage project shall possess the same powers, duties, immunities and privileges they would ordinarily possess (1) if they performed their duties only in the corporation or district by which they are employed or (2) if they were employed by the corporation or district in which they are required to perform their duties.

c. Responsibility for the establishment, operation and maintenance of the joint service or joint water, sewage or drainage project and the officers responsible for the immediate supervision and control thereof; the fixing and collecting of charges, rates, rents or fees, where appropriate, and the making and promulgation of necessary rules and regulations and their enforcement by or with the assistance of the participating corporations and districts; the conduct of hearings and the determination of issues raised thereat; the making of necessary inspections; the keeping of records and the making of reports including those required by article three of the general municipal law; and limitations or restrictions on individual participating corporations and districts from providing or undertaking similar or competing facilities, services, activities, projects, or undertakings.

d. Purchasing and making of contracts subject to general laws applicable to municipal corporations and school districts.

e. Acquisition, ownership, custody, operation, maintenance, lease or sale of real or personal property.

f. Acceptance of gifts, grants or bequests.

g. Making of claims for federal or state aid payable to the individual or several participants on account of the joint service or a joint water, sewage or drainage project.

h. Custody by the fiscal officer of one participant of any or all moneys made available for expenditure for the joint service or a joint water, sewage or drainage project and authorization to such fiscal officer to make payments on audit of the auditing official or body of the participating corporation or district of which he is the fiscal officer.

i. Manner of responding for any liabilities that might be incurred in the operation of the joint service or a joint water, sewage or drainage project and insuring against any such liability.

j. Procedure for periodic review of the terms and conditions of the agreement, including those relating to its duration, extension or termination. The duration of an agreement hereinafter entered into, unless otherwise provided by law, may extend up to a maximum term of five years. With respect to agreements, the performance of which involves the issuance by the participants of indebtedness, either joint or several, the term of the agreement may extend up to a maximum period of time equal to the period of probable usefulness established by section 11.00 of the local finance law in connection with the object or purpose for which the indebtedness was issued. Nothing herein contained shall prevent or prohibit either the renewal of agreements upon conclusion of the terms established, or amendments, modifications, clarifications, or cancellations of agreements prior to conclusion of the terms established.

k. Adjudication of disputes or disagreements, the effects of failure of participating corporations or districts to pay their shares of the costs and expenses and the rights of the other participants in such cases.

l. Other matters as are reasonably necessary and proper to effectuate and progress the joint service or a joint water, sewage or drainage project.

m. A municipality may contract with another municipality or with a municipal housing authority of another municipality, for the construction, maintenance, operation or management of a public housing project.

3. Municipal corporations are authorized as provided herein to adopt a mutual sharing plan in order to undertake or receive any joint service on behalf of or by another municipal corporation which has adopted a mutual sharing plan. Services provided pursuant to such mutual sharing plan shall be subject to the alternative assignment of responsibility for certain expenses and liabilities relating to such joint service as provided by this subdivision.

a. A governing body may adopt a mutual sharing plan by local law, resolution or bylaw to confer the benefits of this section upon the employees of such municipal corporation and to be held liable for the costs incurred in the event of participation in a joint service with another municipal corporation which has adopted a mutual sharing plan. Such plan shall describe the officers or employees authorized to undertake or authorize receipt of a joint service pursuant to the mutual sharing plan, any limitations upon joint services which may be rendered or received pursuant to it, and how and when notice of joint services rendered or received pursuant to it shall be provided to the governing body.

b. Upon adoption of a mutual sharing plan, a municipal corporation may undertake or receive a joint service with another municipal corporation which has adopted a mutual sharing plan. The municipal corporation requesting the assistance of another municipal corporation pursuant to a mutual sharing plan shall be liable and responsible to the assisting municipal corporation for any loss of or damage to equipment employed in provision of such joint service or use of supplies upon provision of such joint service. Each municipal corporation shall be liable for salaries and other compensation due to their own employees for the time the employees are undertaking the joint service pursuant to a mutual sharing plan, however the municipal corporation receiving the service shall reimburse the assisting municipal corporation for actual and necessary expenses upon written notice of such claim.

c. The authority to adopt a mutual sharing plan and to undertake joint services pursuant to it shall be in addition to any other power or authority conferred on municipal corporations pursuant to this article or any other general or special law. A joint service may not be rendered pursuant to a mutual sharing plan where another agreement has been entered into pursuant to this section for such service between the assisting and receiving municipal corporations.

4. Any school district or board of cooperative educational services may join a panel established pursuant to article twelve-I of this chapter, and may further participate in any of the activities of such panel, with any participating county, town, city, village, fire district, fire protection district, or special improvement district participating in such panels. For cooperative agreements which involve functions, services, or provisions permitted by this section, school districts and boards of cooperative educational services shall be permitted to create and execute such agreements, when a part of the activity of such panel, without opinion or approval of the state education department.

§ 119-oo. Expenses. The board of supervisors of a county, the town board of a town, the common council of a city, and the board of trustees of a village, or the governing bodies of the participating municipalities comprising membership in a regional planning council or county planning board or agency are hereby authorized independently or in collaboration with other local governments, in their discretion, to appropriate and raise by taxation money for the expenses of such regional planning council or county planning board or agency; and such municipal corporations shall not be chargeable with any expense incurred by such regional planning council or county planning board or agency except pursuant to such an appropriation. In the case of any regional planning council whose membership consists only of counties, each such county is authorized to provide for the payment of the moneys so appropriated for the expenses of such council to an officer of the council designated by the council to receive such moneys, provided that before any such moneys shall be paid to such officer, such officer shall have executed an official undertaking conditioned for the faithful performance of his duties in the manner provided in section four hundred three of the county law and provided that such undertaking shall have been approved by the governing body of each county involved.

§ 119-000. Inclusion of Cornell University as a member of the governing body of an entity created by intermunicipal agreement to construct and operate water treatment plants and water distribution systems in or adjoining the county of Tompkins. 1. Notwithstanding any other provision of law to the contrary, the municipalities in or adjoining the county of Tompkins including, but not limited to, the towns of Ithaca, Dryden and Lansing, the villages of Cayuga Heights and Lansing, and the city of Ithaca, and Cornell University may jointly provide for water services in the municipalities in and adjoining the county of Tompkins and the water districts located within the municipalities in or adjoining the county of Tompkins.

2. In addition to the powers set forth in article five-B of this chapter and this article, the municipalities in or adjoining the county of Tompkins and water districts within such municipalities, shall have the power to, jointly with Cornell University:

a. Contract, acquire, finance and sell common water supplies;

b. Construct, operate, maintain, lease, sell, and otherwise deal in and supervise water intakes, water treatment plants, water lines, pumps, storage facilities, distribution facilities and all other activities normally or reasonably related to the provision of such services which municipalities individually are authorized to undertake; and

c. Create, continue, maintain and modify by agreement a governing body to supervise and operate such facilities which governing body may be made up of representatives from the participating municipalities and representatives from Cornell University.

3. The inclusion of Cornell University as a party to any such agreement, and the inclusion of any representatives of Cornell University as members of any governing body, shall not be deemed to change the characterization of such body as a municipal body with all of

the benefits, liabilities, immunities and responsibilities of a municipal body.

4. The powers granted by this section shall be in addition to and not in substitution of any other powers granted to the municipalities in or adjoining the county of Tompkins and Cornell University to provide water services, including, without limitation, the power to jointly contract for obtaining and operating such services pursuant to article five-B of this chapter and this article.

ARTICLE 5-H

PROJECTS RELATING TO THE USE OF ATMOSPHERIC WATER RESOURCES

§ 119-p. Projects relating to the use of atmospheric water resources. Every municipal corporation is, and any two or more municipal corporations are, hereby authorized and empowered to conduct or engage in projects, experiments and other activities designed to develop the use of atmospheric water resources, and to make scientific evaluations of such projects, experiments and other activities, or to contract therefor, and to appropriate and expend moneys therefor. In the case of a joint project by two or more municipal corporations, the share of the cost of such project or activity to be borne by each such municipal corporation shall be fixed by contract. The expenditure of moneys for such purpose by a municipal corporation shall be deemed a lawful municipal purpose and the moneys appropriated therefor shall be raised by tax upon the taxable real property within the municipal corporation in the same manner as moneys for other lawful municipal purposes. Each municipal corporation is hereby authorized to accept and disburse grants of public or private money or other aid paid or made available by the state or federal government for any such purpose.

ARTICLE 5-I

MASS TRANSPORTATION AND AIRPORT AND AVIATION FACILITIES

§ 119-q. Definitions. As used in this article, the following terms shall mean and include:

a. "Municipal corporation". A city, town, village, county not wholly contained within a city, special transportation district, public benefit corporation or other public corporation, or two or more of the foregoing acting jointly.

b. "Mass transportation capital project". The acquisition, construction, reconstruction or improvement of any rapid transit, railroad, railroad freight capital facility, omnibus, marine transportation or other mass transportation capital facility and any capital equipment used in connection therewith.

c. "Airport or aviation capital project." The acquisition, construction, reconstruction or improvement of an airport or aviation capital facility and any capital equipment used in connection therewith.

d. "Federal mass transportation operating assistance." Any federal financial assistance granted for the specific purpose of paying the operating expenses of any public transportation system, as such term is defined in section eighteen-a of the transportation law, or any rail freight system, in providing transportation services.

§ 119-r. Provision of mass transportation by certain municipal corporations. * 1. To assure the provision of mass transportation services to the public at adequate levels and at reasonable cost, every city, town, village or county not wholly contained within a city, shall have power to adopt local laws to authorize:

a. The acquisition, construction, reconstruction, improvement, equipment, maintenance, financing subject to the provisions of paragraph f of this subdivision, or operation of one or more mass transportation projects. Such municipal corporation shall have power to occupy or use any of the streets, roads, highways, avenues, parks or public places of such municipal corporation therefor and to agree upon and contract for the terms and conditions thereof.

b. The making of a contract or contracts for the acquisition by purchase of all or any part of the property, plant and equipment of an existing mass transportation facility actually used and useful for the convenience of the public.

c. The making of a contract or contracts with any person, firm or corporation, including a public authority, for the equipment, maintenance or operation of a mass transportation facility owned, acquired, constructed, reconstructed or improved by it.

d. The making of a contract or contracts for a fair and reasonable consideration for mass transportation services to be rendered to the public by a privately-owned or operated mass transportation facility. Such power shall include but not be limited to the power to appropriate funds for payment of such consideration, and to provide that all or part of such consideration shall be in the form of capital equipment to be furnished to and used and maintained by such privately-owned or operated mass transportation facility.

e. The making of unconditional grants of money or property to a public authority providing mass transportation services to all or part of such municipal corporation in order to assist such public authority in meeting its capital or operating expenses, provided such money does not consist of borrowed funds and such property has not been acquired by the use of borrowed funds. Such purpose is hereby declared to be county, city, town or village purposes, respectively. The provisions of this paragraph are intended as enabling legislation only and shall not be interpreted as implying that absent their enactment a municipal corporation would lack the power to authorize any such grant; but they shall not be interpreted as an authorization to public authorities generally to accept such grants. The acceptance of any such grant by a public authority shall not operate to make such authority an agency of the municipal corporation making the grant.

f. The making of a contract with the metropolitan transportation authority, by itself or with one or more other municipal corporations to assist the authority in meeting its capital or operating expenses in providing mass transportation services of benefit to all or part of such municipal corporation, including undertaking a mass transportation capital project in or near the municipal corporation. Such a municipal corporation may, according to the terms of the contract with the authority, establish, levy and collect taxes, assessments, and/or charges and may conditionally or unconditionally grant or pledge a portion of its revenues allocated according to subdivision e of this section. Such municipal corporation may designate mass transportation capital project districts that a municipal corporation finds, after conducting a public hearing, will benefit from an identified mass transportation capital project. Upon designating such a district, the municipal corporation may allocate a portion of its revenues from the district according to terms it designs or has agreed to by contract. The municipal corporation may, in allocating and collecting revenues from the district, make use of one or more methods to capture the value created by a mass transportation capital project, including, but not limited to:

(i) tax increment financing, meaning the allocation of an increment of property tax revenues in excess of the amount levied at the time prior to planning of a mass transportation capital project;

(ii) a special transportation assessment imposed upon benefited real property in proportion to the benefit received by such property from a mass transportation capital project, which shall not constitute a tax;

(iii) land value taxation, meaning the allocation of an increment of tax revenues gained from levying taxes on the assessed value of taxable land at a higher rate than the improvements, as defined in subdivision twelve of section one hundred two of the real property tax law; and

(iv) some combination of the above or other methods of gaining revenues that the municipal corporation is empowered to use, provided that the total amount of all taxes, assessments, fees, charges, or rates levied on each parcel or lot under this section shall be limited to a proportionate amount as near as possible to the actual benefit which each lot or parcel will derive from the mass transportation capital project; and

(v) for purposes of this paragraph the term municipal corporation shall include only those cities, towns, villages and counties described in section twelve hundred sixty-two of the public authorities law.

* NB Effective until April 1, 2027

* 1. To assure the provision of mass transportation services to the public at adequate levels and at reasonable cost, every city, town, village or county not wholly contained within a city, shall have power to adopt local laws to authorize:

a. The acquisition, construction, reconstruction, improvement, equipment, maintenance or operation of one or more mass transportation projects. Such municipal corporation shall have power to occupy or use any of the streets, roads, highways, avenues, parks or public places of such municipal corporation therefor and to agree upon and contract for the terms and conditions thereof.

b. The making of a contract or contracts for the acquisition by purchase of all or any part of the property, plant and equipment of an existing mass transportation facility actually used and useful for the convenience of the public.

c. The making of a contract or contracts with any person, firm or corporation, including a public authority, for the equipment, maintenance or operation of a mass transportation facility owned, acquired, constructed, reconstructed or improved by it.

d. The making of a contract or contracts for a fair and reasonable consideration for mass transportation services to be rendered to the public by a privately-owned or operated mass transportation facility. Such power shall include but not be limited to the power to appropriate funds for payment of such consideration, and to provide that all or part of such consideration shall be in the form of capital equipment to be furnished to and used and maintained by such privately-owned or operated mass transportation facility.

e. The making of unconditional grants of money or property to a public authority providing mass transportation services to all or part of such municipal corporation in order to assist such public authority in meeting its capital or operating expenses, provided such money does not consist of borrowed funds and such property has not been acquired by the use of borrowed funds. Such purpose is hereby declared to be county, city, town or village purposes, respectively. The provisions of this paragraph are intended as enabling legislation only and shall not be interpreted as implying that absent their enactment a municipal corporation would lack the power to authorize any such grant; but they shall not be interpreted as an authorization to public authorities generally to accept such grants. The acceptance of any such grant by a public authority shall not operate to make such authority an agency of the municipal corporation making the grant.

* NB Effective April 1, 2027

2. The acquisition, construction, reconstruction, or improvement of any mass transportation capital project by a county, city, town or village pursuant to this section shall not be subject to the jurisdiction of the commissioner of transportation except as provided in sections sixty-eight, sixty-nine, sixty-nine-a, sixty-nine-b, sixty-nine-c, and sixty-nine-d of the transportation corporations law.

3. The powers granted by this section shall be in addition to and not in substitution for any other power to acquire, construct, reconstruct, improve, equip, maintain or operate any mass transportation capital

project.

§ 119-s. Participation in federal and state assistance programs for mass transportation and airport and aviation projects. 1. Any municipal corporation shall have power, either individually or jointly with one or more other municipal corporations, to apply for, accept, and expend financial assistance:

a. From the state of New York for one or more mass transportation capital projects or for one or more airport or aviation capital projects provided pursuant to the transportation capital facilities bond act and the transportation capital facilities development act, whether by way of direct financial assistance or by way of prefinancing of any financial assistance from the United States.

b. From the United States, or any agency or instrumentality thereof, for one or more mass transportation capital projects or one or more airport or aviation capital projects provided pursuant to any act of the Congress of the United States or any rule, regulation or order promulgated pursuant thereto.

c. From the United States, or any agency or instrumentality thereof, for operation or maintenance of one or more mass transportation capital projects or one or more airport or aviation capital projects provided pursuant to any act of the Congress of the United States or any rule, regulation or order promulgated pursuant thereto.

d. From the United States, or any agency or instrumentality thereof, for one or more grants for transportation demonstration projects provided pursuant to any act of the Congress of the United States or any rule, regulation or order promulgated pursuant thereto.

2. Any city, town, village or county not wholly contained within a city shall have power (a) to finance or raise pursuant to law, appropriate and expend such sums as are required to administer, conduct or participate in such a project or projects and (b) to accept money

provided by any person, firm or corporation whatever, including the private owner or operator of a mass transportation facility affected by the specific project, for the administration or conduct of, or participation in, a specific project and comply with the conditions of the provider of such money.

3. No municipal corporation, whether acting individually or jointly with one or more other municipal corporations, shall submit to the United States, or any agency or instrumentality thereof, any project application for one or more mass transportation capital projects or one or more airport or aviation capital projects, any application for one or more transportation demonstration projects or any federal mass transportation operating assistance, unless the application or applications therefor shall have been first approved by the state commissioner of transportation as being a part of or consistent with a statewide comprehensive master plan for transportation promulgated by him and approved by the governor on the recommendation of the department of state or, in the absence of any such statewide plan, any other recognized long-range regional transportation plan approved by the commissioner or, in the absence of any such regional plan, sound transportation development policy and planning concepts.

4. The county shall have power to pledge its interest in any mass commuting vehicles, the acquisition of which was not wholly financed with the proceeds of bonds or bond anticipation notes under the provisions of the local finance law, to secure or further secure the payment of any bonds or bond anticipation notes issued for any object or purpose of such county, if such pledge will have the effect, directly or indirectly, of enabling such county to participate in any transaction described in section ninety-nine-o of this chapter. As used in this subdivision, the term "mass commuting vehicle" means any bus, subway car, rail car, locomotive, or similar equipment used or to be used to provide mass commuting services, whether or not operated by a private operator under agreement with such county.

§ 119-s-1. Provision of mass transportation, in the county of

Tompkins. 1. Notwithstanding any other provision of law to the contrary, the county of Tompkins, the city of Ithaca and Cornell University may jointly provide for mass transportation services in the county of Tompkins.

2. In addition to the power to apply for, accept and expend financial assistance individually or jointly, as provided pursuant to section one hundred nineteen-s of this article, the county of Tompkins and city of Ithaca shall have the power to apply for, accept and expend financial assistance jointly with Cornell University.

3. The powers granted by this section shall be in addition to and not in substitution of any other powers granted to the county of Tompkins, the city of Ithaca and Cornell University to provide mass transportation services.

4. For the purposes of this section, "mass transportation services" shall mean common carriers of passengers in accordance with established routes and schedules, but shall not include charter transportation by a motor carrier as proscribed by the applicable federal regulations.

§ 119-t. Creation of public authorities to provide mass transportation. The commissioner of transportation shall prepare or cause to be prepared for submission to the next regular session of the legislature such measures as may be appropriate to facilitate the creation of public authorities or other public benefit corporations to provide transportation services to any city, town, village or county not wholly contained within a city or two or more of the same acting jointly.

ARTICLE 5-J

INTERMUNICIPAL COOPERATION; SHARED SERVICES

§ 119-u. Intermunicipal cooperation in comprehensive planning and land use regulation. 1. Legislative intent. This section is intended to illustrate the statutory authority that any municipal corporation has under article five-G of this chapter and place within land use law express statutory authority for cities, towns, and villages to enter into agreements to undertake comprehensive planning and land use regulation with each other or one for the other, and to provide that any city, town, or village may contract with a county to carry out all or a portion of the ministerial functions related to the land use of such city, town or village as may be agreed upon. By the enactment of this section the legislature seeks to promote intergovernmental cooperation that could result in increased coordination and effectiveness of comprehensive planning and land use regulation, more efficient use of infrastructure and municipal revenues, as well as the enhanced protection of community resources, especially where such resources span municipal boundaries.

2. Authorization and effects. (a) In addition to any other general or special powers vested in a city, town or village to prepare a comprehensive plan and enact and administer land use regulations, by local law or ordinance, rule or regulation, each city, town or village is hereby authorized to enter into, amend, cancel and terminate agreements with any other municipality or municipalities to undertake all or a portion of such powers, functions and duties.

(b) Any one or more municipalities located in a county which has established a county planning board, commission or other agency, hereinafter referred to as a county planning agency, are hereby authorized to enter into, amend, cancel and terminate agreements with such county in order to authorize the county planning agency to perform and carry out certain ministerial functions on behalf of such municipality or municipalities related to land use planning and zoning. Such functions may include, but are not limited to, acting in an advisory capacity, assisting in the preparation of comprehensive plans and land use regulations to be adopted and enforced by such municipality or municipalities and participating in the formation and functions of individual or joint administrative boards and bodies formed by one or more municipalities.

(c) Such agreements shall apply only to the performance or exercise of any function or power which each of the municipal corporations has the authority by any general or special law to prescribe, perform, or exercise separately.

3. Definitions. As used herein:

(a) "Municipality", means a city, town or village.

(b) "Land use regulation", means an ordinance or local law enacted by a municipality for the regulation of any aspect of land use and community resource protection and includes any zoning, subdivision, special use permit or site plan regulation or any other regulations which prescribe the appropriate use of property or the scale, location, and intensity of development.

(c) "Community resource", means a specific public facility, infrastructure system, or geographic area of special economic development, environmental, scenic, cultural, historic, recreational, parkland, open space, natural resource, or other unique significance, located wholly or partially within the boundaries of one or more given municipalities.

(d) "Intermunicipal overlay district", means a special land use district which encompasses all or a portion of one or more municipalities for the purpose of protecting, enhancing, or developing one or more community resources as provided herein.

4. Intermunicipal agreements. In addition to any other powers granted to municipalities to contract with each other to undertake joint, cooperative agreements any municipality may:

(a) create a consolidated planning board which may replace individual planning boards, if any, which consolidated planning board shall have the powers and duties as shall be determined by such agreement;

(b) create a consolidated zoning board of appeals which may replace individual zoning boards of appeals, if any, which consolidated zoning board of appeals shall have the powers and duties as shall be determined by such agreement;

(c) create a comprehensive plan and/or land use regulations which may be adopted independently by each participating municipality;

(d) provide for a land use administration and enforcement program which may replace individual land use administration and enforcement programs, if any, the terms and conditions of which shall be set forth in such agreement; and

(e) create an intermunicipal overlay district for the purpose of protecting, enhancing, or developing community resources that encompass two or more municipalities.

5. Special considerations. (a) Making joint agreements. Any agreement made pursuant to the provisions of this section may contain provisions as the parties deem to be appropriate, and including provisions relative to the items designated in paragraphs a through m inclusive as set forth in subdivision two of section one hundred nineteen-o of this chapter.

(b) Establishing the duration of agreement. Any local law developed pursuant to the provisions of this section may contain procedures for periodic review of the terms and conditions, including those relating to the duration, extension or termination of the agreement.

(c) Amending local laws or ordinances. Local laws or ordinances shall be amended, as appropriate, to reflect the provisions contained in intermunicipal agreements established pursuant to the provisions of this section.

6. Appeal of action by aggrieved party or parties. Any officer, department, board or bureau of any municipality with the approval of the legislative body, or any person or persons jointly or severally aggrieved by any act or decision of a planning board, zoning board of appeals or agency created pursuant to the provisions of this section may bring a proceeding by article seventy-eight of the civil practice law and rules in a court of record on the ground that such decision is illegal, in whole or in part. Such proceeding must be commenced within thirty days after the filing of the decision in the office of the board. Commencement of the proceeding shall stay proceedings upon the decision from which the appeal is taken. All issues in any proceeding under this section shall have a preference over all other civil actions and proceedings.

7. Any agreements made between two or more municipalities pursuant to

article five-G of this chapter or other law which provides for the undertaking of any land use regulation or activity on a joint, cooperative or contract basis, if valid when so made, shall not be invalidated by the provisions of this section.

8. The provisions of this section shall be in addition to existing authority and shall not be deemed or constructed as a limitation, diminution or derogation of any statutory authority authorizing municipal cooperation.

ARTICLE 5-K

HISTORIC PRESERVATION

§ 119-aa. Purpose. It is hereby declared to be the purpose of this article to encourage local governmental programs for the preservation, restoration and maintenance of the historical, architectural, archeological and cultural environment by clarifying and amplifying existing authority and providing necessary tools for such purpose. The framework provided by this article is intended to maintain and encourage the opportunity and flexibility for the counties, cities, towns and villages of the state to manage the historic and cultural properties under their jurisdiction in a spirit of stewardship and trusteeship for future generations and to authorize local governments to conduct their activities, plans and programs in a manner consistent with the preservation and enhancement of historic and cultural properties.

§ 119-bb. Definitions. When used in this article, unless a different meaning clearly appears from the context, the terms listed below shall have the following meanings:

1. "Development rights" means the rights granted to a lot or parcel of land under a zoning ordinance or local law respecting permissible use, area, bulk or height of improvements executed thereon. Development rights may be calculated and allocated in accordance with such factors as area, floor area, floor area ratios, height limitations or any other criteria including assessed valuation that will effectively quantify a value for the development right in a manner that will carry out the objectives of this article.

2. "Historic and/or cultural place or property" means any building, structure, district, area, site or object, including the underground and underwater sites, with significance in the history, architecture, archeology or culture of the state, its communities, or the nation.

3. "Historic district" means any area which: (a) has a special character or special historic, architectural, archeological or cultural value; or (b) represents one or more periods or styles of architecture typical of one or more eras; and (c) causes such area, by reason of such factors, to constitute a distinct section.

4. "Historic preservation" means, for the purposes of this article and notwithstanding any other provision of law, the study, designation, protection, restoration, rehabilitation and use of buildings, structures, districts, areas, sites or objects significant in the history, architecture, archeology or culture of this state, its communities, or the nation.

5. "Registered property" means any historic place or property within the boundaries of the state nominated by the commissioner of parks and recreation for listing on the national register of historic places or listed on the New York state register of historic places established pursuant to section 14.07 of the parks and recreation law.

6. "Transfer of development rights" means the process by which development rights are passed from one lot or parcel to another.

§ 119-cc. Local historic preservation report. 1. In order to facilitate the coordination between state and local preservation policies and activities and to provide necessary information for the effective financial and technical assistance to local government and for a state clearinghouse of public preservation programs, the chief executive officer of every county, city, town and village or designee of such officer may within twenty-four months after the effective date of this section, prepare or cause to be prepared a local historic preservation report. This report may include, but need not be limited to:

(a) A statement of the present status of historic preservation activities and land use or other regulations relating thereto as they are being administered within the reporting jurisdiction by the local governing body and its appointed agents including a landmarks commission, planning board, environmental management council or other agency;

(b) Proposals, if any, for the preservation and use of registered property and other historic and cultural properties within the reporting jurisdiction;

(c) An identification and analysis of any problems or issues relating to the effectiveness of local development or administration of historic preservation plans and programs, including problems of funding and personnel requirements, procedural problems, enforcement problems, or any other issue. After a public hearing has been held on a draft report such report in final form shall be submitted to the commissioner of parks and recreation and a copy shall be available for public inspection in the municipal office of the reporting jurisdiction. It may be reviewed and updated as necessary.

2. The commissioner of the office of parks and recreation shall prepare and distribute a format which may be used or completed by reporting jurisdictions to satisfy the provisions of this section. The purposes of such report are informational and compliance by a reporting jurisdiction shall not be used by the commissioner or any other state official as a condition for the performance of any state service, assistance or other action.

§ 119-dd. Local historic preservation programs. In addition to existing powers and authorities for local historic preservation programs including existing powers and authorities to regulate by planning or zoning laws and regulations or by local laws and regulations for preservation of historic landmarks and districts and use of techniques including transfer of development rights, the legislative body of any county, city, town or village is hereby empowered to:

1. Provide by regulations, special conditions and restrictions for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, works of art and other objects having a special character or special historical, cultural or aesthetic interest or value. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within the public view, or both.

2. Establish a landmark or historical preservation board or commission with such powers as are necessary to carry out all or any of the authority possessed by the municipality for a historic preservation program, as the local legislative body deems appropriate.

3. After due notice and public hearing, by purchase, gift, grant, bequest, devise, lease or otherwise, acquire the fee or any lesser interest, development right, easement, covenant or other contractual right necessary to achieve the purposes of this article, to historical or cultural property within its jurisdiction. After acquisition of any such interest pursuant to this subdivision, the effect of the acquisition on the valuation placed on any remaining private interest in such property for purposes of real estate taxation shall be taken into account.

4. Designate, purchase, restore, operate, lease and sell historic buildings or structures. Sales of such buildings and structures shall be upon such terms and conditions as the local legislative body deems appropriate to insure the maintenance of the historic quality of the buildings and structures, after public notice is appropriately given at

least thirty days prior to the anticipated date of availability and shall be for fair and adequate consideration of such buildings and structures which in no event shall be less than the expenses incurred by the municipality with respect to such buildings and structures for acquisition, restoration, improvement and interest charges.

5. Provide for transfer of development rights for purposes consistent with the purposes of this article.

ARTICLE 5-L

MUNICIPAL SUSTAINABLE ENERGY LOAN PROGRAM

§ 119-ee. Legislative findings and declaration. The legislature finds and declares that it is the policy of the state to achieve statewide energy efficiency and renewable energy goals, reduce greenhouse gas emissions and mitigate the effect of global climate change, and advance a clean energy economy; and that to achieve such policy and goals the state must promote the deployment of renewable energy systems and energy efficiency measures throughout the state; and that municipalities would fulfill an important public purpose by providing loans to property owners for the installation of renewable energy systems and energy efficiency measures.

§ 119-ff. Definitions. For purposes of this article:

1. "Authority" means the New York state energy research and development authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities law, or its successor.

2. "Credit support" means and includes direct loans, letters of credit, loan guarantees, and insurance products; and the purchase of or

commitment to purchase, or the sale of or commitment to sell, debt instruments, including subordinated securities.

3. "Energy audit" means a formal evaluation of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the authority, or certified by a certifying entity approved by the authority for purposes of this article, for the purpose of identifying appropriate energy efficiency improvements that could be made to or incorporated into the construction of the property. A municipal corporation may, by local law, provide for the certification of such contractors based upon criteria at least as stringent as the state-wide criteria for certification adopted by the authority for purposes of this article.

4. "Energy efficiency improvement" means any improvement to real property, whether as a component of the new construction of a building or as the renovation or retrofitting of an existing building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the authority. However, "energy efficiency improvement" shall not include lighting measures or household appliances that are not permanently fixed to real property.

5. "Municipal corporation" means a county, town, city or village.

6. "Real property" means any property, an interest in which is or is eligible to be recorded or registered on municipal land ownership records by the possessor of such interest.

7. "Renewable energy system" means an energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the owner of real property is a commercial entity, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the authority not

including the combustion or pyrolysis of solid waste.

8. "Renewable energy system feasibility study" means a written study, conducted by a contractor certified by the authority, or certified by a certifying entity approved by the authority for purposes of this article, for the purpose of determining the feasibility of installing a renewable energy system. A municipal corporation may, by local law, provide for the certification of such contractors based upon criteria at least as stringent as the state-wide criteria for certification adopted by the authority for purposes of this article.

§ 119-gg. Sustainable energy loan program. 1. The legislative body of any municipal corporation may, by local law, establish a sustainable energy loan program using federal grant assistance or federal credit support or monies from the state of New York or any state authority as defined by section two of the public authorities law available for this purpose.

2. Such program may make loans to the owners of real property located within the municipal corporation to finance the installation of renewable energy systems and energy efficiency improvements, related energy audits and renewable energy system feasibility studies, and the verification of the installation of such systems and improvements. No municipal corporation shall make such a loan to an owner of property that has received a loan from another municipal corporation pursuant to this article.

3. Each such local law establishing the sustainable energy loan program shall provide for the criteria for making such loans and the terms and conditions for repayment of such loans. The sustainable energy loan program shall use such lists of cost effective energy efficiency improvements for different building types as are approved by the authority.

4. The municipal corporation shall verify and report on the installation and performance of renewable energy systems and energy

efficiency improvements financed by the loan program in such form and manner as the authority may establish.

5. Every loan made under the sustainable energy loan program shall be repaid over a term not to exceed the weighted average of the useful life of such systems and improvements as determined by the municipal corporation. The municipal corporation shall set a fixed rate of interest for the repayment of the principal amount of each loan at the time the loan is made.

6. a. For loans made to an owner of real property that is a commercial entity, not-for-profit organization, or entity other than an individual, the municipal corporation shall have the authority to impose requirements on the maximum amount that may be borrowed through such loan, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.

b. For loans made to an owner of real property who is an individual, the principal amount of each such loan, excluding interest, shall not exceed the lesser of ten percent of the appraised real property value or the actual cost of installing the renewable energy system and energy efficiency improvements, including the costs of necessary equipment, materials, and labor, the costs of each related energy audit and renewable energy system feasibility study, and the cost of verification of such renewable energy system and energy efficiency improvements.

7. No such loan shall be made for energy efficiency improvements unless determined to be appropriate through an energy audit, and no such loan shall be made for a renewable energy system unless determined to be feasible through a renewable energy system feasibility study.

8. The loan made under the sustainable energy loan program shall constitute a lien upon the real property benefitted by such loan.

9. The municipal corporation may require the loan made under the sustainable energy loan program to be repaid by the property owner

through a charge on the real property benefitted by such loan. Such charge shall be on the real property and shall be levied and collected at the same time and in the same manner as municipal taxes, provided that such charge shall be separately listed on the tax bill, and provided further that in the event such charge should not be paid in a timely manner, no other municipal corporation shall be required to credit or otherwise guarantee the amount of such unpaid charge to the municipal corporation which authorized the loan, notwithstanding any provision of law to the contrary.

ARTICLE 6

PUBLIC HEALTH AND SAFETY

§ 120. Contracts for purification of water and sewerage. The local authorities of the several counties, cities, towns and villages of the state having charge of the supply of water and the care of sewerage in their respective localities, are hereby authorized, on behalf of their counties, cities, towns and villages, respectively, to enter into contracts with the owners of any process or apparatus for the purification of water and sewerage whether protected by patents or not, and either contract for the use of apparatus and process for a term of years or for the purchase of the same, as to them shall seem advisable. It shall be lawful for any two or more of such municipalities in this state, without regard to the form of their incorporation, including towns or sewer districts of towns, to jointly construct, provide, maintain and operate a comprehensive system of sewerage including trunk lines and laterals, or a system of conveying or conducting sewerage from said municipalities from a point or points to be agreed upon to a common destination or disposal plant or plants, and to construct, maintain and operate within or without the said municipalities or any of them one or more outlet or trunk sewers, plants, works or stations for the treatment, disposal, or rendering of sewerage, or any such municipality or any such municipalities may jointly or severally contract for the construction for it or them of any such system, extension or part thereof, including any such sewers, plants, works or stations, and agree to pay annually, semi-annually or quarterly for the use or possession thereof, by way of permanent rental reserved therefor; or such lawful authorities of the respective municipalities may jointly or severally contract with any person, persons or corporation or with other municipalities or sewage districts for the removal of sewage within the boundaries of such local government, upon such reasonable terms as they may agree upon. And to that end the governing bodies or boards of any two or more municipalities, including sewer districts of a town, authorized by law to have charge of sewer systems established or to be established in said municipalities, or sewer districts of a town, respectively, may unite and jointly cause to be made at their joint expense (each district bearing a part of the expense in proportion to the assessed valuation of real estate in such district, or on such other basis or division as may be jointly agreed upon) by competent engineers, mechanics and others, surveys, maps, plans, reports and estimates of proposed works and improvements relating to such contemplated public improvement or works authorized by this act, which such municipalities may desire to jointly provide, maintain, operate or lease under the authority conferred by this act, and for such purpose they may determine upon the final route and plan for the building or construction of such sewerage system and for the making of such surveys, maps, plans, reports and estimates as provided in this section. It shall be lawful for the officers and agents of such municipalities to enter at all times upon any lands or waters for the purpose of exploring, surveying, and laying out the route of such sewerage system.

§ 120-a. Contracts for sewerage disposal. The respective municipalities and districts may contract with each other, or they may jointly or severally contract with a third person, corporation or municipality, either for the construction, operation, maintenance or leasing of a complete comprehensive system for the removal and disposal of sewerage, or of a trunk line system with or without lateral connections, with or without the sewerage disposal plant or of a sewerage disposal plant; each of the boards or commissioners, however, binding only the municipalities or districts which they respectively represent. Such municipalities jointly acting through such board or commissioners, if they deem it expedient so to do, may contract with any other municipality or municipalities through or over whose territory such trunk sewer or sewers are intended to pass, for the construction of said outlet, trunk sewer or sewers and appurtenances located within the territory of such other municipality, in such manner as may be agreed upon between such other municipality, and the municipality theretofore jointly contracting as herein authorized, or such jointly contracting municipalities may contract in writing with any other municipality or municipalities for the privilege of connecting its or their sewers and drains with such outlet or trunk sewer or sewers so to be jointly constructed by the municipalities originally contracting for the public improvements or works hereby authorized, and it shall be lawful for such other municipality or municipalities to enter into a contract for such purpose, upon such terms and for such consideration and length of time as may be mutually agreed upon between all the contracting municipalities.

§ 120-b. Supervision of sewage system. If the public works herein provided be constructed and operated by the municipalities acting jointly, the local authorities of the contracting municipalities or districts having charge of sewage shall jointly supervise the construction and operation of such sewage system, or they may jointly engage or employ a competent sanitary engineer for such purpose. They shall jointly elect or appoint all necessary employees at the disposal plant and for the care of the trunk line sewer, and severally appoint such employees as they may be authorized so to do by the respective governing bodies to work on the system within the bounds of such municipality.

§ 120-c. Obligations and privileges relating to sewerage contracts. Such sewer system, extension or part thereof shall, when accepted under such contract, and such works, plants or stations, may if so provided therein, pass into the use, possession, management and control of such municipality or municipalities, and it or they shall, by proper provision in the said contract, subject such contract to its or their right at any time to terminate all its or their liability under the same for such rental by paying for such system, extension or part thereof a price named therein or to be determined in accordance with the provisions thereof, and it or they map by proper provision in such contract, covenant to terminate its or their liability in such manner at a time or within a period named therein, but the sum or rental to be paid for such use and possession or the price which must be paid for such system, extension or part thereof in order to terminate the liability of such municipality or municipalities under such contract, shall not be fixed by said contract beyond a period of thirty years, after which and at any time thereafter, if such municipality or municipalities shall not have terminated its or their liability under said contract, the sum or rental to be paid for the continued use and possession of such system, extension or part thereof or the price at which the same must be paid for in order to terminate such liability, which sum or rental and which price shall be based on the value of such system, extension or part thereof at any such time, shall be fixed by agreement, or in the absence of agreement by application to a competent court and under its order, but each such agreement or order shall be limited to a period not exceeding ten years. And such local authorities may also at any time contract for the maintenance and operation of any such system, extension or part thereof, including any such works, plants or stations or of any sewerage or sewage disposal system or part thereof owned or used by any such municipality or municipalities.

§ 120-d. Officers of meeting. In order to facilitate business procedure, the local authorities of the several municipalities or districts meeting jointly for the purposes herein provided shall, at a meeting at which all the municipalities and districts intending to act jointly are represented, choose from among their number a chairman, who shall act as such until his successor is chosen in a similar manner. Such meeting, when organized, shall elect a secretary who may or may not be a member of one of the local boards meeting jointly.

§ 120-e. By whom proposed district represented. Until a sewer district of a town is organized as provided by the town law, the supervisor, or a member of the town board appointed by the supervisor, of the town in which the proposed sewer district is located, may act for and on behalf of the people of the territory proposed to be embraced in a sewer district, when requested so to do by a petition in writing signed by not less than five per centum of the voters of such proposed district, at such joint meeting of municipalities and districts; provided, however, that except as otherwise provided by the local finance law, neither the town nor any property within the town, except such property as may be within such proposed district, shall be chargeable with any debt or expenses created by such municipalities or districts acting jointly.

§ 120-f. Contract; how executed. No municipality or district acting jointly as herein provided shall be bound by any contract or agreement unless such contract or agreement be signed and executed by a majority of the local authorities of such municipality having care of sewerage in such municipality or district.

§ 120-g. Apportionment of cost. Before any such contract for construction mentioned in section one hundred and twenty-c shall become effective, such local authorities shall determine the part or proportion of the annual cost thereof, if any, which is to be assessed upon the property benefited thereby, and the method of such assessment, and shall provide that any part thereof not actually paid out of such assessment shall be paid by such city, town, village or sewer district at large. In the case of a town, the petition for the creation of such sewer district, or supplemental petition, shall request the construction of such sewer system, extension or part thereof, as herein provided, and such petition shall comply in form, substance and in the manner of execution, so far as applicable thereto, to the requirements of section two hundred and thirty of the town law, except that it may state that the annual sum or rental to be paid for the use of said plant or for the removal of sewage as herein provided shall be fixed and assessed in the first instance for the full period named in any such contract, not exceeding thirty years, and that any part thereof not actually paid out of such assessment may be reassessed upon the property in such district. Before acting on any such petition, the town board shall give the notice provided in section two hundred and thirty-a of the town law, and the assessment shall be made in form and substance so far as applicable thereto as provided in section two hundred and thirty-seven of said law.

§ 120-h. Further provisions as to apportionment of cost. Each of the contracting municipalities or districts shall pay its just and proportionate share for the public improvement authorized by this act and the general laws, including its just and proportionate share of the cost for the removal of sewage and of maintenance and carrying charges of the system. The manner of arriving at the share each local government shall bear and the method of payment thereof as hereinafter provided shall be determined by its local board or commissioners having charge of sewage, before such contract for construction or for sewerage removal becomes effective, as hereinafter provided.

§ 120-i. Means of payment. The indebtedness created for such public works may be paid by each contracting municipality, including a sewer district of a town, partly by assessment on the property deemed specially benefited by such improvement and partly by a charge on such municipality at large. In the case of a sewer district of a town the petition for the creation thereof or a supplemental petition may state the means of payment as above provided and the assessment therein shall be made in form and substance so far as applicable as provided in section two hundred and thirty-seven of said law, except that such sewer commissioner shall assess a part of the district's proportionate share of the total cost of such system on the lands within such district, or extension of an existing district in proportion, as nearly as may be, to the benefit which each lot or parcel will derive therefrom. Such sewer commissioners shall determine the amount to be raised by general taxation for such expense. Nothing herein contained shall be construed as preventing the contracting municipalities from paying such indebtedness, in whole or in part, by the issuance of obligations pursuant to the terms of the local finance law.

§ 120-k. Payments; how made. It shall be lawful for the governing body or board having control of the finances of such contracting municipality, in lieu of issuing the bonds of such municipality, to pay its proportion of the costs and expenses of any improvements jointly contracted for and made under this act, with money to be raised by taxation, after the making of the public improvements herein authorized have been determined upon and a joint contract made and entered into pursuant to the provisions of this act, or by paying the whole or part of such indebtedness out of all moneys belonging to such contracting municipality not otherwise appropriated or required.

§ 120-l. Letting of contracts. 1. Whenever any work to be performed or materials to be furnished in or about any improvement to be made by two or more municipalities under the provisions of this act shall involve an expenditure of any sum of money exceeding five hundred dollars, the municipal bodies or boards of the contracting municipalities, by their official action taken in joint meeting as herein provided, shall designate a time when they will meet at their usual place of meeting to receive proposals, in writing, for doing the work or furnishing the materials, and such joint meeting shall order the chairman and secretary thereof to give notice, by advertisement inserted in one or more newspapers published or circulating in the municipalities jointly contracting, at least two weeks before the time of such meeting, of the work to be done or materials to be furnished, of which at the time of such order they shall cause to be filed in the office of such joint meeting particular specifications; all proposals received shall be publicly opened by such chairman in the presence and during a session of such joint meeting, and of all others who choose to attend the said meeting; not more than one proposal shall be received from any one person, directly or indirectly, for the same contract work or materials; and the said joint meeting may reject any and all of said proposals and direct its chairman and secretary to advertise for new proposals and accept such as shall in the opinion of a majority of the municipalities represented in said joint meeting be deemed most advantageous for the said municipalities, subject, however, to the reservations herein provided; the board may require a bond or deposit from the person submitting a proposal, the liability of such bond to accrue, or such deposit to be forfeited to the municipality, or municipalities, in case such person shall refuse to enter into a contract in accordance to his proposal. The proposal so accepted shall be reduced to a contract in writing, and a satisfactory bond to be approved by such joint meeting shall be required and given for its faithful performance, but all contracts when awarded shall be awarded to the lowest responsible bidder offering satisfactory security; this section shall not apply to any engineer or agent of the joint contracting municipalities engaged in supervising or directing the work of such improvements.

2. Whenever a security bond is posted by a successful bidder for the faithful performance of a municipal project under the provisions of this article, for which state aid is approved, the name and address of the bonding company or person issuing the security bond, the number of such bond, and such other information as may be required by the state department or agency responsible for supervising the aid program regarding the project, shall be transmitted to such department or agency, where it shall be reviewed to determine its authenticity prior to the award of such contract. The original of such bond shall remain in the office of the municipality. Upon request of such department or agency, the superintendent of financial services shall render such assistance as is necessary to determine the authenticity of the security bond.

§ 120-m. Application of other laws to procedure. Except where inconsistent with this act, or otherwise permitted hereunder the apportionment of local assessments and the manner of payment of the expenses of construction of such public works shall be as provided in the town law, the village law, the general cities law, or the local finance law or in the manner provided in any special city and of any contracting city.

§ 120-n. Maps and plans of sewers. Before taking any proceedings for the construction of any sewer or of any system of sewers or of any addition thereto or alteration thereof, such municipality or municipalities acting severally or jointly shall cause to be made a map and plan therefor, or an amendment of any map and plan previously approved, as the case may be, and shall submit the same to the state commissioner of health for his approval, and upon his approval the same shall be filed in his office. A copy of such map and plan or of any such amendment thereof shall also be filed in the office of the clerk of each such municipality. Any such map and plan shall include specifications of dimensions, connections and outlets or sewage disposal works and may also include any existing sewer which it shall be found feasible and proper to incorporate or include in the proposed system. No work of any kind shall be done on or for the construction, extension, reconstruction, removal or modification of any system of sewers or of any sewer thereof until a map and plan covering the entire system shall first have been duly approved and filed as above provided, and in the execution of the construction, extension, reconstruction, removal or modification of any system of sewers or of any sewer thereof no deviations from the plans as finally approved and filed shall be made until plans or descriptions adequately showing such deviations are first approved and filed as above provided. The state commissioner of health, in approving said map and plan or by a certificate supplementing any such approval, may authorize such municipality or municipalities to temporarily omit or defer the construction of any portion of any such sewer or system of sewers. A copy or copies of his approval or of any such supplemental certificate shall be certified to each such municipality and filed in the office of the clerk thereof.

§ 120-o. Definitions. The words "joint meeting" as used in this act shall be construed to mean the meeting or assembly of the members of the governing bodies or boards of the several municipalities having authority to make and enter into a contract for the construction jointly of public improvements, pursuant to and by virtue of the provisions of this act.

§ 120-p. Referendum in cities and villages. In any such city or village, whether acting severally or jointly, a copy of such contract, for construction mentioned in section one hundred twenty-c, with a copy of the determination required in section one hundred twenty-g, if the expenditures of such city or village to carry out such contracts are to be paid by taxes levied for the fiscal year in which such expenditures are to be made shall be published at least twice in one or more newspapers published therein, including the official newspaper or newspapers, if any, of such city or village, or posted in not less than five public places, and published at least twice in a newspaper circulating in such municipality if no newspaper is published therein. In the event that the municipality maintains a website, one of the posting requirements may be fulfilled by posting such information on the website. If, within fifteen days after the publication or posting of such contract and determination, a protest or protests against such contract shall be filed in the office of the clerk of such city or village signed either by not less than one-third of the governing body adopting such resolution or by a three per centum in number of the taxpayers thereof whose names appear on the last preceding assessment roll of real property, excluding special franchises, then such contract shall not become effective unless the governing body shall by a further resolution provide for the submission to the voters of a proposition to ratify such contract, nor unless, within sixty days after such publication or posting such proposition shall be adopted at a general election or at a special election to be called and held for that purpose, by a majority of the voters voting on such proposition. At any such election any person qualified to vote under the election law in general elections, who is a resident of the city or village, may vote. At least ten days' notice of any election under this section shall be given by the clerk of the city or village by publication at least twice in one or more newspapers, including the official newspaper or newspapers, if any, of such city or village, or by posting in at least five public places, if no newspaper is published therein. Such election may be held and the result canvassed and certified as may be required by any general or special law applicable to an election upon a proposition in any such city or village, or in the absence of any such law as may be prescribed by any general ordinance. The voting shall be by ballot, prepared in the form prescribed by the election law. The facts as to the filing and sufficiency of any protests under this section, and as to the calling, holding or result of any election which may be required or held under this section or under any other statute with respect to the authorization of any such improvement or the ratification of any ordinance authorizing the same, and all facts affecting the validity of any contract mentioned in section one hundred twenty-c, including the organizations or acts of any town or sewer district shall, for the purpose of this section, be conclusively determined by a resolution of the governing body of any such city, town or village. A copy of such resolution shall be published twice in one or more newspapers, including the official newspaper or newspapers, if any, of such city, town or village, or posted in not less than five public places if no newspaper is published therein, and the facts therein stated shall not be disputed in any action commenced after the expiration of ten days after such publication or posting involving the validity of such contract, or of any tax, assessment or other charge to meet any payment thereunder, and such contract shall be conclusively deemed to be valid unless entered into in violation of this section, section one hundred twenty, or section one hundred twenty-c of this chapter.

§ 120-q. Rules and regulations. Such person, persons or corporation operating and maintaining such system or contracting for the removal of sewage as herein provided shall be subject to such rules, ordinances and regulations as said municipalities may establish, not inconsistent with any contract made therefor.

§ 120-r. Cancellation of sewerage contracts for neglect. In the event of such person, persons or corporation failing and neglecting to keep said system of sewage in a good healthy and effective condition after due notice in writing of not less than sixty days, from any municipality using the same, their rights, of such person, persons or corporation, guaranteed under such contract may be canceled by such municipality, except that such municipality or municipalities shall pay the fair and reasonable value of such sewerage system as provided in such lease or contract. This section shall not apply if such system is under the management and control of one or more of such contracting municipalities.

§ 120-s. Joint meeting for acquisition and operation of property. The joint meeting representing any two or more of such municipalities, as aforesaid, shall have power with their consent and on their behalf and by its own proper officers to enter into any contract and to acquire, by purchase or condemnation, and to hold, maintain and operate any property, necessary or desirable for any of the purposes authorized as aforesaid, as fully and to the same extent as any municipality acting severally.

§ 120-t. Town and village may establish a joint water district. The board of trustees of an incorporated village and the town board of a town may, notwithstanding the provisions of any law, general or special, upon the adoption of propositions therefor duly submitted in such village and town, establish a joint water district for such village and town. Within thirty days after the adoption of such propositions, the board of trustees of the village and the town board of the town shall, acting jointly, by a majority vote of each board, adopt a resolution formally establishing the district. The town clerk shall, within ten days after the adoption of a resolution formally establishing the district, cause a certified copy of such resolution to be filed in the state department of audit and control at Albany, New York. Upon the establishment of a joint water supply district, it shall be lawful for the town and village boards to enter into a contract on behalf of such joint district with any water company, or other party or person, to supply water for such town and village, for fire, sanitary or other purposes. Any water company authorized to supply water to such town or village may enter into such contract and lay its conduits, mains and distributing lines, and set hydrants as in the contract provided. Such water company may supply water to any person or corporation residing in such village and town. The expense of operation of such joint water district shall be apportioned by the town and village boards in joint session between the village and the town, based on the assessed valuation of the real property within said village and town according to the last preceding assessment roll. The portion thereof to be borne by the village shall be a village charge and the portion to be borne by the town shall be a town charge. The portion to be borne by the village shall be levied and collected by the board of trustees in the same manner as other village taxes are levied and collected and the portion to be borne by the town shall be levied and collected by the town board of the town in the same manner as other town taxes are levied and collected. Such money when levied and collected shall be kept in separate funds to be audited and paid by the trustees of the village and the town board of the town pursuant to the provisions of the contract therefor.

§ 120-u. Mutual aid for water service. 1. As used in this section: (a) "Municipal corporations," "municipality" or "municipal" means and includes any city, village, district corporation or public benefit corporation, which owns and operates a water system for domestic, commercial or public uses; a suburban town operating a water system as a special improvement, with respect to such system; and subject to the provisions of subdivision thirteen, a town or county water district;

(b) "Water system" means and includes all the pipes, pumping stations, elevated tanks and other structures and appurtenances necessary to the delivery of water under pressure and owned and operated by a municipality, water works corporation, industrial corporation or other water purveyor;

(c) "Interconnection" means and includes all of the piping, valves, pumps or other appurtenances installed between two different water systems which are necessary to make it possible for water from either system to be supplied to the other;

(d) "State coordinator" means the state coordinator of water supply appointed by the state commissioner of health pursuant to the provisions of this section;

(e) "Emergency" means a temporary condition of failure or inadequacy of the supply of water resulting from stress of weather, convulsion of nature, fire, failure of power, mechanical breakdown, breakage or stoppage of mains and other portions of the waterworks system either from accident, malice, acts of war or civil commotion, or other generally unforeseeable events and temporary interruptions of service due to repairs, replacements or extensions.

2. It is hereby found, determined and declared to be in the public interest that a mutual aid plan for water service in event of possible emergency be established for municipalities, water works corporations, industrial corporations and other purveyors of water in this state; that an adequate and continued supply of water to all the people of the state is a public purpose vital to the public health and welfare; and that any municipality in the exercise of its powers hereunder will be performing an essential governmental function vital to the public security and for the protection of the property of the municipality and its inhabitants.

3. Notwithstanding any inconsistent provision of this chapter or of any other general, special or local law or charter provision, except the applicable provisions of the public health and conservation laws, every municipality shall have, and whenever the governing body of the municipality shall determine that the public interest so requires, may exercise, the power:

(a) to construct, operate and maintain an interconnection for emergency use between its water system and any other water system under such arrangement for payment of costs and emergency use of the same as may be agreed upon by the municipality and authorities in charge of such other water system and to acquire necessary lands, easements or other interests in land and rights of way therefor either within or outside the municipality for that purpose;

(b) to construct necessary waterlines to extend water service for emergency use and to acquire necessary lands, easements or other interests in lands and rights of way therefor either within or outside of the municipality for that purpose;

(c) to buy water or to sell water delivered through any interconnection during an emergency whether or not there be an excess of water for the selling municipality;

(d) to enter into agreement with any other municipality, water works corporation, industrial corporation or other purveyor of water as to the rate or charge to be paid for water delivered through an interconnection during an emergency, which rate shall not include any standby charge nor exceed the rate charged in the selling municipality or in case of a water works corporation, the rate allowed by the public service commission for a like amount of water supplied to consumers;

(e) to loan or borrow temporarily or to rent for stated periods of time or to buy or sell water works equipment, materials or supplies provided that when such are loaned or rented the borrower or lessee shall be liable for any damage to or loss of the equipment, materials, or supplies while lawfully in its possession;

(f) to temporarily assign any water works official or employee of the municipality for the rendition of personal services to another municipality, water works corporation, industrial corporation or other purveyor of water without diminution of pay or loss of any civil service or retirement rights provided that the borrower shall reimburse the municipality for all transportation charges and other expenses incurred in connection with such assignment and for all salaries and wages earned by such official or employee during the period of his temporary assignment and provided that the borrower shall reimburse the loaning municipality for the amount of any pay, compensation or awards made as a result of the disability or death from injury of any such official or employee while so assigned. Any such official or employee shall be deemed to continue in the employ of the loaning municipality while so assigned;

(g) to enter into any contract or arrangement necessary to give full effect to the provisions of this section;

(h) except as otherwise expressly provided in this section, the powers of a municipal corporation relating to the construction of an interconnection or extension, including the furnishing of labor, materials, supplies or equipment may be exercised by resolution and without other authorization and shall not be subject to any petition or notice or hearing or permissive or mandatory referendum or approval by any local authority. The powers granted by this section are in addition to and not restrictive of any powers otherwise granted by law.

3-a. Each municipality providing service to residents of a county with a population of one million two hundred fifty thousand or more which is not wholly contained within a city shall meter service to its customers within two years of the effective date of this subdivision.

4. Interconnections or extensions located wholly or in part outside the bounds of the municipality shall be constructed in accordance with the provisions of law, ordinance or regulation applicable to the construction of municipal public works located within the constructing municipality. The making of such interconnections and the continued supply of water through any such interconnection located wholly or in part outside of the bounds of the municipality for a period not longer than the necessary and unavoidable duration of the emergency and in no case for a period longer than six months shall not require the previous consent and approval of the water resources commission. However, extension of water service outside the bounds of a municipality shall require the prior consent and approval of the water resources commission. The municipalities, water works corporations, industrial corporations or other purveyors of water which shall have their water systems interconnected for emergency purposes shall have joint control, possession and supervision over such interconnections under the terms of a joint agreement to be effected by them and shall have all the rights, privileges and jurisdiction necessary or proper for carrying such powers into execution. No provision of this section shall operate to limit or restrict any municipal power otherwise granted by law.

5. Whenever a municipal corporation shall have authorized the construction of the whole or part of any interconnection, or any extension of a line to provide water service, the officers charged by

law with the duty shall prepare a map or plan of the improvement. No contract shall be entered into for the construction of the interconnection or extension nor shall any rights of way be acquired therefor nor shall any expense be incurred by any municipality, except for the preparation of the map or plan of the improvement, until such map and plan, if it be for an interconnection, shall be presented to and approved by the state coordinator, nor until such map and plan if it be for an extension shall be presented to and approved by the water resources commission with such modifications, if any, as he or it, as the case may be, shall determine. Upon approval of plans for an interconnection, the state coordinator shall file a certificate thereof with the clerk or corresponding officer of the municipality proposing the improvement and in the case of a town or county water district, with the town clerk of the town in which such town district is located, or with the county clerk of the county in which such county district is located, as the case may be. Whenever a municipal corporation shall propose to construct an interconnection jointly with another municipal corporation, or jointly with a water works corporation, industrial corporation or other purveyor of water, the proposals shall provide the portion of the expense to be borne by each and shall be submitted to the state coordinator for approval. The submission of proposals by a municipal corporation for the construction of an interconnection jointly with another municipal corporation, water works corporation, industrial corporation or other purveyor of water, shall not bind the municipality to the performance of the work or of any part thereof, and any such municipal corporation may withdraw from the proposal at any time prior to the execution of the contract for the performance of the work. The municipal corporation shall have power to acquire by purchase or eminent domain proceedings, lands and easement rights necessary for the improvement both within and outside of the municipality. This section, however, shall not authorize the taking of any lands already devoted to a public use. In any proceeding for the acquisition of lands or easement rights or other interests in land where the municipality is unable to acquire the same by purchase, the municipality may acquire such lands pursuant to the provisions of the eminent domain procedure law.

6. Whenever any interconnection or extension shall cross any railroad

property, the lines shall be made to cross under such railroad with the least injury practicable and unless the right to cross the same shall be acquired by agreement, compensation shall be ascertained and made to the owners thereof in the manner prescribed by this section for acquisition of rights of way of lands and easements from private owners. No exclusive title or use shall be so acquired as against any railroad; but the rights acquired shall be a common use of the lands in such manner as to be of the least practical injury to such railroad consistent with the use thereof for such interconnection or extension; nor shall any municipal corporation take or use any lands, fixtures or erections of any railroad corporation or have the right to acquire the right to run along or upon the lands of any railroad corporation except for the purpose of directly crossing the same.

7. No interconnection shall be constructed between a public water system and the water supply of any industry without approval of the state coordinator of water supply and the state department of health.

8. No interconnection or extension shall be constructed along, upon or under any state highway without the consent of the state commissioner of transportation; nor along, upon or under any county road without the consent of the county or district superintendent of highways of such county; nor along, upon or under any town highway without the consent of the town superintendent of highways of such town; nor upon any state lands without the consent of the commissioner of general services who shall have power to grant the right to any municipal or other corporation to cross state lands upon such terms and conditions as the commissioner may require.

9. No interconnection or extension shall be constructed by any municipality or water works corporation into or through any other city, town or village in the state unless authorized by a resolution prescribing the route, manner of construction and terms upon which permission is granted, adopted at a regular or special meeting of the legislative body of such other city, town or village by a majority vote. Any such interconnection or extension, or portion thereof, may, however, be constructed into or through any such city, town or village without

the consent of local authorities, if such local authorities do not either grant or refuse the consent within two weeks after the application is filed.

No pavement shall be removed in any city, village or town unless done under the direction of the official, board or body having charge of the construction and repair of pavements, nor until such municipal corporation or water works corporation shall give a bond in such sum as the local legislative body may require for the replacement and restoration of any pavements which shall have been removed or damaged.

10. The lands taken or to be taken for the construction, operation and maintenance of interconnections, or portions thereof, shall be subject to taxation in the manner prescribed by law, exclusive of underground pipelines or conduits which shall be exempt from taxation; provided, however, in the event such pipeline or conduit, or portion thereof, within a taxable district, is actually used for water supply for a total period of more than one hundred eighty days in any year ending on July first, then such pipeline or conduit, or portion thereof, shall constitute taxable property and may be taxed in the manner prescribed by law on the next tax-roll. The provisions of this subdivision, however, shall not be construed to make taxable any property expressly exempted from taxation under the provisions of article fourteen-c of this chapter or any other general or special law.

11. The municipality, water works corporation, industrial corporation or other purveyor of water to which the official or employee of any other municipality is temporarily assigned for the rendition of personal services shall be liable and accountable for any act or omission on the part of any such official or employee while so assigned and shall reimburse the loaning municipality for the amount of any pay, compensation or awards made as a result of any such act or omission on the part of such official or employee while so assigned. The municipality, water works corporation, industrial corporation or other purveyor of water which borrows or rents water works materials, equipment or supplies from another municipality shall be liable and accountable for any damages sustained resulting from the use, operation

or maintenance of such materials, equipment or supplies while in its possession and shall reimburse the loaning municipality for the amount of any pay, compensation or awards made as a result of such damages sustained during the loan or rental period. In any action brought for the recovery of such damages, the borrowing municipality shall have the right to intervene as a party defendant.

12. To further the purposes of this section, to promote the installation of needed interconnections and the reinforcement of water supply systems to meet any possible emergency conditions and to facilitate the interchange of water works personnel, equipment, materials or supplies between municipalities, water works corporations, industrial corporations or other purveyors of water in event of emergencies, the state commissioner of health may appoint a state coordinator of water supply and may divide the state into any number of water service zones and appoint zone coordinators of water supply and assistant zone coordinators of water supply who shall be officials or employees of the state department of health, municipal or county departments of health or public works or municipal water works and shall serve without additional compensation for services rendered under or pursuant to the provisions of this section. It shall be the duty of all local water officials to cooperate with the state and zone water supply coordinators on all matters related to mutual aid for water service.

The state coordinator shall have power:

(a) to investigate and study existing water systems in the state as to the need for their reinforcement, integration or interconnection to meet the requirements of any public emergency;

(b) to collect and disseminate information and data and to engage in technical studies, scientific investigations and statistical research relating to interconnecting water systems;

(c) to collect and disseminate information and data on the extent and availability of water personnel, water equipment and other water works materials and supplies;

(d) to ask for and receive aid and assistance from zone coordinators, assistant zone coordinators and municipal and water works officials in the performance of his duties;

(e) to review and coordinate plans and preparations for exchange of personnel, equipment, materials and supplies between municipalities or between municipalities and water works corporations, water districts and industrial corporations in an emergency;

(f) to review and approve or disapprove plans for the interconnection of water systems.

Each zone coordinator, with the assistance of the assistant zone coordinator shall have jurisdiction within the water service zone in and for which he is appointed;

(a) to aid in the preparation of plans for water interconnections or extensions;

(b) to tabulate the extent and availability of personnel, equipment and other water works materials and supplies;

(c) to formulate plans for the expeditious use of the available personnel, equipment and other water works materials and supplies in case of an emergency.

13. The powers granted to a town or county water district may be exercised only by the town board of the town in which such town district is located, or by the board of supervisors of the county in which such county district is located, as the case may be, subject to the following conditions, limitations and exceptions:

(a) Notwithstanding the provisions of section one hundred ninety-seven of the town law, or section two hundred sixty-two of the county law, as the case may be, prohibiting the award of contracts if the total expense of the improvement shall exceed the maximum amount proposed to be expended for the improvement as stated in the petition, or the notice of hearing published, as the case may be, for the establishment or extension of the district, the town board, in the case of a town district, may direct the town engineer, or if there be no town engineer, a competent civil engineer duly licensed by the state of New York, to prepare a map and general plan, or the board of supervisors, in the case of a county district, may direct the county water agency to cause a map and general plan to be prepared, for the construction of an interconnection between the water system of the district and any other water system or for the construction of an extension of the water system of the district and to prepare an estimate of the portion of the expense thereof to be borne by the district. When such map, plan and estimate for a town district are submitted, the town board shall call a public hearing thereon and cause a notice thereof to be published and posted and such hearing to be held, all in the manner provided in section two hundred and two-b of the town law. After such hearing and from the evidence given thereat, if the town board shall determine that it is in the public interest to construct the interconnection or extension and that all property and property owners within the district will be benefited thereby, it may proceed with the work subject to other applicable provisions of this section. When such map, plan and estimate for a county district are submitted, the board of supervisors shall determine the necessity of such interconnection or extension and may cause the same to be accomplished in the manner provided in section two hundred sixty-eight of the county law, subject to other applicable provisions of this section. A copy of the determination of the town board, or of the board of supervisors, signed and certified, shall be duly recorded in the office of the clerk of the county in which the district is located and when so recorded shall be presumptive evidence of the regularity of the proceedings of the town board, or the board of supervisors, as the case may be. Any interested party aggrieved by the determination of the town board, or the board of supervisors, as the case may be, may review the same in the manner set forth in article seventy-eight of the civil practice law and rules provided that application for such review is made within thirty days from the time of filing the determination in the office of the county clerk.

(b) The expense of constructing and maintaining an interconnection or an extension hereunder shall be assessed and levied upon and collected from the several lots and parcels of land located within the water district in the same manner as the expense of maintaining the existing water system of such district.

(c) No interconnection or extension shall be constructed hereunder either wholly or partially at the expense of a water district which shall have a separate board of water commissioners, unless a majority of such commissioners shall execute and file in the office of the town clerk their consent thereto in writing.

(d) The provisions of article twelve or article twelve-A of the town law, in the case of a town district, or article five-A of the county law, in the case of a county district, in so far as applicable and not inconsistent with the provisions of this section, shall apply to the construction of water district interconnections and extensions authorized and approved as provided in this section.

14. The powers and duties of the state coordinator hereunder shall be deemed to be powers and duties of the state department of health and shall be exercised by the state coordinator subject to the supervision, direction and control of the state commissioner of health.

15. The powers conferred by this section shall be in addition and supplemental to the powers contained in any other law and nothing contained herein shall be construed as limiting any right or power that a municipality now has or may hereafter have pursuant to law.

16. The provisions of this section shall not apply to the city of New York. However, nothing in this section shall be construed as prohibiting or removing the obligation of New York city to furnish or sell water to other municipalities as may be required by the provisions of any other law.

17. If any part, provision or paragraph of this section or the application thereof to any person or circumstances shall be held invalid by any court of competent jurisdiction, the remainder thereof or the application of such part, provision or paragraph to any other person or circumstances shall not be affected thereby.

§ 120-v. Contracts for disposal of sewage outside the state. A public corporation or improvement district in this state may contract for the disposal of its sewage with a municipality, public corporation or improvement district located in another state upon such terms and conditions as may be agreed upon except that no condition shall be imposed whereby a public corporation or improvement district in this state shall be required to extend its sewer mains outside the state. The term "public corporation" as used in this section shall mean a public corporation as defined in section three of the general corporation law; provided, however, that for the purposes of this section there shall be included a corporation which, except for its location outside the state, would be a public corporation within such definition. Nothing herein shall be construed to alter or abridge the powers and duties of the state department of health concerning sewage disposal matters.

§ 120-w. Contracts and agreements for solid waste management, collection and disposal. 1. Definitions. As used in this section:

(a) "Municipality" means a town, city, county, or village or any designated public agency thereof, or a garbage or sanitary district established under the Nassau county civil divisions act; or any two or more of the foregoing which are acting jointly in connection with a solid waste management facility, or a public authority.

(b) "Solid waste management-resource recovery facility" or "facility" or "project" means any facility, plant, works, system, building, structure, improvement machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed beyond the initial solid waste collection process for the storage, processing, or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom including but not limited to recycling centers, transfer stations, baling facilities, rail haul or barge haul facilities, processing systems, resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, plants and facilities for compacting, composting or pyrolization of solid wastes, incinerators, and other solid waste disposal, reduction or conversion facilities. For the purpose of this section, solid waste management-resource recovery facilities include solid waste recovery and management projects as defined in subdivision two of section 51-0903 of the environmental conservation law.

(c) "Resource recovery" means the separation, extraction and recovery of useable materials or energy from solid waste through source separation, recycling centers or other programs, projects or facilities.

(d) "Person" means a municipality or other governmental body, public corporation or authority, private corporation, partnership or individual.

(e) "Source separation" means the segregation of recyclable materials from the solid waste stream at the point of generation for separate collection, sale or other disposition.

2. Notwithstanding the provisions of any other law, general, special or local relating to the length, duration and terms of contracts which a municipality may enter into, any municipality may enter into a contract with any person, upon such terms and conditions as may be agreed upon, for the design, construction, operation, financing, ownership or maintenance of a solid waste management-resource recovery facility, for the processing or disposal of solid waste or for a system of collection and disposal of municipal solid waste through resource recovery which may include source separation, for a period not to exceed twenty-five years, and, except in a city having a population of one million or more, for collection and disposal of municipal solid wastes by means other than resource recovery for a period not to exceed five years as provided for in this section.

3. The share of the cost to be paid by municipalities acting jointly shall be determined in any manner which may be agreed upon, and such share shall be included in the annual budget of the participating municipality as an expense and levied against the taxable real property in the municipality or municipalities.

4. Construction, financing and operation of solid waste management-resource recovery facilities. (a) Notwithstanding the provisions of any other law, general, special or local relating to the length, duration and terms of contracts a municipality may enter into, any county, city, town or village, or any combination thereof, is hereby authorized and empowered from time to time to enter into contracts, leases or rental agreements, with, or grant licenses, permits, concessions or any other authorizations, to any person, upon such terms and conditions for such consideration and for such term or duration, not to exceed twenty-five years, as may be agreed upon by any county, city, town or village or any combination thereof, and such person, whereby, for any purpose or purposes hereinafter referred to, such person is granted the right to construct, maintain, use, occupy or carry on

activities in the whole or any part of a solid waste management-resource recovery facility on a site authorized by any county, city, town or village or any combination thereof.

(b) Prior to or after the expiration or termination of the term or duration of any contract, lease, rental agreement, license, permit, concession, or other authorization, entered into or granted pursuant to the provisions of this section, any county, city, town or village or any combination thereof, in accordance with the requirements and conditions of this section, may from time to time enter into amended, supplemental, new, additional or further contracts, leases or rental agreements with, and grant new, additional, supplemental, or further licenses, permits, concessions, or other authorizations to the same or any other person for any purpose or purposes referred to herein.

(c) The person, entering into any contract, lease, rental agreement, license, permit, concession, or other authorization referred to herein, with any county, city, town or village or any combination thereof, may be granted the rights hereinbefore referred to for any purpose or purposes as shall provide for the benefit of the people of any county, city, town or village or any combination thereof, and the improvement of their health and welfare, by the utilization of solid waste management-resource recovery systems, technology, processes and procedures, and for any purpose which aids in the financing of the construction and operation of a solid waste management-resource recovery facility for the benefit of any county, city, town or village or any combination thereof.

(d) The products generated by any solid waste management-resource recovery facility may be sold, utilized or otherwise disposed of, pursuant to contract, lease, rental agreement, license, permit, concession, or other authorization, between any municipality and any person, upon such terms and conditions for such consideration, and for such term or duration, not to exceed twenty-five years, as may be agreed upon by any municipality and such person.

(e) It is the intent of the legislature that overall cost should in all cases be a major criterion in the selection of contractors for award of contracts pursuant to this section and that, wherever practical, such contracts which include construction work should be procured through competitive bidding procedures as prescribed by sections one hundred one and one hundred three of this chapter. It is further the intent of the legislature to acknowledge the highly complex and innovative nature of resource recovery technology for processing mixed solid waste, the relative newness of the variety of resource recovery systems now available, the desirability of a single point of responsibility for the development of facilities and the economic and technical utility of contracts for resource recovery projects which include in their scope various combinations of design, construction, operation, management and/or maintenance responsibilities over prolonged periods of time and that in some instances it may be beneficial to the municipality to award a contract on the basis of factors other than cost alone, including but not limited to facility design, system reliability, energy efficiency, compatibility with source separation and other recycling systems and environmental protection. Accordingly, and notwithstanding the provisions of any general, special or local law or charter, a contract entered into between a municipality and any person pursuant to this section may be awarded pursuant to public bidding in compliance with sections one hundred one and one hundred three of this chapter or pursuant to the following provisions for the award of a contract based on evaluation of proposals submitted in response to a request for proposals prepared by or for the municipality:

(1) The municipality shall require that each proposal to be submitted shall include:

(i) information relating to the experience of the proposer on the basis of which said proposer purports to be qualified to carry out all work required by a proposed contract; the ability of the proposer to secure adequate financing; and proposals for project staffing, implementation of work tasks, and the carrying out of all responsibilities required by a proposed contract;

(ii) a proposal clearly identifying and specifying all elements of cost which would become charges to the municipality, in whatever form, in return for the fulfillment by the proposer of all tasks and responsibilities established by the request for the proposal for the full lifetime of a proposed contract, including, as appropriate, but not limited to the cost of planning, design, construction, operation, management and/or maintenance of any facility; and clearly identifying and specifying all elements of revenue which would accrue to the municipality from the sale of any material or energy produced or from any other source; provided, that the municipality may prescribe the form and content of such proposal and that, in any event, the proposer must submit sufficiently detailed information to permit a fair and equitable evaluation by the municipality of such proposal; and provided, further, that the municipality may set maximum allowable cost limits in any form in the request for proposals; and

(iii) such other information as the municipality may determine to have a material bearing on its ability to evaluate any proposal in accordance with subparagraph five of this paragraph;

(2) To provide for public information and review:

(i) prior to the issuance of a request for proposals pursuant to this paragraph, the municipality shall publish notice of such issuance in the official newspaper of the municipality, if any, in at least one newspaper of general circulation, in the state register and in the environmental notice bulletin. Concurrent with the publication of such notice a draft request for proposals shall be filed with the clerk or chief executive officer of the municipality;

(ii) after allowing a sixty day comment period and an additional ten days to review such comments, the municipality may publish the final request for proposals and concurrent with such publication shall publish notice of such issuance in the manner specified in item (i) of this subparagraph. Concurrent with the publication of the final request for proposals a set of comments filed in relation to the draft request for proposals and findings related to the substantive elements of such comments shall be filed along with the request for proposals with the clerk or chief executive officer of the municipality and in the municipal public library or libraries in proximity to the proposed site or sites;

(3) Proposals received in response to such request for proposals shall be evaluated by the municipality as to net cost or, if a net revenue is projected, net revenue, and, in a manner consistent with provisions set forth in the request for proposals, may be evaluated on the basis of additional factors, including but not limited to the technical evaluation of facility design, system reliability, energy balance and efficiency, environmental protection, overall employment and recovery of materials. The evaluation of such proposals and the determination of

whether a proposer is "responsible" may include, but shall not be limited to, consideration, in a manner consistent with provisions set forth in the request for proposals, of the record of the proposer in complying with existing labor standards and recognizing state and federally approved apprentice training programs, and the willingness of the proposer to provide for meaningful participation of minority group persons and business enterprises in the conduct of the work;

(4) The municipality may make a contract award to any responsible proposer selected pursuant to subparagraph three of this paragraph based on a determination by the municipality that the selected proposal is most responsive to the request for proposals and may negotiate with any proposer; provided, however, that if an award is made to any proposer whose total proposal does not provide either the lowest net cost or, if a net revenue is projected, the greatest net revenue of any proposal received, the municipality shall adopt a resolution after public hearing which includes particularized findings relevant to factors evaluated pursuant to subparagraph three indicating that the municipality's requirements are met by such award and that such action is in the public interest.

(f) Whenever a municipality enters into a contract pursuant to this section for the construction of a solid waste management-resource recovery project, the provisions of section two hundred twenty of the labor law shall be applicable to such construction work.

5. a. In a city having a population of one million or more any contract entered into pursuant to the provisions of this section shall be limited to the within enumerated facilities appearing in the following schedule:

(a) Arthur Kill located at Fresh Kill Landfill, Staten Island.

(b) West 215th. Street located at 215th. Street between Tenth Avenue and the Harlem River, borough of Manhattan.

(c) Barretto Point located at Tiffany and Ryawa Streets, borough of Bronx.

(d) Pilot Block located at 2nd. Avenue and 121st. Street, borough of Manhattan.

(e) Westway-A located at 28th. Street and the Hudson river, borough of Manhattan, Westway-B located at Canal Street and the Hudson river, borough of Manhattan.

(f) Navy Yard located at the Brooklyn Navy Yard, borough of Brooklyn.

(g) Idlewild located at Idlewild, borough of Queens.

(h) South Shore located at Forbell Street and 157th. Avenue, borough of Brooklyn.

(i) Edgemere located at Edgemere Landfill, borough of Queens.

(j) Integrated Utility located at Hellgate, Consolidated Edison plant, borough of Bronx.

(k) Upgraded Betts Avenue incinerator located in the borough of Brooklyn.

(l) Upgraded Greenpoint incinerator located in the borough of Brooklyn.

(m) Upgraded Southwest Brooklyn incinerator located in the borough of Brooklyn.

(n) Hamilton Avenue facility located in the borough of Brooklyn.

(o) Existing 135th. Street M.T.S. located in the borough of Manhattan.

(p) Existing 91st. Street M.T.S. located in the borough of Manhattan.

(q) North Shore located at thirty-first Avenue and Flushing Bay, borough of Queens.

(r) Existing South Bronx located in the borough of the Bronx.

(s) Harlem River Yards located in the borough of the Bronx.

(t) Columbia Street Marine Terminal located in the borough of Brooklyn.

b. The sustained daily tonnage throughput capacity of any solid waste recovery and management facility constructed pursuant to this section in such city shall not exceed three thousand tons per day.

c. Notwithstanding any other provision of law, no solid waste recovery and management facility having a capacity to generate electricity or steam and having a sustained daily tonnage throughput capacity of greater than twenty-five tons per day, shall be constructed in the county of Richmond except that this limitation shall not apply to a single solid waste recovery and management facility having a sustained daily tonnage throughput capacity of not more than three thousand tons per day to be constructed at Arthur Kill, located at Fresh Kill landfill.

d. This subdivision shall not apply to facilities to be used for the source separation, collection, storage, processing or marketing of recyclable or reusable components of solid waste as defined in paragraph b of subdivision two of section one hundred twenty-aa of this article, provided, however that in the borough of Staten Island any such facility shall be located at Fresh Kill landfill.

6. An action, suit or proceeding contesting the validity of a contract awarded pursuant to this section, or the validity of the procedures relating to such award, must be commenced within sixty days after publication of notice of such award as hereinafter prescribed, if the following requirements are met:

(a) official action of the municipality in awarding a contract under this section shall contain a statement that the validity of such contract and the procedures relating to its award may be contested only if:

(1) such action, suit or proceeding is commenced within sixty days after the date of publication of such official action; and

(2) such award of procedure was not authorized pursuant to this section; or

(3) any of the provisions of this section which should be complied with at the date of the publication of such official action have not been substantially complied with; or

(4) a conflict of interest can be shown in the manner in which the contract was awarded; and

(b) notice of the official action of the municipality awarding a contract under this section shall be published in full by the clerk or chief executive officer of the municipality in substantially the following form in the official newspaper of the municipality, if any, in at least one newspaper of general circulation, in the state register and in the environmental notice bulletin:

"On (date) the (name of municipality) awarded a contract to (name of party) pursuant to section one hundred twenty-w of the general municipal law for the (purpose of contract). The validity of this contract or the procedures which led to its award may be hereafter contested only by action, suit or proceeding commenced within sixty days after the date of this notice and only upon the ground or grounds that: (1) such award or procedure was not authorized pursuant to that section, or (2) any of the provisions of that section which should be complied with at the date of this publication have not been substantially complied with, or (3) a conflict of interest can be shown in the manner in which the contract was awarded; or by action, suit or proceeding commenced on the grounds that such contract was awarded in violation of the provisions of the Constitution.

____

Clerk or other official or person designated by the municipality"

7. Every contract entered into between a municipality and a project developer pursuant to the provisions of subparagraph four of paragraph (e) of subdivision four of this section, for construction of a solid waste management-resource recovery building by the project developer, shall contain provisions that such building shall be constructed through construction contracts awarded through public competitive bidding in accordance with paragraphs (a) through (g) of this subdivision; that the project developer shall furnish a bond guaranteeing prompt payment of moneys that are due to all persons furnishing labor and materials pursuant to the requirements of such construction contracts, and that a copy of such payment bond shall be kept by the municipality and shall be open to public inspection; provided, however, that the requirements of this subdivision shall not apply when the cost of such construction is

less than five thousand dollars.

(a) The project developer shall advertise for bids for such construction contracts in a daily newspaper having general circulation in the county in which such public solid waste management-resource recovery building is to be located. Such advertisement shall contain a statement of the time when and place where all bids received pursuant to such notice will be publicly opened and read. An employee of the municipality shall be designated to open the bids at the time and place specified in the notice. All bids received shall be publicly opened and read at the time and place so specified. At least five days shall elapse between the publication of such advertisement and date on which the bids are opened.

(b) Except as otherwise provided in section two hundred twenty-two of the labor law, when the entire cost of constructing such building shall exceed three million dollars in the counties of the Bronx, Kings, New York, Queens, and Richmond; one million five hundred thousand dollars in the counties of Nassau, Suffolk and Westchester; and five hundred thousand dollars in all other counties within the state, the project developer shall prepare separate specifications for the following subdivisions of such work, so as to permit separate and independent bidding upon each subdivision:

(i) plumbing and gas fittings;

(ii) steam heating, hot water heating, ventilating and air conditioning apparatus; and

(iii) electric wiring and standard illuminating fixtures.

(b-1) Each bidder on a public work contract, where the preparation of separate specifications is not required, shall submit with its bid a separate sealed list that names each subcontractor that the bidder will use to perform work on the contract, and the agreed-upon amount to be paid to each, for: (i) plumbing and gas fitting, (ii) steam heating, hot water heating, ventilating and air conditioning apparatus and (iii) electric wiring and standard illuminating fixtures. After the low bid is announced, the sealed list of subcontractors submitted with such low bid shall be opened and the names of such subcontractors shall be announced, and thereafter any change of subcontractor or agreed-upon amount to be paid to each shall require the approval of the public owner, upon a showing presented to the public owner of legitimate construction need for such change, which shall be open to public inspection. Legitimate construction need shall include, but not be limited to, a change in project specifications, a change in construction material costs, a change to subcontractor status as determined pursuant to paragraph (e) of subdivision two of section two hundred twenty-two of the labor law, or the subcontractor has become otherwise unwilling, unable or unavailable to perform the subcontract. The sealed lists of subcontractors submitted by all other bidders shall be returned to them unopened after the contract award.

(c) After public competitive bidding the project developer shall award one or more separate contracts for each of the above subdivisions of such work, whenever separate specifications are required pursuant to paragraph (b) of this subdivision, and one or more contracts for the remainder of such work. The project developer may award such contracts at different times. Contracts awarded pursuant to this subdivision shall be awarded by the project developer to the lowest responsible and responsive bidder and shall be contracts of the project developer and not of the municipality which shall have no obligation or liabilities, whatsoever, thereunder. The project developer shall have the responsibility for the supervision, coordination, and termination of such contracts, unless otherwise specified in contractual terms between the project developer and the municipality.

(d) In determining whether a prospective contractor is responsible and responsive, the project developer may require that prospective contractors:

(i) have adequate financial resources or the ability to obtain such resources;

(ii) be able to comply with the required or proposed delivery or performance schedule;

(iii) have a satisfactory record of performance;

(iv) have the necessary organization, experience, operational controls, and technical skills, or the ability to obtain them;

(v) have the necessary production, construction and technical equipment and facilities, or the ability to obtain them;

(vi) be eligible to receive an award under applicable laws and regulations and be otherwise qualified.

(e) The project developer may reject any bid of a bidder which the project developer determines to be nonresponsible or nonresponsive to the advertisement for bids.

(f) The project developer may, in its discretion, reject all bids, and may revise bid specifications and may readvertise for bids as provided herein.

(g) Only as used in this subdivision:

(i) "project developer" means any private corporation, partnership, or individual or combination thereof which has submitted a proposal in response to a request for proposals issued pursuant to subparagraph two of paragraph (e) of subdivision four of this section;

(ii) "construction" shall include reconstruction, rehabilitation or improvement;

(iii) "solid waste management-resource recovery building" means a building of a solid waste management-resource recovery facility. Such building shall not include the system to be used for the purposes of receiving, processing, handling or storing solid waste, the products and by-products derived therefrom, or materials used in such processing or handling and any equipment or property involving proprietary or trade secrets.

§ 120-x. Agreements for joint acquisition, construction and operation of public docks. A town and one or more villages situated wholly or partly within such town are hereby empowered to enter into an agreement for the joint acquisition, construction and operation of a public dock. Such agreement shall provide for the method of acquisition or construction of the public dock; the management and operation thereof; the method of fixing the proportionate share of each participating municipality and of making contributions; the method of making annual adjustments of the proportionate shares of the annual cost and expense; the adoption of rules and regulations in relation to the operation of the dock and the conditions of use; the adjudication of disputes; and other matters necessary to effectuate such an arrangement. The share of the capital cost apportioned to the town and the village or villages respectively may be financed by each such municipality respectively in the manner provided in the local finance law. The share of the cost of operation and maintenance to be paid by the town and debt service on obligations issued to finance the town's share of capital cost shall be included in the annual budget of the town and shall be levied against the taxable real property in the town situated outside of such participating village or villages. The share of the cost of operation and maintenance to be paid by a village and debt service on obligation issued to finance a village's share of capital cost shall be included in the annual budget of such village and shall be levied against the taxable real property in the village. Nothing herein contained shall be construed to restrict or prohibit the exercise by the town of any existing power or authority to provide dock facilities in any village situated within such town.

§ 120-z. Sewer hook-ups by private contractors. Whenever a contractor retained or hired to connect or hook-up a private property with a sewer system in a city, town or village, requires that all or a portion of the cost of such connection for hook-up be paid in advance of completion of the same, the amount of such payment shall be held by such contractor in an escrow account until completion of such work, if the city, town or village in which the work is to be done so requires. Such city, town or village may by local law or ordinance regulate such escrow payments and the enforcement thereof.

§ 120-aa. Source separation and segregation of recyclable or reuseable materials. 1. The legislature hereby finds that it is in the public interest, in order to further the purposes of the state policy on solid waste management articulated in section 27-0106 of the environmental conservation law, for a municipality to adopt a local law or ordinance to require the source separation and segregation of recyclable or reuseable materials from solid waste.

2. a. Pursuant to the authority of this section, no later than September first, nineteen hundred ninety-two, a municipality shall adopt such a local law or ordinance to require that solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility, shall be separated into

recyclable, reuseable or other components for which economic markets for alternate uses exist. For purposes of this section, the term "economic markets" refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said material less the amount received from the sale of said material.

b. For purposes of this section, "components" shall include paper, glass, metals, plastics, garden and yard waste, and may include other elements of solid waste.

c. Prior to exercising the authority of this section to enact such a local law or ordinance, the municipality shall hold a public hearing relating to its proposed provisions and shall give due consideration to existing source separation, recycling and other resource recovery activities in the area, to the adequacy of markets for separated materials, and to any additional effort and expense to be incurred by residents in meeting the proposed separation requirements. The authority provided in this section shall be in addition to and without limitation upon the authority vested in municipalities under any other statute.

d. In fulfillment of the provisions of this section a municipality may use public lands or buildings or private lands or buildings, open to the public, upon written consent of the owner, as a recycling center or depot for the storage of recyclable materials. The office of general services and any other agency, authority or commission holding title to lands or buildings in the name of the people of the state shall fully cooperate with any person acting under the authority of this section to establish a recycling program, provided that such use is not inconsistent with the principle purpose of such lands or buildings, subject to local zoning restrictions.

§ 120-bb. Town of Huntington solid waste management resource recovery facility; tax exemption; other contractual provisions related to towns of Huntington and Smithtown. 1. Notwithstanding any inconsistent provision of article twenty-eight of the tax law, or of any other general, special or local law respecting taxation, the receipts from the sale of all tangible personal property purchased by a contractor, subcontractor or repairman for use in erecting, repairing, replacing, improving or altering a solid waste management resource recovery facility within the town of Huntington, as such term is defined in section one hundred twenty-w of this article, where such property becomes an integral component part of such facility, shall be exempt from the tax on retail sales imposed under subdivision (a) of section eleven hundred five and the compensating use tax imposed under section eleven hundred ten of the tax law provided that:

(a) title to the real property upon which the solid waste management resource recovery facility is to be situated is held by the town of Huntington;

(b) the environmental facilities corporation has caused to be issued bonds of the corporation for financing in whole or in part the construction of such solid waste management resource recovery facility;

(c) the vendor has entered into a site lease, easement or rental agreement with such town relating to the site of the proposed facility;

(d) prior to the issuance of a permit by the department of environmental conservation authorizing the operation of the facility, the town of Huntington and the town of Smithtown shall each have adopted and put into effect and maintained in effect a local ordinance providing for the separation of solid waste into recyclable, reusable and other components pursuant to section one hundred twenty-aa of this article.

1-a. As long as the criteria set forth in paragraphs (a), (b), (c) and (d) of subdivision one of this section are satisfied, a vendor under this section, shall be afforded the same treatment, with respect to the imposition of the sales and compensating use taxes imposed under article twenty-eight of the tax law as the environmental facilities corporation is pursuant to subdivision eight of section twelve hundred ninety-six of the public authorities law, on any purchase or use of tangible personal property.

2. Notwithstanding any provision of law, general, special or local, relating to taxation to the contrary, any mortgage, security interest or

other lien granted on any interest in the real or personal property comprising the solid waste management resource recovery facility by the owner, lessee or sublessee thereof shall be exempt from any mortgage, recording, stamp or other similar tax imposed by the state or any municipality or political subdivision thereof, with the same effect as if the environmental facilities corporation were the owner of such facility and the mortgagor or grantor of such mortgage, security interest or lien, as the case may be, and section twelve hundred ninety-six of the public authorities law were applicable to such facility.

3. (a) Pursuant to a joint agreement under article five-G of this chapter, the town of Huntington and the town of Smithtown, without any new or additional competitive procurement which would otherwise be required by section one hundred twenty-w of this article, may enter into a contract, amendment or supplement with the vendor with which the town of Huntington has previously executed a contract on or before the effective date of this section, for the design, construction, operation, financing, ownership or maintenance of a solid waste management-resource recovery facility within the town of Huntington as may be necessary for the purpose of expanding the facility and the services contemplated by such original contract in order to accommodate the disposal of solid waste from the town of Smithtown.

(b) The waiver of compliance with the competitive procurement provisions of such section one hundred twenty-w shall be strictly limited in application to the undertaking and completion of such additional design and construction at such facility as is necessary to accommodate the disposal of solid waste from the town of Smithtown. Notwithstanding such waiver, the provisions of section two hundred twenty of the labor law shall be applicable to construction work undertaken pursuant to such contract amendment or supplementation.

(c) Any expansion of the proposed Huntington resource recovery facility pursuant to this section shall be in full accordance with the rules and regulations promulgated by the department of environmental conservation for the construction and operation of municipal solid waste incineration facilities permitted on or after the effective date of this section.

4. The town of Smithtown shall have the power to adopt and amend local laws imposing appropriate and reasonable limitations on competition with respect to collecting, receiving, transporting, delivering, storing, processing and disposing of solid waste or the recovery by any means of any material or energy product or resource therefrom, including local laws requiring that all solid waste generated, originated or brought within its boundaries, subject to such exceptions as may be determined to be in the public interest, shall be delivered to a specified solid waste management-resource recovery facility; provided, however, that any such local law enacted by the town shall take precedence and shall supersede any inconsistent provisions of any local law enacted by a municipality within the town. Any such local law shall be adopted in accordance with the procedure provided by the municipal home rule law, except that no such local law shall be subject to either mandatory or permissive referendum. For purposes of this section solid waste shall not include any scrap or other material of value separated from the waste stream and held for purposes of materials recycling.

5. Notwithstanding the provisions of any other law, general, special or local, relating to the length, duration and terms of contracts a municipality may enter into, or relating to the method by which contracts may be entered into, the town of Huntington may enter into a lease, easement or rental agreement relating to the site of the proposed Huntington resource recovery facility and to the proposed facilities to be constructed thereon with the vendor upon such terms and conditions, for such consideration and for such term and duration, not to exceed forty years, as may be agreed upon by the town of Huntington and the vendor, provided that any agreement providing for payment by the town of Huntington for resource recovery services to be provided at such site may not exceed twenty-five years in duration, except as such agreement may be extended in accordance with section one hundred twenty-w of this article.

6. Notwithstanding any inconsistent provision of section twelve hundred ninety of the public authorities law or of any other provision of state law, the bonds and any renewals thereof to be issued by the

environmental facilities corporation for the purposes of constructing the solid waste management resource recovery facility in the town of Huntington shall mature at such time as the resolution authorizing such issuance provides but not exceeding twenty-five years from the date of the original issuance of such bonds.

7. For purposes of this section, the term "vendor" shall mean any constructor or operator together with any successors or assigns, of a solid waste management-resource recovery facility located in the town of Huntington and intended to dispose of municipal solid waste pursuant to an agreement with the town of Huntington.

§ 120-cc. Enforcement of unpaid solid waste collection and/or disposal fee. 1. Any municipal corporation may adopt a local law providing that unpaid fees or charges for municipal or municipally contracted solid waste collection and/or disposal services be included with the annual tax levy, together with any interest and penalties thereon.

2. No fees for solid waste collection and/or disposal imposed prior to the adoption of a local law pursuant to this section may be included in any annual tax levy.

3. In any year in which such unpaid fees and penalties will be included in the annual tax levy, the governing board shall cause a statement to be prepared setting forth each amount of solid waste disposal and/or collection fees in arrears as of thirty days prior to the last date prescribed by law for the annexation of the warrant to the assessment roll, a brief description of the property for which or in connection with which such solid waste services were provided, and the name and address of the person or corporation liable to pay such amount. Such statement shall be presented to the board empowered to levy taxes, and such board shall levy such amounts remaining unpaid on the date taxes are levied against the real property for which or in connection with which such solid waste services were provided.

4. The term "municipal corporation", as used in this section, includes

only a city, village, and a town for town-wide solid waste collection and/or disposal services.

§ 121. Establishment and maintenance of free public baths. Any city, village or town may establish and maintain free public baths, and any city, village or town may appropriate of its funds for the purpose of establishing such free public baths.

§ 121-a. Creation of village and town police department in certain towns and villages. Notwithstanding the provisions of any law, general or special, the town board or boards of a town or towns in the same county and the board or boards of trustees of an incorporated village or villages located wholly within such town or towns, may, upon the adoption of propositions therefor duly submitted in such town or towns and village or villages, determine to create a joint town and village police department for such town or towns and village or villages. The proposition to be submitted in such village or villages may be submitted at a general or special election of each village and the proposition to be submitted in such town or towns may be submitted at a general or special election of each town. Upon the adoption of a proposition therefor as herein provided, the town board or boards and the board or boards of trustees of the village or villages shall meet in joint session, at a time and place to be determined by agreement of such boards, and organize such joint police department and establish rules and regulations governing the same. Such boards shall at such meeting, by a majority vote, appoint a chief of police for such joint police department. Such chief of police shall be a resident of the area covered by such joint department and be subject to the control, direction and supervision of such joint boards. Such chief of police shall be appointed for a term of office of three years, and shall receive such compensation as the town and village boards at joint session may determine. A chief of police may be removed by joint action of the town and village boards upon written charges for malfeasance or misfeasance in office. Such charges shall be filed in duplicate in the offices of the town and village clerks and a copy thereof served personally on the chief of police. The town and village boards shall, in joint session, designate a time and place for a hearing upon such charges and cause notice of such hearing to be served personally upon the chief of police at least five days before the day set for the hearing. The town and village boards shall hear the evidence in support and in defense of such charges and by majority vote make an order sustaining or dismissing the charges. An order sustaining the charges shall operate as a removal and the town and village boards shall thereupon appoint another person to fill the vacancy. The person so appointed shall hold office for the balance of the unexpired term or until the entry of a final order by a court of competent jurisdiction determining that the chief of police was wrongfully or unlawfully removed. An appeal to the county court may be taken by the chief of police removed within thirty days after personal service of a copy of such order of removal. The county court shall consider the charges presented and review the evidence taken before such joint board. It may hear additional evidence and shall make such determination as justice requires. A copy of such order shall be filed in the offices of the town and village clerks. An order by the county court determining the charges shall, upon such filing, act as the reinstatement of the person removed. The board or boards of trustees of each village shall appoint village police officers for service inside the area covered by such joint department, and the town board or boards shall appoint town police officers for service inside the area covered by such joint department. Such town and village police officers shall be appointed for such terms of office and receive such compensation as the town or village board may determine. The expense of village police officers, chargeable by law to a village shall be a charge against the village employing them, and the expense of the town police officers chargeable by law to a town, shall be a charge against real property in the town employing them situated outside of such participating village or villages. The salary of the chief of police and other expenses of the department, except compensation of village and town police officers, shall be apportioned between the village or villages and the town or towns by such boards in joint session. The portion of such expense to be borne by a town shall be a charge in that portion of the town situated outside of such participating village or villages and the portion to be borne by a village a village charge. Upon the creation of a joint town and village police department as herein provided, the term of office of all town constables heretofore elected in such town or towns shall terminate and thereafter no constables shall be elected in any such town, unless and until such police department is abolished as hereinafter provided. A joint police department established as provided by this section may be abolished upon the adoption of a proposition duly submitted at a general or special village or town election to take effect on January first succeeding the next general election at which town officers are elected.

Whenever the town board of a town or towns in the same county and the board of trustees of an incorporated village or villages located wholly within such town or towns, either create or abolish a joint town and village police department, the joint board taking such action shall notify the commissioner of the division of criminal justice services of the action taken by them within thirty days of such action.

§ 121-b. Care of children admitted to certain places of amusement in certain cities, villages and towns under a local law or ordinance. The board of aldermen, common council or other legislative body of a city having a population of less than one million, or of any village or town may adopt a local law or ordinance, subject to the provisions of this section, for the licensing of theatres in such city or village or town, wherein there shall be exhibited those films which have been licensed by the education department of the state of New York to admit children over the age of eight years and under the age of sixteen years, unaccompanied by a parent or guardian or other adult person.

No child under the age of sixteen years shall be admitted to any theatre unaccompanied by a parent, guardian or other adult person, unless such theatre is licensed pursuant to and complies with the terms of a local law or ordinance adopted pursuant to this section. Any such local law or ordinance, and every license issued thereunder, shall require:

1. That seats shall be provided on the main or orchestra floor by the

owner, operator or management of such theatre for use by such unaccompanied children. No unaccompanied children shall be permitted in any balcony or box.

2. A seat in such section of the theatre shall be provided for every such child admitted to the theatre.

3. Such children shall not be admitted to such theatre during the time when their school classes within the city or village or town are in session, or after the hour of six o'clock in the evening, provided however, that for children aged thirteen, fourteen and fifteen a later hour in the evening for admission and the hour at which such children shall be required to leave the theatre may be provided for by such local law or ordinance.

4. A matron or supervisor and such other assistants as may be specified in such local law or ordinance shall be provided by such owner, operator or management of such theatre for the supervision of such children, who shall give undivided attention to such supervision during the time such children shall be in such theatre. Such matron or supervisor shall be licensed by such city or village or town and the license fee, not exceeding two dollars, shall be paid by such owner, operator or management of such theatre.

Such local law or ordinance may provide other and additional conditions or limitations in regard to the care of children so admitted, but such conditions or limitations shall not require any additional approval of and shall not prohibit the exhibition of any motion picture film duly licensed by the board of education of the state of New York.

Such local law or ordinance may provide for the enforcement thereof and may prescribe penalties for violations thereof or of licenses issued thereunder.

The admission of a child between eight and sixteen years of age to a theatre licensed under authority of a local law or ordinance adopted pursuant to the provisions of this section, where such theatre complies with the terms of this section and of the license, shall not be deemed a violation of the provisions of section 260.20 of the penal law.

§ 122. Refusal to take persons to hospital prohibited; exception for cities with a population of one million or more. 1. (a) Except as otherwise provided in subdivision two of this section, in any city, county, town or village of this state wherein exists, or is hereafter created, an ambulance system, supported wholly or partly at public expense, or which is wholly or partly under the care, management or control of the public authorities, no person in charge of an ambulance, hospital, or house or place of reception for the sick or injured, shall refuse, in answer to a call or demand for an ambulance, if such call has been answered by the attendance of an ambulance, to take such person for whom a call may be made to the hospital or place of reception for the sick or injured from which the ambulance came, for examination and treatment by the house authorities of the said hospital or place of reception for the sick or injured.

(b) Except as otherwise provided in subdivision two of this section, any person neglecting or refusing to comply with the provisions of this section shall be guilty of a misdemeanor.

(c) This subdivision shall apply to the drivers of and to the physician in charge of an ambulance.

2. In cities with a population of one million or more, nothing contained in subdivision one of this section shall be construed to require the transportation of any person when: (a) an emergency medical technician, advanced emergency medical technician or paramedic, employed by or under the supervision of a public benefit corporation authorized by law to maintain an emergency medical service, called to transport such person, physically examines such person; (b) such emergency medical technician, advanced emergency medical technician or paramedic transmits the findings made during such examination to a physician in communication authorized to provide medical control by such city's emergency medical service; and (c) such physician determines, based solely upon the medical condition of such person being considered for ambulance transportation, that such person either is not in need of

emergency medical care or is neither sufficiently ill nor injured to necessitate transportation to a hospital by means of an ambulance.

§ 122-b. General ambulance services. 1. Any county, city, town or village, acting individually or jointly, may provide an emergency medical service, a general ambulance service or a combination of such services for the purpose of providing prehospital emergency medical treatment or transporting sick or injured persons found within the boundaries of the municipality or the municipalities acting jointly to a hospital, clinic, sanatorium or other place for treatment of such illness or injury, and for that purpose may:

(a) Acquire by gift or purchase one or more motor vehicles suitable for such purpose and supply and equip the same with such materials and facilities as it may consider necessary for prehospital emergency treatment, and may operate, maintain, repair and replace such vehicles and such supplies and equipment;

(b) Contract with one or more individuals, municipal corporations, associations, or other organizations, having sufficient trained and experienced personnel, for operation, maintenance and repair of such emergency medical service or ambulance vehicles and for the furnishing of prehospital emergency treatment;

(c) Contract with one or more individuals, municipal corporations, associations, or other organizations to supply, staff and equip emergency medical service or ambulance vehicles suitable for such purposes and operate such vehicles for the furnishing of prehospital emergency treatment;

(d) Employ any combination of the methods authorized in paragraph (a), (b) or (c);

* (e) A contract may be entered into pursuant to the provisions of this section for the services of an emergency rescue and first aid squad of a fire department or fire company which is subject to the provisions of section two hundred nine-b of this chapter;

* NB Effective until April 9, 2031

*(e) No contract shall be entered into pursuant to the provisions of this section for the services of an emergency rescue and first aid squad of a fire department or fire company which is subject to the provisions

of section two hundred nine-b of the general municipal law;
* NB Effective April 9, 2031
(f) Consider prehospital emergency treatment as that care provided by certified emergency medical technicians or certified advanced emergency medical technicians certified pursuant to the provisions of article thirty of the public health law.

1-a. As used in this section:
(a) "Emergency medical technician" means an individual who meets the minimum requirements established by regulations pursuant to section three thousand two of the public health law and who is responsible for administration or supervision of initial emergency medical assistance and handling and transportation of sick, disabled or injured persons.
(b) "Advanced emergency medical technician" means an emergency medical technician who has satisfactorily completed an advanced course of training approved by the state council under regulations pursuant to section three thousand two of the public health law.

2. Such municipality shall formulate rules and regulations relating to the use of such apparatus and equipment in the provision of emergency medical services or ambulance service and may fix a schedule of fees or charges to be paid by persons requesting the use of such facilities. Such municipalities may provide for the collection of such fees and charges or may formulate rules and regulations for the collection thereof by the individuals, municipal corporations, associations, or other organizations furnishing service under contract as provided in paragraph (c) of subdivision one of this section.

3. Such municipality may purchase or provide insurance indemnifying against liability for the negligent operation of such emergency medical service or ambulance service and the negligent use of other equipment or supplies incidental to the furnishing of such emergency medical service or ambulance service.

4. Such municipality may provide for the administration and coordination of such emergency medical service or ambulance service including but not limited to operation of an emergency medical

communications system and medical control.

5. Fire districts, which, as part of a fire protection contract, may provide general ambulance and/or emergency ambulance service pursuant to section two hundred nine-b of this chapter and article thirty of the public health law where a town or village has not designated itself as the primary provider of or otherwise contracted for an emergency ambulance, a general ambulance service, or a combination of such service acting individually or jointly, may contract with one or more individuals, municipal corporations, or other organizations having sufficient trained personnel, vehicles or combination of personnel and vehicles suitable to provide prehospital emergency treatment, for the furnishing of supplemental personnel, equipment or service to cover instances or periods of time when its service may not be readily available.

6. (a) Each county, in coordination with their regional emergency medical services council, shall convene meetings and a planning process with cities, towns, and villages within their jurisdiction for the purpose of developing and maintaining a comprehensive county emergency medical system plan that shall describe how coordinated and reliable emergency medical services within the county would be provided for all residents within the county. Such process shall be convened by the county emergency medical system coordinator, designee of the county office of emergency management, or other designee selected by the county. The planning process, and resulting comprehensive county emergency medical system plan, shall include assessment of the existing level of emergency medical services in each area of the county, a plan to increase or provide service where additional service is needed, a determination as to what organizational structure will be utilized to provide service in each area of the county, and cost estimates to provide service in areas requiring service levels greater than currently available. The goal of this process is to provide a framework to assist state and local decision makers in achieving the objective of ensuring that reliable emergency medical services and ambulance services are made available to every person in the state.

(b) In developing the comprehensive county emergency medical system plan, each county, city, town, and village shall work together to specify which entity or entities, and which organizational structure will be utilized for providing emergency medical services and how costs for providing such services will be assigned. Such plan may utilize municipal, intermunicipal, not-for-profit or for-profit contract coverage, special district, or regional agreements for providing service in each area of the county. The plan shall also identify the current emergency medical services provider or providers responsible for requests for emergency medical services within each part of the county, or note any given area that does not have an emergency medical services provider responsible for requests for emergency medical services.

(c) Each plan shall detail any specific local government actions, such as any intermunicipal agreements or special district creations, that may be necessary for the implementation of such plan.

(d) Each county shall complete their comprehensive county emergency medical system plan and submit it electronically to the department of health, their respective regional emergency medical services council, and the state emergency medical services council for review, and comment within six months of the effective date of this section.

§ 122-c. Transport of police work dogs injured in the line of duty. An emergency medical service paramedic or emergency medical service technician may transport any police work dog, as defined in section 195.06-a of the penal law, injured in the line of duty to a veterinary clinic or similar such facility provided, however, that there are no persons requiring medical attention or transport at such time.

§ 123. Erection and operation of life-saving apparatus. Any municipal corporation may furnish, erect and locate such life-saving apparatus, appliances and paraphernalia, and do all things necessary for the practical operating of the same as they may deem advisable, along the shores or banks of any streams, rivers or waters within their respective boundaries. Any municipal corporation may appropriate of its funds for the purpose of furnishing, erecting, locating and operating such life-saving apparatus.

§ 124. Inspection of building elevators in Nassau county. 1. All elevators in buildings in Nassau county shall be inspected periodically for the purposes of public safety. Except as otherwise provided in subdivision three hereof, each city, town or village shall inspect, or cause to be inspected, those elevators in buildings under their jurisdiction in conformance with the local building code of such city, town or village, if there be one, and only if the provisions of such code are at least as stringent as the minimum standards set forth in the New York state building code with respect to the installation, operation and maintenance of building elevators. Any city, town or village in Nassau county which does not have a local building code or regulation with respect to the installation, operation and maintenance of building elevators or has a building code or regulation with respect to the installation, operation and maintenance of building elevators which are less stringent than the minimum standards set forth in the New York state building code with respect to the installation, operation and maintenance of building elevators shall within one year next succeeding the effective date of this section, adopt a local law providing for a building code or a regulation relating to the installation, operation and maintenance of building elevators or amend any existing provision of a building code or regulation with respect to the installation, operation and maintenance of building elevators so as to assure that the provisions of such building code or regulation as adopted or amended with respect to the installation, operation and maintenance of building elevators shall be at least as stringent as the minimum standards set forth in the New York state building code with respect to the installation, operation and maintenance of building elevators provided, however, that any village within a town within such county may consent by adoption of a resolution of its governing body, to permit the installation, operation and maintenance of building elevators within such village to be subject to the provisions of a local building code or regulation of such town with respect to the installation, operation and maintenance of building elevators within such town and the adoption of such resolution shall exempt such village from adopting or amending a building code or regulation with respect to the installation, operation and maintenance of building elevators within such village.

2. It shall be a further duty of such cities, towns or villages in Nassau county to require by local law or ordinance in the same manner as provided for in subdivision one of this section that mirrors be placed in the rear of elevators subject to inspection in subdivision one hereof so as to make the interior thereof visible prior to entering such elevators.

3. Each town within Nassau county shall, upon the request of a village located within such town, perform or cause to be performed the inspection required by subdivision one hereof, provided however, that no village may make such request unless the village has adopted a resolution of their governing body consenting to subject the installation, operation and maintenance of building elevators within such village to the provisions of the local building code or regulation of the town relating thereto.

4. Any person who knowingly and wilfully violates any provision of this section or who violates or fails to comply with any order or requirement of an inspector or other officer charged with the duty of inspecting elevators, shall be guilty of a violation punishable by a fine of not more than five hundred dollars or by imprisonment for not more than fifteen days.

§ 125. Issuance of building permits. No city, town or village shall issue a building permit without obtaining from the permit applicant either:

1. proof duly subscribed that workers' compensation insurance and disability benefits coverage issued by an insurance carrier in a form satisfactory to the chair of the workers' compensation board as provided for in section fifty-seven of the workers' compensation law is effective; or

2. an affidavit that such permit applicant has not engaged an employer

or any employees as those terms are defined in section two of the workers' compensation law to perform work relating to such building permit.

§ 125-a. Posting signs on dead-end roads. It shall be the duty of every municipal corporation and person charged with the duty of maintaining any street or other roadway whenever such street or other roadway terminates in a dead end or at the embankment of a river, lake, canal, reservoir, stream or other body of water, to post and keep posted a sign readily visible by day and night. Such signs shall be installed in accordance with the state manual of uniform traffic control devices and shall be illuminated from one-half hour after sunset to one-half hour before sunrise. Where either the background or letters of the sign are of reflecting material so that such sign is readily visible at night when motor vehicle headlight rays fall upon the sign and it is placed in such position that the headlight rays of approaching vehicles will strike it, no additional illumination shall be necessary.

§ 126. Establishment of public general hospitals. The governing board of any county, town, city or village may by resolution determine that there shall be in said county, town, city or village a public general hospital for the care and treatment of the sick and in any county not having a tuberculosis hospital established under sections forty-five to forty-nine-e, both inclusive, of the county law, said public general hospital may include a pavilion or other provision for the care of tuberculosis patients. In any city in which a board of estimate and apportionment or other board is required to approve appropriations for public purposes, the resolution of the governing board to establish a public general hospital shall be effective only after the necessary appropriation for lands and buildings for such public general hospital shall have been approved by said board of estimate and apportionment or other board, in the same manner and by the same vote by which it is required by law to approve other appropriations for public purposes. When the governing board of any county, town, city or village shall have voted to establish a public general hospital, such governing board shall have the following powers:

1. To purchase and lease real property therefor, or acquire such real property and easements therein by condemnation proceedings in the manner prescribed in the condemnation law, in any locality within the jurisdiction of such governing board.

2. To cause to be assessed, levied and collected such sums of money as shall have been approved as hereinabove provided for suitable lands and buildings, and as it shall deem necessary for equipment and improvements for said hospital, and for the maintenance thereof, and for all other necessary expenditures therefor; or such governing board may finance expenditures for the erection of such hospital and for the purchase of a site therefor pursuant to the provisions of the local finance law, and may transfer such moneys so appropriated to the treasurer of such hospital, subject to such regulations as to audit thereof by such governing board as it may deem proper when such board of managers have appointed a treasurer as hereinafter provided for.

3. To accept and hold in trust for the county, town, city or village of which it is the governing board, any grant or devise of land, or any gift or bequest of money or other personal property, or any donation to be applied, principal or income, or both, for the benefit of said hospital, and apply the same in accordance with the terms of the gift.

4. Such governing board may also adopt a resolution authorizing the board of managers of such hospital to elect a treasurer, who shall be bonded, and who shall establish an account in a bank or banks in the name of such hospital and deposit in such account all money received or collected by such hospital and pay therefrom all bills, accounts, and salaries and wages, when approved by the board of managers of such hospital, within the budget limits, by resolution subject to such regulations as the governing board may deem proper; provided, however, that the proceeds, inclusive of premiums, from the sale of bonds, bond anticipation notes, capital notes or budget notes shall be deposited in a special account in a bank or trust company located and authorized to do business in this state, shall not be commingled with other funds, and

shall be expended only for the object or purpose for which such obligations were issued.

§ 126-a. Joint hospitals for cities, towns or villages. Two cities in the same county or adjoining counties, or a city and one or more villages located within the same county or adjoining counties or two or more villages located within the same county or adjoining counties or two or more towns in the same county or adjoining counties or a city and one or more towns located within the same county or adjoining counties or one or more towns and one or more villages (including a village or villages within one or more of such towns) located within the same county or adjoining counties, subject to approval at a general county, town, city or village election in each of said counties, towns, cities or villages, by a majority of the voters qualified to vote and voting upon the proposition therefor, may jointly acquire real property by purchase, lease or condemnation for the purpose of this article and establish, construct, equip, maintain and operate for such municipalities jointly in accordance with the provisions of this article, a public general hospital for the care and treatment of the sick, and by appropriate resolution and subject to like approval by the voters as provided in this section, any two cities, towns or villages as above specified, may by appropriate action of the governing board, create a joint hospital for such cities, towns or villages as above specified of any existing hospital, established, constructed, equipped and operated by one of such cities, towns or villages and enlarge or add thereto.

The ordinance, local law or resolution providing for such joint action, either in the establishment of a new joint hospital or the creation of a joint hospital or addition thereto, of one already existing by one of such cities, towns, and villages, shall be adopted by the local governing board of a city, town or village of each municipality and the board of managers as specified in section one hundred twenty-seven hereof shall be composed of members appointed by the supervisor of the town, the mayor of the city, or the mayor of the village of each of said cities, towns or villages in proportion to the ratio of the assessed value of each of the cities, towns, or villages to the other; or in the event that any such city joins with an adjoining town or towns, village or villages, to effectuate the purposes of this section, and the proportion of cost, debt service and operating expenses to be borne by each such municipality is fixed by agreement in the aggregate in the ratio which the equalized assessed valuation of each such municipality bears to the total equalized assessed valuation of all municipalities joining in such project, or is fixed by agreement so that such city shall bear a greater proportion and the remaining participating municipalities a lesser proportion thereof respectively, then the apportionment of the number of members of the board of managers as specified in section one hundred twenty-seven hereof shall be determined by the ratios established by such agreement. The ordinance, local law or resolution may specify matters as to which the action of the board of trustees shall require the joint approval of such governing bodies or boards. The ordinance, local law or resolution also shall prescribe the proportions of the cost of such project to be borne by the municipalities respectively, based upon the ratio of the assessed value of each city, town or village to the whole. In a town, wholly or partly containing a village or villages joining with it for the purposes of this section, the proportion of the cost of such project to be borne by such town may, however, be based upon the ratio that the assessed valuation of such town outside such village or villages bears to the whole. The moneys to be paid shall be provided in the same manner as hereinbefore prescribed in this article. The ordinance, local law or resolution of the governing board may be amended from time to time with the concurrence of each of such governing board of each of said cities, towns or villages. A joint hospital established under this article, shall be within the county in which the city, town, or village, or one of them is located.

Whenever two or more cities, towns or villages shall establish a joint hospital as herein provided, all other provisions of this article respecting hospitals, if applicable, shall apply to such joint hospital.

Two or more cities, towns or villages as hereinabove specified, may under the provisions of this article by appropriate resolution of the respective boards of said city, town, or village, and subject to like approval by the voters as provided in this section, provide for the joint operation and management only of an already existing hospital in one of such cities, towns or villages.

In the event that a town and a village wholly contained within the territorial limits of such town are joined for the purposes of this section, the proportion of the cost and debt service of the project to be borne by the village and town may, by written agreement, be based upon the following ratios: (a) The proportion which the village shall bear shall be based upon the ratio which the assessed valuation of that portion of the town lying within said village bears to the total assessed valuation of the town; (b) The proportion which the town shall bear shall be based upon the ratio which the assessed valuation of that portion of the town lying outside such village bears to the total assessed valuation of the town. Such agreement shall be made upon authorization therefor by the governing boards of such town and village and shall be executed by the supervisor and mayor, respectively, in behalf of such town and village. Such agreed proportion of cost, and debt service therefor, to be borne by such village shall be raised by taxation upon the real estate located within the village. Such agreed proportion of cost, and debt service therefor, to be borne by such town shall be raised by taxation on real estate located in the town without the territorial limits of the village. The assessed valuations of property to be used in determining the above ratios shall be taken from the latest assessment-roll of the town prior to the time such agreement is entered into and as shown therein at the time of the completion and filing of such assessment-roll. The cost of operation of any such hospital for which the cost and debt service has been apportioned upon the above basis shall be apportioned annually prior to December thirty-first in each year for the next calendar year and in the same manner as the cost of the project as herein provided and for such purpose the latest preceding town assessment-roll shall be used, and the assessed valuations of property to be used shall be as shown therein at the time of the completion and filing thereof. In the event that any such town and village join with an adjoining town or towns to effectuate the purposes of this section, the proportion of cost, debt service and operating expense to be borne by such town and village may by written agreement be fixed in the aggregate in the ratio which the equalized assessed valuation of such town bears to the total equalized assessed valuation of all towns joining in such project. The proportion to be borne by the other town or towns shall likewise be determined upon the basis of equalized assessed valuations. Any such agreement shall be made upon authorization therefor by the governing boards of such village and towns and shall be executed by the mayor and supervisors of such towns.

In the event that any such city joins with an adjoining town or town, village or villages, to effectuate the purposes of this section, the proportion of cost, debt service and operating expense to be borne by each such municipality may, by agreement, be fixed in the aggregate in the ratio which the equalized assessed valuation of each such municipality bears to the total equalized assessed valuation of all municipalities joining in such project, or such written agreement may provide that such city shall bear a greater proportion thereof and the remaining municipalities a lesser proportion thereof respectively to be fixed in such agreement. Any such agreement shall be made upon authorization therefor by the governing boards of such municipalities and shall be executed by the mayors of the city and villages affected and by the supervisors of the town affected.

Equalized assessed valuations shall be determined from the last available equalization rates fixed and determined by the state tax commission and in effect at the date of such written agreement, or, in the case of the annual apportionment of operating expense, at the time of such apportionment.

*** § 126-b. Public hospitals for chronically ill.** 1. (a) The governing board of a county or city may by resolution determine that there shall be in such county or city a public hospital for the care and treatment of the chronically ill and make provision for the establishment and operation of such a hospital by such county or city in the same manner and in accordance with the same procedure as is prescribed by the provisions of this article for the establishment and operation of public general hospitals; and the provisions of sections one hundred twenty-six, one hundred twenty-seven, one hundred twenty-eight, one hundred twenty-nine, one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, one hundred thirty-five-a and one hundred thirty-five-b shall apply thereto except to the extent they shall be inconsistent therewith.

(b) Provided the state board of social welfare shall approve, such county or city may use for the operation of such a hospital a building or buildings formerly used as a tuberculosis hospital or sanatorium or a part thereof.

2. (a) If such a hospital is established, provision shall be made for the admission of patients thereto, upon the authorization of the commissioner of public welfare of the county or city, as the case may be, who are receiving public assistance or care from such commissioner or who may be determined to be needy by such commissioner in accordance with the standards and criteria of his public welfare district pursuant to the provisions of the social welfare law, and for payment by such commissioner for the cost of care provided such patients.

(b) When a patient who is not the concern of the public welfare commissioner is admitted, the superintendent shall cause to be made such inquiry as he may deem necessary relative to the ability of such patient, and of the relatives legally liable for his support, to pay for his care and treatment. If he finds that such patient, or said relatives, are able to pay for his care and treatment in whole or in part, an order shall be made by the superintendent directing such patient, or said relatives, to pay to the treasurer of such hospital for the support of such patient a specified sum per week, in proportion to their financial ability, but such sum shall not exceed the actual cost of maintenance. The superintendent shall have the same power and authority to collect such sums from the patient, or his relatives legally liable for his support, as is possessed by a public welfare official in like circumstances. If the superintendent find that such patient, or his said relatives, are not able to pay, either in whole or in part, for his care and treatment in such hospital, the unpaid cost of his maintenance shall become a charge upon the county or city by which the hospital is maintained, but may be subject to chargeback to another public welfare district pursuant to the provisions of the social welfare law. The provisions of this paragraph shall not apply to any person admitted for care and treatment of tuberculosis, as defined and provided for in the public health law.

(c) No employee of such hospital shall accept from any patient thereof any fee, payment or gratuity whatsoever for his service.

3. (a) Whenever a county or city has, prior to the enactment of this section, established a public hospital for the care of the chronically sick, the governing body of such county or city may by resolution provide that such hospital shall thereafter be controlled and maintained in accordance with the provisions of this section and article.

(b) Any public hospital for the care of the chronically sick which may hereafter be established by the governing board of any county or city shall be subject to the provisions of this section and article.

* NB There are 2 § 126-b's

*** § 126-b. Establishment of Broome county nursing home.** 1. The board of supervisors of Broome county may establish, as hereinafter in this section provided, a nursing home to be approved by the state commissioner of health. All expenditures incurred by the state commissioner of health for and in connection with the location, construction and operation of such nursing home shall be a charge upon the county, and provision shall be made for the payment therefor by the board of supervisors of such county in the same manner as in the case of other charges against the county.

2. If the state commissioner of health shall approve, Broome county may use a building or buildings formerly used as a tuberculosis hospital or sanitorium.

3. When the board of supervisors of such county shall have determined to establish a nursing home as hereinbefore provided, such board shall:

(a) Erect all necessary buildings and alter any buildings, on the property when acquired for the use of said nursing home, provided that the location of the buildings and the plans and such part of the specifications as shall be required by the state commissioner of health for such erection or alteration, together with the initial equipment, shall first be approved by the state commissioner of health. Any changes in such location or plans shall also be first approved by the state commissioner of health, and the state commissioner of health and his duly authorized representatives shall have the power to inspect such nursing home during the course of its construction for the purpose of seeing that such plans are complied with.

(b) Cause to be assessed, levied and collected such sums of money as it shall deem necessary for suitable lands, buildings and improvements for said nursing home and for the maintenance thereof, and for all other necessary expenditures therefor; or may finance expenditures for the erection of such nursing home and for the purchase of a site therefor, pursuant to the provisions of the local finance law.

(c) Accept in its discretion and hold in trust for the county, any grant or devise of land, or any gift or bequest of money or other personal property, or any donation to be applied, principal or income, or both, for the benefit of said nursing home, and apply the same in accordance with the terms of the gift.

(d) Whenever it shall deem it in the public interest so to do, and notwithstanding any inconsistent provision of this chapter or of any other general or special law, change the location of such nursing home and acquire a new site by purchase, lease or condemnation, and establish the nursing home thereon.

4. When the board of supervisors of such county shall have determined to establish a nursing home as hereinbefore provided, it shall, except where a board of managers has been appointed as provided in subdivision five of this section, appoint a superintendent of the nursing home to hold office at the pleasure of such board. Such superintendent shall be the chief executive officer of such home and, subject to by-laws, rules and regulations established by the board of supervisors governing such home, he shall:

(a) Before entering upon the discharge of his duties, file a bond in such sum as the board of supervisors may determine, to secure the faithful performance of such duties.

(b) Equip the nursing home with all necessary furniture, appliances, fixtures and other needed facilities for the care of patients and for the use of officers and employees thereof, and shall purchase all necessary supplies.

(c) Have general supervision and control of the records, accounts and buildings of the nursing home and all internal affairs, and maintain discipline therein and enforce compliance with and obedience to all by-laws, rules and regulations adopted by the board of supervisors for the government, discipline and management of said nursing home and the employees and patients thereof; and shall make such further rules, regulations and orders as he may deem necessary, not inconsistent with law, or with the rules, regulations and directions of the board of supervisors.

(d) Appoint such resident officers and such employees as are authorized by the board of supervisors for the efficient performance of the business of the nursing home, and prescribe their duties; and for cause stated in writing, after an opportunity to be heard, discharge any such officer or employee at his discretion.

(e) Cause proper accounts and records of the business and operation of the nursing home to be kept regularly from day to day, in books and records provided for that purpose; and shall see that such accounts and records are correctly made up for the annual report to the board of supervisors.

(f) Receive into the nursing home in the order of application any person who is entitled to admission thereto under the by-laws, rules and regulations governing said nursing home; and shall cause to be kept proper accounts and records of the admission of all patients, their name, age, sex, color, marital condition, residence, occupation and place of last employment.

(g) Cause a record to be kept of the condition of each patient when admitted and from time to time thereafter.

(h) Discharge from said nursing home any patient who shall wilfully or habitually violate the rules thereof; or who is found not to need further care or treatment and to have recovered therefrom; or who for any other reason is no longer a suitable patient for treatment therein; and shall make a full report thereof at the next meeting of the board of supervisors.

(i) Collect and receive all moneys due the nursing home, keep an accurate account of the same, and transmit same to the treasurer of the county monthly on or before the tenth day of the month.

5. Where the board of supervisors of such county shall have determined to establish a nursing home as hereinbefore provided, it may appoint a board of managers in the same manner as provided in section one hundred twenty-seven of this chapter, and such board of managers, when appointed, shall have all the powers and duties of a board of managers of a public general hospital as set forth in section one hundred twenty-eight of this chapter.

* NB There are 2 § 126-b's

§ 126-c. Appointment to board of managers of county hospital. When a county operates a county hospital, the local governing body of such county may appoint one of its own members to the board of managers of such county hospital.

§ 127. Appointment and terms of office of managers. 1. Except as provided in subdivision two, when a governing board of a county, town, city or village shall have determined to establish a public general hospital for the care and treatment of the sick, the board of supervisors of the county, the supervisor of the town, the mayor of the city or the president of the board of trustees of the village shall appoint not less than five and not more than fifteen citizens of the county, town, city or village, respectively, who shall constitute a board of managers of the said hospital. The term of office of each member of said board shall be five years, and the term of one of such managers shall expire annually; the first appointments, however, being made for the respective terms of five, four, three, two and one years. Appointments of successors shall be for the full term of five years, except that the appointment of a person to fill a vacancy occurring by death, resignation or cause other than the expiration of a term shall be made for the unexpired term.

2. When the board of supervisors of any county having a population of

more than six hundred thousand but less than one million shall have determined to establish a public general hospital for the care and treatment of the sick, the board of supervisors of such county shall appoint seven citizens of the county who shall constitute a board of managers of such hospital. The members of such board first appointed shall be appointed for terms of office as follows: one for a term of one year, two for terms of two years each, one for a term of three years, two for terms of four years each, and one for a term of five years. Their successors shall be appointed for terms of five years each. Vacancies occurring by death, resignation or cause other than the expiration of a term shall be made for the remainder of the unexpired term.

3. Failure of any manager to attend three consecutive meetings of the board shall cause a vacancy in his office, unless said absence is excused by formal action of the board of managers. The managers shall receive no compensation for their services, but shall be allowed their actual and necessary traveling and other expenses, to be audited by the governing board, and paid in the same manner as the other expenses of the hospital. Any manager may be removed from office at any time by the appointing authority after having received notice in writing of the cause of the proposed removal and after an opportunity to be heard thereon. Unless a treasurer for the hospital is appointed as herein provided the treasurer of the county, town, city or village by which the hospital is maintained shall be treasurer of the hospital.

§ 128. General powers and duties of managers. The board of managers shall:

1. Elect from among its members annually a president, a vice-president, and a secretary. It shall appoint a superintendent of the hospital, who shall not be a member of the board of managers, and who shall hold office at the pleasure of said board.

2. Erect all necessary buildings; make all necessary improvements and repairs and alter any existing buildings, for the use of said hospital,

provided that all expenditures for new buildings or alterations, other than ordinary repairs, shall first be authorized by the governing board of the county, town, city or village and the plans therefor approved by the state board of charities.

3. Fix the salary of the superintendent and the number and salaries of all other employees, within the limits of the appropriation made therefor by the governing board, and such salaries, together with maintenance when provided, shall be compensation in full for all services rendered. The board of managers may determine the amount of time required to be spent at the hospital by said superintendent in the discharge of his duties, and may also determine in what cases maintenance shall be provided for nurses and other employees of the hospital.

4. Provide for the medical care and treatment of all persons admitted to the hospital; and shall appoint and may at pleasure remove resident, visiting and consulting physicians and surgeons; and shall establish rules and regulations governing the service thereof.

5. Have the general superintendence, management and control of the said hospital and of the grounds, buildings, officers, employees and inmates thereof; and of all matters relating to the government, discipline, contracts and fiscal concerns thereof; and make such rules and regulations as may seem to them necessary for carrying into effect the purposes of such hospital; and may designate the purchasing agent of any municipality as the purchasing agent of said board for the purchasing of all necessary furniture, appliances, fixtures and other needed facilities for the care and treatment of patients and for the use of officers and employees thereof, and all necessary supplies, and said purchasing agent shall render a monthly report of his activities to said board.

5-a. Institute actions at law and in equity for the collection of claims and obligations due to the hospital from any and all causes, and to prosecute, compromise or settle such claims and obligations, and to retain counsel to conduct such litigations, provided that a board of managers may contract with a private collection agency for the collection of overdue claims and obligations.

6. Maintain an effective inspection of said hospital, and keep itself informed of the affairs and management thereof; shall meet at the hospital at least once in every month, and at such other times as may be prescribed in the by-laws; and shall hold its annual meeting at least three weeks prior to the meeting of the governing board at which appropriations for the ensuing year are to be considered.

7. Keep in a book provided for that purpose a proper record of its proceedings, which shall be open at all times to the inspection of its members, of the members of the governing board and of duly authorized representatives of the state board of charities.

8. Notwithstanding the provisions of any other general law, and subject to such rules and regulations as the governing board may prescribe, audit all bills and accounts payable out of funds within its jurisdiction and order their payment by the fiscal officer of the county, town, city or village. Fixed salaries and the compensation for services of employees or officers regularly engaged by the hospital at agreed wages by the hour, day, week, month or year may be paid without prior audit. When authorized by resolution of the governing board the board of managers may appoint a treasurer in the manner provided in subdivision four of section one hundred twenty-six of this chapter. Notwithstanding the provisions of any other general law, the treasurer shall pay the bills and accounts ordered paid by the board of managers and at least once in each month shall transmit to the governing board an itemized statement thereof, which statement shall also include all payments made by the treasurer for fixed salaries and wages.

9. Make to the governing board of the county, town, city or village by which the hospital is maintained, at such times as said board shall direct, a detailed annual report of the operations of the hospital, the number of patients received, the methods and results of their treatment, and such other matters as may be required of them. Such reports, except in the case of counties, shall include full and detailed estimates of

the appropriations required during the ensuing year for all purposes, including maintenance, erection of buildings, repairs, improvements and other necessary purposes.

10. Provide at their discretion ambulance service to bring patients to or remove them from said hospital, and to adopt a schedule of appropriate charges and collect the same for said service, and in so doing to establish, own and operate said service itself or to contract with a county in which said hospital is located, or with a city, town or village included in the hospital district, or with a private concern, for the supply and operation of such ambulance service for said hospital and its district. Any such contract may include provisions for purchase of equipment, hiring and payment of necessary employees, establishment of a schedule of charges and collection of the same, payment by the hospital of said collections or other costs to the county, city, town, village or private concern, supplying the service, reimbursement to any said county, city, town, village or private concern supplying said service by the city, village or town using such service, and for coverage with insurance or by existing provisions of law of all employees engaged in, and persons using such service, and other necessary matters.

§ 128-a. Petty cash fund. 1. The board of managers of a public general hospital may, by resolution, establish a revolving petty cash fund for any officer in such amount as the board may determine. Any such petty cash fund shall continue in existence from year to year until abolished by the board of managers.

2. Expenditures from the petty cash fund may be made only for payment, in advance of audit, of properly itemized and verified or certified claims for materials, supplies or services, other than employment, furnished to the hospital for the conduct of its affairs and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services; provided, however, that moneys in such fund also may be used for the purpose of making change when the same is required in the performance of official

duties. At the time of any payment from such fund, the officer for whom the fund was established shall require delivery to him of a claim in form sufficient for audit as required by law. A list of all expenditures made from any such petty cash fund, together with the claims supporting such expenditures, shall be presented periodically to the board of managers for audit. The board of managers shall direct the treasurer to reimburse such petty cash fund from the appropriate budgetary item or items, in an amount equal to the total of such claims which it shall so audit and allow. Any claim or portion thereof which the board shall refuse to allow shall be the personal liability of the particular officer for whom such petty cash fund was established, who shall promptly reimburse the petty cash fund in the amount disallowed. If reimbursement has not been made by the time of the first payment of salary to such officer following the disallowance, the amounts disallowed shall be withheld from salary payment and, if necessary, subsequent salary payments, and paid into the petty cash fund until the same has been fully reimbursed.

§ 129. General powers and duties of superintendent. The superintendent shall be the chief executive officer of the hospital and, subject to the by-laws, rules and regulations thereof, and to the general control of the board of managers, shall:

1. Equip the hospital with all necessary furniture, appliances, fixtures and other needed facilities for the care and treatment of patients and for the use of officers and employees thereof, and purchase all necessary supplies, unless the board of managers shall designate the purchasing agent of a municipality as the purchasing agent of said board as provided in subdivision five of section one hundred twenty-eight.

2. Have general supervision and control of the records, accounts, and buildings of the hospital and all internal affairs, and maintain discipline therein, and enforce compliance with, and obedience to, all rules, by-laws, and regulations adopted by the board of managers for the government, discipline and management of said hospital, and the employees and inmates thereof. He shall make and enforce such further

rules, regulations and orders as he may deem necessary, not inconsistent with law, or with the rules, regulations and directions of the board of managers.

3. Appoint such employees as he may think proper and necessary for the efficient performance of the business of the hospital, and prescribe their duties; and discharge any such employee pursuant to the provisions of the civil service law.

4. Cause proper accounts and records of the business and operations of the hospital to be kept regularly from day to day, in books and on forms provided for that purpose; and see that such accounts and records are correctly made up for the annual report to the governing board, as required by subdivision seven of section one hundred and twenty-eight of this chapter, and present the same to the board of managers, who shall incorporate them in their annual report to the said governing board.

5. Receive into the hospital, under the rules established by the board of managers, any person in the county, town, city or village who is sick or maimed or injured and who is in need of hospital care, irrespective of whether such person is able to pay for his care or not; and may also receive persons from without the county, town, city or village, provided there is a vacancy in the hospital, and provided the reception of such person does not interfere with the proper care and treatment of persons received from the county, town, city or village.

6. Cause to be kept proper records of the admission of all patients, their name, age, sex, color, marital condition, residence, occupation, place of last employment and the names and addresses of their nearest relatives or friends. He shall also cause a careful examination to be made of the physical condition of all persons admitted to the hospital; and shall cause a record to be kept of the condition of each patient when admitted, and from time to time thereafter.

7. Discharge from said hospital any patient who is found to have recovered from his illness sufficiently to be no longer in need of hospital care, or who shall wilfully or habitually violate the rules

thereof, or who for any other reason is no longer a suitable patient for treatment therein; and shall make a full report thereof at the next meeting of the board of managers.

8. Collect and receive all money due the hospital, keep an accurate account of the same, report the same at the ensuing monthly meeting of the board of managers, and transmit the same within ten days after such meeting to the treasurer of the county, town, city or village by which the hospital is maintained. When a treasurer has been appointed as herein provided, all moneys collected and received by the superintendent shall be transmitted to the treasurer who shall deposit the same in a bank or banks in the name of the hospital and he shall also at least once in each month transmit to the governing board an itemized statement thereof.

9. Give a bond before entering upon the discharge of his duties, in such sum as the board of managers may determine, to secure the faithful performance of such duties.

10. Notwithstanding any provisions of law, rule or regulation to the contrary, the board of managers of the hospital may authorize the superintendents of said hospital to establish a system for the billing of patients for the care, maintenance or treatment received or furnished to patients in such facility. Payment of such charges by means of a credit card may be authorized pursuant to section five of this chapter.

§ 129-a. Erie county; county hospital superintendent and county hospital board of managers. In the county of Erie, the county executive when authorized by the charter may appoint the county hospital superintendent and the county hospital board of managers for terms as are specified in such charter. Such charter may provide that the powers of such board of managers may be advisory only in which event the powers now granted by statute to such board shall be vested in the superintendent.

§ 130. Admission and maintenance of patients. 1. The provisions of this section shall not apply to any person admitted for the care and treatment of tuberculosis, as defined and provided for in the public health law.

2. Whenever a patient shall have been admitted to such hospital, the superintendent shall cause to be made such inquiry as he may deem necessary, relative to the ability of such patient, or of the relatives of such patient legally liable for his support, to pay for his care and treatment. If he finds that such patient, or said relatives, are able to pay for his care and treatment in whole or in part, an order shall be made by the superintendent directing such patient, or said relatives, to pay to the treasurer of such hospital for the support of such patient a specified sum per week, in proportion to their financial ability, but such sum shall not exceed the actual cost of maintenance. The superintendent shall have the same power and authority to collect such sums from the patient, or his relatives legally liable for his support, as is possessed by a public welfare official in like circumstances. In all claims for payment and/or reimbursement made under the provisions of this section the superintendent shall be deemed a preferred creditor. If the superintendent finds that such patient, or his said relatives, are not able to pay, either in whole or in part, for his care and treatment in such hospital, the unpaid cost of his maintenance shall become a charge upon the county, town, city or village by which the hospital is maintained; provided, however, that in case such patient is not a resident of said county, town, city or village, the cost of his maintenance shall be a charge upon the civil division of the state upon which he would be a charge as a needy person. No employee of such hospital shall accept from any patient thereof any fee, payment or gratuity whatsoever for his service.

3. Notwithstanding the provisions of subdivision two of this section, whenever a contract shall be in effect with any hospital service corporation governed by the provisions of article forty-three of the insurance law for the rendering of hospital service by such hospital to the subscribers of such corporation, the rendering of hospital service to such subscribers in so far as payment for such service is concerned,

shall be subject to the provisions of such contract, and in such case the provisions of such subdivision, to the extent inconsistent therewith, shall be inapplicable.

3-a. Subdivisions four through eight, inclusive, of this section, hereinafter set forth, shall govern and apply solely to the administration and operation of the E. J. Meyer Memorial Hospital located in the city of Buffalo, Erie county, the Westchester county medical center located in the town of Mount Pleasant, Westchester county, and the Nassau county medical center located in the Town of Hempstead, Nassau county.

4. Definitions. As used in the subdivisions of this section hereinafter set forth, the following terms shall be defined as follows:

(a) Employment agreement shall mean the agreement between the hospital and the salaried physicians and dentists as approved by the governing body of the municipality operating such hospital.

(b) Private patient shall mean only such patient for whom the salaried physician or dentist has rendered a service as now or hereafter so described by the Social Security Administration for Title 18, Part B, of the Federal Social Security Act of l965.

(c) Teaching hospital shall, for the purposes of this chapter, mean a hospital having a contractual agreement with a medical school, as such medical school is defined in section sixty-five hundred one of the education law, for the training of medical students.

5. Notwithstanding the provisions of subdivision two of this section, whenever a contract shall be in effect with any medical expense indemnity corporation governed by the provisions of article forty-three of the insurance law or any other authorized insurer for the rendering of medical care by a duly licensed physician or dentist to the subscribers of such corporation or authorized insurer, the rendering of medical care by a salaried physician or dentist, other than an interne or resident, employed by any such public general teaching hospital, to such subscribers insofar as payment for such medical care is concerned shall be subject to the provisions of such contract and the terms of the employment agreement, provided such salaried physician or dentist

treated such individual as his private patient and personally performed the services involved, and in such case the provisions of subdivision two, to the extent inconsistent therewith shall be inapplicable.

6. Notwithstanding the provisions of subdivision two of this section, whenever any person eligible for benefit payments for services of a physician or dentist under Title 18, Part B, of the Federal Social Security Act of l965 shall have received medical care as a private patient of a salaried physician or dentist other than an interne or resident, employed by any such public general teaching hospital, the rendering of and payment for such medical care shall be subject to the provisions of such title and the terms of the employment agreement and in such case the provisions of subdivision two, to the extent inconsistent therewith, shall be inapplicable.

7. Notwithstanding the provisions of subdivision two of this section, whenever any person eligible for benefit payments for services of a physician or dentist under Title 19 of the Federal Social Security Act of l965 and article five of the social services law shall have received medical care as a private patient of a salaried physician or dentist other than an interne or resident, employed by any such public general teaching hospital the rendering of any payment for such medical care shall be subject to the provisions of such title and article five of the social services law and the terms of the employment agreement and in such case the provisions of subdivision two of this section, to the extent inconsistent therewith, shall be inapplicable.

8. Notwithstanding the provisions of subdivision two of this section, whenever any person not covered by the provisions of subdivisions five, six and seven of this section shall have received medical care as a private patient of a salaried physician or dentist other than an interne or resident, employed by any such public general teaching hospital, such salaried physician or dentist shall be entitled to receive the usual and customary fee for the services rendered as established pursuant to Title 18, Part B of the Federal Social Security Act of l965, provided the superintendent of such hospital finds that such patient is able to pay for said medical care in accordance with the terms of the employment

agreement, and in such case the provisions of subdivision two of this section, to the extent inconsistent therewith, shall be inapplicable.

9. Notwithstanding the provisions of subdivisions one through eight, inclusive, of this section, any public general hospital may enter into a clinical practice plan approved by the state commissioner of health. Such hospital may propose a clinical practice plan approved by the governing body of the municipality operating such hospital to the state commissioner of health. Such plan shall specify the method to be used to assure that physician and dentist employees of the hospital verify that duplicate payments for services cannot be received and that any fee payments to be made by or on behalf of patients meet the applicable requirements of titles eighteen and nineteen of the Federal Social Security Act of nineteen hundred sixty-five, as amended, and the rules and regulations promulgated thereunder, and any pertinent requirements of any corporation governed by the provisions of article forty-three of the insurance law and any other third party payors. Prior to approval of such clinical practice plan, the state commissioner of health shall determine that the plan meets such requirements, includes provisions that assure compliance with subdivision two of section twenty-eight hundred five of the public health law and provides for such other records, reports and audits as the state commissioner of health may determine to be necessary. No public general hospital may implement such plan without the prior written approval of the state commissioner of health. Such approval may be revoked, suspended or limited on proof that: (a) the hospital or any of the professional employees have failed to comply with the provisions of the approved clinical practice plan; or (b) the hospital or any of the professional employees have failed to provide the state commissioner of health with the data necessary to evaluate the operation of the clinical practice plan; or (c) the approved clinical practice plan has not met the requirements of this subdivision. No revocation, suspension or limitation of such plan may be made without providing an opportunity for a formal hearing conducted in accordance with section twelve-a of the public health law.

§ 131. Training school for nurses. Subject to the provisions of the education law the board of managers of any hospital under this article may establish and maintain in connection therewith and as a part of the public hospital a school of nursing. The board may, in its discretion, appoint an advisory board for such training school and define the functions of such advisory board.

§ 132. Room for detention and examination of persons who are suspected of being mentally ill. The board of managers may provide a suitable room for the temporary detention, observation and care of persons who are suspected of being mentally ill and shall do so upon the direction of the governing board or of the department of mental hygiene; provided, however, that such department before making such direction shall give to both the board of managers and the governing board due notice and opportunity to be heard thereon.

§ 133. Visitation and inspection. Members of the board of managers shall be admitted to every part of the hospital and premises, and shall have access to all books, papers, accounts and records pertaining to the hospital and shall be furnished with copies, abstracts and reports whenever required by them. All hospitals established or maintained under the provisions of sections one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three and one hundred and thirty-four of this act shall be subject to inspection by any duly authorized representative of the state board of charities, of the state department of health, of the state charities aid association, and of the governing board of the county, town, city or village by which the hospital is maintained; and the resident officer in charge shall admit such representatives into every part of the hospital and premises, and give them access on demand to all records, reports, books, papers and accounts pertaining to the hospital.

§ 134. Existing county, town, city or village public general

hospitals. Whenever a county, town, city or village has, previous to the passage of this act, established a public general hospital, the governing board of said county, town, city or village may by resolution provide that thereafter such hospital shall be controlled and maintained in accordance with the provisions of this act. Any public general hospital which may hereafter be established by any governing board of any county, town, city or village shall be subject to all the provisions of sections one hundred and twenty-six to one hundred and thirty-four, inclusive, of this chapter.

§ 135. Application of preceding sections. Sections one hundred and twenty-six to one hundred and thirty-four, both inclusive, of this chapter shall not apply to the city of New York.

§ 135-a. Workshops in connection with hospitals and facilities for the aged.

1. Any municipal corporation maintaining a hospital, sanitorium, home for the indigent or aged or facility for the chronically ill, may establish and maintain workshops in connection therewith for the production of articles or supplies required by such institution, or by any other institution or department of such municipality. Except in a supervisory or teaching capacity no person shall be employed in such workshop or workshops unless he is or shall have been a patient or resident in such institution. The appropriate municipal authorities may appropriate or provide funds for the establishment and maintenance of the said workshops in the same manner as for the establishment and maintenance of such institutions. Notwithstanding the provisions of the correction law in relation to the sale of articles manufactured in the state prisons, the products of such workshops may be used in such institution or by any other institution or department of such municipality. Such workshops shall be under the direction and control of the municipal authority having direction and control of the institution to which they may be attached.

2. The provisions of the workmen's compensation law, the unemployment insurance law, and of articles thirteen, nineteen and twenty of the labor law shall be inapplicable to any patient of a hospital maintained and operated by any municipal corporation with respect to his participation in a sheltered workshop program.

§ 135-b. Departments of occupational therapy in connection with public general hospitals and tuberculosis hospitals or sanatoria. Any municipal corporation maintaining a public general hospital or a hospital or sanatorium for the treatment of tuberculosis under the provisions of any general or special law may establish, equip and maintain, in connection therewith, a department of occupational therapy. For the purpose of this section occupational therapy is defined as any activity, mental or physical, prescribed, guided or supervised for any patient for the purpose of contributing to and hastening his recovery from disease or injury. The appropriate municipal authorities may appropriate or provide funds for the establishment, equipment and operation of such occupational therapy departments in the same manner as for the establishment, equipment and operation of such public general hospitals, tuberculosis hospitals or sanatoria. Such occupational therapy department shall be under the general superintendence, management and control of the municipal authority, board of managers, or other agency having general superintendence, management and control of the public general hospital, tuberculosis hospital or sanatorium to which it may be attached.

The chief medical officer of such public general hospital, tuberculosis hospital or sanatorium shall have authority to employ one or more occupational therapists to carry on the work of such department under his supervision. The qualifications of occupational therapists so employed shall be defined by the public health and health planning council.

The chief medical officer of the institution may sell any article made or manufactured by any patient in his prescribed curative work carried on in such occupational therapy department to such patient upon payment by such patient to such chief medical officer of a sum not less than the cost of the material or materials from which such article was made or manufactured. Such chief medical officer may, in behalf of any patient, dispose of any article, made or manufactured by him, at public or private sale, and from moneys derived from the sale of such article he may pay to the patient such portion thereof that the residue shall at least equal the cost of the material or materials.

Except in the case of hospitals or sanatoria maintained by counties having a county purchasing agent, the municipal authority, board of managers, or other agency having general superintendence, management and control of such public general hospital, tuberculosis hospital or sanatorium, may place the moneys accruing to the occupational therapy department, from the two sources hereinabove mentioned, in a fund, to be known as "The Occupational Therapy Fund. " The moneys in such fund at any time shall not exceed the sum of five hundred dollars. All receipts in excess of such sum, or all receipts, if such fund be not established, shall be paid into the treasury of the municipal corporation operating such hospital or sanatorium. The chief medical officer of the institution may directly purchase with moneys from "The Occupational Therapy Fund," if such a fund shall have been established, such materials, in addition to those provided for the operation of such occupational therapy department as hereinabove authorized, as are necessary to the proper functioning of such department.

The chief medical officer may, in his discretion and if he deems such course to be in the best interest of any patient, temporarily withhold any or all moneys earned by such patient and shall give such moneys to such patient upon discharge.

§ 135-c. Prenatal and maternity care. The authorities of any municipal corporation charged by law with the duty and power of making appropriations may, in their discretion, appropriate moneys for prenatal care and maternity protection and may prescribe by whom and under what terms and conditions such moneys shall be expended.

§ 136. Regulation of automobile junk yards. 1. Legislative intent. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants and the safeguarding of their material rights against unwarrantable invasion and, in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the state and the general welfare of its citizens. It is further declared that the unrestrained accumulation of junk motor vehicles is a hazard to such health, safety and welfare of citizens of the state necessitating the regulation, restraint and elimination thereof. At the same time, it is recognized that the maintenance of junk yards as hereinafter defined, is a useful and necessary business and ought to be encouraged when not in conflict with the express purposes of this section.

2. Definitions. For the purposes of this section, "junk yard" shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose; such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term junk yard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

"Municipality" as used in this section shall mean a city of less than one million in population, town or village.

"Motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.

3. Requirement for operation or maintenance. No person shall operate,

establish or maintain a junk yard until he (1) has obtained a license to operate a junk yard business and (2) has obtained a certificate of approval for the location of such junk yard.

4. Application for license and certificate of approval. Application for the license and the certificate of approved location shall be made in writing to the governing board of the municipality where it is proposed to locate the junk yard, and, in municipalities having a zoning ordinance or local law and a zoning board, the application shall be accompanied by a certificate from the zoning board that the proposed location is not within an established district restricted against such uses or otherwise contrary to the prohibitions of such zoning ordinance or local law. The application shall contain a description of the land to be included within the junk yard.

5. Hearing. A hearing on the application shall be held within the municipality not less than two nor more than four weeks from the date of the receipt of the application by the legislative body. Notice of the hearing shall be given to the applicant by mail, postage prepaid, to the address given in the application and shall be published once in a newspaper having a circulation within the municipality, which publication shall be not less than seven days before the date of the hearing.

6. License requirements. At the time and place set for hearing, the governing board shall hear the applicant and all other persons wishing to be heard on the application for a license to operate, establish or maintain the junk yard. In considering such application, it shall take into account the suitability of the applicant with reference to his ability to comply with the fencing requirements or other reasonable regulations concerning the proposed junk yard, to any record of convictions for any type of larceny or receiving of stolen goods, and to any other matter within the purposes of this section.

7. Location requirements. At the time and place set for hearing, the governing board shall hear the applicant and all other persons wishing to be heard on the application for certificate of approval for the

location of the junk yard. In passing upon same, it shall take into account, after proof of legal ownership or right to such use of the property for the license period by the applicant, the nature and development of surrounding property, such as the proximity of churches, schools, hospitals, public buildings or other places of public gathering; and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke, or of other causes.

8. Aesthetic considerations. At the hearing regarding location of the junk yard, the governing board may also take into account the clean, wholesome and attractive environment which has been declared to be of vital importance to the continued general welfare of its citizens by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this connection the governing board may consider collectively the type of road servicing the junk yard or from which the junk yard may be seen, the natural or artificial barriers protecting the junk yard from view, the proximity of the proposed junk yard to established residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the junk yard.

9. Grant or denial of application; appeal. After hearing the governing board shall, within two weeks, make a finding as to whether or not the application should be granted, giving notice of their finding to the applicant by mail, postage prepaid, to the address given on the application. If approved, the license, including the certificate of approved location, shall be forthwith issued to remain in effect until the following April first. Approval shall be personal to the applicant and not assignable. Licenses shall be renewed thereafter upon payment of the annual license fee without hearing, provided all provisions of this chapter are complied with during the license period, the junk yard does not become a public nuisance under the common law and the applicant is not convicted of any type of larceny or the receiving of stolen goods. The determination of the governing board may be reviewed under article seventy-eight of the civil practice law and rules.

10. License fees. The annual license fee shall be twenty-five dollars to be paid at the time the application is made and annually thereafter in the event of renewal. In event the application is not granted, the fee shall be returned to the applicant. A municipality, in addition to the license fee, may assess the applicant with the costs of advertising such application and such other reasonable costs incident to the hearing as are clearly attributable thereto and may make the license conditional upon payment of same.

11. Fencing. Before use, a new junk yard shall be completely surrounded with a fence at least eight feet in height which substantially screens and with a suitable gate which shall be closed and locked except during the working hours of such junk yard or when the applicant or his agent shall be within. Such fence shall be erected not nearer than fifty feet from a public highway. All motor vehicles and parts thereof stored or deposited by the applicant shall be kept within the enclosure of the junk yard except as removal shall be necessary for the transportation of same in the reasonable course of the business. All wrecking or other work on such motor vehicles and parts and all burning of same within the vicinity of the junk yard shall be accomplished within the enclosure.

Where the topography, natural growth of timber or other considerations accomplish the purposes of this chapter in whole or in part, the fencing requirements hereunder may be reduced by the legislative body, upon granting the license, provided, however, that such natural barrier conforms with the purposes of this chapter.

12. Effect of local ordinances or local laws. This section shall not be construed to affect or supersede zoning ordinances or local laws or any other ordinances or local laws for the control of junk yards now in effect or hereafter enacted in any municipality within the proper exercise of the police power of such a municipality and shall not be deemed to apply to any municipality which has any ordinance or local law or regulation to license or regulate junk yards.

13. Established junk yards. For the purposes of this section the

location of junk yards already established shall be considered approved by the governing board of the municipality where located and the owner thereof deemed suitable for the issuance of a license. Within sixty days from the passage of this section, however, the owner shall furnish the governing board the information as to location which is required in an application, together with the license fee, and the governing board shall issue him a license valid until the next April first, at which time such owner may apply for renewal as herein provided. Such owner shall comply with all other provisions of this section including the fencing requirements set forth in subdivision eleven of this section.

14. Notwithstanding any of the foregoing provisions of this section, no junk yard, hereafter established, shall be licensed to operate of such yard or any part thereof shall be within five hundred feet of a church, school, hospital, public building or place of public assembly.

15. Violators of any of the portions of this section shall be guilty of an offense punishable by a fine not exceeding one hundred dollars and each week that such violation is carried on or continues shall constitute a separate violation.

§ 139-c. Sheltered workshops. Any municipal corporation may equip and maintain sheltered workshops established by any non-profit organization chartered by the board of regents and approved by the state education department for the purpose of providing suitable training and retraining for work for persons who, because of age, chronic physical illness or impairments, cannot find training, retraining or remunerative work elsewhere. The state education department shall make such rules and regulations for the operation and use of such sheltered workshops as may be necessary to carry out the purposes of this act, except that such rules and regulations shall not contravene rules and regulations to be made by the department of labor with regard to wages, hours of work, conditions of work and other matters now under the jurisdiction of such department.

§ 139-d. Storage and display of firearms, ammunition and explosives. 1. Any municipal corporation may by local law or ordinance regulate the storage, possession and display of firearms, ammunition or explosives. Such regulations may provide for:

(a) the establishment and enforcement of standards of design, construction and maintenance of buildings and structures in which firearms, ammunition or explosives are stored;

(b) the establishment and enforcement of standards of security for the storage of such firearms, ammunition or explosives;

(c) the location of such buildings and structures;

(d) the quantity of firearms, ammunition or explosives which may be stored in such buildings and structures;

(e) the manner of such storage; and

(f) the times and circumstances under which such firearms, ammunition or explosives may be displayed to public view.

2. The regulations provided for herein shall not apply to the personal possession, use or ownership of firearms or ammunition therefor.

3. The exercise of the power granted in this section by a county shall relate only to the area thereof outside any city, or village; the exercise of such power by a town shall relate only to the area thereof outside the village or villages therein.

§ 139-e. Posting of sanitary inspection grade. 1. As used in this section "internet-based food delivery service provider" shall mean any food service establishment that accepts food orders for delivery from customers via the internet or mobile application, or any third party website that accepts food orders for delivery from customers via the internet or mobile application.

2. In any municipal corporation that has adopted a local law or rule requiring the posting of sanitary inspection results, every internet-based food delivery service provider shall conspicuously post on their website or mobile application a hyperlink to the municipal or state health department food establishments lookup tool, which lists the

most current sanitary inspection results of any food service establishment located in such municipal corporation for which food delivery services are provided to customers.

ARTICLE 7

TRUSTS FOR PARKS AND LIBRARIES IN VILLAGES AND TOWNS

§ 140. Trusts for public parks, playgrounds, libraries and public buildings. It shall be lawful to grant and devise real estate, and to give and bequeath personal property to trustees and their successors in trust, for the purpose of creating, continuing and maintaining, according to the terms, conditions and provisions of such grant, gift, devise or bequest, one or more public parks, or public playgrounds, or a public library, or a public building, or for the purpose of aiding and instructing children, or for any one or more of such purposes, in any city, village or town of this state. The number of such trustees shall not be less than three nor more than nine.

§ 141. Trustees a corporation. Whenever any grant, gift, devise or bequest shall have been made, under the provisions of this article, such trustees shall thereupon become and be a body politic and corporate with the name which shall have been specified by the donor in making the donation, and with the number of trustees, within the foregoing limits, named by the donor; and such corporation shall have full power to take and hold all property which shall have been and also which shall thereafter be granted, given, devised or bequeathed to it as aforesaid for said uses and purposes, and shall possess the powers and be subject to the provisions and restrictions contained in general corporation law. If no name shall have been specified by the donor as aforesaid, the name of the corporation shall be such as the said trustees shall adopt, certify and file in the county clerk's office of the county in which the interested city, village or town is located.

§ 142. Eligibility of trustees. In case of the death of a trustee or of his resignation, removal from office, or inability to discharge the duties of his office, his place shall be deemed to be vacant, and may be filled by the remaining trustees; and, in default of their so making an appointment within three months, the appointment to fill the vacancy shall be made by the supreme court, on the petition of any inhabitant of the interested city, village or town, and after due notice to the other trustees and to the mayor of the city, president of the village or supervisor of the town. Said trustees shall be subject to removal by said court for malfeasance or misfeasance in office, upon such notice and after trial in such manner as said court shall direct.

§ 143. Management and appropriation of property. Trustees created under the provisions of this article shall have the custody and management of all the property of such corporation, and shall appropriate the same, so far as the terms, provisions and conditions of the donations will permit, for the purpose of aiding and instructing children, or for providing suitable grounds for such a public park or parks and properly preparing, beautifying, embellishing and keeping up and maintaining the same, or for furnishing and supplying such library with a suitable and proper edifice, rooms, furniture, books, maps, magazines and whatever may be necessary to make, keep up and maintain a good and complete library, or for one or more of such purposes, and paying the expenses of the trust. Demising lands donated to the corporation and investing and keeping money invested at interest, and using the rents and interest therefrom for aiding and instructing children or for park purposes or library purposes, shall be deemed to be an appropriation of such property for said purposes.

§ 144. Parks, playgrounds and libraries to be free. All parks, playgrounds and libraries existing under this article shall be free and open to the public for use and enjoyment, subject only to such reasonable rules and regulations as the trustees from time to time shall adopt and promulgate.

§ 145. Subject to visitation of supreme court. All corporations existing under this article, together with their books and vouchers, shall be subject to the visitation and inspection of the justices of the supreme court, or of any person or persons who shall be appointed by the supreme court for that purpose; and it shall be the duty of the trustees or a majority of them, in the month of December in each year, to make and file in the office of the county clerk of the county in which the interested city, village or town is situate, a certificate under their hands, stating the names of the trustees and officers of such corporation, with an inventory of the property, effects and liabilities thereof, with an affidavit of the truth of such inventory and certificate. Said trustees shall be entitled to such compensation as said court shall fix. Said court shall also have power to control the discretion of said trustees in determining what property may be demised and for how long; also how much money may be invested and kept invested on interest to produce an income for the purpose of aiding and instructing children or to keep up and maintain the parks or libraries, or either of such purposes; and also in a summary way to determine the reasonableness of any rules and regulations, upon complaint of any inhabitant of the interested city, village or town, and upon notice to said trustees.

§ 146. Devises and bequests restricted. This article shall not be construed or held to authorize any devise or bequest whatever of more than one-half of the estate of the testator or testatrix over and above the payment of debts, liabilities and expenses, in case he or she shall leave a husband, wife, child, descendant, or parent him or her surviving. The validity of a devise or bequest for more than such one-half may be contested only by a surviving husband, wife, child, descendant or parent.

ARTICLE 7-A

BURIAL OF VETERANS AND THEIR FAMILIES; CERTAIN PERMIT REQUIREMENTS

§ 148. Burial of members of the armed forces of the United States and their families; headstones. 1. Burial. (a) The board of supervisors in each of the counties, or the board of estimate in the city of New York, shall designate some proper person, association or commission, other than that designated for the care of burial of public charges or criminals, who shall cause to be interred the body of any member of the uniformed services of the United States who (i) was honorably discharged from such service or (ii) had a qualifying condition, as defined in section one of the veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) was a discharged LGBT veteran, as defined in section one of the veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or the body of any minor child or either parent, or the spouse or unremarried surviving spouse of any such member of the uniformed services of the United States, if such person shall hereafter die in a county or in the city of New York without leaving sufficient means to defray his or her funeral expenses.

(b) Notwithstanding any other provision of this section, such counties or city, as the case may be, shall receive reimbursement for such expense subject to the reimbursement limitations provided for in subdivision five of section one hundred forty-one of the social services law, provided that such expense is otherwise eligible for state reimbursement pursuant to the provisions of such section.

(c) If the deceased has relatives who desire to conduct the burial, but are unable to pay the charge therefor, such sum shall be paid by the county treasurer or other fiscal officer, to the person, association or commission so conducting such burial, upon due proof of the claim, made to such person, association or commission of the death or burial of such person, and audit thereof.

(d) Such interment shall not be made in a cemetery or cemetery plot used exclusively for the burial of needy persons deceased, and the board of supervisors of each county is hereby authorized and empowered to purchase and acquire lands, or to appropriate money for the purchase and acquisition of lands, for a cemetery or cemetery plot for the burial of any such persons and also to provide for the care, maintenance or improvement of any cemetery or plot where such persons are buried or may hereafter be buried.

1-a. (a) Notwithstanding any other provision of this section, in the case of a veteran, as defined in section one of the veterans' services law, or who has a qualifying condition as defined in section one of the veterans' services law and has received a discharge other than bad conduct or dishonorable, or is a discharged LGBT veteran as defined in section one of the veterans' services law and has received a discharge other than bad conduct or dishonorable, who died in a county or the city of New York leaving no funds or insurance sufficient to pay funeral and burial expenses of such veteran and such veteran has no next of kin or person of record previously designated to control his or her final disposition pursuant to section four thousand two hundred one of the public health law, such county or the city of New York shall request a congressionally chartered veterans' organization within the county or the city of New York where the decedent resided at the time of death, to engage the services of a funeral firm to conduct the funeral and burial services.

(b) Such organization shall incur the costs associated with such services, which shall include but not be limited to, the purchase of a suitable container for burial, the funeral director's prices for merchandise and services furnished, cost of a grave site and a military funeral service at the cemetery to which such body shall be interred.

(c) The county or the city of New York shall endeavor to make such requests to a diversity of congressionally chartered veterans' organizations within their jurisdiction, in an effort to share the costs described in paragraph (b) of this subdivision in a fair and equitable manner.

(d) The state shall reimburse such congressionally chartered veterans' organization for such funeral and burial service expenses for veterans, except those expenses previously reimbursed pursuant to section one hundred forty-one of the social services law or any other law or those expenses reimbursable or payable by the federal government; provided however, that the total reimbursement pursuant to this subdivision shall not exceed two thousand dollars per burial. With respect to any state fiscal year, the commissioner of veterans' services shall provide a percentage increase in the maximum amount of funeral and burial service expenses payable under this paragraph, equal to the percentage by which (i) the consumer price index (all items, United States city average) for the twelve-month period ending on the March thirty-first preceding the beginning of the state fiscal year for which the increase is made, exceeds (ii) the consumer price index for the twelve-month period preceding the twelve-month period described in subparagraph (i) of this paragraph. Such percentage increase shall be rounded up to the next highest one-tenth of one percent and shall not be less than one percent nor more than four percent. Commencing in the year two thousand twenty-six, the commissioner of veterans' services, not later than February first of each year, shall publish the amount of the total reimbursement, as adjusted, payable under this section.

(e) A congressionally chartered veterans' organization determining in good faith that it cannot financially bear the costs of the requested funeral and burial services as described in paragraph (b) of this subdivision, and declaring in good faith to the requesting county or the city of New York that the organization is unable to pay for these expenses, shall not be required by the county or the city of New York to initially fund these requested services.

2. Headstones. (a) The grave of any such person whose body has been heretofore or shall hereafter be so interred, or who shall have been heretofore buried in any of the counties of this state, but whose grave is not marked by a suitable headstone, if such person has died or shall die without leaving means to defray the expense of such headstone, or

whose grave shall have remained unmarked for five years by a suitable headstone, shall be marked by a headstone bearing the name of the deceased, the war in which he served, and, if possible, the organization to which he belonged or in which he served.

(b) The headstone at the grave of the spouse or surviving spouse of such member of the armed forces of the United States shall contain the name of the deceased, the war in which his or her spouse served and, if possible, the organization to which he or she belonged or in which he or she served.

(c) Such headstone shall be of such design and material as shall be approved by the board of supervisors.

(d) Where a headstone or the foundation thereof as herein provided, shall have become damaged by accident or the elements, it may be repaired, provided the expense is less than the cost of a new headstone.

(e) The board of supervisors of the county of which such deceased person was a resident at the time of his or her death is hereby authorized and directed to audit the account and pay the expenses of such burial and headstone, and a reasonable sum for the services and necessary expenses of the person or commission so designated. In case such person shall be at the time of his or her death an incarcerated individual of any state institution, including state hospitals and soldiers' homes, or any institution, supported by the state and supported by public expense therein, the expense of such burial and headstone shall be a charge upon the county of his or her legal residence.

(f) Where the providing of a headstone is authorized in any case pursuant to this section, and in lieu of making such provision as hereinbefore set forth, the board responsible for payment of the cost thereof may make application for a headstone in such case to any officer, board, body or agency of the United States required by or pursuant to the laws thereof to furnish a headstone without charge to mark the grave of the deceased person in such case and, in the event such headstone is accordingly furnished, may audit the account and pay the expense incident to the obtaining and for the erection thereof, including any necessary transportation charges, in an amount not in excess of the maximum sum authorized to be expended for a headstone as provided in paragraph (c) of this subdivision.

3. Reports. It shall be the duty of the person or commission in this section provided, prior to the annual meeting of the board of supervisors to make an annual report to such board of supervisors of all the applications since the last annual report for burial and the erection of tombstones as provided herein, together with the amounts allowed. All applications herein referred to shall accompany said annual report and be placed and kept on file with the board of supervisors.

§ 149. Permits in certain circumstances. 1. Definitions. For the purposes of this section:

(a) "Demonstration" shall mean a pre-planned gathering of twelve or more persons who are invited or organized by an organizer to convene for the purpose of a public exhibition including a procession, parade, protest, picket, march or rally on public property concerning and in the vicinity of a funeral event.

(b) "Funeral event" shall mean a wake, funeral, burial or memorial service conducted within thirty days after the death of the person who is the subject of such event.

(c) "Organizer" shall mean the person or organization that plans or coordinates a demonstration for which a permit may be required pursuant to this section.

(d) "Permit authority" shall mean the governmental entity having primary jurisdiction for a location which, in the case of:

(i) a park, parkway or property that is subject to the jurisdiction of the state university of New York, the permit authority shall be the state university of New York;

(ii) a county park, parkway or property shall be the county park commission or such other county agency having jurisdiction, control and/or operation of such park, parkway or property;

(iii) a city park, parkway or property shall be the duly constituted licensing agency thereof and, in the absence of such agency, shall be an officer designated by local law for such purpose by the legislative body thereof;

(iv) a town park, parkway or property outside of the territory of a village, shall be an officer designated by local law for such purpose by the town board thereof; and

(v) a village park, parkway or property shall be an officer designated by local law for such purpose by the board of trustees thereof.

2. Permits issued by permit authority. In addition to any other law authorizing permits, any permit authority may, by local law or regulation, require that a permit be obtained for a demonstration that will take place within one thousand feet of a funeral event and during or within one hour before or after such funeral event. The existence and requirements of such local law, and any related, lawful regulations, shall be prominently posted in a public area of the office of the permitting authority, and shall also be posted on any website established or available for the use of the permitting authority or, if no such website is available, be posted by annual publication in a newspaper or newspapers of record serving the communities within the jurisdiction of the permit authority. Such local law may require:

(a) An organizer of such a demonstration shall be required to apply for a permit concerning such demonstration. Such permit application process shall be available for a reasonable period before such funeral event is actually scheduled to begin.

(b) Upon the filing of such an application, the permit authority shall promptly review such application and, if the application satisfies the requirements of this subdivision as well as any additional requirements the permit authority may, by lawful regulation, impose, then the permit authority shall issue to the organizer a permit under this subdivision. In such event, the permit shall specify, expressly and in detail, the time and place and any lawful restrictions that may be imposed regarding such demonstration. If such permit application is denied, the permit authority shall issue a written denial that specifies in detail the manner in which the application is deficient, together with the procedure by which the organizer may obtain timely reconsideration of such determination under this subdivision.

(c) The permit issued by a permit authority under this subdivision may, in accordance with applicable law, specify reasonable restrictions on the time, place and manner of the demonstration for which the permit is issued.

3. Permit requirement. A city, town, village or county that, by local law, enacts a permit requirement in accordance with subdivision two of this section may by such law establish a reasonable civil penalty for any person who, after proper notice and an opportunity for an adjudicatory hearing, is found to have intentionally organized and conducted a demonstration within one thousand feet of a funeral event, without first having obtained a required permit in accordance with such law. Such local law may include an increased maximum civil penalty for a second or subsequent violation.

4. Public safety. The state police power and that of its localities may be employed to provide adequate public safety and protection at such a funeral event and the procession to or from such a funeral event.

ARTICLE 8
CEMETERIES

§ 160. Acquisition of lands for cemetery purposes. It shall be lawful for the common council of any city, or the trustees of any incorporated village in this state, although such cemetery is disconnected from and out of the limits of any city or village, to acquire by deed, devise or otherwise, such land as it may require for burial purposes and the proper ornamentation in connection therewith, or land for such purposes, in addition to such land as it may already hold, or is authorized to hold; and to hold, use and possess the same in like manner with the like rights, privileges and authority, and subject to the like duties and liabilities as apply to the other lands so held by said city or village.

The provisions of this section shall not apply to the counties of New York, Kings, Queens and Westchester.

§ 161. Title may be acquired by condemnation. If the said common council or board of trustees shall be unable to agree with the owner of such lands for the purchase thereof, the said common council or board of trustees may proceed to acquire the title thereto in the manner prescribed by the condemnation law. The amount paid for such lands, by such common council or board of trustees as aforesaid, and all the expenses attending the same, with the expenses of fencing and improving the same, shall be assessed and collected by a general tax upon all the taxable property of such city or village, in the same manner as other city or village taxes are assessed and collected.

§ 162. Conveyance by unincorporated cemetery association to city, town or village. An unincorporated cemetery association may convey and transfer its real property held for burial purposes, together with its other assets, to a city having a population of less than one million inhabitants in which such real property is located, or to a village, provided such real property is located within such village or wholly within three miles of the boundaries thereof, or to a town, in which such real property is located, if all the directors and trustees of such association living and residing in the state unite in the conveyance and transfer. Such conveyance and transfer shall be subject to all agreements as to lots sold and all trusts, restrictions and conditions upon the title or use of such real property and assets. Lots previously sold and grants previously made for burial purposes shall not be affected by such conveyance, nor shall any grave, monument or other erection or any monuments be disturbed or removed except in accordance with law. No such conveyance shall be effective unless and until the legislative body of such city, town or village shall by ordinance or local law or resolution accept the same subject to the conditions and restrictions hereinabove imposed, which ordinance or local law or resolution said legislative body is hereby authorized and empowered to adopt by a majority vote of such body. Upon such conveyance and transfer such property shall be and become a municipal cemetery of such city, town or village and such property and assets so conveyed and transferred shall be administered as any other municipal cemetery of such city, town or village and the said cemetery association shall be dissolved by the recording of such conveyance and transfer.

§ 163. Lot owners' rights. Lots in such cemeteries shall be held indivisible, and upon the decease of a proprietor of such lot the title thereto shall descend to his or her heirs-at-law or devisees, subject, however to the following limitations and conditions: If survived by a spouse and children, they shall have in common the possession, care and control of such lot during the life of the surviving spouse. If survived by a spouse and no children, he or she shall have the possession, care and control of such lot during his or her life. If survived by children and no spouse, they, or the survivor of them, shall in common have the possession, care and control of such lot during the life of the survivor of them. The parties having such possession, care and control of such lot during the term thereof, may erect a monument and make other permanent improvements thereon. The surviving spouse shall have the right of interment for his or her body in such lot, or in a tomb in such lot, and a right to have his or her body remain permanently interred or entombed therein, except that such body may be removed therefrom to some other family lot or tomb with the consent of the heirs. At any time when more than one person is entitled to the possession, care or control of such lot, the persons so entitled thereto shall designate in writing to the clerk of the corporation which of their number shall represent the lot, and on their failure to designate, the board of trustees or directors or commissioners of the corporation or commission shall enter of record which of said parties shall represent the lot, while such failure continues. The surviving spouse may at any time release his or her right in such lot, but no conveyance or device by any other person shall deprive the surviving spouse of such right.

§ 164. Abandonment of cemeteries in cities of less than one million. Upon a verified petition presented to a judge of a court of record by the common council of any city of less than one million, the judge to whom said verified petition was presented shall make an order to show cause, returnable before him at a time and place within the county in not less than twenty days from the date of presentation of said petition, why the remains of any deceased person buried in potters field, or in any neglected or abandoned cemeteries in which no deceased person shall have been interred within twenty years, should not be removed to and reinterred in a properly kept incorporated cemetery in the same city or in a town or city adjoining the city in which the remains of each deceased person or persons are buried, or in lands owned by said city for cemetery purposes, and to fix the amount of expenses for such removal and reinterment and the order to show cause shall provide for its publication in a newspaper, to be designated in the order, which is published nearest to the cemetery from which the removal is to be made, once in each week for two successive weeks. The verified petition presented to the judge shall show that the petitioner is the common council of the city in which said cemetery is located and (1) the name of the deceased person or persons whose remains are sought to be removed, if known; (2) the name and location of the cemetery in which he is interred and from which removal is asked to be made; (3) the name and the location of the incorporated cemetery to which the remains are desired to be removed and reinterred; (4) the facts showing the reasons for such removal. Upon the return day of the order to show cause and at the time and place fixed in said order, upon filing proof of publication of the order to show cause with the judge, if no objection is made thereto, he shall make an order directing the removal of the remains of said deceased person or persons to the cemetery designated in the petition within the city or within a town or city adjoining said city in which the remains are then buried and shall specify in the order the amount of the expenses of such removal, which expenses of removal and reinterment, including the expense of the proceeding under this section, shall be a charge upon the city in which the cemetery is situated from which the removal is made and such expenses shall be a city charge and

audited and paid in the same manner as other charges. On or after the removal and reinterment of the remains of any deceased person or persons, the expenses for annual care of the grave in the cemetery to which the removal is made shall be annually provided by the city in which the remains were originally buried at a rate not to exceed fifty cents per grave, and shall be paid annually to the incorporated cemetery association to which the remains of each deceased person may be removed or reinterred unless said remains have been removed to lands owned by said city for cemetery purposes, in which case such payment shall be made under the provisions of the city ordinance providing for the care and upkeep of said cemetery lands owned by said city. Any city owning a lot or lots in a cemetery maintained by an incorporated cemetery association in which the remains of the deceased persons have been or may be buried pursuant to this section, however, may pay such association an amount sufficient to provide perpetual care therefor.
The petition and order shall be filed in the county clerk's office of the county in which the remains of the deceased person were originally interred, and the service of a certified copy of the final order upon the cemetery association shall be made prior to any removal. Any relatives of the deceased person or the officer of any cemetery association in which the remains of deceased person were originally interred may oppose the granting of said order and the judge shall summarily hear the statement of the parties and make such order as the justice and equity of the application shall require. Any headstone or monument which marks the grave of the deceased person shall be removed and reset at the grave in the cemetery to which the removal is permitted to be made and in each case the final order shall provide the amount of expenses of such removals and reinterment and resetting of the headstones or monument, including the expenses for the proceedings under this section; except that where provision is otherwise made for the purchase or erection of a new headstone, monument or marker at the grave in the cemetery to which said removal is permitted, such old headstone or monument need not be so removed and reset in which case the final order shall not provide for the expense of resetting. The order shall designate the person or persons having charge of the removals or reinterments. Upon completion of the removal, reinterment or resetting the headstones or monuments, the person or persons having charge of same

shall make a verified report of the removal, reinterment, and resetting of the headstone or monument and file the report in the clerk's office of the proper county.

After said bodies shall have been removed and reinterred in the manner prescribed by said order, said lands in which such deceased persons were originally interred shall be available for and subject to such uses for city purposes as the common council of such city may determine and may be conveyed or otherwise disposed of in the same manner as other city lands.

§ 165. Maintenance and cleanup of abandoned cemeteries. 1. Any municipal corporation is hereby authorized and empowered to establish volunteer cemetery maintenance and cleanup programs to maintain and cleanup abandoned cemeteries wholly contained within such municipal corporation for which such municipal corporation has the primary responsibility to provide care.

2. The cemetery division of the department of state is hereby authorized and directed to assist any municipal corporation in the organization, implementation and administration of a volunteer cemetery maintenance and cleanup program at the request of such municipal corporation. The department of state is hereby authorized and directed to promulgate rules and regulations setting forth the manner and form of such assistance and request.

3. No municipal corporation which establishes a volunteer cemetery maintenance and cleanup program shall be liable for any damages sustained by any person participating and no cause of action for such damages shall be adjudicated by any court in this state which would otherwise have jurisdiction to adjudicate such claim.

4. Any municipal corporation which establishes a volunteer cemetery maintenance and cleanup program shall provide written notice of the provisions of subdivision three of this section to each person participating in such program.

§ 165-a. Voluntary municipal assistance to public cemetery corporations. Any municipal corporation may appropriate and provide funding to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law. In lieu of or in addition to providing funding to a public cemetery corporation, any municipal corporation may provide goods and/or services to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law.

§ 166. Cemetery and funeral home combinations. 1. No municipal corporation shall, directly or indirectly:

(a) sell, or have, enter into or perform a lease of any of its real property dedicated to cemetery purposes or adjacent thereto to a funeral entity, or use any of its property for location of a funeral entity;

(b) commingle funds used for cemetery purposes with a funeral entity;

(c) direct or carry on its cemetery related business or affairs with a funeral entity;

(d) authorize control of its cemetery related business or affairs by a funeral entity;

(e) engage in any sale or cross-marketing of goods or services with a funeral entity;

(f) have, enter into or perform a management or service contract for cemetery operations with a funeral entity; or

(g) have, enter into or perform a management contract with any entity other than a not-for-profit or religious corporation, or governmental entity.

2. Only the provisions of paragraphs (a) and (b) of subdivision one of this section shall apply to municipal corporations with thirty acres or less of real property dedicated to cemetery purposes, and only to the extent the sale or lease is of real property dedicated to cemetery purposes, and such cemeteries shall not engage in the sale of funeral home goods or services, except if such goods and services are otherwise permitted to be sold by cemeteries.

3. For the purposes of this section, "funeral entity" means a person, partnership, corporation, limited liability company or other form of business organization providing funeral home services, or owning, controlling, conducting or affiliated with a funeral home, any subsidiary thereof or any officer, director or stockholder having a ten per centum or greater proprietary, beneficial, equitable or credit interest in a funeral home.

ARTICLE 9

REGULATION OF USE OF BICYCLES AND SIMILAR VEHICLES

§ 180. Ordinances to regulate use of bicycles. The governing boards of municipal corporations as defined in section two of this chapter, may adopt local laws to regulate the use of bicycles on the public highways, streets, avenues, walks, parks and public places within their limits. Such local laws shall be supplemental and in addition to the provisions of the vehicle and traffic law relating to vehicles and not in conflict therewith. Provided further that such local laws shall not impose any charge, tax or otherwise not provide for the free use of bicycles and tricycles.

§ 181. Ordinances to regulate taxicabs and limousines. The municipal officers and boards in the several cities, towns and villages of this state now having the authority to enact ordinances, may adopt ordinances regulating:

1. The registration and licensing of taxicabs and may limit the number of taxicabs to be licensed and the county of Westchester may adopt ordinances regulating the registration and licensing of taxicabs and limousines and may limit the number to be licensed; the county of Nassau

may adopt ordinances regulating the registration of taxicabs and limousines; and the county of Suffolk may adopt local laws or ordinances regulating the registration of taxicabs, limousines, and livery vehicles; the county of Rockland may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines, and livery vehicles and may limit the number to be licensed; and the county of Dutchess may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines and livery vehicles; and the county of Ulster may adopt local laws or ordinances regulating the registration and licensing of taxicabs, limousines, and livery vehicles.

2. Parking and passenger pick-up and discharge by taxicabs, limousines and livery vehicles. Establishment of such local laws or ordinances and regulations regulating parking and passenger pick-up and discharges may be based upon recommendations from municipal planning officials or other public entities and may address and take into consideration such factors, including, but not limited to, geographic areas, vehicle type, limiting the number of parked vehicles and activities undertaken while parked, and periods of idling.

§ 182. Local regulation of transportation network companies. 1. Every county, and any city with a population of one hundred thousand or more as of the last decennial census, may prohibit the pick-up of any person by a transportation network company as defined by article forty-four-B of the vehicle and traffic law within their geographic boundaries pursuant to the enactment of a local law or ordinance, except that any county that contains a city with a population of one hundred thousand or more as of the last decennial census shall only be authorized to prohibit the pick-up of any person by a transportation network company as defined by article forty-four-B of the vehicle and traffic law outside of the geographic boundaries of such city.

2. Any county or city that enacts a local law or ordinance pursuant to this section or repeals such local law or ordinance shall notify the department of motor vehicles. Such department shall maintain on its

public website a list of all counties and cities that have enacted a local law or ordinance pursuant to this section and shall remove from such list any county or city that repeals such local law or ordinance.

3. This section shall not apply to a city with a population of one million or more.

ARTICLE 9-A

LOCAL OPTION FOR CONDUCT OF
GAMES OF CHANCE BY CERTAIN ORGANIZATIONS

§ 185. Short title; purpose of article. This article shall be known and may be cited as the games of chance licensing law. The legislature hereby declares that the raising of funds for the promotion of bona fide charitable, educational, scientific, health, religious and patriotic causes and undertakings, where the beneficiaries are undetermined, is in the public interest. It hereby finds that, as conducted prior to the enactment of this article, games of chance were the subject of exploitation by professional gamblers, promoters, and commercial interests. It is hereby declared to be the policy of the legislature that all phases of the supervision, licensing and regulation of games of chance and of the conduct of games of chance, should be closely controlled and that the laws and regulations pertaining thereto should be strictly construed and rigidly enforced; that the conduct of the game and all attendant activities should be so regulated and adequate controls so instituted as to discourage commercialization of gambling in all its forms, including the rental of commercial premises for games of chance, and to ensure a maximum availability of the net proceeds of games of chance exclusively for application to the worthy causes and undertakings specified herein; that the only justification for this article is to foster and support such worthy causes and undertakings, and that the mandate of section nine of article one of the state constitution, as amended, should be carried out by rigid regulations to prevent commercialized gambling, prevent participation by criminal and other undesirable elements and prevent the diversion of funds from the purposes herein authorized.

§ 186. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Municipality" shall mean any city, town or village within this state.

2. "Board" shall mean New York state gaming commission created pursuant to section one hundred two of the racing, pari-mutuel wagering and breeding law.

* 2-a. "Commission" means the New York state gaming commission.

* NB Effective December 19, 2026

3. "Games of chance" shall mean and include only the games known as "merchandise wheels", "coin boards", "merchandise boards", "seal cards", "event games", "raffles", and "bell jars" and such other specific games as may be authorized by the board, in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance, but not including games commonly known as "bingo or lotto" which are controlled under article fourteen-H of this chapter and also not including "bookmaking", "policy or numbers games" and "lottery" as defined in section 225.00 of the penal law. No game of chance shall involve wagering of money by one player against another player.

* 3-a. "Bell jars" shall mean and include those games in which a participant shall draw a card from a jar, vending machine, or other suitable device or container which contains numbers, colors or symbols that are covered and which, when uncovered, may reveal that a prize shall be awarded on the basis of a designated winning number, color or symbol or combination of numbers, colors or symbols. Bell jars shall

also include seal cards, coin boards, event games, and merchandise boards.

* NB Effective until December 19, 2026

* 3-a. "Bell jars" shall mean and include those games in which a participant shall draw a card from a jar, vending machine, including an electronic bell jar vending machine, or other suitable device or container which contains numbers, colors or symbols that are covered and which, when uncovered, may reveal that a prize shall be awarded on the basis of a designated winning number, color or symbol or combination of numbers, colors or symbols. Bell jars shall also include seal cards, coin boards, event games, and merchandise boards.

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3-b. "Raffle" shall mean and include those games of chance in which a participant pays money in return for a ticket or other receipt and in which a prize is awarded on the basis of a winning number or numbers, color or colors, or symbol or symbols designated on the ticket or receipt, determined by chance as a result of:

(a) a drawing from among those tickets or receipts previously sold; or

(b) a random event, the results of which correspond with tickets or receipts previously sold.

3-c. "Coin board" and "merchandise board" shall mean a board used in conjunction with bell jar tickets which contains and displays various coins and/or merchandise as prizes. A player having a bell jar ticket with a number matching a pre-designated number reflected on the board for a prize wins that prize.

3-d. "Seal cards" shall mean a board or placard used in conjunction with a deal of the same serial number which contains one or more concealed areas that, when removed or opened, reveal a predesignated winning number, letter, or symbol located on the board or placard. A seal card used in conjunction with an event game shall not be required to contain lines for prospective seal winners to sign their name.

3-e. "Event game" shall mean a bell jar game in which certain winners are determined by the random selection of one or more bingo numbers, the use of a seal card or by another method approved by the board.

4. "Authorized organization" shall mean and include any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer firefighters, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in this article, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this article for a period of three years immediately prior to applying for a license under this article.

No organization shall be deemed an authorized organization which is formed primarily for the purpose of conducting games of chance and which does not devote at least seventy-five percent of its activities to other than conducting games of chance. No political party shall be deemed an authorized organization.

5. "Lawful purposes" shall mean one or more of the following causes, deeds or activities:

(a) Those which shall benefit needy or deserving persons indefinite in number by enhancing their opportunity for religious or educational advancement, by relieving them from disease, suffering or distress, or by contributing to their physical wellbeing, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded and enhancing their loyalty to their governments.

(b) Those which shall initiate, perform or foster worthy public works or shall enable or further the erection or maintenance of public structures.

(c) Those that otherwise lessen the burdens borne by government or that are voluntarily undertaken by an authorized organization to augment or supplement services which government would normally render to the people, including, in the case of volunteer firefighters or voluntary emergency medical service activities, the purchase, erection or maintenance of a building for a firehouse or a volunteer ambulance corps building, activities open to the public for the enhancement of membership and the purchase of equipment that can reasonably be expected to increase the efficiency of response to fires, accidents, medical emergencies, public calamities and other emergencies.

d. Those which shall initiate, perform or foster the provisions of services to veterans by encouraging the gathering of such veterans and shall enable or further the erection or maintenance of facilities for use by such veterans which shall be used primarily for charitable or patriotic purposes, or those purposes which shall be authorized by a bona fide organization of veterans, provided however that such proceeds are disbursed pursuant to section one hundred eighty-nine of this article.

6. "Net proceeds" shall mean (a) in relation to the gross receipts from one or more license periods of games of chance, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for supplies and equipment, prizes, security-personnel, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the board, janitorial services and utility supplies if any, license fees, and the cost of bus transportation, if authorized by the clerk or department and (b) in relation to the gross rent received by an authorized games of chance lessor for the use of its premises by a game of chance licensee, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for janitorial services and utility supplies directly attributable thereto if any.

7. "Net lease" shall mean a written agreement between a lessor and lessee under the terms of which the lessee is entitled to the possession, use or occupancy of the whole or part of any premises from any non-commercial or non-profit authorized games of chance lessor for which the lessee pays rent to the lessor and likewise undertakes to pay substantially all of the regularly recurring expenses incident to the operation and maintenance of such leased premises.

8. "Authorized games of chance lessor" shall mean an authorized organization which has been granted a lessor's license pursuant to the provisions of this article or a municipality.

9. "Single type of game" shall mean the games of chance known as merchandise wheels, coin boards, merchandise boards, event games, raffles, and bell jars and each other specific game of chance authorized by the board.

10. "Operation" shall mean the play of a single type of game of chance necessary to determine the outcome or winners each time wagers are made. A single drawing of a winning ticket or other receipt in a raffle shall be deemed one operation.

11. "Single prize" shall mean the sum of money or fair market value of merchandise or coins awarded to a participant by a games of chance licensee in any one operation of a single type of game of chance in excess of his wager.

12. "Series of prizes" shall mean the total amount of single prizes minus the total amount of wagers lost during the successive operations of a single type of game of chance, except that for merchandise wheels and raffles, "series of prizes" shall mean the sum of cash and the fair market value of merchandise awarded as single prizes during the successive operations of any single merchandise wheel or raffle. In the game of raffle, a series of prizes may include a percentage of the sum of cash received from the sale of raffle tickets.

13. "Authorized supplier of games of chance equipment" shall mean any person, firm, partnership, corporation or organization licensed by the board to sell or lease games of chance equipment or paraphernalia which meets the specifications and regulations established by the board. Nothing herein shall prevent an authorized organization from purchasing common articles, such as cards and dice, from normal sources of supply of such articles or from constructing equipment and paraphernalia for games of chance for its own use. However, no such equipment or

paraphernalia, constructed or owned by an authorized organization shall be sold or leased to any other authorized organization, without written permission from the board.

14. "One occasion" shall mean the successive operations of any one single type of game of chance which results in the awarding of a series of prizes amounting to five hundred dollars or four hundred dollars during any one license period, in accordance with the provisions of subdivision eight of section one hundred eighty-nine of this article, as the case may be. For purposes of the game of chance known as a merchandise wheel or a raffle, "one occasion" shall mean the successive operations of any one such merchandise wheel or raffle for which the limit on a series of prizes provided by subdivision six of section one hundred eighty-nine of this article shall apply. For purposes of the game of chance known as a bell jar, "one occasion" shall mean the successive operation of any one such bell jar, seal card, event game, coin board, or merchandise board which results in the awarding of a series of prizes amounting to three thousand dollars. For the purposes of the game of chance known as raffle "one occasion" shall mean a calendar year during which successive operations of such game are conducted.

15. "License period" shall mean a period of time not to exceed fourteen consecutive hours and, for purposes of the game of chance known as a bell jar and a raffle, "license period" shall mean a period of time running from January first to December thirty-first of each year.

16. "Clerk" shall mean the clerk of a municipality outside the city of New York.

17. "Officer" shall mean the chief law enforcement officer of a municipality outside the city of New York, or if such municipality exercises the option set forth in subdivision two of section one hundred ninety-four of this article, the chief law enforcement officer of the county.

18. "Department" shall mean the New York City Department of Consumer

Affairs.

19. "Premises" shall mean a designated area within a building, hall, tent, or grounds reasonably identified for the conduct of games of chance. Nothing herein shall require such area to be enclosed.

20. "Games of chance currency" shall mean legal tender or a form of scrip or chip authorized by the board, except for games known as "raffles" whereby payment shall mean legal tender, credit or debit card or personal check, any of which may be used at the discretion of the games of chance licensee.

21. "Flare" shall mean a poster description of the bell jar game, which shall include a declaration of the number of winners and amount of prizes in each deal, the number of prizes available in the deal, the number of tickets in each deal which contain the stated prize; the manufacturer's game form number, and the serial number of the deal which shall be identical to the serial number imprinted on each ticket contained in the deal.

* 22. "Gaming facility" means any commercial casino licensed pursuant to article thirteen of the racing, pari-mutuel wagering and breeding law, or a video lottery gaming facility operating pursuant to article thirty-four of the tax law. Locations of such facilities shall be those identified by the commission.

* NB Effective December 19, 2026

* 23. "Veteran organization" means a members-only organization comprising veterans and their family members, where the organization's focus is on the support of and advocacy for veterans and military service members and that is licensed to operate bell jar games as of November thirtieth, two thousand twenty-five and shall not include any auxiliary organizations.

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* 24. "Volunteer fire company" shall mean a fire company as defined in subdivision two of section three of the volunteer firefighters' benefit law, and whose members provide firefighting services on a volunteer basis.

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§ 187. Local option. Subject to the provisions of this article, and pursuant to the direction contained in subdivision two of section nine of article one of the constitution of the state, the legislature hereby gives and grants to every municipality the right, power and authority to authorize the conduct of games of chance by authorized organizations within the territorial limits of such municipality. A local law or ordinance adopted by a town shall be operative in any village or within any part of any village located within such town if, after adoption of such local law or ordinance, the board of trustees of such village adopts a local law or resolution subject to a permisive referendum as provided in article nine of the village law authorizing the issuance of licenses by the town for games of chance within such village. Such local law or resolution may be repealed only by a local law or resolution which shall also be subject to a permissive referendum, or by enactment of a local law authorizing games of chance as provided in section one hundred eighty-eight of this article.

§ 188. Local laws and ordinances. 1. The common council or other local legislative body of any municipality may, either by local law or ordinance, provide that it shall be lawful for any authorized organization, upon obtaining a license therefor as hereinafter provided, to conduct games of chance within the territorial limits of such municipality, subject to the provisions of such local law or ordinance, the provisions of this article, and the provisions set forth by the board.

2. No such local law or ordinance shall become operative or effective unless and until it shall have been approved by a majority of the electors voting on a proposition submitted at a general or special election held within such municipality who are qualified to vote for officers of such municipality.

3. The time, method and manner of submission, preparation and provision of ballots and ballot labels, balloting by voting machine and

conducting the election, canvassing the result and making and filing the returns and all other procedure with reference to the submission of and action upon any proposition for the approval of any such local law or ordinance shall be the same as in the case of any other proposition to be submitted to the electors of such municipality at a general or special election in such municipality, as provided by law.

§ 188-a. Powers and duties of the board. The board shall have the power and it shall be its duty to:

1. Supervise the administration of the games of chance licensing law and to adopt, amend and repeal rules and regulations governing the issuance and amendment of licenses thereunder and the conducting of games under such licenses, which rules and regulations shall have the force and effect of law and shall be binding upon all municipalities issuing licenses, and upon licensees of the board, to the end that such licenses shall be issued to qualified licensees only, and that said games shall be fairly and properly conducted for the purposes and in the manner of the said games of chance licensing law prescribed and to prevent the games of chance thereby authorized to be conducted from being conducted for commercial purposes or purposes other than those therein authorized, participated in by criminal or other undesirable elements and the funds derived from the games being diverted from the purposes authorized, and to provide uniformity in the administration of said law throughout the state, the board shall prescribe forms of application for licenses, licensees, amendment of licenses, reports of the conduct of games and other matters incident to the administration of such law.

2. Conduct, anywhere in the state, investigations of the administration, enforcement and potential or actual violations of the games of chance licensing law and of the rules and regulations of the board.

3. Reveiw all determinations and actions of the clerk or department in issuing an initial license and it may review the issuance of subsequent

licenses and, after hearing, revoke those licenses which do not in all respects meet the requirements of this article and the rules and regulations of the board.

4. Suspend or revoke a license, after hearing, for any violation of the provisions of this article or the rules and regulations of the board.

5. Hear appeals from the determinations and action of the clerk, department or officer in connection with the refusing to issue licenses, the suspension and revocation of licenses and the imposition of fines in the manner prescribed by law and the action and determination of the board upon any such appeal shall be binding upon the clerk, department or officer and all parties thereto.

6. Carry on continuous study of the operation of the games of chance licensing law to ascertain from time to time defects therein jeopardizing or threatening to jeopardize the purposes of this article, and to formulate and recommend changes in such law and in other laws of the state which the board may determine to be necessary for the realization of such purposes, and to the same end to make a continuous study of the operation and administration of similar laws which may be in effect in other states of the United States.

7. Supervise the disposition of all funds derived from the conduct of games of chance by authorized organizations not currently licensed to conduct such games.

8. Issue an identification number to an applicant authorized organization if it shall determine that the applicant satisfies the requirements of the games of chance licensing law and the rules and regulations of the board.

* 9. The board shall have the power to approve and establish a standard set of games of chance equipment and shall by its rules and regulations prescribe the manner in which such equipment is to be reproduced and distributed to licensed authorized organizations. The sale or distribution to a licensed authorized organization of any

equipment other than that contained in the standard set of games of chance equipment shall constitute a violation of this section.

* NB Effective until December 19, 2026

* 9. (a) The commission shall have the power to approve and establish a standard set of games of chance equipment and shall by its rules and regulations prescribe the manner in which such equipment is to be reproduced and distributed to licensed authorized organizations. The sale or distribution to a licensed authorized organization of any equipment other than that contained in the standard set of games of chance equipment shall constitute a violation of this section.

(b) No electronic bell jar vending machine shall be sold, leased, distributed, installed, or operated by any manufacturer, distributor, or charitable organization until such machine has been approved by the commission. No electronic bell jar vending machine shall be approved by the commission unless the operation of the game demonstrates that there is a finite probability basis of having a predetermined quantity of chances among which there is a predetermined quantity of winners that pay a fixed and predetermined value of prizes, regardless of the symbols that are used or how those symbols are displayed on pre-printed bell jar tickets.

(c) The commission shall promulgate such rules and regulations as the commission deems necessary for the approval and implementation of electronic bell jar vending machine gaming. The commission may revoke, suspend, or condition approval of an electronic bell jar vending machine. If the commission denies such request for approval, it shall provide the reasons for such determination.

* NB Effective December 19, 2026

§ 189. Restrictions upon conduct of games of chance. The conduct of games of chance authorized by local law or ordinance shall be subject to the following restrictions irrespective of whether the restrictions are contained in such local law or ordinance, but nothing herein shall be construed to prevent the inclusion within such local law or ordinance of other provisions imposing additional restrictions upon the conduct of such games:

1. No person, firm, partnership, corporation or organization, other than a licensee under the provisions of section one hundred ninety-one of this article, shall conduct such game or shall lease or otherwise make available for conducting games of chance premises for any consideration whatsoever, direct or indirect.

2. No game of chance shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

* 3. No authorized organization licensed under the provisions of this article shall purchase, lease, or receive any supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than a supplier licensed by the board or from another authorized organization. Lease terms and conditions shall be subject to rules and regulations promulgated by the board. The provisions of this article shall not be construed to authorize or permit an authorized organization to engage in the business of leasing games of chance, supplies, or equipment. Furthermore, no organization shall purchase bell jar tickets, or deals of bell jar tickets from any other person or organization other than those specifically authorized under sections one hundred ninety-five-n and one hundred ninety-five-o of this article.

* NB Effective until December 19, 2026

* 3. No authorized organization licensed under the provisions of this article shall purchase, lease, or receive any supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than a supplier licensed by the commission or from another authorized organization. Lease terms and conditions shall be subject to rules and regulations promulgated by the commission. The provisions of this article shall not be construed to authorize or permit an authorized organization to engage in the business of leasing games of chance, supplies, or equipment. Furthermore, no organization shall purchase bell jar tickets or deals of bell jar tickets, or purchase, lease or utilize any electronic bell jar vending machine, from any other person or organization other than those specifically authorized under sections one hundred ninety-five-n and one hundred ninety-five-o of this article.

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4. The entire net proceeds of any game of chance shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same and the net proceeds of any rental derived therefrom shall be exclusively devoted to the lawful purposes of the authorized games of chance lessor.

5. (a) No single prize awarded by games of chance other than raffle shall exceed the sum or value of three hundred dollars, except that for merchandise wheels, no single prize shall exceed the sum or value of two hundred fifty dollars, and for bell jar, no single prize shall exceed the sum or value of one thousand dollars.

(b) No single prize awarded by raffle shall exceed the sum or value of three hundred thousand dollars.

(c) No single wager shall exceed six dollars and for bell jars, coin boards or merchandise boards, no single prize shall exceed one thousand dollars, provided, however, that such limitation shall not apply to the amount of money or value paid by the participant in a raffle in return for a ticket or other receipt.

(d) For coin boards and merchandise boards, the value of a prize shall be determined by the cost of such prize to the authorized organization or, if donated, the fair market value of such prize.

6. (a) No authorized organization shall award a series of prizes consisting of cash or of merchandise with an aggregate value in excess of:

(1) ten thousand dollars during the successive operations of any one merchandise wheel; and

(2) six thousand dollars during the successive operations of any bell jar, coin board or merchandise board.

(b) No series of prizes awarded by raffle shall have an aggregate value in excess of five hundred thousand dollars.

(c) For coin boards and merchandise boards, the value of a prize shall be determined by the cost of such prize to the authorized organization or, if donated, the fair market value of such prize.

7. In addition to merchandise wheels, raffles and bell jars, no more than five other single types of games of chance shall be conducted during any one license period.

8. Except for merchandise wheels and raffles, no series of prizes on any one occasion shall aggregate more than four hundred dollars when the licensed authorized organization conducts five single types of games of chance during any one license period. Except for merchandise wheels, raffles and bell jars, no series of prizes on any one occasion shall aggregate more than five hundred dollars when the licensed authorized organization conducts less than five single types of games of chance, exclusive of merchandise wheels, raffles and bell jars, during any one license period. No authorized organization shall award by raffle prizes with an aggregate value in excess of three million dollars during any one license period.

9. Except for the limitations on the sum or value for single prizes and series of prizes, no limit shall be imposed on the sum or value of prizes awarded to any one participant during any occasion or any license period.

10. No person except a bona fide member of the licensed authorized organization shall participate in the management of such games; no person except a bona fide member of the licensed authorized organization, its auxiliary or affiliated organization, shall participate in the operation of such game, as set forth in section one hundred ninety-five-c of this article.

11. No person shall receive any remuneration for participating in the management or operation of any such game.

12. No authorized organization shall extend credit to a person to participate in playing a game of chance.

13. (a) No game of chance, other than a raffle that complies with paragraph (b) of this subdivision, shall be conducted on other than the premises of an authorized organization or an authorized games of chance

lessor.

(b) Raffle tickets may be sold to the public, and a raffle drawing may occur, outside the premises of an authorized organization or an authorized games of chance lessor if such sales occur, or such drawing occurs, in a municipality that:

(1) has passed a local law, ordinance or resolution in accordance with sections one hundred eighty-seven and one hundred eighty-eight of this article approving the conduct of games of chance;

(2) is located in the county in which the municipality issuing the raffle license is located or in a county that is contiguous to the county in which the municipality issuing the raffle license is located;

(3) has not objected to such sales after the gaming commission gives notice to such municipality of an authorized organization's request to sell such raffle tickets in such municipality; and

(4) has not objected to the location in such municipality that such drawing is proposed to occur, after the commission gives notice to such municipality of an authorized organization's request to conduct such drawing in such municipality. A location of a drawing may be on state-owned property so long as the authorized organization conducting the raffle obtains all required authorizations to do so and complies with this paragraph.

(c) The gaming commission may by regulation prescribe the advance notice an authorized organization must provide to the gaming commission in order to take advantage of the provisions of paragraph (b) of this subdivision, forms in which such a request shall be made and the time period in which a municipality must communicate an objection to the gaming commission.

(d) No sale of raffle tickets shall be made more than one hundred eighty days prior to the date scheduled for the occasion at which the raffle will be conducted.

(e) The winner of any single prize in a raffle shall not be required to be present at the time such raffle is conducted.

13-a. No person licensed to manufacture, distribute, or sell games of chance supplies or equipment, or their agents, shall conduct, participate in, or assist in the conduct of games of chance. Nothing herein shall prohibit a licensed distributor from selling, offering for sale, or explaining a product to an authorized organization or installing or servicing games of chance equipment upon the premises of games of chance licensees.

14. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.

15. No coins or merchandise from a coin board or merchandise board shall be redeemable or convertible into cash directly or indirectly by the authorized organization.

16. Notwithstanding any provision of law to the contrary, games known as "raffles", at the discretion of the games of chance licensee, may be purchased via the internet or mobile application with a debit or credit card, upon the account holder's direct consent, provided, however, that the gaming commission shall promulgate any necessary rules and regulations to ensure, to a reasonable degree of certainty that:

(a) the purchase of the raffle ticket is initiated and received or otherwise made in accordance with subdivision thirteen of this section;

(b) purchasers are not less than eighteen years of age; and

(c) the privacy and online security of participants is protected.

§ 189-a. Authorized supplier of games of chance equipment. * No person, firm, partnership, corporation or organization, shall sell or distribute supplies or equipment specifically designed or adapted for use in conduct of games of chance without having first obtained a license therefor upon written application made, verified and filed with the board in the form prescribed by the rules and regulations of the board. As a part of its determination concerning the applicant's suitability for licensing as a games of chance supplier, the board shall require the applicant to furnish to the board two sets of fingerprints. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check. Manufacturers of bell jar tickets shall be considered suppliers of such equipment. In each such application for a license under this section shall be stated the name and address of the applicant; the names and addresses of its officers, directors, shareholders or partners; the amount of gross receipts realized on the sale and rental of games of chance supplies and equipment to duly licensed authorized organizations during the last preceding calendar or fiscal year, and such other information as shall be prescribed by such rules and regulations. The fee for such license shall be a sum equal to twenty-five dollars plus an amount equal to two per centum of the gross sales and rentals, if any, of games of chance equipment and supplies to authorized organizations or authorized games of chance lessors by the applicant during the preceding calendar year, or fiscal year if the applicant maintains his accounts on a fiscal year basis. No license granted pursuant to the provisions of this section shall be effective for a period of more than one year.

* NB Effective until December 19, 2026

* No person, firm, partnership, corporation or organization, shall sell or distribute supplies or equipment specifically designed or adapted for use in conduct of games of chance without having first obtained a license therefor upon written application made, verified and filed with the commission in the form prescribed by the rules and regulations of the commission. As a part of its determination concerning the applicant's suitability for licensing as a games of chance supplier, the commission shall require the applicant to furnish to the commission two sets of fingerprints. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check. Manufacturers of bell jar tickets shall be considered suppliers of such equipment. In each such application for a license under this section shall be stated the name and address of the applicant; the names and addresses of its officers, directors, shareholders or partners; the amount of gross receipts realized on the sale and rental of games of chance supplies and equipment to duly licensed authorized organizations during the last preceding calendar or fiscal year, and such other information as shall be prescribed by such rules and regulations. The

fee for such license shall be a sum equal to twenty-five dollars plus an amount equal to two per centum of the gross sales and rentals, if any, of games of chance equipment and supplies to authorized organizations or authorized games of chance lessors by the applicant during the preceding calendar year, or fiscal year if the applicant maintains their accounts on a fiscal year basis; provided, however, that for manufacturers of electronic bell jar vending machines, the fee for such license shall be an additional one thousand dollars. No license granted pursuant to the provisions of this section shall be effective for a period of more than one year.

* NB Effective December 19, 2026

(a) The following shall be ineligible for such a license:

(1) a person convicted of a crime if there is a direct relationship between one or more of the previous criminal offenses and the integrity or safety of charitable gaming, considering the factors set forth in article twenty-three-A of the correction law;

(2) a person who is or has been a professional gambler or gambling promoter or who for other reasons is not of good moral character;

(3) a public officer or employee;

(4) an authorized games of chance lessor;

(5) a firm or corporation in which a person defined in paragraph (1), (2), (3) or (4) of this subdivision has greater than a ten percent proprietary, equitable or credit interest or in which such a person is active or employed.

(b) The board shall have power to examine or cause to be examined the books and records of any applicant for a license, under this section. Any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this article.

(c) Any solicitation of an organization licensed to conduct games of chance, to purchase or induce the purchase of games of chance supplies and equipment, other than by a person licensed or otherwise authorized pursuant to this section shall constitute a violation of this section.

(d) Any person who willfully shall make any material false statement in any application for a license authorized to be issued under this section or who willfully shall violate any of the provisions of this section or of any license issued hereunder shall be guilty of a misdemeanor and, in addition to the penalties in such case made and provided, shall forfeit any license issued to him or it under this section and be ineligible to apply for a license under this section for one year thereafter.

(e) At the end of such period specified in the license, a recapitulation shall be made as between the licensee and the board in respect of the gross sales and rentals actually recorded during that period and the fee paid therefor, and any deficiency of fee thereby shown to be due shall be paid by the licensee and any excess of fee thereby shown to have been paid shall be credited to said licensee in such manner as the board by the rules and regulations shall prescribe.

§ 189-b. Declaration of state's exemption from operation of provisions of 15 U.S.C. (1172). Pursuant to section two of an Act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January second, nineteen hundred fifty-one, being chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. (1171-1177), the state of New York, acting by and through the duly elected and qualified members of its legislature, does hereby, in accordance with and in compliance with the provisions of section two of said Act of Congress, declare and proclaim that it is exempt from the provisions of section two of said Act of Congress.

§ 189-c. Legal shipments of gaming devices into New York state. All shipments into this state of gaming devices, excluding slot machines and coin operated gambling devices, as defined in subdivision seven-a of section 225.00 of the penal law, the registering, recording and labeling of which has been duly had by the manufacturer or dealer thereof in accordance with sections three and four of an Act of Congress of the United States entitled "An act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January second, nineteen hundred fifty-one, being chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. (1171-1177), shall be deemed legal shipments thereof into this state.

§ 190. Application for license. 1. To conduct games of chance. (a) Each applicant for a license shall, after obtaining an identification number from the board, file with the clerk or department, a written application therefor in a form to be prescribed by the board, duly executed and verified, in which shall be stated:

(1) the name and address of the applicant together with sufficient facts relating to its incorporation and organization to enable such clerk or department, as the case may be, to determine whether or not it is a bona fide authorized organization;

(2) the names and addresses of its officers; the place or places where, the date or dates and the time or times when the applicant intends to conduct games under the license applied for;

(3) the amount of rent to be paid or other consideration to be given directly or indirectly for each licensed period for use of the premises of an authorized games of chance lessor;

(4) all other items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such games of chance and the names and addresses of the persons to whom, and the purposes for which, they are to be paid;

(5) the purposes to which the entire net proceeds of such games are to be devoted and in what manner; that no commission, salary, compensation, reward or recompense will be paid to any person for conducting such game or games or for assisting therein except as in this article otherwise provided; and such other information as shall be prescribed by such rules and regulations.

(6) the name of each single type of game of chance to be conducted under the license applied for and the number of merchandise wheels and raffles, if any, to be operated.

(b) In each application there shall be designated not less than four bona fide members of the applicant organization under whom the game or games of chance will be managed and to the application shall be appended a statement executed by the members so designated, that they will be responsible for the management of such games in accordance with the terms of the license, the rules and regulations of the board, this article and the applicable local laws or ordinances.

2. Authorized games of chance lessor: Each applicant for a license to lease premises to a licensed organization for the purposes of conducting games of chance therein shall file with the clerk or department, a written application therefor in a form to be prescribed by the board duly executed and verified, which shall set forth the name and address of the applicant; designation and address of the premises intended to be covered by the license sought; a statement that the applicant in all respects conforms with the specifications contained in the definition of "authorized organization" set forth in section one hundred eighty-six of this article; a statement of the lawful purposes to which the net proceeds from any rental are to be devoted by the applicant, and such other information as shall be prescribed by the board.

3. In counties outside the city of New York, municipalities may, pursuant to section one hundred eighty-eight of this article, adopt an ordinance providing that an authorized organization having obtained an identification number from the board and having applied for no more than one license to conduct games of chance during the period not less than twelve nor more than eighteen months immediately preceding may file with the clerk or department a summary application in a form to be prescribed by the board duly executed and verified, containing the names and addresses of the applicant organization and its officers, the date, time and place or places where the applicant intends to conduct games under the license applied for, the purposes to which the entire net proceeds of such games are to be devoted and the information and statement required by paragraph (b) of subdivision one of this section in lieu of the application required under subdivision one of this section.

4. Notwithstanding and in lieu of the licensing requirements set forth in this article, an authorized organization defined in subdivision four of section one hundred eighty-six of this article may file a verified statement, for which no fee shall be required, with the clerk or department and the board attesting that such organization shall derive net proceeds or net profits from raffles in an amount less than thirty thousand dollars during one occasion or part thereof at which raffles are to be conducted. Such statement shall be on a single page form

prescribed by the board and shall be deemed a license to conduct raffles: (a) under this article; and (b) within the municipalities in which the authorized organization are domiciled which have passed a local law, ordinance or resolution in accordance with sections one hundred eighty-seven and one hundred eighty-eight of this article approving the conduct of games of chance, and in municipalities which have passed a local law, ordinance or resolution in accordance with sections one hundred eighty-seven and one hundred eighty-eight of this article approving the conduct of games of chance that are located in the county in which the municipality issuing the license is located and in the counties which are contiguous to the county in which the municipality issuing the raffle license is located, provided those municipalities have authorized the licensee, in writing, to sell such raffle tickets therein. An organization that has filed a verified statement with the clerk or department and the board attesting that such organization shall derive net proceeds or net profits from raffles in an amount less than thirty thousand dollars during one occasion or part thereof that in fact derives net proceeds or net profits exceeding thirty thousand dollars during any one occasion or part thereof shall be required to obtain a license as required by this article and shall be subject to the provisions of section one hundred ninety-five-f of this article.

§ 190-a. Raffles; license not required. 1. Notwithstanding the licensing requirements set forth in this article and their filing requirements set forth in subdivision four of section one hundred ninety of this article, an authorized organization may conduct a raffle without complying with such licensing requirements or such filing requirements, provided, that such organization shall derive net proceeds from raffles in an amount less than five thousand dollars during the conduct of one raffle and shall derive net proceeds from raffles in an amount less than thirty thousand dollars during one calendar year.

2. (a) For the purposes of this section, "authorized organization" shall mean and include any bona fide religious or charitable organization or bona fide educational, fraternal or service organization

or bona fide organization of veterans, volunteer firefighters or volunteer ambulance workers that by its charter, certificate of incorporation, constitution, or act of the legislature, has among its dominant purposes one or more of the lawful purposes as defined in this article, provided that each shall operate without profit to its members and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this article for a period of one year immediately prior to being granted the filing requirement exemption contained in subdivision one of this section.

(b) No organization shall be deemed an authorized organization that is formed primarily for the purpose of conducting games of chance and that does not devote at least seventy-five percent of its activities to other than conducting games of chance. No political party shall be deemed an authorized organization.

3. No person under the age of eighteen shall be permitted to play, operate or assist in any raffle conducted pursuant to this section.

4. No raffle shall be conducted pursuant to this section except within a municipality in which the authorized organization is domiciled that has passed a local law, ordinance or resolution in accordance with sections one hundred eighty-seven and one hundred eighty-eight of this article approving the conduct of games of chance, and in municipalities which have passed a local law, ordinance or resolution in accordance with sections one hundred eighty-seven and one hundred eighty-eight of this article approving the conduct of games of chance that are located within the county or contiguous to the county in which the organization is domiciled.

§ 191. Investigation; matters to be determined; issuance of license; fees; duration of license. 1. The clerk or department shall make an investigation of the qualifications of each applicant and the merits of each application, with due expedition after the filing of the application.

(a) Issuance of licenses to conduct games of chance. If such clerk or department determines:

(i) that the applicant is duly qualified to be licensed to conduct games of chance under this article;

(ii) that the member or members of the applicant designated in the application to manage games of chance are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime if there is a direct relationship between one or more of the previous criminal offenses and the integrity or safety of charitable gaming, considering the factors set forth in article twenty-three-A of the correction law;

(iii) that such games are to be conducted in accordance with the provisions of this article and in accordance with the rules and regulations of the gaming commission and applicable local laws or ordinances and that the proceeds thereof are to be disposed of as provided by this article; and

(iv) that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person managing, operating or assisting therein except as in this article otherwise provided; then such clerk or department shall issue a license to the applicant for the conduct of games of chance upon payment of a license fee of twenty-five dollars for each license period.

(b) Issuance of licenses to authorized games of chance lessors. If such clerk or department shall determine that the applicant seeking to lease premises for the conduct of games of chance to a games of chance licensee is duly qualified to be licensed under this article; that the applicant satisfies the requirements for an authorized organization as defined in section one hundred eighty-six of this article; that the applicant has filed its proposed rent for each license period and that the clerk or department has approved the proposed rent as fair and reasonable; that the net proceeds from any rental will be devoted to the lawful purposes of the applicant; that there is no diversion of the funds of the proposed lessee from the lawful purposes as defined in this article; and that such leasing of premises for the conduct of such games is to be in accordance with the provisions of this article, with the rules and regulations of the board and applicable local laws and ordinances, it shall issue a license permitting the applicant to lease said premises for the conduct of such games to the games of chance licensee or licensees specified in the application during the period therein specified or such shorter period as such clerk or department shall determine, but not to exceed twelve license periods during a calendar year, upon payment of a license fee of fifty dollars. Nothing herein shall be construed to require the applicant to be licensed under this article to conduct games of chance.

(c) Issuance of license upon summary application. If, upon the basis of a summary application as prescribed under subdivision three of section one hundred ninety of this article, the clerk or department shall determine that the applicant is duly qualified to be licensed to conduct games of chance under this article, said clerk or department shall forthwith issue said license. In the event the clerk or department has reason to believe that the applicant is not so qualified the applicant shall be directed to file an application pursuant to subdivision one of section one hundred ninety of this article.

2. On or before the thirtieth day of each month, the treasurer of the municipality in which the licensed property is located shall transmit to the state comptroller a sum equal to fifty percent of all authorized games of chance lessor license fees and the sum of fifteen dollars per license period for the conduct of games of chance collected by such clerk or department pursuant to this section during the preceding calendar month.

3. No license shall be issued under this section which shall be effective for a period of more than one year.

§ 192. Hearing; amendment of license. 1. No application for the issuance of a license to conduct games of chance or lease premises to an authorized organization shall be denied by the clerk or department, until after a hearing, held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

2. Any license issued under this article may be amended, upon application made to such clerk or department which issued it, if the subject matter of the proposed amendment could lawfully and properly

have been included in the original license and upon payment of such additional license fee if any, as would have been payable if it had been so included.

§ 193. Form and contents of license; display of license. 1. Each license to conduct games of chance shall be in such form as shall be prescribed in the rules and regulations promulgated by the board, and shall contain a statement of the name and address of the licensee, of the names and addresses of the members of the licensee under whom the games will be managed, of the place or places where and the date or dates and time or times when such games are to be conducted and of the purposes to which the entire net proceeds of such games are to be devoted; the name of each single type of game to be conducted under the license and the number of merchandise wheels and raffles, if any, to be operated; and any other information which may be required by said rules and regulations to be contained therein, and each license issued for the conduct of any games shall be conspicuously displayed at the place where same is to be conducted at all times during the conduct thereof.

2. Each license to lease premises for conducting games of chance will be in such form as shall be prescribed in the rules and regulations of the board and shall contain a statement of the name and address of the licensee and the address of the leased premises, the amount of permissible rent and any information which may be required by said rules and regulations to be contained therein, and each such license shall be conspicuously displayed upon such premises at all times during the conduct of games of chance.

§ 194. Control and supervision; suspension of identification numbers and licenses; inspection of premises. 1. The officer or department, shall have and exercise rigid control and close supervision over all games of chance conducted under such license, to the end that the same are fairly conducted in accordance with the provisions of such license, the provisions of the rules and regulations promulgated by the board, and the provisions of this article. Such officer or department and the board shall have the power and the authority to temporarily suspend any license issued by the clerk or department and/or impose fines for violations not to exceed one thousand dollars. Temporary suspension of licenses shall be promptly followed by a hearing, and after notice and hearing, the clerk, department, or board may suspend or revoke the same and declare the violator ineligible to apply for a license for a period not exceeding twelve months thereafter. Any fines tendered to the clerk, department, or board shall not be paid from funds derived from the conduct of games of chance. The officer and the department or the board shall additionally have the right of entry, by their respective officers and agents, at all times into any premises where any game of chance is being conducted or where it is intended that any such game shall be conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same. Upon suspension or revocation of any license or upon declaration of ineligibility to apply for a license, the board may suspend or revoke the identification number issued pursuant to section one hundred eighty-eight-a of this article. An agent of the appropriate officer or department shall make an on site inspection during the conduct of all games of chance licensed pursuant to this article.

2. A municipality may, by local law or ordinance enacted pursuant to the provisions of section one hundred eighty-eight of this article, provide that the powers and duties set forth in subdivision one of this section, shall be exercised by the chief law enforcement officer of the county. In the event a municipality exercises this option the fees provided for by subdivision two of section one hundred ninety-five-f of this article, shall be remitted to the chief fiscal officer of the county.

3. Subject to the applicable provisions of the alcoholic beverage control law, beer, cider, mead, braggot and wine may be offered for sale during the conduct of games of chance on games of chance premises as such premises are defined in subdivision nineteen of section one hundred eighty-six of this article; provided, however, that nothing herein shall be construed to limit the offering for sale of any other alcoholic beverage in areas other than the games of chance premises or the sale of

any other alcoholic beverage in premises where only the games of chance known as bell jar or raffles are conducted.

§ 195. Sunday; conduct of games on. Except as provided in section one hundred ninety-five-b of this article, no games of chance shall be conducted under any license issued under this article on the first day of the week, commonly known and designated as Sunday, unless it shall be otherwise provided in the license issued for the conducting thereof, pursuant to the provisions of a local law or an ordinance duly adopted by the governing body of the municipality wherein the license is issued, authorizing the conduct of games of chance under this article on that day only between the hours of noon and midnight. Notwithstanding the foregoing provisions of this section no games of chance shall be conducted on Easter Sunday or Christmas Day.

§ 195-a. Participation by persons under eighteen. No person under the age of eighteen years shall be permitted to play any game or games of chance conducted pursuant to any license issued under this article. Persons under the age of eighteen years may be permitted to attend games of chance at the discretion of the games of chance licensee. No person under the age of eighteen years shall be permitted to operate any game of chance conducted pursuant to any license issued under this article or to assist therein.

§ 195-b. Frequency of games. No game or games of chance, shall be conducted under any license issued under this article more often than twelve times in any calendar year. No particular premises shall be used for the conduct of games of chance on more than twenty-four license periods during any one calendar year. Games shall be conducted only between the hours of noon and midnight on Monday, Tuesday, Wednesday and Thursday, and only between the hours of noon on Friday and two A.M. Saturday, and only between the hours of noon on Saturday and two A.M. Sunday. The two A.M. closing period shall also apply to a legal holiday. The above restrictions shall not apply when only the games of chance known as bell jar and/or raffle are conducted.

*** § 195-c. 1. Persons operating games; equipment; expenses; compensation.** No person shall operate any game of chance under any license issued under this article except a bona fide member of the authorized organization to which the license is issued, or a bona fide member of an organization or association which is an auxiliary to the licensee or a bona fide member of an organization or association of which such licensee is an auxiliary or a bona fide member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association. Nothing herein shall be construed to limit the number of games of chance licensees for whom such persons may operate games of chance nor to prevent non-members from assisting the licensee in any activity other than managing or operating games. No game of chance shall be conducted with any equipment except such as shall be owned or leased by the authorized organization so licensed or used without payment of any compensation therefor by the licensee. However, in no event shall bell jar tickets be transferred from one authorized organization to another, with or without payment of any compensation thereof. The head or heads of the authorized organization shall upon request certify, under oath, that the persons operating any game of chance are bona fide members of such authorized organization, auxiliary or affiliated organization. Upon request by an officer or the department any such person involved in such games of chance shall certify that he or she has no criminal record. No items of expense shall be incurred or paid in connection with the conducting of any game of chance pursuant to any license issued under this article except those that are reasonable and are necessarily expended for games of chance supplies and equipment, prizes, security personnel, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the board, janitorial services and utility supplies if any, and license fees, and the cost of bus transportation, if authorized by such clerk or department. No commission, salary, compensation, reward or recompense shall be paid or given to any person for the sale or assisting with the sale of raffle tickets.

2. For the purpose of the sale of tickets for the game of raffle, the term "operate" shall not include the sale of such tickets by persons of lineal or collateral consanguinity to members of an authorized organization licensed to conduct a raffle.

* NB Effective until December 19, 2026

* § 195-c. Persons operating games; equipment; expenses; compensation. 1. No person shall operate any game of chance under any license issued under this article except a bona fide member of the authorized organization to which the license is issued, or a bona fide member of an organization or association which is an auxiliary to the licensee or a bona fide member of an organization or association of which such licensee is an auxiliary or a bona fide member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association. Nothing herein shall be construed to limit the number of games of chance licensees for whom such persons may operate games of chance nor to prevent non-members from assisting the licensee in any activity other than managing or operating games. No game of chance shall be conducted with any equipment except such as shall be owned or leased by the authorized organization so licensed or used without payment of any compensation therefor by the licensee. However, in no event shall bell jar tickets be transferred from one authorized organization to another, with or without payment of any compensation thereof. The head or heads of the authorized organization shall upon request certify, under oath, that the persons operating any game of chance are bona fide members of such authorized organization, auxiliary or affiliated organization. Upon request by an officer or the department any such person involved in such games of chance shall certify that they have no criminal record. No items of expense shall be incurred or paid in connection with the conducting of any game of chance pursuant to any license issued under this article except those that are reasonable and are necessarily expended for games of chance supplies and equipment, prizes, security personnel, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the commission, janitorial services and utility supplies if any, and license fees, and the cost of bus transportation, if authorized by such clerk or department. No

commission, salary, compensation, reward or recompense shall be paid or given to any person for the sale or assisting with the sale of raffle tickets.

2. For the purpose of the sale of tickets for the game of raffle, the term "operate" shall not include the sale of such tickets by persons of lineal or collateral consanguinity to members of an authorized organization licensed to conduct a raffle.

3. Each electronic bell jar vending machine that has been approved by the commission pursuant to paragraph (b) of subdivision nine of section one hundred eighty-eight-a of this article shall do the following:

(a) read a barcode or similar form of encryption or marking on the pre-printed bell jar ticket;

(b) reveal results;

(c) verify if a bell jar ticket is redeemable for a prize;

(d) electronically aggregate winning prizes for continued play;

(e) produce a voucher for prize redemption or proof of purchase;

(f) track the sales of tickets and any other information as required by the commission and report such sales and other information to the commission;

(g) prohibit spinning reels or other representations or audiovisual features that mimic a video lottery terminal or slot machine;

(h) prohibit any electronic user interface that mimics a video slot machine;

(i) prohibit free plays, bonus games, multipliers, jackpots; provided, however, that for purposes of this paragraph, the prohibition on "jackpots" shall not include prizes that may be won on the bell jar ticket itself, subject to limitations set forth in regulations promulgated by the commission, discounts, promotions, special offers, or similar incentives to initiate or prolong player engagement;

(j) prohibit any feature that simulates skill or allows player input to influence the outcome of a predetermined result;

(k) prohibit the display of near-miss outcomes that may mislead a player into believing a win was narrowly missed;

(l) track the sales of tickets and any other information as required by the commission and report such sales and other information to the

commission;
(m) use electronic features to display and dispense pre-printed bell jar tickets; and
(n) limit the speed of play to prevent rapid successive wagering as required by regulations promulgated by the commission.

3-a. Each electronic bell jar vending machine that has been approved by the commission pursuant to paragraph (b) of subdivision nine of section one hundred eighty-eight-a of this article may include audio and video features to display information about a ticket being dispensed, provided that such features shall not affect the outcome of the game.

4. The following information shall be displayed by each electronic bell jar vending machine:
(a) the total number of tickets in each deal;
(b) the price of each ticket;
(c) the number and amount of prizes in each deal;
(d) the number of winners per ticket and its respective winning numbers or symbols;
(e) the name of the game;
(f) the name or logo of the manufacturer of the tickets and the electronic bell jar vending machine;
(g) the compulsive gambling hotline telephone number for the state of New York; and
(h) notification that only individuals eighteen years of age or older may use an electronic bell jar vending machine.

5. If a voucher is produced by an electronic bell jar vending machine for prize redemption, the following information shall appear on such voucher:
(a) the aggregate prize amount payable to the player;
(b) the device number or other identification method for the vending machine that produced such voucher;
(c) the date and time that such voucher was printed;
(d) the sequential number or other identification method of such voucher;
(e) an identification number, barcode or similar form of encryption

that may be used to validate the prize amount payable to the player; and
(f) the period of time during which unused tickets or prize amounts must be claimed.

6. (a) The maximum number of electronic bell jar vending machines that a veteran organization or volunteer fire company may operate shall be determined by the commission, but shall in no event exceed three machines.

(b) (i) The use of an electronic bell jar vending machine shall not be approved or permitted in any location restricted by a compact between an Indian tribe and the state of New York, as determined by the commission.

(ii) In cities with a population of one million or more as of the latest federal decennial census, the following geographic considerations shall apply, notwithstanding any other provision of this paragraph or paragraph (a) of this subdivision:

For any veteran organization or volunteer fire company at a premises located within two thousand five hundred feet of any gaming facility, the maximum number of electronic bell jar vending machines that may be operated shall be one. The commission shall establish procedures for measuring such distance. For any veteran organization or volunteer fire company at a premises located more than two thousand five hundred feet but not more than one mile from any gaming facility, the maximum number of electronic bell jar vending machines that may be operated shall be two, provided that the commission, in authorizing such machines, considers local market conditions and the objectives of preventing market oversaturation. For any veteran organization or volunteer fire company at a premises located more than one mile from any gaming facility, the maximum number of electronic bell jar vending machines shall be three, provided that the commission shall retain the discretion to impose stricter limitations based on local density of veteran organizations and/or volunteer fire companies operating such machines, potential impact on existing gaming facilities, and the determination of the commission of what will best serve public convenience, consistent with the objectives set forth in paragraph (c) of this subdivision. The commission shall, by rule or regulation, further define the methodology for assessing local density and market conditions within such cities and may establish specific zones or areas where the placement of electronic bell jar vending machines is further limited or requires enhanced review, to ensure the responsible integration of such charitable gaming opportunities.

(iii) The commission shall have the authority to establish, by rule or regulation, specific proximity zones around gaming facilities and to modify the limitations provided in subparagraphs (i) and (ii) of this paragraph based upon the determination of the commission of what will best serve public convenience, potential impact on existing gaming facilities, and the need to prevent loss of employment at such facilities, provided that any such modification shall be consistent with the objective of supporting charitable fundraising while maintaining the existing gaming landscape and preventing market oversaturation; provided however, that any such modification shall constitute only a reduction of the thresholds established by this subdivision.

(c) (i) Notwithstanding any other provision of this article, the commission shall have the discretion to determine the number of electronic bell jar vending machines that may be operated by any veteran organization or volunteer fire company, and the location of such machines; provided, however, that such number of machines shall not exceed the limits established in this subdivision. Such discretion shall be exercised to ensure that the introduction and operation of electronic bell jar vending machines occurs exclusively to the fundraising capabilities of legitimate veteran organizations or volunteer fire companies while maintaining the stability of existing regulated gaming sectors and revenue to the state, and avoiding any loss of employment at existing gaming facilities.

(ii) The commission shall deny, revoke, or limit the number of electronic bell jar vending machines a veteran organization or volunteer fire company may operate if the commission determines that such organization has been established, structured, or is being utilized, directly or indirectly, to obtain a greater number of machines than otherwise would be permitted. This consideration includes, but is not limited to, the creation of subsidiary entities, shell organizations, or any other arrangement where the facts and circumstances indicate an intent to circumvent the limitations set forth in this subdivision. The commission is empowered to scrutinize the governance, operational control, and financial interdependence of organizations to make such determinations.

(iii) The co-siting or joint housing of multiple veteran organizations and/or volunteer fire companies at a single premises or contiguous premises for the primary purpose of increasing the aggregate number of electronic bell jar vending machines at such location beyond what would otherwise be permitted for a single veteran organization or volunteer fire company operating at such premises is prohibited, unless explicitly authorized by the commission upon a finding that such arrangement is consistent with the public interest and the objectives of this article. The commission shall promulgate rules and regulations to effectuate this provision, considering factors such as shared operational control, membership overlap, and the primary purpose of the co-siting arrangement.

7. The commission shall promulgate such rules and regulations as may be necessary for the implementation of electronic bell jar vending machine gaming in accordance with the provisions of this section, including, but not limited to, the assessment of proximity to gaming facilities.

8. The commission shall promulgate such rules and regulations as the commission may deem necessary to ensure that electronic bell jar vending machines are only accessible to bona fide members of the veterans organization or bona fide members of the volunteer fire company. Such machines shall not be accessible to the public or to any individual who is not a bona fide member of such organization or company; provided, however, that the commission may authorize the use of such machines at each veteran organization's or volunteer fire company's fundraising events on no more than four occasions per calendar year, at which time such machines may be made accessible to individuals who are not bona fide members, subject to such supervision and safeguards as the commission may require, including measures to ensure that no individual under the age of eighteen participates.

* NB Effective December 19, 2026

§ 195-d. Charge for admission and participation; amount of prizes; award of prizes. 1. A fee may be charged by any licensee for admission to any game or games of chance conducted under any license issued under this article. The clerk or department may in its discretion fix a minimum fee.

2. With the exception of bell jars, coin boards, seal cards, merchandise boards and raffles, every winner shall be determined and every prize shall be awarded and delivered within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any game of chance.

3. A player may purchase a chance with cash or, if the authorized organization wishes, with a personal check, credit card or debit card.

§ 195-e. Advertising games. A licensee may advertise the conduct of games of chance to the general public by means of newspaper, circular, handbill and poster, and by one sign not exceeding sixty square feet in area, which may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, through the internet or television as may be regulated by the rules and regulations of the commission. When an organization is licensed or authorized to conduct games of chance on the premises of an authorized games of chance lessor, one additional such sign may be displayed on or adjacent to the premises in which the games are to be conducted. Additional signs may be displayed upon any firefighting or ambulance equipment belonging to any licensed authorized organization that is a volunteer fire company, volunteer ambulance corps or upon any equipment of a first aid or rescue squad in and throughout the community served by such volunteer fire company, volunteer ambulance corps or such first aid or rescue squad, as the case may be. All advertisements shall be limited to the description of such event as "Games of chance" or "Las Vegas Night", the name of the authorized organization conducting such games, the license number of the authorized organization as assigned by the clerk or department, the prizes offered and the date, location and time of the event.

§ 195-f. Statement of receipts, expenses; additional license fees. 1. Within seven days after the conclusion of any license period other than a license period for a raffle, or as otherwise prescribed by the board, the authorized organization which conducted the same, and its members who were in charge thereof, and when applicable the authorized games of chance lessor which rented its premises therefor, shall each furnish to the clerk or department a statement subscribed by the member in charge and affirmed by him as true, under the penalties of perjury, showing the amount of the gross receipts derived therefrom and each item of expense incurred, or paid, and each item of expenditure made or to be made other than prizes, the name and address of each person to whom each such item of expense has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the conduct of games of chance during such license period, and the use to which such proceeds have been or are to be applied and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement.

2. Within thirty days after the conclusion of an occasion during which a raffle was conducted, the authorized organization conducting such raffle and the members in charge of such raffle, and, when applicable, the authorized games of chance lessor that rented its premises therefor, shall each furnish to the clerk or department a statement on a form prescribed by the gaming commission, subscribed by the member in charge and affirmed by him or her as true, under the penalties of perjury, showing the number of tickets printed, the number of tickets sold, the price, and the number of tickets returned to or retained by the authorized organization as unsold, a description and statement of the fair market value for each prize actually awarded, the amount of the gross receipts derived therefrom, each item of expenditure made or to be made other than prizes, the name and address of each person to whom each such item of expense has been paid, or is to be paid, a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the raffle at such occasion, the use to which the proceeds have been or are to be applied. It shall be

the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement, provided, however, where the cumulative net proceeds or net profits derived from the conduct of a raffle or raffles are less than thirty thousand dollars during any one occasion, in such case, the reporting requirement shall be satisfied by the filing within thirty days of the conclusion of such occasion a verified statement prescribed by the gaming commission attesting to the amount of such net proceeds or net profits and the distribution thereof for lawful purposes with the clerk or department and a copy with the gaming commission, and provided further, however, where the cumulative net proceeds derived from the conduct of a raffle or raffles are less than five thousand dollars during any one occasion and less than thirty thousand dollars during one calendar year, no reporting shall be required.

3. Any authorized organization required to file an annual report with the secretary of state pursuant to article seven-A of the executive law or the attorney general pursuant to article eight of the estates, powers and trusts law shall include with such annual report a copy of the statement required to be filed with the clerk or department pursuant to subdivision one or two of this section.

4. Upon the filing of such statement of receipts pursuant to subdivision one or two of this section, the authorized organization furnishing the same shall pay to the clerk or department as and for an additional license fee a sum based upon the reported net proceeds, if any, for the license period, or in the case of raffles, for the occasion covered by such statement and determined in accordance with such schedule as shall be established from time to time by the board to defray the actual cost to municipalities or counties of administering the provisions of this article, but such additional license fee shall not exceed five percent of the net proceeds for such license period. The provisions of this subdivision shall not apply to the net proceeds from the sale of bell jar tickets. No fee shall be required where the net proceeds or net profits derived from the conduct of a raffle or raffles are less than thirty thousand dollars during any one occasion.

§ 195-g. Examination of books and records; examination of officers and employees; disclosure of information. The clerk or department and the board shall have power to examine or cause to be examined the books and records of:

1. Any authorized organization which is or has been licensed to conduct games of chance, so far as they may relate to games of chance including the maintenance, control and disposition of net proceeds derived from games of chance or from the use of its premises for games of chance, and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game under any such license, the use of its premises for games of chance, or the disposition of net proceeds derived from games of chance, as the case may be.

2. Any authorized games of chance lessor so far as they may relate to leasing premises for games of chance and to examine said lessor or any manager, officer, director, agent or employee thereof under oath in relation to such leasing.

Any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this article.

§ 195-h. Appeals from the decision of an officer, clerk or department to board. Any applicant for, or holder of, any license issued or to be issued under this article aggrieved by any action of an officer, clerk or department, to which such application has been made or by which such license has been issued, may appeal to the board from the determination of said officer, clerk, or department by filing with such officer, clerk, or department a written notice of appeal within thirty days after the determination or action appealed from, and upon the hearing of such appeal, the evidence, if any, taken before such officer, clerk, or department and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the board upon said appeal shall be binding upon such officer, clerk, or department and all parties to said appeal.

§ 195-i. Exemption from prosecution. No person, firm, partnership, corporation or organization lawfully conducting, or participating in the conduct of games of chance or permitting the conduct upon any premises owned or leased by him or it under any license lawfully issued pursuant to this article, shall be liable to prosecution or conviction for violation of any provision of article two hundred twenty-five of the penal law or any other law or ordinance to the extent that such conduct is specifically authorized by this article, but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of games of chance under any license obtained by any false pretense or by any false statement made in any application for license or otherwise, or permitting the conduct upon any premises owned or leased by him or it of any game of chance conducted under any license known to him or it to have been obtained by any such false pretense or statement.

§ 195-j. Offenses; forfeiture of license; ineligibility to apply for license. Any person, firm, partnership, corporation or organization who or which shall:

(1) make any material false statement in any application for any license authorized to be issued under this article;

(2) pay or receive, for the use of any premises for conducting games of chance, a rental in excess of the amount specified as the permissible rent in the license provided for in subdivision two of section one hundred ninety-three of this article;

(3) fail to keep such books and records as shall fully and truly record all transactions connected with the conducting of games of chance or the leasing of premises to be used for the conduct of games of chance;

(4) falsify or make any false entry in any books or records so far as they relate in any manner to the conduct of games of chance, to the disposition of the proceeds thereof and to the application of the rents

received by any authorized organization;
(5) divert or pay any portion of the net proceeds of any game of chance to any person, firm, partnership, corporation, except in furtherance of one or more of the lawful purposes defined in this article;

shall be guilty of a misdemeanor and shall forfeit any license issued under this article and be ineligible to apply for a license under this article for at least one year thereafter.

§ 195-k. Unlawful games of chance. 1. Any person, association, corporation or organization holding, operating, or conducting a game or games of chance is guilty of a misdemeanor, except when operating, holding or conducting:
(a) In accordance with a valid license issued pursuant to this article;
(b) On behalf of a bona fide organization of persons sixty years of age or over, commonly referred to as senior citizens, solely for the purpose of amusement and recreation of its members where (i) the organization has applied for and received an identification number from the board, (ii) no player or other person furnishes anything of value for the opportunity to participate, (iii) the prizes awarded or to be awarded are nominal, (iv) no person other than a bona fide active member of the organization participates in the conduct of the games, and (v) no person is paid for conducting or assisting in the conduct of the game or games; or
(c) A raffle pursuant to section one hundred ninety-a of this article.

2. The provisions of this section shall apply to all municipalities within this state, including those municipalities where this article is inoperative.

§ 195-l. Article inoperative until adopted by voters. Except as provided in section one hundred ninety-five-k of this article, the provisions of this article shall remain inoperative in any municipality unless and until a proposition therefor submitted at a general or special election in such municipality shall be approved by a vote of the majority of the qualified electors in such municipality voting thereon.

§ 195-m. Amendment and repeal of local laws and ordinances. Any such local law or ordinance may be amended, from time to time, or repealed by the common council or other local legislative body of the municipality which enacted it by a two-thirds vote of such legislative body and such amendment or repeal, as the case may be, may be made effective and operative not earlier than thirty days following the date of enactment of the local law or ordinance effecting such amendment or repeal, as the case may be; and the approval of a majority of the electors of such municipality shall not be a condition prerequisite to the taking effect of such local law or ordinance.

§ 195-n. Manufacturers of bell jars; reports and records. * 1. Distribution; manufacturers. For business conducted in this state, manufacturers licensed by the board to sell bell jar tickets shall sell only such tickets to distributors licensed by the board. Manufacturers of bell jar tickets, seal cards, merchandise boards, and coin boards may submit samples, artists' renderings, or color photocopies of proposed bell jar tickets, seal cards, merchandise boards, coin boards, payout cards, and flares for review and approval by the board. Within thirty days of receipt of such sample or rendering, the board shall approve or deny such bell jar tickets. Following approval of a rendering of a bell jar ticket, seal card, merchandise board, or coin board by the board, the manufacturer shall submit to the board a sample of the printed bell jar ticket, seal card, merchandise board, coin board, payout card, and flare for such game. Such sample shall be submitted prior to the sale of the game to any licensed distributor for resale in this state. For coin boards and merchandise boards, nothing herein shall require the submittal of actual coins or merchandise as part of the approval process. Any licensed manufacturer who willfully violates the provisions of this section shall: (a) upon such first offense, have their license suspended for a period of thirty days; (b) upon such second offense, participate in a hearing to be conducted by the board, and surrender their license for such period as recommended by the board; and (c) upon such third or subsequent offense, have their license suspended for a period of one year and shall be guilty of a class E felony. Any unlicensed manufacturer who violates the provisions of this section shall be guilty of a class E felony.

* NB Effective until December 19, 2026

* 1. Distribution; manufacturers. For business conducted in this state, manufacturers licensed by the commission to sell bell jar tickets or electronic bell jar vending machines shall sell only such tickets or vending machines to distributors licensed by the commission. Manufacturers of bell jar tickets, seal cards, merchandise boards, and coin boards may submit samples, artists' renderings, or color photocopies of proposed bell jar tickets, seal cards, merchandise boards, coin boards, payout cards, and flares for review and approval by the commission. Within thirty days of receipt of such sample or rendering, the commission shall approve or deny such bell jar tickets. Following approval of a rendering of a bell jar ticket, seal card, merchandise board, or coin board by the commission, the manufacturer shall submit to the commission a sample of the printed bell jar ticket, seal card, merchandise board, coin board, payout card, and flare for such game. Such sample shall be submitted prior to the sale of the game to any licensed distributor for resale in this state. For coin boards and merchandise boards, nothing herein shall require the submittal of actual coins or merchandise as part of the approval process. Any licensed manufacturer who willfully violates the provisions of this section shall: (a) upon such first offense, have their license suspended for a period of thirty days; (b) upon such second offense, participate in a hearing to be conducted by the commission, and surrender their license for such period as recommended by the commission; and (c) upon such third or subsequent offense, have their license suspended for a period of one year and shall be guilty of a class E felony. Any unlicensed manufacturer who violates the provisions of this section shall be guilty of a class E felony.

* NB Effective December 19, 2026

2. Bar codes. The manufacturer shall affix to the flare of each bell

jar game a bar code that provides all information prescribed by the board and shall require that the bar code include the serial number of the game the flare describes. A manufacturer shall also affix to the outside of the container or wrapping containing a deal of bell jar tickets a bar code providing all information prescribed by the board and containing the same information as the bar code affixed to the flare. The board may also prescribe additional bar code requirements. No person may alter the bar code that appears on the flare or on the outside of the container or wrapping containing a deal of bell jar tickets. Possession of a deal of bell jar tickets that has a bar code different from the serial number of the deal inside the container or wrapping as evidenced on the flare is prima facie evidence that the possessor has altered the bar code on the container or wrapping.

3. Bell jar flares. (a) A manufacturer shall not ship or cause to be shipped into this state any deal of bell jar tickets that does not have its own individual flare as required for that deal by rule of the board. A person other than a licensed manufacturer shall not manufacture, alter, modify, or otherwise change a flare for a deal of bell jar tickets except as authorized by this article or rules and regulations promulgated by the board.

(b) The flare for each deal of bell jar tickets sold by a manufacturer in this state shall be placed inside the wrapping of the deal which the flare describes.

(c) The bar code affixed to the flare of each bell jar game shall bear the serial number of such game as prescribed by the board.

(d) The flare of each bell jar game shall have affixed a bar code that provides: (1) the game code; (2) the serial number of the game; (3) the name of the manufacturer; and (4) other information the board by rule may require. The serial number included on the bar code shall be the same as the serial number of the tickets included in the deal. A manufacturer who manufactures a deal of bell jar tickets shall affix to the outside of the container or wrapping containing the bell jar tickets the same bar code that is affixed to the flare for that deal.

(e) No person shall alter the bar code that appears on the outside of a container or wrapping containing a deal of bell jar tickets. Possession of a deal of bell jars that has a bar code different from the bar code of the deal inside the container or wrapping is prima facie evidence that the possessor has altered the bar code on the box.

* 4. Reports of sales. A manufacturer who sells bell jar tickets for resale in this state shall file with the board, on a form prescribed by the board, a report of all bell jar tickets sold to distributors in the state. The report shall be filed quarterly on or before the twentieth day of the month succeeding the end of the quarter in which the sale was made. The board may require that the report be submitted via magnetic media or electronic data transfer.

* NB Effective until December 19, 2026

* 4. Reports of sales. A manufacturer who sells bell jar tickets for resale in this state shall file with the commission, on a form prescribed by the commission a report of all bell jar tickets sold to distributors in the state. The report shall be filed quarterly on or before the twentieth day of the month succeeding the end of the quarter in which the sale was made. The commission may require that the report be submitted via magnetic media or electronic data transfer. Such report shall also include information regarding any electronic bell jar vending machines sold or leased to a distributor licensed by the commission.

* NB Effective December 19, 2026

5. Inspection. The board may inspect the premises, books, records, and inventory of a manufacturer without notice during the normal business hours of the manufacturer.

§ 195-o. Distributor of bell jars; reports and records. * 1. Distribution; distributors. Any distributor licensed in accordance with section one hundred eighty-nine-a of this article to distribute bell jar tickets shall purchase bell jar tickets only from licensed manufacturers and may manufacture coin boards and merchandise boards only as authorized in subdivision one-a of this section. Licensed distributors of bell jar tickets shall sell such tickets only to not-for-profit, charitable or religious organizations registered by the board. Any licensed distributor who willfully violates the provisions of this section shall: (a) upon such first offense, have their license suspended for a period of thirty days; (b) upon such second offense, participate in a hearing to be conducted by the board, and surrender their license for such period as recommended by the board; and (c) upon such third or subsequent offense, have their license suspended for a period of one year and shall be guilty of a class E felony. Any unlicensed distributor who violates this section shall be guilty of a class E felony.

* NB Effective until December 19, 2026

* 1. Distribution; distributors. Any distributor licensed in accordance with section one hundred eighty-nine-a of this article to distribute bell jar tickets or electronic bell jar vending machines shall purchase such tickets and vending machines only from licensed manufacturers and may manufacture coin boards and merchandise boards only as authorized in subdivision one-a of this section. Licensed distributors of bell jar tickets shall sell such tickets and vending machines only to not-for-profit, charitable or religious organizations registered by the commission and shall sell, lease or otherwise distribute electronic bell jar vending machines only to eligible veteran organizations or volunteer fire companies as set forth in this article. Any licensed distributor who willfully violates the provisions of this section shall: (a) upon such first offense, have their license suspended for a period of thirty days; (b) upon such second offense, participate in a hearing to be conducted by the commission, and surrender their license for such period as recommended by the commission; and (c) upon such third or subsequent offense, have their license suspended for a period of one year and shall be guilty of a class E felony. Any unlicensed distributor who violates this section shall be guilty of a class E felony.

* NB Effective December 19, 2026

1-a. Coin boards and merchandise boards. Distributors of bell jar tickets may manufacture coin boards and merchandise boards only if such boards have been approved by the board and have a bar code affixed to them setting forth all information required by the board. Except that for coin boards and merchandise boards, delineation of the prize or prize value need not be included on the game ticket sold in conjunction with a coin board or merchandise board. In lieu of such requirement, the distributor shall be required to disclose the prize levels and the number of winners at each level and shall print clearly on the game ticket that a ticket holder may obtain the prize and prize value for each prize level by referencing the flare. Such coin boards shall only be sold by licensed distributors to licensed authorized organizations registered by the board in accordance with the provisions of this article.

2. Business records. A distributor shall keep at each place of business complete and accurate records for that place of business, including itemized invoices of bell jar tickets held and purchased. The records must show the names and addresses of purchasers, the inventory at the close of each period for which a return is required, all bell jar tickets on hand, and other pertinent papers and documents relating to the purchase, sale, or disposition of bell jar tickets as may be required by the board. Books, records, itemized invoices, and other papers and documents required by this section shall be kept for a period of at least four years after the date of the documents, or the date of the entries appearing in the records, unless the board authorizes in writing their destruction or disposal at an earlier date. A person who violates this section shall be guilty of a misdemeanor.

* 3. Sales records. A distributor shall maintain a record of all bell jar tickets that it sells. The record shall include, but need not be limited to:

(a) the identity of the manufacturer from whom the distributor purchased the product;

(b) the serial number of the product;

(c) the name, address, and license or exempt permit number of the organization or person to which the sale was made;

(d) the date of the sale;

(e) the name of the person who ordered the product;

(f) the name of the person who received the product;

(g) the type of product;

(h) the serial number of the product;

(i) the account number identifying the sale from the manufacturer to distributor and the account number identifying the sale from the distributor to the licensed organization; and

(j) the name, form number, or other identifying information for each game.

* NB Effective until December 19, 2026

* 3. Sales records. A distributor shall maintain a record of all bell jar tickets that it sells and all electronic bell jar vending machines that it sells or leases. The record shall include, but need not be limited to:

(a) the identity of the manufacturer from whom the distributor purchased the product;

(b) the serial number of the product;

(c) the name, address, and license or exempt permit number of the organization or person to which the sale was made;

(d) the date of the sale;

(e) the name of the person who ordered the product;

(f) the name of the person who received the product;

(g) the type of product;

(h) the account number identifying the sale from the manufacturer to distributor and the account number identifying the sale from the distributor to the licensed organization; and

(i) the name, form number, or other identifying information for each game.

* NB Effective December 19, 2026

* 4. Invoices. A distributor shall supply with each sale of a bell jar product an itemized invoice showing the distributor's name and address, the purchaser's name, address, and license number, the date of the sale, the account number identifying the sale from the manufacturer to distributor and the account number identifying the sale from the distributor to the licensed organization, and the description of the deals, including the form number, the serial number and the ideal gross from every deal of bell jar or similar game.

* NB Effective until December 19, 2026

* 4. Invoices; agreements. (a) A distributor shall supply with each sale of a bell jar product an itemized invoice showing the distributor's name and address, the purchaser's name, address, and license number, the date of the sale, the account number identifying the sale from the manufacturer to distributor and the account number identifying the sale from the distributor to the licensed organization, and the description of the deals, including the form number, the serial number and the ideal gross from every deal of bell jar or similar game.

(b) Prior to the sale, lease, or distribution of an electronic bell jar vending machine to a veteran organization or volunteer fire company, the distributor or manufacturer shall provide the contract or agreement for such sale, lease or distribution to the commission for approval and any modification to such contract or agreement thereafter. Such contract or agreement shall show, at minimum:

(i) the name and address of the veteran organization or volunteer fire company;

(ii) the date of sale, lease or distribution;

(iii) the serial number of each such machine;

(iv) the material terms and conditions of such contract or agreement; and

(v) any additional information as the commission may require.

(c) The commission may promulgate rules and regulations relating to the terms of any contract or agreement for the sale, lease, or distribution of an electronic bell jar vending machine to a veteran organization or volunteer fire company, including, but not limited to, regulations to ensure that revenue from play on such machines appropriately benefits the veteran organization and does not, instead, primarily or unduly benefit any other entity, including the distributor or manufacturer. The commission, in its sole discretion, may approve or deny such contract or agreement and any material modification to such contract or agreement thereafter. If the commission denies approval for such contract, agreement or modification, it shall provide the reasons for such determination.

* NB Effective December 19, 2026

* 5. Reports. A distributor shall report quarterly to the gaming commission, on a form prescribed by the gaming commission, its sales of each type of bell jar deal or tickets. This report shall be filed quarterly on or before the twentieth day of the month succeeding the end of the quarter in which the sale was made. The gaming commission may require that a distributor submit the quarterly report and invoices required by this section via electronic media or electronic data transfer.

* NB Effective until December 19, 2026

* 5. Reports. A distributor shall report quarterly to the gaming commission, on a form prescribed by the gaming commission, its sales of

each type of bell jar deal or tickets and electronic bell jar vending machines. This report shall be filed quarterly on or before the twentieth day of the month succeeding the end of the quarter in which the sale was made. The commission may require that a distributor submit the quarterly report and invoices required by this section via electronic media or electronic data transfer.

* NB Effective December 19, 2026

* 5-a. Any costs of the commission necessary to maintain regulatory control over electronic bell jar machines shall be assessed annually on distributors of electronic bell jar machines in proportion to the number of such machines that have been distributed that are operational at any point in such year. Each distributor shall pay the amount assessed against it within thirty days after the date of the notice of assessment from the commission.

* NB Effective December 19, 2026

6. The board may inspect the premises, books, records, and inventory of a distributor without notice during the normal business hours of the distributor.

7. Certified physical inventory. The board may, upon request, require a distributor to furnish a certified physical inventory of all bell jar tickets in stock. The inventory shall contain the information requested by the board.

§ 195-p. Transfer restrictions. Not-for-profit, charitable or religious organizations authorized to sell bell jar tickets in accordance with this article shall purchase bell jar tickets only from distributors licensed by the board. No not-for-profit, charitable, or religious organization shall sell, donate, or otherwise transfer bell jar tickets to any other not-for-profit, charitable or religious organization.

§ 195-q. Bell jar compliance and enforcement. In the case of bell jars, the licensee, upon filing financial statements of bell jar operations, shall also tender to the board a sum in the amount of five percent of the net proceeds as defined in this paragraph, from the sale of bell jar tickets, seal cards, merchandise board, and coin boards, if any, for that portion of license period covered by such statement. For the purposes of this section, "net proceeds" shall mean the difference between the ideal handle from the sale of bell jar tickets, seal cards, merchandise boards, and coin boards less the amount of money paid out in prizes and less the purchase price of the bell jar deal, seal card deal, merchandise board deal, or coin board deal. Additionally, a credit shall be permitted against the net proceeds fee tendered to the board for unsold tickets of the bell jar deal as long as the unsold tickets have the same serial number as the tickets for which the fee is rendered. Such unsold tickets must be kept on file by the selling organization for inspection by the board for a period of one year following the date upon which the relevant financial statement was received by the board.

1. One-half of one percent of such fee received from authorized volunteer fire companies shall be paid to the New York state emergency services revolving loan account established pursuant to section ninety-seven-pp of the state finance law.

2. The state gaming commission shall submit to the director of the division of the budget an annual plan that details the amount of money the state gaming commission deems necessary to maintain operations, compliance and enforcement of the provisions of this article and the collection of the license fee authorized by this section. Contingent upon the approval of the director of the division of the budget, the state gaming commission shall pay into an account, to be known as the bell jar collection account, under the joint custody of the comptroller and the state gaming commission, the total amount of license fees collected pursuant to this section. With the approval of the director of the division of the budget, monies to be utilized to maintain the operations necessary to enforce the provisions of this article and the collection of the license fee imposed by this section shall be paid out of such account on the audit and warrant of the comptroller on vouchers certified or approved by the director of the division of the budget or his or her duly designated official. Those monies that are not utilized

to maintain operations necessary to enforce the provisions of this article and the collection of the license fee authorized by this section shall be paid out of such amount on the audit and warrant of the state comptroller and shall be credited to the general fund.

* 3. (a) A veteran organization or volunteer fire company may operate electronic bell jar vending machines only on premises that it owns or leases. All such locations must be identified by the veteran organization or volunteer fire company and approved by the commission prior to the placement of any electronic bell jar machine at those premises.

(b) A veteran organization or volunteer fire company may operate no more machines than the number permitted in section one hundred ninety-five-c of this article.

(c) No veteran organization or volunteer fire company shall operate an electronic bell jar vending machine unless such veteran organization or volunteer fire company is a games-of-chance licensee authorized by the commission to operate an electronic bell jar vending machine. The commission may promulgate rules and regulations as the commission deems necessary for the approval of a veteran organization or volunteer fire company to operate an electronic bell jar vending machine. If the commission denies such request, it shall provide the reasons for such determination.

(d) The commission may authorize a veteran organization or volunteer fire company to operate electronic bell jar games only if such veteran organization or volunteer fire company was licensed to operate bell jar games as of November thirtieth, two thousand twenty-five.

(e) Each electronic bell jar vending machine shall generate sales reports and such other information that the commission may direct by regulation. The commission shall have access to the server of each electronic bell jar vending machine for the purpose of monitoring and auditing at no cost to the state.

(f) Any unclaimed funds or tickets left in any electronic bell jar vending machine shall be retained by the authorized organization and reported as net proceeds.

* NB Effective December 19, 2026

§ 195-r. Severability. If any provision of this article or the application thereof to any municipality, person or circumstances shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this article or the application thereof to other municipalities, persons and circumstances shall not be affected thereby, and the legislature hereby declares that it would have enacted this article without the invalid provision or application, as the case may be, had such invalidity been apparent.

ARTICLE 10

FIREFIGHTERS AND POLICE OFFICERS

§ 200. Defining qualifications of exempt volunteer firefighters. An exempt volunteer firefighter is hereby declared to be a person who as a member of a volunteer fire company duly organized under the laws of the state of New York shall have at any time after attaining the age of eighteen years faithfully actually performed service in the protection of life and property from fire within the territory immediately protected by the company of which he or she is a member, and while a bona fide resident therein, for a period of five years, as provided in this article, or, if such company shall have been sooner disbanded upon the organization of a paid fire department, for a period of at least one year and shall also have been a member of such volunteer fire company at the time it shall have been disbanded; but the limitation of one year's service shall not apply to a volunteer firefighter who was a member of a fire company which was disbanded prior to January first, nineteen hundred two. The foregoing residence requirements shall not apply (1) to a volunteer firefighter who has been duly elected to membership in his or her fire company as a non-resident member residing in territory which is afforded fire protection by his or her fire company pursuant to a contract for fire protection, as authorized by paragraph three of subdivision c of section fourteen hundred two of the not-for-profit corporation law or by subdivisions two and three of either section 10-1006 of the village law, section one hundred seventy-six-b of the town law or section sixteen-a of the general city law, (2) to a volunteer firefighter whose membership has been duly continued in his or her fire company as authorized by paragraph three of subdivision c of section fourteen hundred two of the not-for-profit corporation law or by subdivision five of either section 10-1006 of the village law, section one hundred seventy-six-b of the town law or section sixteen-a of the general city law and (3) to a volunteer firefighter who has been duly elected to membership as a non-resident as authorized by paragraph three of subdivision c of section fourteen hundred two of the not-for-profit corporation law or by subdivision six of either section 10-1006 of the village law, section one hundred seventy-six-b of the town law or section sixteen-a of the general city law. The foregoing requirement of five years' service shall not apply to a volunteer firefighter serving as such at the time of his or her entry into the military service of the United States or of one of its allies in world war II, or during the period of hostilities as defined in subparagraph three or subparagraph four of paragraph (c) of subdivision one of section eighty-five of the civil service law, who, as a result of such military service, shall have become incapacitated for performing the full duties of a volunteer firefighter, or to a volunteer firefighter who, as the result of the performance of his or her duties as such, shall have become likewise incapacitated, but any such volunteer firefighter shall be an exempt volunteer firefighter even though he or she may have served as such for a lesser period than five years, and he or she shall be entitled to a certificate as provided in section two hundred two of this article which, in addition to the specifications contained in said section, shall set forth the facts in reference to his or her military service, if any, as aforesaid and that as a result of such military service, or as the result of service as a volunteer firefighter, he or she was incapacitated for performing the full duties of a volunteer firefighter. The term "military service" as used in this section shall mean the same as the term "military duty" as used in section two hundred forty-three of the military law, except that it shall relate to service for an ally of the United States in world war II as well as to service for the United States.

§ 200-a. Volunteer firefighters serving in more than one fire company or fire department. When any person has served as a volunteer firefighter as provided in section two hundred of this article, for less than five years, and while in good standing in the company or department of which he or she was a member, has resigned therefrom or has been transferred from one company to another, he or she shall be entitled to a certificate as provided in section two hundred two of this article for the time he or she has actually served. And when any person has served five years as a volunteer firefighter in one or more companies or departments, as provided in section two hundred of this article, he or she shall be deemed an exempt volunteer firefighter and entitled to all the rights and privileges of an exempt volunteer firefighter.

§ 200-aa. Training stipend for volunteer firefighters. 1. For purposes of this section:

(a) "fire company" shall have the same meaning as defined in section three of the volunteer firefighters' benefit law.

(b) "training stipend" means payment of a nominal fee to a volunteer firefighter of a stipend for the completion of certain firefighter training, as identified and published by the office of fire prevention and control.

(c) "volunteer firefighter" shall have the same meaning as defined in section three of the volunteer firefighters' benefit law.

2. The governing board of a city, town, village or fire district may, by local law, ordinance or resolution, authorize a fire company to provide training stipends to volunteer firefighters.

3. The office of fire prevention and control may make available state funds through a training stipend to volunteer firefighters for completion of certain firefighter training, as identified and published by the office of fire prevention and control.

4. No volunteer firefighter may receive a training stipend from both a volunteer fire company pursuant to subdivision two of this section and the office of fire prevention and control pursuant to subdivision three of this section for completion of the same firefighter training.

5. Any training stipend provided under this section shall not be deemed remuneration or gratuity under the volunteer firefighters' benefit law or any other provision of law and shall not interfere with

or impact the volunteer status of volunteer firefighters under the volunteer firefighters' benefit law or any other provision of law.

6. The office of fire prevention and control shall promulgate rules and regulations necessary to implement the provisions of this section.

§ 200-b. Leaves of absence for volunteer firefighters entering the armed forces of the United States prior to July first, nineteen hundred sixty-six. 1. When, prior to July first, nineteen hundred sixty-six, a volunteer firefighter in good standing in the fire company or department of which he is a member enters upon active duty in the armed forces of the United States (1) during any war between the United States and any other nation, or (2) during the period beginning with the commencement of the military and naval preparedness in the year nineteen hundred forty and continuing on July first, nineteen hundred sixty-six, and by reason of such active duty is prevented from actually performing duty as a volunteer firefighter in his fire company or department, he shall be given a leave of absence from said company or department for a period which, when added to his period of service as a volunteer firefighter, shall not exceed five years. The fire company or department, however, may grant a volunteer firefighter on such active duty a leave of absence for a period longer than the mandatory period above specified. Any certificate issued to the volunteer firefighter as provided in section two hundred two of this article shall credit him with the period of any such leave of absence in the same manner as if he had served during such period as a member of his fire company or department and had rendered service in all respects as specified in section two hundred of this article. The period of any such leave of absence shall be included in determining the period of service necessary to qualify him as an exempt volunteer firefighter pursuant to section two hundred of this article. During the period of any such leave of absence such volunteer firefighter shall not perform any services or duties as a volunteer firefighter except for services and duties performed pursuant to subdivision one-a of this section.

1-a. A volunteer firefighter on leave of absence, pursuant to this section, may perform services and duties as a volunteer firefighter during any period in which the armed forces of the United States grants the volunteer firefighter a temporary leave from military service, provided that such services and duties would not violate any law, regulation, rule or order of the United States or of the armed forces of the United States. This subdivision shall not be construed to require a volunteer firefighter on such temporary leave to perform services and duties as a volunteer firefighter during any temporary leave from military service.

2. During the period of any such leave of absence the fire company or department may enroll another person as a member to take the place of the volunteer firefighter on such active duty. Any person so enrolled may continue as a member of the company or department until he or she shall have served the time necessary to qualify him or her as an exempt volunteer firefighter, even though the person whose place he or she took may have resumed his or her duties as a volunteer firefighter.

§ 200-c. Leaves of absence for volunteer firefighters entering the armed forces of the United States on or after July first, nineteen hundred sixty-six. 1. When, on or after July first, nineteen hundred sixty-six, a volunteer firefighter in good standing in the fire company of which he is a member enters upon active duty in the armed forces of the United States (1) during any war between the United States and any other nation, or (2) during the period beginning with the commencement of the military and naval preparedness in the year nineteen hundred forty and ending July first, nineteen hundred seventy-five, he shall be deemed to be on leave of absence from such fire company during such active duty, provided, however, that the fire company, or the authorities having control of the fire company with the concurrence of the fire company, may terminate his membership, by reason of his continued military service, at any time after such a leave of absence shall have continued for five years, and termination for such cause shall constitute an honorable discharge from the fire company, and provided further that during such active duty his membership in such fire company shall terminate as provided by law when by reason of his voluntary change of residence he shall no longer meet the residence requirements for members of such fire company. Any certificate issued to such volunteer firefighter as provided in section two hundred two of this article shall credit him with the period of any such leave of absence in the same manner as if he had served during such period as a member of his fire company or department and had rendered service in all respects as specified in section two hundred of this article. The period of any such leave of absence shall be included in determining the period of service necessary to qualify him as an exempt volunteer firefighter pursuant to section two hundred of this article. During the period of any such leave of absence such volunteer firefighter shall not perform any services or duties as a volunteer firefighter except for services and duties performed pursuant to subdivision one-a of this section.

1-a. A volunteer firefighter on leave of absence, pursuant to this section, may perform services and duties as a volunteer firefighter during any period in which the armed forces of the United States grants the volunteer firefighter a temporary leave from military service, provided that such services and duties would not violate any law, regulation, rule or order of the United States or of the armed forces of the United States. This subdivision shall not be construed to require a volunteer firefighter on such temporary leave to perform services and duties as a volunteer firefighter during any temporary leave from military service.

2. During the period of any such leave of absence the fire company may elect to membership another person meeting the membership requirements of the fire company to take the place of the volunteer firefighter on such active duty. Any person so elected to membership may continue as a member of the fire company even though the person whose place he or she took may have resumed his or her duties as a volunteer member of such fire company, unless his or her membership shall terminate as provided by law when he or she shall no longer meet the residence requirements for members of such fire company.

§ 201. Rights and privileges of exempt volunteer firefighters. In case any city, town or village in this state shall organize a paid fire department and thereby deprive any volunteer firefighter who has faithfully actually performed service in the protection of life and property within the territory protected by his or her company of the right to serve a full term of five years such firefighter shall be entitled to a full and honorable discharge; and to all the rights and privileges granted by the laws of this state to volunteer firefighter, provided, however, that if such paid department has been organized since the first day of January in the year nineteen hundred and two, he or she shall have so served for a consecutive period of at least one year immediately preceding the installation of said paid fire department.

§ 202. Certificate to be issued to exempt volunteer firefighter. Any person described in sections two hundred or two hundred one of this article shall be entitled to a certificate from the company in which he or she served or of which he or she was a member at the time of its disbandment which shall show the date of the entrance of such firefighter upon his or her service, the period of his or her service; if he or she was honorably discharged from such company the certificate shall so state; that he or she was in good standing in his or her company at the time of applying for such certificate or at the time he or she was discharged therefrom; or that he or she was in good standing in his or her company at the time of the disbandment thereof. Such certificate shall be signed by the president, captain, foreman or secretary of the company and shall be acknowledged by such officers before an officer commissioned to take acknowledgments, and shall also have attached thereto a certificate attested by the affidavit of the secretary, clerk or other person having the custody of the company's record of membership, that the statements of fact contained in said certificate are true, and the affidavit and acknowledgment shall be substantially in the following form:

State of New York)
) ss.
County of ....)

On this .... day of .... , in the year .... , before me personally came .... , to me known and by me known to be the same persons described in and who executed the foregoing certificate and they severally duly acknowledged to me that they executed the same and the said .... being by me duly sworn, deposes and says, that he/she is .... of the company aforesaid and is the custodian of the records of its membership and that the facts above stated relating to the service of the person described in such certificate are true.

....

Notary Public

Such certificate so attested shall in all courts of the state and in the offices of all persons clothed with power of appointment or removal in the service of this state and in the several cities, counties, towns and villages thereof, be presumptive evidence of the facts therein stated.

§ 202-a. Recording certificates of exempt volunteer firefighter. A certificate of honorable discharge of an exempt volunteer firefighter, or a certificate issued to an exempt volunteer firefighter under the provisions of section two hundred two of this article, may be recorded in any county, in the office of the county clerk, and when so recorded shall constitute notice to all public officials of the facts set forth therein. It shall be the duty of the county clerk to record any such certificate, upon presentation thereof without the payment of any fee. This section also applies to the counties within the city of New York. For any purpose for which such original honorable discharge or such exempt volunteer firefighter's certificate may be required in the state of New York, a certified copy of such record shall be deemed sufficient and shall be accepted in lieu thereof. It shall be the duty of the county clerks of the counties within the city of New York upon the payment of one dollar, to furnish a certified copy of any such record of such an exempt volunteer firefighter's certificate to any person applying for the same.

§ 203. List of exempt volunteer firefighters to be filed. In case of a company disbanded by the organization of a paid department in lieu thereof, the officers of every volunteer fire, engine, hose and hook and ladder company shall within ninety days after such company has been disbanded file in the office of the clerk of the county in which said company was located a list containing the name of every person who was a member of such volunteer company and who is entitled to the exemption certificate in accordance with the provisions of this article. Upon such list being filed the county clerk of the county in which such company operated shall sign and deliver the exemption certificate provided for in this article to the person entitled thereto whose name appears upon the list filed with him as aforesaid, but the same shall, nevertheless, be attested by the secretary or clerk or other person having the custody of the membership records of the disbanded company and in the manner specified in this article.

§ 204. Qualifications necessary to entitle to certain exemptions. No person who became a member of a volunteer fire organization within the state since the first day of January nineteen hundred and two, or who shall have thereafter become such member who shall not possess the qualifications prescribed by this article shall be entitled to any of the exemptions and privileges secured to volunteer firefighters by the civil service law of this state.

§ 204-a. Raising of funds for fire company purposes. 1. Definitions. As used in this section:

a. "Fire company" means:

(1) A volunteer fire company of a county, city, town, village or fire district fire department, whether or not any such company has been incorporated under any general or special law,

(2) A fire corporation the members of which are volunteer firefighters and was incorporated, and which is not included within subparagraph (1) of this paragraph, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board

of a city, town, village or fire district, or

(3) A fire corporation the members of which are volunteer firefighters and which was incorporated under, or established pursuant to the provisions of, any general or special law, which is not included within this subparagraph and subparagraph (2) of this paragraph, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village, fire district or a district corporation other than a fire district.

b. "Fund raising activity" means a method of raising funds to effectuate the lawful purposes of a fire company, but shall not include any method prohibited by the state constitution or the penal statutes of this state, public fireworks displays unless conducted in compliance with section 405.00 of the penal law, or the conduct of a business or other commercial enterprise except on temporary basis for a period or periods not to exceed a total of ninety days in any calendar year. Such term "fund raising activity" shall not include drills, parades, inspections, reviews, competitive tournaments, contests or public exhibitions, described in paragraphs e and i of subdivision one of section five of the volunteer firefighters' benefit law, even though prizes are awarded at such events.

c. "Governing board of the political subdivision" means the governing board of the county, city, town, village, fire district or other district corporation, as the case may be, where the fire company is under the general control of, or recognized as a fire corporation, by such governing board.

2. Subject to the provisions of this section, a fire company may engage in a fund raising activity. Two or more fire companies may join in any such activity, and for the purposes of this section such group shall be deemed a "fire company."

3. A fund raising activity shall not be conducted contrary to the by-laws, rules or regulations of the fire company or of the fire department of which it is a part.

4. A fund raising activity must be conducted within the state of New York. It shall be under the exclusive auspices of a fire company and shall not be conducted in partnership with any other person, organization, firm or corporation. This subdivision shall not be deemed to prohibit the letting of concessions, or the entering into of contracts for rides or other attractions, at such activities, or the acceptance of aid and assistance of persons who are not active members of the fire company, or of other organizations, firms or corporations, in connection with such activities. The acceptance of such aid and assistance shall not subject the political subdivision to any liability as an employer under the volunteer firefighters' benefit law, section two hundred seven-a of this article, the workers' compensation law, or any other comparable law.

5. The firehouse, firehouse grounds, fire vehicles and apparatus, or other property, real and personal, generally used by the fire company for its purposes may be used by it in the conduct of any such activity.

6. The governing board of a political subdivision may, by resolution,

(a) prohibit the fire company from engaging in fund raising activities or in any general or specific type of fund raising activity,

(b) require the fire company, at its expense, to provide any insurance protection which such governing board deems necessary to protect the political subdivision against claims and actions for damages by third parties arising out of or in connection with a fund raising activity.

7. Participation by volunteer firefighters in fund raising activities shall not be deemed to constitute "duty as volunteer firefighters" within the meaning of section two hundred five-b of this article.

8. Notwithstanding the foregoing provisions of this section, the provisions of this subdivision shall be applicable only in relation to fund raising activities for which benefits would be paid and provided pursuant to paragraph m of subdivision one of section five of the volunteer firefighters' benefit law:

(a) Before engaging in a fund raising activity the fire company shall cause the governing board of the political subdivision to be notified in writing that it proposes to conduct such activity. Any such notice shall contain a general description of the method which will be used to raise funds and shall specify the time or times when, the place or places where, and the period or periods during which the activity will be conducted and shall set forth the names of the firefighters who will serve on each of the committees or subcommittees in connection with the activity. Any such notice shall be filed with the clerk, secretary or other comparable officer of such governing board. In the event that no action is taken by such governing board prohibiting such activity within thirty days after the filing of such notice, then it shall be deemed that the governing board has no objection to such activity and the fire company may proceed to conduct the same.

(b) Sales of tickets for admission to or in connection with a fund raising activity shall be by persons appointed as a committee for such purpose and shall be for or in relation to a fund raising activity to be held within sixty days after the sale of the tickets commences.

(c) Members of the fire company conducting the fund raising activity who attend or participate in the activity for their own pleasure or convenience, and not as a worker in connection therewith, shall not be deemed to be engaged in the conduct of such activity.

§ 204-b. Youth programs. 1. Volunteer fire departments and fire companies may establish, operate and maintain youth programs to provide participants with the opportunity to become familiar with the programs and operations of fire departments, to provide programs in community fire safety, fire prevention, and public fire prevention education, and to curtail false fire alarms by developing community wide respect for the fire service.

2. Volunteer fire departments and fire companies shall establish rules and regulations governing youth programs established pursuant to subdivision one hereof, which shall include the minimum and maximum age for participation, the procedure for participation, removal or expulsion, residence, and provision for adequate supervision of such programs.

3. It shall be an unlawful discriminatory practice for any volunteer fire department or fire company, any member or members thereof, officers, board of fire commissioners or other body or office having authority to determine eligibility for participation in such programs pursuant to this section, to exclude or expel from participation in such programs any individual because of race, creed, color, sex or national origin, or to discriminate against any participant because of race, creed, color or national origin.

4. No person shall participate in such program without the written consent of his or her parent or guardian. Such consent shall continue until withdrawn. If withdrawn, participation in such program shall automatically terminate.

5. All activities of participants in such program shall be approved in advance by the chief, or his designee. No activities may include emergency duties in connection with fire department or fire company operations or any other hazardous activity.

6. Participants in such programs shall not be eligible for any benefit provided by the volunteer firefighters' benefit law.

7. Volunteer fire departments and fire companies may purchase accident insurance to insure participants in such programs against injury or death resulting from bodily injuries sustained in performance of approved activities. In addition, they may purchase insurance to protect against liability arising from approved activities. The insurance purchased pursuant to this subdivision may include medical and hospital coverage.

8. No youth program shall be established pursuant to subdivision one of this section unless authorized as follows: in a city the youth program must be authorized by the board of fire commissioners or other body or officer having control of fire department; in a village the program must be approved by the board of fire commissioners or, if there is no board of fire commissioners, the village board of trustees; in a fire district the program must be authorized by the board of fire

commissioners; in a town outside a village or a fire district the program must be authorized by the town board.

§ 204-c. Plan for arson investigation. The governing body of each county except a county contained wholly within a city, and the governing body of any city in which a county is wholly contained shall develop a plan for arson investigation within such county or city. Such plan shall be submitted to the office of fire prevention and control for approval. No plan shall be approved unless it provides for the coordination of fire, law enforcement and prosecutorial services.

§ 204-d. Duties of the fire chief. The fire chief of any fire department or company shall, in addition to any other duties assigned to him by law or contract, to the extent reasonably possible determine or cause to be determined the cause of each fire or explosion which the fire department or company has been called to suppress. He shall file with the office of fire prevention and control a report containing such determination and any additional information required by such office regarding the fire or explosion. The report shall be in the form designated by such office. He shall contact or cause to be contacted the appropriate investigatory authority if he has reason to believe the fire or explosion is of incendiary or suspicious origin. For all fires that are suspected to have been ignited by a cigarette, within fourteen days after completing the investigation into such fire, the fire chief shall forward to the office of fire prevention and control information detailing, to the extent possible: (a) the specific brand and style of the cigarette suspected of having ignited such fire; (b) whether the cigarette package was marked as required by subdivision six of section one hundred fifty-six-c of the executive law; and (c) the location and manner in which such cigarette was purchased.

§ 204-dd. Qualifications of a fire chief. No person shall be eligible for appointment or election as the fire chief, or any title or rank that includes the duties of the chief, in any fire department or fire company with six or more paid firefighters, unless he or she meets requirements as established by the most recently developed recommended best practices for incident commanders adopted by the New York state division of homeland security and emergency services, office of fire prevention and control. The state fire administrator shall promulgate rules and regulations based upon requirements established pursuant to the most recently developed recommended best practices for incident commanders. For the purpose of this section, the term firefighter shall mean a member of a fire department whose duties include fire service as defined in paragraph d of subdivision eleven of section three hundred two of the retirement and social security law and has been assigned by his or her department as an interior firefighter.

§ 204-e. Unauthorized destruction of property. No individual or corporation having a possessory or proprietary interest in a building or motor vehicle within the meaning of section 150.05 of the penal law shall ignite a fire or cause an explosion in such building or motor vehicle without the prior written permission of the chief of the local department or fire company with the responsibility to respond to a fire call, or the chief's designee.

§ 204-f. Plan for hazardous materials incidents response. In accordance with rules and regulations promulgated pursuant to subdivision eight of section two hundred nine-e of this chapter, the governing body of a county, except a county wholly contained within a city, and the governing body of a city in which a county is wholly contained shall develop a plan for fire service response to hazardous materials incidents. Such plan shall be submitted to the office of fire prevention and control for approval. No plan shall be approved unless it provides for the coordination of fire service resources consistent with guidelines established by the office.

§ 204-g. Restrictions on the use of firefighting foam containing PFAS chemicals. 1. As used in this section:

(a) "Class B firefighting foam" means foams designed to extinguish ignitable liquid fires.

(b) "Ignitable liquid fire" shall have the same meaning as defined in paragraph (b) of subdivision one of section three hundred ninety-one-u of the general business law.

(c) "Local governments" includes any county, city, town, village, fire district, fire company as defined in section two hundred four-a of this article, regional fire protection authority, or other special purpose district that provides firefighting services.

(d) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" shall have the same meaning as defined in paragraph (f) of subdivision one of section three hundred ninety-one-u of the general business law.

2. No local government shall discharge or otherwise use for training purposes class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals).

§ 205. Payments to injured or representatives of deceased volunteer firefighters. 1. If an active member of a volunteer fire company in any city, incorporated village or in any fire district of a town outside of an incorporated village or in any part of a town protected by a volunteer fire company incorporated under the provisions of the membership corporations law, or if an active member of any duly organized volunteer fire company, dies from injuries incurred while in the performance of his or her duties as such firefighter or as a member of a fire department emergency relief squad, a fire police squad or a fire patrol within one year thereafter, the city, village, fire district or town which is responsible as provided in subdivision four of this section shall pay as follows:

a. If such volunteer firefighter is a member of a volunteer fire company located in any city in which a pension fund is maintained, the relatives of such volunteer firefighter shall be entitled to a pension in the same manner and at the same rates as if he or she were a member of the paid fire department of such city.

b. If in any other place the sum of three thousand dollars shall be paid to the widow or widower of such deceased volunteer firefighter or to the executor or administrator of his or her estate if he or she is not survived by a widow or widower. In addition there shall be paid to the widow or widower of such volunteer firefighter for the benefit of such child or children the sum of twenty-five dollars a month for each surviving child, including a posthumous child, of such deceased firefighter under the age of eighteen years, but not more than a total of fifty dollars a month for all such children, or if the decedent be not survived by a widow or widower, or if he or she dies before the payments cease, then such payments for a child or children shall be made to their guardian or to relatives with whom they are living for their benefit.

2. Any such volunteer firefighter who shall become permanently incapacitated for performing the full duties of a volunteer firefighter by reason of disease or disability caused or induced by actual performance of the duties of his or her position, without fault or misconduct on his or her part, shall

a. If a member of a volunteer fire company located in any city in which a pension fund is maintained, be paid a pension in the same manner and at the same rate as if he or she were a member of the paid fire department of such city.

b. If a member of a volunteer fire company in any other place, be paid one-half the amount which would have been payable in case of death to his or her executor or administrator under the provisions of subdivision one of this section;

Provided, however, that if such volunteer firefighter shall at the expiration of the disability payments provided for in subdivision three of this section be totally incapacitated to engage in any occupation for remuneration or profit by reason of disease or disability caused by actual performance of the duties of his or her position, without fault or misconduct on his or her part, he or she shall be paid the sum of fifteen dollars per week during the period thereafter that such total incapacity shall continue and, in addition thereto, during such period there shall be paid to him or her for the benefit of his or her child or children the sum of twelve dollars fifty cents a month for each child under the age of eighteen years, but not more than a total of twenty-five dollars a month for all such children, but no payment on account of a child shall continue after such child shall have attained the age of eighteen years. In the event payments to a volunteer firefighter and his or her children on account of total incapacity, as heretofore in this subdivision provided, shall not have amounted to the sum to which he or she would otherwise have been entitled on account of permanent incapacity for performing the full duties of a volunteer firefighter and he or she shall be found to have recovered to such extent that he or she is no longer totally incapacitated but is still permanently incapacitated for performing the full duties of a volunteer firefighter, there shall be paid to him or her the difference between the payments already made to him or her for his or her own account and for the account of his or her children and the amount to which he or she would be entitled under this subdivision on account of permanent incapacity for performing the full duties of a volunteer firefighter. The authorities having jurisdiction to audit the claim of any volunteer firefighter claiming total disability benefits under this subdivision shall have the right to cause such injured volunteer firefighter to be examined from time to time at reasonable intervals by the municipal health authorities or any physician appointed by them for that purpose to determine whether total disability continues and, in case a volunteer firefighter receiving total disability benefits hereunder shall refuse to permit any such examination to be made, such authorities shall be authorized to discontinue the payment of benefits to him or her until such examination is allowed.

3. Any such volunteer firefighter who shall receive injuries while performing his or her duties as such, while in the fire house, while going to or returning from a fire by any means of travel, transportation, or conveyance whatever, or while working at the fire or answering a call or fire alarm or while officially engaged in testing or inspecting the apparatus, or equipment, or while engaged as a member of

a fire department, or fire company, emergency relief squad or fire police squad, or fire patrol or while attending a fire school, or while instructing or being instructed in fire duties or while attending any drill or parade or inspection in which his or her company or department is engaged, or while engaged in emergency work not related to fire extinguishment or prevention or going to or returning therefrom when duly authorized to participate therein, so as to necessitate medical or other lawful remedial treatment or prevent him or her from following his or her usual vocation on account thereof, shall be reimbursed for such sums as are actually and necessarily paid for medical or other lawful remedial treatment, not exceeding five hundred dollars. He or she shall also be compensated for the time he or she was actually and necessarily prevented from following his or her vocation or for the time of his or her disability on account of such injuries, at the rate of thirty-six dollars per week not to exceed one thousand eight hundred dollars.

Notice of an injury or death for which benefits are payable under this section shall be given to the municipal corporation or fire district responsible for the payment thereof within thirty days after receiving such injury, and also in case of the death of the volunteer firefighter resulting from such injury within thirty days after such death. Such notice may be given by any person claiming to be entitled to such benefits or by someone in his or her behalf. The notice shall be in writing, shall contain the name and address of the volunteer firefighter, and state in ordinary language the time, place, nature and cause of the injury and shall be signed by him or her or by a person on his or her behalf or, in case of death, by any one or more of his or her dependents, or by a person on their behalf. The notice shall be given to the comptroller or chief financial officer of the city, the clerk of the village, the secretary of the fire district, or the town clerk of the town, as the case may be, by delivering it to such officer or by registered letter properly addressed to such officer. The failure to give notice of injury or notice of death shall be a bar to any claim under this section. Failure to give notice of such injury or death within such thirty day period may be excused by the county judge who would have jurisdiction of a controversy under this section, upon petition and notice in the manner provided in subdivision five of this section, either upon the ground that for some sufficient reason the notice had not been given, or that any member of a body in charge of, or any officer of the fire department or fire company had knowledge within such thirty day period, of the injuries or death, or that the municipal corporation or fire district has not been prejudiced by a delay in giving such notice.

Any such volunteer firefighter who shall receive injuries as aforesaid shall, when certified by the chief or other executive officer of the fire department or by the appropriate administrative officers under whom he or she serves, be received by any public, private, or semi-private hospital for care and treatment at the usual ward or semi-private patient rates, including charges at the prevailing ward or semi-private patient rates for necessary nursing, laboratory tests, x-ray examinations and physical therapy, or, in case any such hospital has a contract with the municipality served by such volunteer firefighter, then at the rates specified in such contract.

Within two years after receiving the injury, or if death results therefrom within two years after such death, a claim for the benefits under this section shall be filed with the same officer to whom a notice of an injury must be given, as aforesaid. The claim shall be in substantially the same form and shall give substantially the same information as is required to be given in a claim under the provisions of section twenty-eight of the workers' compensation law. Notwithstanding the provisions of any other law, any such claim need not be sworn to, verified or acknowledged.

Payments of weekly benefits under this section shall commence within fifteen days after the filing of such claim, and payments of lump sum, and monthly, death benefits under this section shall be made or commenced within thirty days after such filing. In the event of a failure to make such payments within any such period or to continue the same for the time required therefor, a controversy shall be presumed to have arisen and a proceeding may thereupon be instituted pursuant to subdivision five of this section to compel such payment.

4. In cities any benefit under this section shall be a city charge and any claim therefor shall be audited and paid in the same manner as other city charges, except that no part of the moneys payable under this section shall be paid from the pension funds of the said departments therein. In villages any such benefit shall be a village charge and any claim therefor shall be audited and paid in the same manner as other village charges, and shall be assessed upon the property liable to taxation in said village, and levied and collected in the same manner as village taxes. In fire districts any such benefit shall be a fire district charge and any claim therefor shall be audited and paid in the same manner as other fire district charges, and shall be assessed upon the property in such fire districts liable to taxation, and levied and collected in the same manner as fire district taxes. If such firefighter was a member of a town fire company or fire department or a member of a fire company incorporated under the membership corporations law, located outside of a city, village or fire district, any such benefit shall be a town charge and any claim therefor shall be audited and paid in the same manner as town charges and shall be assessed upon the property liable to taxation in the territory protected by such fire company and levied and collected in the same manner as town charges therein. If such firefighter was a member of a fire company or fire department operating in, or maintained jointly by two or more villages, or two or more towns, or two or more fire districts, any such benefit shall be a charge against the village, town or fire district, in which the fire occurred. If such injury occur while assistance is being rendered to a neighboring city, town, village, fire district, fire protection district (including a fire protection district served by the company or department of which such firefighter is a member), fire alarm district, or territory outside any such district upon the call of such city, town, village, fire district, fire protection district, fire alarm district, or territory outside any such district, or while going to or returning from the place from whence such call came, or death shall result from any such injury, any such benefit shall be a charge against such neighboring city, town, village, fire district, fire protection district, fire alarm district, or territory outside any such district, so issuing the call for assistance and after audit shall be paid and assessed upon the property liable to taxation in such neighboring city, town, village, fire

district, fire protection district, fire alarm district, or territory outside any such district, and levied and collected in the same manner as other charges against the same are levied and collected.

Any city, village, fire district or town may finance the payment of any benefits payable under the provisions of this section by the issuance of serial bonds or capital notes pursuant to the local finance law unless it is required by some other law to pay such benefits from current funds.

Any such city, village, fire district or the town board acting for and on behalf of any fire protection district, fire alarm district or territory outside any such district, may contract for insurance indemnifying against the liability imposed by this section, provided further that such contract of insurance shall also indemnify against the liability imposed by the workers' compensation law in relation to injuries or death of volunteer firefighter, and the cost of such insurance shall be paid and provided in the same manner as benefits are required to be paid and provided in this section.

If any claim under this section is one for which an insurance company might be liable, or if it is a claim for which a mutual self-insurance plan under subdivision three-a of section fifty of the workers' compensation law might be liable, the officer to whom a notice of injury is required to be delivered or mailed and with whom a claim is required to be filed under the provisions of this section shall send a copy of any such notice or claim and a copy of any notice of a proceeding relating to an injury or claim to such insurance company or plan, as the case may be, promptly after receiving the same.

Any money paid to an executor or administrator under any of the provisions of this section shall be distributed in the manner provided by law for the distribution of personal property, and all money paid under this section shall be exempt from any process for the collection of debts either against the volunteer firefighter or any beneficiary to whom the same is paid under the provisions of this section.

No release from the liability imposed by this section shall be valid if it shall appear that the person executing such release has not received the full amount to which he or she is entitled under the provisions of this section.

The words "injury" and "injuries", as used in this section, include any disablement of a volunteer firefighter as the direct result of the performance of his or her duties.

If for the purpose of obtaining any benefit or payment under the provisions of this section, or for the purpose of influencing any determination regarding any benefit or payment under the provisions of this section, either for himself or herself or for any other person, any person willfully makes a false statement or representation, he or she shall be guilty of a misdemeanor.

The provisions of this section relating to giving notice of injury and filing claim, and to the contents of any such notice or claim, shall be construed liberally in order to effectuate the objects and purposes of this section.

5. Any controversy arising at any time under the provisions of this section shall be determined by the county judge of any county in which the city, village, fire district, or town, which would be responsible for payments under this section, is located. For that purpose, any party may present a petition to such county judge, setting forth the facts and rights which are claimed. A copy of such petition and notice of the time and place when the same will be presented shall be served on all persons interested therein, at least eight days prior to such presentation.

6. The provisions of this section shall not apply to volunteer firefighters killed or injured on or after the first day of March, nineteen hundred fifty-seven, or who die from the effects of injuries received on or after such date.

§ 205-a. Additional right of action to certain injured or

representatives of certain deceased firefighters. 1. In addition to any other right of action or recovery under any other provision of law, in the event any accident, causing injury, death or a disease which results in death, occurs directly or indirectly as a result of any neglect, omission, willful or culpable negligence of any person or persons in failing to comply with the requirements of any of the statutes, ordinances, rules, orders and requirements of the federal, state, county, village, town or city governments or of any and all their departments, divisions and bureaus, the person or persons guilty of said neglect, omission, willful or culpable negligence at the time of such injury or death shall be liable to pay any officer, member, agent or employee of any fire department injured, or whose life may be lost while in the discharge or performance at any time or place of any duty imposed by the fire commissioner, fire chief or other superior officer of the fire department, or to pay to the wife and children, or to pay to the parents, or to pay to the brothers and sisters, being the surviving heirs-at-law of any deceased person thus having lost his life, a sum of money, in case of injury to person, not less than ten thousand dollars, and in case of death not less than forty thousand dollars, such liability to be determined and such sums recovered in an action to be instituted by any person injured or the family or relatives of any person killed as aforesaid.

2. Notwithstanding any other provision of law, including sections fifty-e and fifty-i of this chapter, section thirty-eight hundred thirteen of the education law, section ten of the court of claims act and the provisions of any general, special or local law or charter requiring as a condition precedent to commencement of an action or special proceeding that a notice of claim be filed or present, every cause of action for the personal injury or wrongful death of a firefighter which was pending on or after January first, nineteen hundred eighty-seven, or which was dismissed on or after January first, nineteen hundred eighty-seven, because this section was not yet effective, or which would have been actionable on or after January first, nineteen hundred eighty-seven had this section been effective is hereby revived and an action thereon may be commenced at any time provided that such action is commenced on or before June thirtieth, two

thousand.

3. This section shall be deemed to provide a right of action regardless of whether the injury or death is caused by the violation of a provision which codifies a common-law duty and regardless of whether the injury or death is caused by the violation of a provision prohibiting activities or conditions which increase the dangers already inherent in the work of any officer, member, agent or employee of any fire department.

§ 205-b. Relief of volunteer firefighters engaged in the performance of duty as such firefighters from civil liability and liability of fire districts for the acts of volunteer firefighters. Members of duly organized volunteer fire companies in this state shall not be liable civilly for any act or acts done by them in the performance of their duty as volunteer firefighters, except for wilful negligence or malfeasance. Nothing in this section contained shall in any manner affect the liability imposed upon cities, towns and villages by sections fifty-a and fifty-b of this chapter, but fire districts created pursuant to law shall be liable for the negligence of volunteer firefighters duly appointed to serve therein in the operation of vehicles owned by the fire district upon the public streets and highways of the fire district, provided such volunteer firefighters, at the time of any accident or injury, were acting in the discharge of their duties. Judgments recovered against a fire district pursuant to this section shall be levied upon the taxable property of such district in the same manner as moneys raised for the support of the district.

§ 205-c. Payments pending controversies where volunteer firefighters are killed or injured. In order to provide for the prompt payment of benefits under sections two hundred five and two hundred nine-a of this article, and under the workers' compensation law, where such benefits are conceded to be due to any person because of the death of or injuries to a volunteer firefighter but controversy exists as to which city, village, town or fire district is liable for the payment thereof, the municipalities and districts involved in such controversy and their insurance carriers, if any, may agree that any one or more of such municipalities or districts or its insurance carrier shall pay the benefits to, or in relation to, the person conceded to be entitled to such benefits without waiting for a final determination of the controversy, and may carry out the provisions of such an agreement. Notwithstanding any such payment, any party to the agreement may seek a final determination of the controversy in the same manner as if such payment had not been made. After a final determination the parties to the agreement shall make any necessary and proper reimbursement to conform to the determination. The term "insurance carrier" as used herein shall mean an insurance company, or a county mutual self-insurance plan in accordance with subdivision three-a of section fifty of the workers' compensation law, or any plan which shall be provided for by law in amendment of or substitution for such a plan.

§ 205-cc. Volunteer firefighter enhanced cancer disability benefits. A legally organized fire district, department or company shall provide and maintain for each eligible volunteer firefighter, an enhanced cancer disability benefit insurance program.

1. Definitions. As used in this section:

a. "Eligible volunteer firefighter" means:
* (i) A volunteer firefighter having five or more years of faithful and actual service in the protection of life and property from fire in the interior of buildings subsequent to having successfully passed a physical examination which failed to reveal any evidence of cancers as defined in paragraph b of this subdivision; and
* NB Effective until December 23, 2029
* (i) A volunteer firefighter having five or more years of faithful and actual service in the protection of life and property from fire in the interior of buildings and having successfully passed a physical examination on entry to the firefighter service, which examination failed to reveal any evidence of cancers as defined in paragraph b of this subdivision; and

* NB Effective December 23, 2029

* (ii) Having submitted proof of five years of interior firefighting service by providing verification that he or she has passed at least five yearly certified mask fitting tests as set forth in 29 CFR 1910.134 or the applicable National Fire Protection Association standards for mask fit testing or, for firefighters who entered the fire service prior to January first, two thousand twenty, documentation identified by the office of fire prevention and control in rules and regulations promulgated pursuant to subdivision seven of this section which shall include, but not be limited to, training or certification records, health care provider records, internal fire department records, or any combination of official documents capable of evidencing that the firefighter meets the requirements of this section.

* NB Effective until December 23, 2029

* (ii) Having submitted proof of five years of interior firefighting service by providing verification that he or she has passed at least five yearly certified mask fitting tests as set forth in 29 CFR 1910.134 or the current National Fire Protection Association standards for mask fit testing.

* NB Effective December 23, 2029

b. "Cancer" means:

(i) A disease caused by an uncontrolled division of abnormal cells in a part of the body or a malignant growth or tumor resulting from the division of abnormal cells; and

(ii) Affecting the prostate or breast, lymphatic, hematological digestive, urinary, neurological, or reproductive systems, or melanoma.

2. An eligible volunteer firefighter shall be entitled to payment of enhanced cancer benefits as follows:

a. A lump sum benefit of twenty-five thousand dollars for each diagnosis payable to such firefighter upon acceptable proof to the insurance carrier or other payor of a diagnosis by a board certified physician in the medical specialty appropriate for the type of cancer diagnosed that there are one or more malignant tumors characterized by the uncontrollable and abnormal growth and spread of malignant cells

with invasion of normal tissue and that either:
(i) There is metastasis; and
(1) surgery, radiotherapy, or chemotherapy is medically necessary; or
(2) there is a tumor of the prostate, provided that it is treated with radical prostatectomy or external beam therapy; or
(ii) The firefighter has terminal cancer, his or her life expectancy is twenty-four months or less from the date of diagnosis, and will not benefit from, or has exhausted, curative therapy.

b. A lump sum benefit of six thousand two hundred fifty dollars for each diagnosis payable to such firefighter upon acceptable proof to the insurance carrier or other payor of a diagnosis by a board certified physician in the medical specialty appropriate for the type of cancer involved that either:
(i) There is carcinoma in situ such that surgery, radiotherapy, or chemotherapy has been determined to be medically necessary;
(ii) There are malignant tumors which are treated by endoscopic procedures alone; or
(iii) There are malignant melanomas.

c. A monthly benefit of one thousand five hundred dollars, of which the first payment shall be made six months after total disability and submission of acceptable proof of said disability to the insurance carrier or other payor that such disability is caused by cancer and that such cancer precludes the firefighter from serving as a firefighter. Such benefit shall continue for up to thirty-six consecutive monthly payments.
(i) Such monthly benefit shall be subordinate to any other benefit actually paid to the firefighter solely for such disability from any other source, not including private insurance purchased solely by the firefighter, and shall be limited to the difference between the amount of such other paid benefit and the amount specified herein; and
(ii) Any firefighter receiving such monthly benefits may be required to have his or her condition reevaluated. In the event any such reevaluation reveals that such person has regained the ability to perform duties as a firefighter, then his or her monthly benefits shall cease the last day of the month of reevaluation.

(iii) In the event that there is a subsequent reoccurrence of a disability caused by cancer which precludes the firefighter from serving as a firefighter, he or she shall be entitled to receive any remaining monthly payments.

d. An eligible volunteer firefighter shall also be entitled to an additional payment of enhanced cancer death benefits in the amount of fifty thousand dollars which is payable to such volunteer or his or her beneficiary upon acceptable proof by a board certified physician that such firefighter's death resulted from complications associated with cancer.

e. Provided however, an eligible volunteer firefighter shall be ineligible for these benefits if they are already provided paid firefighter benefits under this article.

3. The combined total of all benefits received by any eligible volunteer firefighter pursuant to paragraphs a and b of subdivision two of this section during his or her lifetime shall not exceed fifty thousand dollars.

4. An eligible volunteer firefighter shall remain eligible for benefits pursuant to paragraphs a, b and d of subdivision two of this section for sixty months after the formal cessation of the volunteer firefighter's status as an active volunteer firefighter. The fire district, department or company in which such firefighter served shall be responsible for payment of all premiums or other costs associated with benefits provided under paragraphs a, b and d of subdivision two of this section throughout the duration of the eligible volunteer firefighter's coverage.

5. A fire district, department or company shall, no later than January first, two thousand nineteen, show proof of insurance coverage that meets the requirements of this section or shall show satisfactory proof of the ability to pay such compensation to ensure adequate coverage for all eligible volunteer firefighters. Such coverage shall remain in effect until sixty months after the fire district, department or company

no longer has any volunteer firefighters who could qualify for this benefit.

6. Any fire district, department or company that has had a volunteer firefighter file a claim for or receive an enhanced cancer disability benefit under the provisions of this section shall report such claims filed, claims paid and types of claims to the office of fire prevention and control. Beginning on January first, two thousand twenty, the office of fire and prevention control shall report annually to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee and the chair of the assembly ways and means committee the number of firefighters who have filed claims pursuant to this section and the number of firefighters who have received benefits under the provisions of this section.

* 7. The office of fire prevention and control, in consultation with the department of financial services and the workers' compensation board, shall adopt such rules and regulations as are reasonable and necessary to implement the provisions of this section. Such regulations shall include establishing acceptable documentation for proof of eligibility, the process by which a firefighter files a claim for the enhanced cancer disability benefit, how the beneficiary of such eligible volunteer firefighter files a claim for the enhanced cancer death benefit, the process by which claimants can appeal a denial of benefits and what proof is deemed acceptable to qualify for such benefits.

* NB Effective until December 23, 2029

* 7. The office of fire prevention and control, in consultation with the department of financial services and the workers' compensation board, shall adopt such rules and regulations as are reasonable and necessary to implement the provisions of this section. Such regulations shall include the process by which a firefighter files a claim for the enhanced cancer disability benefit, how the beneficiary of such eligible volunteer firefighter files a claim for the enhanced cancer death benefit, the process by which claimants can appeal a denial of benefits and what proof is deemed acceptable to qualify for such benefits.

* NB Effective December 23, 2029

§ 205-d. Relief from civil liability for acts or omissions by fire wardens in the city of New York. After being trained by a certified fire safety director, any person designated to serve as a fire warden or deputy fire warden in any structure classified as an office building by law or otherwise in the city of New York shall not be liable for damages for injuries, death or property damage alleged to have occurred by reason of an act or omission in the performance of any duty contained in a fire safety plan unless it is established that such injuries, death or property damage was caused by gross negligence on the part of such fire warden or deputy fire warden.

§ 205-e. Right of action to certain injured or representatives of certain deceased police officers. 1. In addition to any other right of action or recovery under any other provision of law, in the event any accident, causing injury, death or a disease which results in death, occurs directly or indirectly as a result of any neglect, omission, willful or culpable negligence of any person or persons in failing to comply with the requirements of any of the statutes, ordinances, rules, orders and requirements of the federal, state, county, village, town or city governments or of any and all their departments, divisions and bureaus, the person or persons guilty of said neglect, omission, willful or culpable negligence at the time of such injury or death shall be liable to pay any officer, member, agent or employee of any police department injured, or whose life may be lost while in the discharge or performance at any time or place of any duty imposed by the police commissioner, police chief or other superior officer of the police department, or to pay to the spouse and children, or to pay the parents, or to pay the brothers and sisters, being the surviving heirs-at-law of any deceased person thus having lost his life, a sum of money, in case of injury to person, not less than one thousand dollars, and in the case of death not less than five thousand dollars, such liability to be determined and such sums recovered in an action to be instituted by any person injured or the family or relatives of any person killed as aforesaid, provided, however, that nothing in this section shall be deemed to expand or restrict any right afforded to or limitation imposed upon an employer, an employee or his or her representative by virtue of any provisions of the workers' compensation law.

2. Notwithstanding any other provision of law, including sections fifty-e and fifty-i of this chapter, section thirty-eight hundred thirteen of the education law, section ten of the court of claims act and the provisions of any general, special or local law or charter requiring as a condition precedent to commencement of an action or special proceeding that a notice of claim be filed or presented, every cause of action or special proceeding that a notice of claim be filed or presented, every cause of action for the personal injury or wrongful death of a police officer which was pending on or after January first, nineteen hundred eighty-seven, or which was dismissed on or after January first, nineteen hundred eighty-seven because this section was not yet effective, or which would have been actionable on or after January first, nineteen hundred eighty-seven had this section been effective is hereby revived and an action thereon may be commenced at any time provided that such action is commenced on or before June thirtieth, two thousand.

3. This section shall be deemed to provide a right of action regardless of whether the injury or death is caused by the violation of a provision which codifies a common-law duty and regardless of whether the injury or death is caused by the violation of a provision prohibiting activities or conditions which increase the dangers inherent in the work of any officer, member, agent or employee of any police department.

§ 205-f. Removal of civil liability barriers. 1. (a) Liability protection. (1) A fire company or political subdivision as defined in section three of the volunteer firefighters' benefit law, including a person acting as an agent thereof, that acts reasonably in donating qualified fire control or fire rescue equipment to a volunteer fire company shall not be liable in civil damages under any state law for personal injuries, property damage, or death proximately caused after the donation by a defect in the equipment.

(2) Any state or local agency, including a person acting as an agent

of such an agency, that acts reasonably in administering the distribution of qualified fire control or fire rescue equipment to a volunteer fire company or political subdivision as defined in section three of the volunteer firefighters' benefit law, shall not be liable for civil damages under any state law for personal injuries, property damage, or death proximately caused after the distribution by a defect in the equipment.

(b) Exceptions to liability protection. Paragraph (a) of this subdivision shall not apply to a person or agency if:

(1) the defect that proximately causes the injury, damage, or loss resulted from an act or omission of the person or agency, that constitutes malice, gross negligence, recklessness, or intentional misconduct;

(2) the person or agency is the manufacturer of the qualified fire control or fire rescue equipment; or

(3) the person or agency modified or altered the equipment after it had been recertified by an authorized technician as meeting the manufacturer's specifications.

2. For the purposes of this section the following words and phrases shall have the following meanings:

(a) "Person" means any individual and any governmental or other entity.

(b) "Qualified fire control or rescue equipment" means fire control or fire rescue equipment that has been recertified by an authorized technician as meeting the manufacturer's specifications and has been distributed through a state or local agency to the volunteer fire company.

(c) "Authorized technician" means a technician that has been certified by the manufacturer of fire control or fire rescue equipment to inspect such equipment. The technician need not be employed by the state or local agency administering the distribution of the fire control or fire rescue equipment.

§ 205-g. Defense and indemnification of volunteer firefighters. 1. As used in this section:

a. "Volunteer firefighter" means an active member of a fire company.

b. "Fire company" means: (i) A fire company of a city, town, village or fire district fire department, whether or not any such company has been incorporated under any general or special law,

(ii) A fire corporation incorporated under or subject to the provisions of article ten of the not-for-profit corporation law, which is not included within subparagraph (i) of this paragraph, if such corporation is, by law, under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village or fire district; or

(iii) A fire corporation incorporated under, or established pursuant to the provision of, any general or special law, which is not included within subparagraphs (i) or (ii) of this paragraph, if such corporation is, by law, under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village or fire district or Indian reservation. A "fire department" may be composed of one or more fire companies.

c. "Line of duty" means the performance by a volunteer firefighter of the duties and activities described in subdivision one of section five of the volunteer firefighters' benefit law and the same such duties and activities performed for a specialized team established pursuant to the provisions of section two hundred nine-bb of this article for which the volunteer firefighter does not receive any remuneration or a gratuity and shall be deemed to include any date of injury as determined by the workers' compensation board pursuant to the provisions of section forty-one of the volunteer firefighters' benefit law. The following shall not be deemed to be remuneration or a gratuity: reimbursement of expenses for meals, lodging and actual and necessary travel; the receipt of a mileage allowance in lieu of travel expense; reimbursement of expenses for registration and tuition fees payable under section seventy-two-g of this chapter, the acceptance of transportation, food, drink, shelter, clothing and similar items while on duty or engaged in such activities; and receipt of a training stipend as outlined in section two hundred-aa of this article.

d. "Public entity" means the city, town, village or fire district having general control of the fire company.

2. The public entity shall provide for the defense of the volunteer firefighter in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the volunteer firefighter was acting in the line of duty if the volunteer firefighter is in compliance with the provisions of subdivision seven of this section. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or at the behest of the public entity.

3. Subject to the conditions set forth in subdivision two of this section, the volunteer firefighter shall be entitled to be represented by private counsel of his or her choice in any civil action or proceeding whenever the chief legal officer of the public entity or other counsel designated by the public entity determines that a conflict of interest exists, or whenever a court, upon appropriate motion or otherwise by a special proceeding, determines that a conflict of interest exists and that the volunteer firefighter is entitled to be represented by counsel of his or her choice, provided, however, that the chief legal officer or other counsel designated by the public entity may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such volunteer firefighters be represented by the same counsel. Reasonable attorneys' fees and litigation expenses shall be paid by the public entity to such private counsel from time to time during the pendency of the civil action or proceeding with the approval of the governing body of the public entity.

4. Any dispute with respect to representation of multiple volunteer firefighters by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of a special proceeding.

5. Where the volunteer firefighter delivers process and a written request for a defense to the public entity under subdivision seven of

this section, the public entity shall take the necessary steps on behalf of the volunteer firefighter to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

6. a. The public entity shall indemnify and save harmless its volunteer firefighters in the amount of any judgment obtained against such volunteer firefighters in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the volunteer firefighter was acting in the line of duty; provided further that in the case of a settlement the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of settlement by the governing body of the public entity.

b. The duty to indemnify and save harmless shall be construed in the same manner as provided in section two hundred five-b of this article.

c. Nothing in this subdivision shall authorize a public entity to indemnify or save harmless a volunteer firefighter with respect to punitive or exemplary damages, fines or penalties, or money recovered from a volunteer firefighter pursuant to section fifty-one of this chapter; provided, however, that the public entity shall indemnify and save harmless its volunteer firefighters in the amount of any costs, attorneys' fees, damages, fines or penalties which may be imposed by reason of an adjudication that a volunteer firefighter, acting in the line of duty, has, without willfulness or intent on his or her part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States.

d. Upon entry of a final judgment against the volunteer firefighter, or upon the settlement of the claim, the volunteer firefighter shall serve a copy of such judgment or settlement, personally or by certified or registered mail within thirty days of the date of entry or settlement, upon the chief administrative officer of the public entity; and if not inconsistent with the provisions of this section, the amount of such judgment or settlement shall be paid by the public entity.

7. The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon:

a. delivery by the volunteer firefighter to the chief legal officer of the public entity or to its chief administrative officer of a written request to provide for his or her defense together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten days after he or she is served with such document;

b. the full cooperation of the volunteer firefighter in the defense of such action or proceeding and in defense of any action or proceeding against the public entity based upon the same act or omission, and in the prosecution of any appeal; and

c. the volunteer firefighter maintaining at least the minimum level of training required by the public entity.

8. The benefits of this section shall inure only to volunteer firefighters as defined in this section and shall not enlarge or diminish the rights of any other party nor shall any provision of this section be construed to affect, alter or repeal any provision of the workers' compensation law or volunteer firefighters' benefit law.

9. This section shall not in any way affect the obligation of any claimant to give notice to the public entity under section ten of the court of claims act, section fifty-e of this chapter, or any other provision of law.

10. Any public entity is hereby authorized and empowered to purchase insurance from any insurance company created by or under the laws of this state, or authorized by law to transact business in this state, against any liability imposed by the provisions of this section, or to act as a self-insurer with respect thereto.

11. All payments made under the terms of this section, whether for insurance or otherwise, shall be deemed to be for a public purpose and

shall be audited and paid in the same manner as other public charges.

12. The provisions of this section shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

13. Except as otherwise specifically provided in this section, the provisions of this section shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity to liability available to or conferred upon any unit, entity, officer or volunteer firefighter of any public entity by, in accordance with, or by reason of, any other provision of state or federal statutory or common law.

§ 206. Certificate to police officers and firefighters; free transportation; use of telegraph lines and telephones. The mayor of each city of this state and the mayor of each incorporated village may issue, under the seal of his or her office, to each police officer and firefighter appointed by the duly-constituted authorities of such city or village, a certificate of the appointment and qualification of such police officer and firefighter as such, and specifying the duration of his or her term of office; and it shall thereupon be the duty of every street surface and elevated railroad company carrying on business within such city or village, to transport every such police officer and firefighter free of charge while he or she is traveling in the course of the performance of the duties of his or her office. Every telegraph or telephone company engaged in business within such city or village, shall afford to such police officer and firefighter the use of its telegraph lines or telephones for the purpose of making and receiving reports and communications in the course of the performance of his or her official duties.

§ 206-a. Penalty for improper use of certificates. Every police officer and firefighter who shall permit any other person to use the certificate issued to him or her as provided by the last section, or shall present or make use of the same, except while acting in the course of the performance of his or her official duties, or who shall use such certificate after the expiration of his or her term of office or his resignation or removal therefrom, shall be deemed guilty of a misdemeanor.

§ 206-b. Exemption of benefits payable under blanket accident insurance covering volunteer firefighters. Not only shall the benefits payable or allowable under any blanket accident insurance policy or contract purchased (1) by a fire department pursuant to section four thousand two hundred thirty-seven of the insurance law, or (2) by a municipal corporation or fire district pursuant to any general, special or local law, to insure active volunteer firefighters against injury or death resulting from bodily injuries sustained by such firefighters in the performance of their duties be exempt from execution as provided in subsection (c) of section three thousand two hundred twelve of the insurance law, but also any benefits payable or allowable under any such policy or contract in the event of the death of an insured volunteer firefighter shall be exempt from execution for the purpose of satisfying any debt or liability of the beneficiary designated in the policy or contract, or in the event that the insured volunteer firefighter is a minor shall be exempt from execution for the purpose of satisfying any debt or liability of the person to whom such benefits are payable pursuant to subsection (b) of section four thousand two hundred thirty-seven of the insurance law.

§ 207. Hospitalization of members of fire departments in certain cities. Paid members of the fire department of any city of this state having a population of one million or more who shall be injured while actually employed in the discharge of duty or who, as a result of illness traceable directly to the performance of duty, shall, when certified by the fire chief or commissioner, be received by any public, private or semi-private hospital for care and treatment in semi-private patient facilities or accommodations. The bill for such semi-private patient facilities or accommodations, including charges, at the prevailing semi-private patient rates, for necessary nursing, laboratory tests, X-ray examinations and physical therapy, when certified by the superintendent or other person in charge of such hospital and approved by the fire chief or commissioner, be paid by the city in which such fire department is located.

Nothing in this section shall be construed as excluding an injured member from being received in a ward accommodation in an emergency, if semi-private accommodations are not available at a hospital.

Notwithstanding any provision of law contrary thereto contained herein or elsewhere, a cause of action shall accrue to the city for reimbursement in such sum or sums actually paid for medical or hospital treatment, as against any third party against whom a member of the fire department shall have a cause of action for the injuries sustained.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such member of the fire department of any such city.

§ 207-a. Payment of salary, medical and hospital expenses of firefighters with injuries or illness incurred in performance of duties. 1. Any paid firefighter which term as used in this section shall mean any paid officer or member of an organized fire company or fire department of a city of less than one million population, or town, village or fire district, or any paid firefighter of a county airport or county aviation department which performs fire response or fire rescue duties, who is injured in the performance of his or her duties or who is taken sick as a result of the performance of his or her duties so as to necessitate medical or other lawful remedial treatment, shall be paid by the municipality or fire district by which he or she is employed the full amount of his or her regular salary or wages until his or her disability arising therefrom has ceased, and, in addition, such municipality or fire district shall be liable for all medical treatment and hospital care furnished during such disability. Provided, however, and notwithstanding the foregoing provisions of this section, the municipal health authorities or any physician appointed for the purpose by the municipality or fire district, may attend any such injured or sick firefighter, from time to time, for the purpose of providing medical, surgical or other treatment, or for making inspections and the municipality or fire district shall not be liable for salary or wages payable to such a firefighter, or for the cost of medical or hospital care or treatment furnished, after such date as the health authorities or such physician shall certify that such injured or sick firefighter has recovered and is physically able to perform his or her regular duties in the company or department. Any injured or sick firefighter who shall refuse to accept such medical treatment or hospital care or shall refuse to permit medical inspections as herein authorized, including examinations resulting from the application of subdivision two hereof, shall be deemed to have waived his or her rights under this section in respect to expenses incurred for medical treatment or hospital care or salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such member of the fire department of any such city.

2. Payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to any firefighter who is permanently disabled as a result of an injury or sickness incurred or resulting from the performance of his or her duties if such firefighter is granted an accidental disability retirement allowance pursuant to section three hundred sixty-three of the retirement and social security law, a retirement for disability incurred in performance of duty allowance pursuant to section three hundred sixty-three-c of the retirement and social security law or similar accidental disability pension provided by the pension fund of which he or she is a member; provided, however, that in any such case such firefighter shall continue to receive from the municipality or fire district by which he or she is employed, until such time as he or she

shall have attained the mandatory service retirement age applicable to him or her or shall have attained the age or performed the period of service specified by applicable law for the termination of his or her service, the difference between the amounts received under such allowance or pension and the amount of his or her regular salary or wages. Any payment made by a municipal corporation or fire district pursuant to the provisions of this subdivision shall be deemed to have been made for a valid and lawful public purpose. If application for such retirement allowance or pension is not made by such firefighter, application therefor may be made by the head of the fire company or fire department or as otherwise provided by the fire district or by the chief executive officer or local legislative body of the municipality by which such firefighter is employed. If such application for accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance is denied, the fire district or municipal corporation by which such firefighter is employed may appeal such determination.

3. If such a firefighter is not eligible for or is not granted such accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension and is nevertheless, in the opinion of such health authorities or physician, unable to perform his or her regular duties as a result of such injury or sickness but is able, in their opinion, to perform specified types of light duty, payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to such firefighter if he or she shall refuse to perform such light duty if the same is available and offered to him or her, provided, however, that such light duty shall be consistent with his or her status as a firefighter and shall enable him or her to continue to be entitled to his or her regular salary or wages, including increases thereof and fringe benefits, to which he or she would have been entitled if he or she were able to perform his or her regular duties.

4. If such a firefighter is not eligible for or is not granted an accidental disability retirement allowance or retirement for disability

incurred in performance of duty allowance or similar accidental disability pension, he or she shall not be entitled to further payment of the full amount of regular salary or wages, as provided by subdivision one of this section, after he or she shall have attained the mandatory service retirement age applicable to him or her or shall have attained the age or performed the period of service specified by applicable law for the termination of his or her service. Where such a firefighter retires or is retired under any procedure applicable to him or her, including but not limited to circumstances described in subdivision two of this section or in this subdivision, he or she shall thereafter, in addition to any portion of regular wages or salary and/or any retirement allowance or pension to which he or she is then entitled, continue to be entitled to medical treatment and hospital care necessitated by reason of such injury or illness.

4-a. Any benefit payable pursuant to subdivision two of this section to a person who is granted retirement for disability incurred in performance of duty pursuant to section three hundred sixty-three-c of the retirement and social security law shall be reduced by the amount of the benefits that are finally determined payable under the workers' compensation law by reason of accidental disability.

5. The appropriate municipal or fire district officials may transfer such a firefighter to a position in the same or another agency or department where they are able to do so pursuant to applicable civil service requirements and provided the firefighter shall consent thereto.

6. Any firefighter receiving payments or benefits pursuant to this section, who engages in any employment other than as provided in subdivision three or five of this section shall on the commencement of such employment, forfeit his or her entitlement to any payments and benefits hereunder, and any such payment or benefit unlawfully received by such firefighter shall be refunded to and may be recovered by the municipal corporation or fire district employing such firefighter in a civil action. For the purposes of this section, employment shall not include income derived from passive involvement with: gains derived from dealings in property, interest income, rents from real property,

royalties, dividends, alimony and separate maintenance payments, annuities, income from life insurance and endowment contracts, other pensions, income from the discharge of indebtedness, income in the respect of a decedent, and income from an interest in an estate or trust.

7. Notwithstanding any provision of law contrary thereto contained herein or elsewhere, a cause of action shall accrue to the municipality or fire district aforesaid for reimbursement in such sum or sums actually paid as a salary or wages and/or for medical or hospital treatment, as against any third party against whom the firefighter shall have a cause of action for the injuries sustained.

§ 207-aa. Disabilities of members of the uniformed force of sanitation departments in certain cities. Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, but except for the purposes of the workers' compensation law and the labor law, any condition of impairment of health caused by leptospirosis, resulting in total or partial disability or death to a paid member of the uniformed force of a paid sanitation department, where such paid member is drawn from competitive civil service lists, who successfully passed a physical examination on entry into the service of such department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence.

§ 207-b. Additional retirement benefits for certain firefighters in cities. 1. As used in this section:

a. "Final compensation" means the average annual salary or wages for services as a firefighter earned from the date of his or her minimum period to the date of his or her retirement.

b. " Firefighter" means a paid officer or member of the uniformed force of the fire department of a city.

c. "Minimum period" means a fixed number of years of service as a firefighter specified in a plan or option elected by him or her as a necessary prerequisite for a pension or retirement allowance upon retirement from such service.

2. Notwithstanding the provisions of any general, special or local law, charter or administrative code and in lieu of any lesser amount thereby prescribed, in the event a firefighter has served as such for his or her minimum period and thereafter continues in such service, upon his or her subsequent retirement for any cause whatsoever, there shall be added to the amount of the annual pension or retirement allowance to which he or she was entitled upon such retirement, an additional amount computed at the rate of one-sixtieth of his or her final compensation for each year of such additional service.

3. The provisions of this section shall not apply to members of the New York state and local police and fire retirement system.

§ 207-c. Payment of salary, wages, medical and hospital expenses of police officers with injuries or illness incurred in the performance of duties. * 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of the sheriff's department of any county or any member of a police force of any county, city of less than one million population, town or village, or of any district, agency, board, body or commission thereof, or any LIRR police officer as defined in paragraph two of subdivision a of section three hundred eighty-nine of the retirement and social security law whose benefits are provided in and pursuant to such section three hundred eighty-nine, or a detective-investigator or any other investigator who is a police officer pursuant to the provisions of the criminal procedure law employed in the office of a district attorney of any county, or any corrections officer of the county of Erie department of corrections, or an advanced ambulance medical technician employed by the county of Nassau, or any detention officer employed by the city of Yonkers, or any supervising fire inspector, fire inspector, fire marshal, or assistant fire marshal employed full-time in the county of Nassau fire marshal's office, or at the option of the county of Nassau, any probation officer of the county of Nassau who is injured in the performance of his or her duties or who is taken sick as a result of the performance of his or her duties so as to necessitate medical or other lawful remedial treatment shall be paid by the municipality or The Long Island Rail Road Company by which he or she is employed the full amount of his or her regular salary or wages from such employer until his or her disability arising therefrom has ceased, and, in addition such municipality or The Long Island Rail Road Company shall be liable for all medical treatment and hospital care necessitated by reason of such injury or illness. Provided, however, and notwithstanding the foregoing provisions of this section, the municipal or The Long Island Rail Road Company health authorities or any physician appointed for the purpose by the municipality or The Long Island Rail Road Company, as relevant, after a determination has first been made that such injury or sickness was incurred during, or resulted from, such performance of duty, may attend any such injured or sick police officer, from time to time, for the purpose of providing medical, surgical or other treatment, or for making inspections, and the municipality or The Long Island Rail Road Company, as the case may be, shall not be liable for salary or wages payable to such police officer, or for the cost of medical treatment or hospital care furnished after such date as such health authorities or physician shall certify that such injured or sick police officer has recovered and is physically able to perform his or her regular duties. Any injured or sick police officer who shall refuse to accept medical treatment or hospital care or shall refuse to permit medical inspections as herein authorized, including examinations pursuant to subdivision two of this section, shall be deemed to have waived his or her rights under this section in respect to expenses for medical treatment or hospital care rendered and for salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such police officer, any such advanced ambulance medical technician or any such detention officer.

* NB Effective until certain provisions provided in chapter 628 of 1991 § 7 have been met.

* 1. Any sheriff, undersheriff, deputy sheriff or corrections officer of the sheriff's department of any county (hereinafter referred to as a "police officer") or any member of a police force of any county, city of less than one million population, town or village, or of any district, agency, board, body or commission thereof, or a detective-investigator or any other investigator who is a police officer pursuant to the provisions of the criminal procedure law employed in the office of a district attorney of any county, or any corrections officer of the county of Erie department of corrections, or an advanced ambulance medical technician employed by the county of Nassau, or any detention officer employed by the city of Yonkers, or any supervising fire inspector, fire inspector, fire marshal or assistant fire marshal employed full-time in the county of Nassau fire marshal's office, or at the option of the county of Nassau, any probation officer of the county of Nassau who is injured in the performance of his or her duties or who is taken sick as a result of the performance of his or her duties so as to necessitate medical or other lawful remedial treatment shall be paid by the municipality by which he or she is employed the full amount of his or her regular salary or wages until his or her disability arising therefrom has ceased, and, in addition such municipality shall be liable for all medical treatment and hospital care necessitated by reason of such injury or illness. Provided, however, and notwithstanding the foregoing provisions of this section, the municipal health authorities or any physician appointed for the purpose by the municipality, after a determination has first been made that such injury or sickness was incurred during, or resulted from, such performance of duty, may attend any such injured or sick police officer, from time to time, for the purpose of providing medical, surgical or other treatment, or for making inspections and the municipality shall not be liable for salary or wages payable to such police officer, or for the cost of medical treatment or hospital care furnished after such date as such health authorities or physician shall certify that such injured or sick police officer has recovered and is physically able to perform his or her regular duties. Any injured or sick police officer who shall refuse to accept medical

treatment or hospital care or shall refuse to permit medical inspections as herein authorized, including examinations pursuant to subdivision two of this section, shall be deemed to have waived his or her rights under this section in respect to expenses for medical treatment or hospital care rendered and for salary or wages payable after such refusal.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such police officer, a member of a police force of any county, city, any such advanced ambulance medical technician, any such detention officer or any such detective-investigator or any other such investigator who is a police officer pursuant to the provisions of the criminal procedure law.

* NB Effective when certain provisions provided in chapter 628 of 1991 § 7 have been met

2. Payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to any police officer who is permanently disabled as a result of an injury or sickness incurred or resulting from the performance of his or her duties if such police officer is granted an accidental disability retirement allowance pursuant to section three hundred sixty-three of the retirement and social security law, a retirement for disability incurred in performance of duty allowance pursuant to section three hundred sixty-three-c of the retirement and social security law or similar accidental disability pension provided by the pension fund of which he or she is a member. If application for such retirement allowance or pension is not made by such police officer, application therefor may be made by the head of the police force or as otherwise provided by the chief executive officer or local legislative body of the municipality by which such police officer is employed.

3. If such a police officer is not eligible for or is not granted such accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension and is nevertheless, in the opinion of such health

authorities or physician, unable to perform his or her regular duties as a result of such injury or sickness but is able, in their opinion, to perform specified types of light police duty, payment of the full amount of regular salary or wages, as provided by subdivision one of this section, shall be discontinued with respect to such police officer if he or she shall refuse to perform such light police duty if the same is available and offered to him or her, provided, however, that such light duty shall be consistent with his or her status as a police officer and shall enable him or her to continue to be entitled to his or her regular salary or wages, including increases thereof and fringe benefits, to which he or she would have been entitled if he or she were able to perform his or her regular duties.

* 4. The appropriate municipal officials may transfer such a police officer to a position in another agency or department where they are able to do so pursuant to applicable civil service requirements and provided the police officer shall consent thereto.

* NB Effective until certain provisions provided in chapter 628 of 1991 § 7 have been met

* 4. The appropriate municipal or The Long Island Rail Road Company officials may transfer a police officer to a position in another agency or department where they are able to do so pursuant to applicable civil service or The Long Island Rail Road Company requirements and provided the police officer shall consent thereto.

* NB Effective when certain provisions provided in chapter 628 of 1991 § 7 have been met

5. If such a police officer is not eligible for or is not granted an accidental disability retirement allowance or retirement for disability incurred in performance of duty allowance or similar accidental disability pension, he or she shall not be entitled to further payment of the full amount of regular salary or wages, as provided by subdivision one of this section, after he or she shall have attained the mandatory service retirement age applicable to him or her or shall have attained the age or performed the period of service specified by applicable law for the termination of his or her service. Where such a police officer is transferred to another position pursuant to subdivision four of this section or retires or is retired under any

procedure applicable to him or her, including but not limited to circumstances described in subdivision two of this section or in this subdivision, he or she shall thereafter, in addition to any retirement allowance or pension to which he or she is then entitled, continue to be entitled to medical treatment and hospital care necessitated by reason of such injury or illness.

* 6. Notwithstanding any provision of law contrary thereto contained herein or elsewhere, a cause of action shall accrue to the municipality for reimbursement in such sum or sums actually paid as salary or wages and or for medical treatment and hospital care as against any third party against whom the police officer shall have a cause of action for the injury sustained or sickness caused by such third party.

* NB Effective until certain provisions provided in chapter 628 of 1991 § 7 have been met.

* 6. Notwithstanding any provision of law contrary thereto contained herein or elsewhere, a cause of action shall accrue to the municipality or The Long Island Rail Road Company for reimbursement in such sum or sums actually paid as salary or wages and or for medical treatment and hospital care as against any third party against whom the police officer shall have a cause of action for the injury sustained or sickness caused by such third party.

* NB Effective when certain provisions provided in chapter 628 of 1991 § 7 have been met

§ 207-d. Additional retirement benefits for certain police officers in cities and certain villages. 1. As used in this section:

a. "Final compensation" means the average annual salary or wages for services as a police officer earned from the date of his or her minimum period to the date of his or her retirement.

b. "Police officer" means a paid officer or member of the uniformed force of the police department of a city or of any village which has elected to make the benefits provided under this section available to the paid officers or members of its police department or force.

c. "Minimum period" means a fixed number of years of service as a police officer specified in a plan or option elected by him or her as a necessary prerequisite for a pension or retirement allowance upon retirement from such service.

2. Notwithstanding the provisions of any general, special or local law, charter or administrative code and in lieu of any lesser amount thereby prescribed, in the event a police officer has served as such for his or her minimum period and thereafter continues in such service, upon his or her subsequent retirement for any cause whatsoever, there shall be added to the amount of the annual pension or retirement allowance to which he or she was entitled upon, such retirement an additional amount computed at the rate of one-sixtieth of his or her final compensation for each year of such additional service.

3. The provisions of this section shall not apply to members of the New York state and local police and fire retirement system.

*** § 207-e. Minimum retirement benefits for police officers in cities and who are members of police pension or retirement systems maintained by such** cities. 1. Notwithstanding the provisions of any general, special or local law, charter or administrative code to the contrary, and in lieu of any lesser amount otherwise prescribed, any person who is an officer or member of the uniformed force of the police department of a city, and is a member of a police pension or retirement system maintained by such city, and who has completed service as a member of such city-maintained police pension or retirement system for the minimum number of years specified in such plan or option selected by him as a necessary prerequisite for a pension or retirement allowance on account of retirement for service shall, upon retirement for service, receive a pension or retirement allowance on account of such minimum service which shall, subject to the provisions of this section, be equal to one-half of his annual compensation earnable upon the date of his retirement, or, in the event that such member shall have served as a member of the detective division, or on special assignment, for a period of at least five years during such service, provided, however, that such member shall have continued his pension contributions on the basis of his highest annual compensation, one-half the maximum annual compensation earned by him while an officer or member of the uniformed force of the police department of such city, whichever is greater.

2. Where a city-maintained pension plan or retirement system for officers or members of the uniformed force of the police department, housing police force or transit police force of such city provides, upon retirement for service, for a retirement allowance consisting of a pension plus an annuity which is the actuarial equivalent of the member's accumulated contributions at the time of his retirement, then in that event there shall be added by the city, whenever required, a further pension of such amount which together with the member's annuity shall be sufficient to provide him with a retirement allowance equal to one-half of his annual compensation earnable on the date of his retirement, or, in the event that such member shall have served as a member of the detective division, or on special assignment, for a period of a least five years during such service, provided, however, that such member shall have continued his pension contributions on the basis of his highest annual compensation, one-half the maximum annual compensation earned by him while an officer or member of the uniformed force of the police department, housing police force or transit police force of such city, whichever is greater. For the purpose only of determining the amount of the additional pension contribution by the city that may be required, the member's annuity, if any, shall be computed as it would be, (a) if it were not reduced by the actuarial equivalent of any outstanding loan, (b) if it were not increased by the actuarial equivalent of any additional contributions, (c) if it were not reduced by reason of the member's election to decrease his annuity contributions in order to apply the amount of such reduction in payment of his contributions for old-age and survivors insurance coverage, (d) as it would be without any optional modification.

3. Where a city-maintained pension plan or retirement system for officers or members of the uniformed force of the police department of such city provides for disability retirement, such retirement allowance shall be computed on the basis of the annual compensation earnable on

the date of the retirement for disability of any member.

4. Where additional retirement benefits are payable under the city-maintained pension plan or retirement system, or are required to be paid pursuant to section two hundred seven-d of this chapter, such additional benefits shall be paid, for service in addition to and in excess of the minimum service requirements, in addition to the minimum retirement benefits required to be paid by this section.

5. The provisions of this section shall not apply to members of the New York state and local police and fire retirement system.

* NB There are 2 § 207-e's

*** § 207-e. Minimum retirement benefits for firefighters in cities and who are members of fire department pension or retirement systems maintained by** such cities. 1. Notwithstanding the provisions of any general, special or local law, charter or administrative code to the contrary, and in lieu of any lesser amount otherwise prescribed, any person who is an officer or member of the uniformed force of the fire department of a city, and is a member of a fire department pension or retirement system maintained by such city, and who has completed service as a member of such city-maintained fire department pension or retirement system for the minimum number of years specified in such plan or option selected by him as a necessary prerequisite for a pension or retirement allowance on account of retirement for service shall, upon retirement for service, receive a pension or retirement allowance on account of such minimum service which shall, subject to the provisions of this section, be equal to one-half of his annual compensation earnable upon the date of his retirement.

2. Where a city-maintained pension plan or retirement system for officers or members of the uniformed force of the fire department of such city provides, upon retirement for service, for a retirement allowance consisting of a pension plus an annuity which is the actuarial equivalent of the member's accumulated contributions at the time of his retirement, then in that event there shall be added by the city,

whenever required, a further pension of such amount which together with the member's annuity shall be sufficient to provide him with a retirement allowance equal to one-half of his annual compensation earnable on the date of his retirement. For the purpose only of determining the amount of the additional pension contribution by the city that may be required, the member's annuity, if any, shall be computed as it would be, (a) if it were not reduced by the actuarial equivalent of any outstanding loan, (b) if it were not increased by the actuarial equivalent of any additional contributions, (c) if it were not reduced by reason of the member's election to decrease his annuity contributions in order to apply the amount of such reduction in payment of his contributions for old-age and survivors insurance coverage, (d) as it would be without any optional modification.

3. Where a city-maintained pension plan or retirement system for officers or members of the uniformed force of the fire department of such city provides for disability retirement, such retirement allowance shall be computed on the basis of the annual compensation earnable on the date of the retirement for disability of any member.

4. Where additional retirement benefits are payable under the city-maintained pension plan or retirement system, or are required to be paid pursuant to section two hundred seven-b of this chapter, such additional benefits shall be paid, for service in addition to and in excess of the minimum service requirements, in addition to the minimum retirement benefits required to be paid by this section.

5. The provisions of this section shall not apply to members of the New York state and local police and fire retirement system.

* NB There are 2 § 207-e's

§ 207-f. Ordinary death benefits of members of fire department systems of cities. 1. As used in this section:

(a) "Member" means a contributor to the pension system of any city maintaining a fire department pension fund based upon the accumulation of deductions from the compensation or the contributions of the members thereof and payments made by such cities to pension reserves for such members.

(b) "Death" means ordinary death not caused in or induced by injuries suffered in the line of duty, or as a direct result of service in the fire department.

(c) "Pension" shall mean payments for life derived from appropriations for and payments into such pension system by such city.

(d) "Minimum period of service" shall mean a fixed number of years of service specified in a plan provided by such fire department pension system and elected by such member, as a necessary pre-requisite for a pension or retirement allowance upon retirement from service.

(e) "Minimum age" means the age specified in a plan provided by such fire department pension system and elected by such member, as a necessary pre-requisite for a pension or retirement allowance upon retirement from service.

2. Any member who shall have attained the minimum age or period of service retirement elected by him upon his own written application to and filed with the pension board setting forth at what time he desires to be retired shall be retired as of the date specified in said application, provided that at the time so specified for his retirement, his term or tenure of office or employment shall not have terminated or have been forfeited.

3. Notwithstanding other provisions of any rules or regulations adopted by the pension board, or any provisions of law to the contrary, a member eligible for retirement by reason of service may file with such pension board a written application for retirement in the form required for such application, electing an option or options where such options are provided under existing pension laws, but requesting that such retirement under said option or options shall become effective on the day immediately preceding his death. The application shall be held by such pension board until the member shall file a later application for retirement, or until his death, whichever of such events shall first occur; and in the event of such member's death while such application shall continue to be so held by such pension board, his said retirement shall become effective with the same benefits to the designated

beneficiary as if such member had retired and had become entitled to retirement allowance on the day immediately preceding his death.

In the event that a member, who would be eligible for retirement by reason of service, dies while in service before filing with such pension board an application for retirement in the form required for such application, or who, having filed an application for retirement in the form required, dies on or after the effective date of his retirement but before becoming entitled to retirement allowance, he shall nevertheless be deemed to have been retired and to have become entitled to a retirement allowance effective on the day immediately preceding his death; and if he had not indicated his election of an option under which he desired to be retired, he shall be considered as having elected to retire under the option designated as Option 1 if such option is provided for in the present pension law.

4. The provisions of this section shall not apply to members of the New York state and local police and fire retirement system.

§ 207-g. Ordinary death benefits of members of police retirement systems. 1. As used in this section:

(a) "Member" means a contributor to the pension system of any city maintaining a police pension fund based upon the accumulation of deductions from the compensation or the contributions of the members thereof and payments made by such city to pension reserves for such members, and such pension system provides for optional retirement allowances.

(b) "Accumulated deductions" shall mean the sum of all the amounts, deducted from the compensation of a member of such pension system or contributed by him, standing to his credit therein; together with the interest thereon, if any, as provided by the law, charter or administrative code governing such system.

(c) "Pension" shall mean payments for life derived from appropriations for and payments into such pension system by such city.

(d) "Minimum period of service" shall mean a fixed number of years of service specified in a plan or option provided by such police pension system and elected by such member, as a necessary pre-requisite for a pension or retirement allowance upon retirement from service.

(e) "Minimum age" means the age specified in a plan or option provided by such police pension system and elected by such member, as a necessary pre-requisite for a pension or retirement allowance upon retirement from service.

2. Notwithstanding the provisions of any general, special or local law, charter or administrative code, and in lieu of any lesser amount therein prescribed, upon the death of a member, prior to the first payment of a retirement benefit, who has attained the minimum age or completed the minimum period of service, as elected by him for retirement, and whether or not such member shall have filed application for retirement, there shall be paid to his estate, or to such person as he has nominated or shall nominate by written designation duly executed and filed in accordance with the requirements of such respective police pension systems:

(a) His accumulated deductions; and in addition thereto,

(b) The amount of the reserve equal to the present value of the pension he would have received, under the provisions of the law, charter or administrative code governing such police pension system, if he had retired and become entitled to a pension on the day immediately preceding the day of his death.

The beneficiary of such deceased member shall have the right to accept such benefits in lump sums or in such periodic payments, on an annuity basis, as such beneficiary shall elect.

3. Nothing contained in the foregoing provisions of this section shall be held or deemed to affect or to lessen any benefits greater than those set forth in the foregoing paragraph two which are or shall be provided for by any such police pension system in respect of a member or members thereof dying in the course of or as the result of the performance of his duties.

4. The provisions of this section shall not apply to members of the New York state and local police and fire retirement system.

*** § 207-h. Death benefits of members of certain fire department pension or retirement systems of cities.** 1. As used in this section:

(a) "Member" means any person included in the membership of a pension or retirement system maintained by a city for, or to include, the uniformed personnel of a fire department or force, except a "member" entitled to the benefits of section two hundred seven-f of this article.

(b) "Death" means ordinary death or death caused in or induced by injury suffered in the line of duty, or as a direct result of service in such fire department, or force.

(c) "Minimum period of service" shall mean a fixed number of years of service specified in and by such pension or retirement system and elected by such member as a necessary prerequisite for a pension or retirement allowance upon retirement from service.

(d) "Beneficiary" shall mean any person or persons designated by a member as entitled to receive any benefits under such system in the event of the death of such member; or in the absence of the valid designation of any such named beneficiary, the estate of such member.

2. Notwithstanding any other provision of law or of any rule or regulation to the contrary, and in lieu of any lesser amount therein prescribed, if a member, shall die while in service after having completed the minimum period of service elected by him to be eligible for retirement or shall die after having retired but before receiving any payment on account of his retirement allowance, his beneficiary shall be paid, upon written application to the board or other body administering such pension or retirement system the present value of the pension and of all other allowances, if any, to which such member would have been entitled if he had retired and become entitled to receive such pension and other allowances, if any, on the day immediately preceding his death; and the present value of such pension and other allowances, if any, shall be computed on the basis of the same mortality tables as are in use and effect in such city on the day immediately preceding the death of such member for the determination of benefits of persons entitled under section two hundred seven-f of this article.

3. The provisions of this section shall not apply to members of the New York state and local police and fire retirement system.

* NB There are 2 § 207-h's

*** § 207-h. Death benefits of members of certain police pension systems.** 1. As used in this section:

(a) "Member" means a contributor to a non-actuarial pension system of any city maintaining a police pension fund.

(b) "Accumulated deductions" means the sum of all the amounts, deducted from the compensation of a member of such pension system or contributed by him, standing to his credit therein, together with the interest thereon, if any, as provided by the law, charter or administrative code governing such system.

(c) "Pension" means payments for life derived from appropriations for and payments into such pension system by such city.

(d) "Minimum period of service" means a fixed number of years of service specified in a plan or option provided by such police pension system and elected by such member, as a necessary prerequisite for a pension or retirement allowance upon retirement from service.

(e) "Minimum age" means the age specified in a plan or option provided by such police pension system and elected by such member, as a necessary prerequisite for a pension or retirement allowance upon retirement from service.

2. Notwithstanding the provisions of any general, special or local law, charter or administrative code, and in lieu of any lesser amount therein prescribed, upon the death of a member of a non-actuarial police pension system, prior to the first payment of a retirement benefit, who has attained the minimum age or completed the minimum period of service, as elected by him for retirement, and whether or not such member shall have filed application for retirement, there shall be paid to his estate, or to the person or persons he shall have nominated by written designation duly executed and filed in accordance with the requirements of such police pension system:

(a) His accumulated deductions; and in addition thereto,

(b) An amount equal to the present value of the pension he would have received if he had retired and become entitled to a pension on the day immediately preceding his death, computed on the basis of the American Experience Table of Mortality.

A beneficiary of such deceased member shall have the right to accept such benefits in lump sums or in such periodic payments, on an annuity basis, as such beneficiary shall elect.

3. Nothing contained in the foregoing provisions of this section shall be held or deemed to affect or to lessen any benefits greater than those set forth in subdivision two of this section which are or shall be provided for by any such police pension system in respect of a member or members thereof dying in the course of or as the result of the performance of his duties.

4. The provisions of this section shall not apply to members of the New York state and local police and fire retirement system.
* NB There are 2 § 207-h's

*** § 207-i. Temporary supplemental retirement allowances for certain police officers.** Notwithstanding the provisions of any general, special or local law, charter or administrative code to the contrary, a supplemental retirement allowance shall be paid pursuant to the provisions of subdivisions a and b of this section to pensioners of a pension or retirement system of a paid police department of a city who have retired prior to the calendar year nineteen hundred seventy. Such supplemental retirement allowance under such subdivisions a and b shall be payable on the basis provided for herein, commencing with a payment for the month of October, nineteen hundred sixty-seven, and continuing through the month of September, nineteen hundred seventy-three, except that in the case of pensioners of a pension or retirement system of a paid police department of a city having a population of one million or more, such payments shall continue monthly thereafter.

a. The supplemental retirement allowance provided for in this subdivision and in subdivision b of this section shall be a percentage of the retirement allowance computed without optional modification and shall be determined on the basis of the consumer price index (all items -- United States city average), published by the United States Bureau of Labor Statistics. Said percentage shall be determined in the manner set forth in this section. Said supplemental retirement allowance shall be computed on the basis of the first ten thousand five hundred dollars of such annual retirement allowance and shall be payable commencing October first, nineteen hundred sixty-seven, to all disability pensioners, and to other pensioners who have attained age sixty-two on or before September thirtieth, nineteen hundred sixty-seven and commencing on April first, nineteen hundred sixty-eight, to such other pensioners who shall have attained age sixty-two on or after October first, nineteen hundred sixty-seven and on or before September thirtieth, nineteen hundred sixty-eight, and commencing on October first, nineteen hundred sixty-eight, to such other pensioners who shall have attained age sixty-two on or after April first, nineteen hundred sixty-eight and on or before September thirtieth, nineteen hundred sixty-eight, and commencing on October first, nineteen hundred sixty-nine, to such other pensioners who shall have attained age sixty-two on or after October first, nineteen hundred sixty-eight and on or before September thirtieth, nineteen hundred sixty-nine, and commencing on October first, nineteen hundred seventy, to such other pensioners who shall have attained age sixty-two on or after April first, nineteen hundred seventy, and on or before September thirtieth, nineteen hundred seventy, and commencing on October first, nineteen hundred seventy-two, to such other pensioners who shall have attained age sixty-two on or after October first, nineteen hundred seventy and on or before September thirtieth, nineteen hundred seventy-two, and to each such other pensioner of a pension or retirement system of a paid police department of a city having a population of one million or more who shall have attained age sixty-two on or after October first, nineteen hundred seventy-two, commencing with a payment for the later of the month of July, nineteen hundred eighty-one or the month of July next following the twelve-month period ending June thirtieth in which such other pensioner who shall have attained age sixty-two on or after October first, nineteen hundred seventy-two shall have attained such age, and continuing monthly thereafter.

b. The percentage referred to in subdivision a hereof shall be determined from the ratio of two indexes, in the following manner. The average of the twelve monthly consumer price indexes of the calendar year nineteen hundred sixty-six or, for a supplemental retirement allowance payable pursuant to this section on or after October first, nineteen hundred sixty-eight, the average of the twelve monthly consumer price indexes of the calendar year nineteen hundred sixty-seven, or, for a supplemental retirement allowance payable pursuant to this section on or after October first, nineteen hundred sixty-nine, the average of the twelve monthly consumer price indexes of the calendar year nineteen hundred sixty-eight, or, for a supplemental retirement allowance payable pursuant to this section on or after October first, nineteen hundred seventy, the average of the twelve monthly consumer price indexes of the calendar year nineteen hundred sixty-nine, divided by the average of the twelve monthly consumer price indexes of the calendar year of retirement shall be the ratio of the indexes. Said ratio, minus one, shall be expressed as a percentage and shall be adjusted to the lower one-tenth of one per centum. Such adjusted percentage shall be the percentage of the applicable portion of the retirement allowance, computed without optional modification which shall be payable as a supplemental retirement allowance under subdivision a of this section and under this subdivision. However, no such supplement shall be paid where such percentage is less than three per centum. Such percentage for pensioners who retired prior to April first, nineteen hundred fifty-eight, shall be increased by one hundred per centum thereof and the adjusted percentage shall be further adjusted to the lower one-tenth of one per centum. Such percentage shall be computed by the actuary each year and certified to the comptroller who shall, by directive, promulgate a schedule of percentages to be used for this purpose.

b-1. (1) In addition to any supplemental retirement allowance payable in accordance with the provisions of subdivisions a and b of this section, commencing with a payment for the month of July, nineteen hundred eighty-one and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid police department of a city having a population of one million or more who retired prior to April first, nineteen hundred seventy, an amount of supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired prior to April first, nineteen hundred seventy, other than for disability, commencing with a payment for the later of the month of July, nineteen hundred eighty-one or the month of July next following the twelve-month period ending June thirtieth in which such pensioner shall have attained age sixty-two and continuing monthly thereafter, there shall be paid to such pensioner, in addition to any supplemental retirement allowance payable in accordance with the provisions of subdivisions a and b of this section, an amount of supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(3) The amount of such additional supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal a percentage of the first ten thousand five hundred dollars of the annual retirement allowance computed without optional modification. Such percentage shall be determined by the date or year of retirement in accordance with the table set forth below.

Date of Retirement	Percentage
April 1, 1969 to and including March 31, 1970	twenty-one
January 1, 1968 to and including March 31, 1969	twenty-two

Year of Retirement	Percentage
1967	twenty-three
1966	twenty-four
1965	twenty-four
1964	twenty-five
1963	twenty-five
1962	twenty-six
1961	twenty-six
1960	twenty-seven
1959	twenty-seven

1958	twenty-seven
1957	twenty-seven
1956	twenty-eight
1955	twenty-eight
1954	twenty-eight
1953	twenty-eight
1952	twenty-eight
1951 and earlier	twenty-nine

b-2. (1) Commencing with a payment for the month of July, nineteen hundred eighty-one and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid police department of a city having a population of one million or more who retired on or after April first, nineteen hundred seventy and before January first, nineteen hundred seventy-three, a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired on or after April first, nineteen hundred seventy and before January first, nineteen hundred seventy-three, other than for disability, commencing with a payment for the later of the month of July, nineteen hundred eighty-one or the month of July next following the twelve-month period ending June thirtieth in which such pensioner shall have attained age sixty-two and continuing monthly thereafter, there shall be paid to such pensioner a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(3) The amount of such supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal a percentage of the first ten thousand five hundred dollars of the annual retirement allowance computed without optional modification. Such percentage shall be determined by the date or year of retirement in accordance with the table set forth below:

Date of Retirement	Percentage
April 1, 1970 to and including December 31, 1971	eight

1972 calendar year	seven

b-3. (1) Commencing with a payment for the month of July, nineteen hundred eighty-two and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid police department of a city having a population of one million or more who retired during the calendar year nineteen hundred seventy-three, a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired during the calendar year nineteen hundred seventy-three, other than for disability, commencing with a payment for the later of the month of July, nineteen hundred eighty-two or the month of July next following the twelve-month period ending June thirtieth in which such pensioner shall have attained age sixty-two and continuing monthly thereafter, there shall be paid to such pensioner a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(3) The amount of such supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal six per centum of the first ten thousand five hundred dollars of the annual retirement allowance computed without optional modification.

b-4. (1) Commencing with a payment for the month of July, nineteen hundred eighty-three and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid police department of a city having a population of one million or more who retired on or after January first, nineteen hundred seventy-four and before January first, nineteen hundred seventy-seven, a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired on or after January first, nineteen hundrd seventy-four and before January first, nineteen hundred seventy-seven, other than for disability, commencing with a payment for the later of the month of July, nineteen hundred eighty-three of the month of July next following the twelve-month period ending June

thirtieth in which such pensioner shall have attained age sixty-two and continuing monthly thereafter, there shall be paid to such pensioner a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(3) The amount of such supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal a percentage of the first ten thousand five hundred dollars of the annual retirement allowance computed without optional modification. Such percentage shall be determined by the year of retirement in accordance with the table set forth below.

Year of Retirement	Percentage
1974 calendar year	five
1975 calendar year	four
1976 calendar year	three

b-5. (1) Commencing with a payment for the month of July, nineteen hundred eighty-four and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid police department of a city having a population of one million or more who retired on or after January first, nineteen hundred seventy-seven and before January first, nineteen hundred seventy-nine, a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired on or after January first, nineteen hundred seventy-seven and before January first, nineteen hundred seventy-nine, other than for disability, commencing with a payment for the later of the month of July, nineteen hundred eighty-four or the month of July next following the twelve-month period ending June thirtieth in which such pensioner shall have attained age sixty-two and continuing monthly thereafter, there shall be paid to such pensioner a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(3) The amount of such supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal three per centum of the first ten thousand five hundred dollars of the annual

retirement allowance computed without optional modification.

b-6. (1) Commencing with a payment for the month of July, nineteen hundred eighty-five and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid police department of a city having a population of one million or more who retired during the calendar year nineteen hundred seventy-nine, a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired during the calendar year nineteen hundred seventy-nine, other than for disability, commencing with a payment for the later of the month of July, nineteen hundred eighty-five or the month of July next following the twelve month period ending June thirtieth in which such pensioner shall have attained age sixty-two and continuing monthly thereafter, there shall be paid to such pensioner a supplemental retirement allowance determined pursuant to the provisions of paragraph theree of this subdivision.

(3) The amount of such supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal three per centum of the first ten thousand five hundred dollars of the annual retirement allowance computed without optional modification.

b-7. Notwithstanding any other provision of law to the contrary, the spouse of a deceased pensioner of a pension or the retirement system of a paid police department of a city having a population of one million or more, where such pensioner had elected one of the options under the administrative code of such city which provides that benefits are to be continued for the life of such spouse after the death of the pensioner, and where the death of such pensioner occurred or occurs more than thirty days after the effective date of the retirement of such pensioner, shall be entitled to receive a monthly supplemental retirement allowance pursuant to this subdivision. Such monthly supplemental retirement allowance shall be equal in amount to one-half of the monthly supplemental retirement allowance which the pensioner would be receiving if living, and shall commence with a payment for the later of (1) the month of July, nineteen hundred eighty-three, or (2) the month following the month in which the death of the pensioner occurred or occurs or (3) the first month for which such pensioner, if living, would be entitled to receive a monthly supplemental retirement allowance, and such spouse's monthly supplemental retirement allowance shall continue thereafter during the lifetime of such spouse.

c. The supplemental retirement allowance shall be rounded off to the nearest dollar.

d. The benefits hereinabove provided for shall be in lieu of the benefits presently provided by any other general, special or local law unless such benefits are in excess of those provided by this section, in which latter case such benefits shall be paid by the retirement system pursuant to this section.

e. Contributions shall be made to such pension accumulation fund by, or on account of, the municipality at a rate fixed by the actuary or if there be no actuary then by the fiscal officer of the municipality, which shall be computed to be sufficient to provide the benefits established by this section which are payable during the period of time that this section shall be in effect.

f. Nothing herein contained shall be deemed to apply to members of the New York state and local police and fire retirement system.
* NB There are 2 § 207-i's

*** § 207-i. Supplemental retirement allowances of retired firefighters of cities.** Nothing in any general, special or local law, administrative code, ordinance, rule or regulation or pension contract to the contrary notwithstanding a supplemental retirement allowance shall be paid pursuant to the provisions of subdivisions a and b of this section to pensioners of a pension or retirement system of a paid fire department of a city who have retired prior to the calendar year nineteen hundred seventy. Such supplemental retirement allowance under such subdivisions a and b shall be payable on the basis provided for herein, commencing with a payment for the month of October, nineteen hundred sixty-seven, and continuing through the month of September, nineteen hundred seventy-three, except that in the case of pensioners of a pension or retirement system of a paid fire department of a city having a population of one million or more, such payments shall continue monthly thereafter.

a. The supplemental retirement allowance provided for in this subdivision and in subdivision b of this section shall be a percentage of the retirement allowance computed without optional modification and shall be determined on the basis of the consumer price index (all items -- United States city average), published by the United States Bureau of Labor Statistics. Said percentage shall be determined in the manner set forth in this section. Said supplemental retirement allowance shall be computed on the basis of the first ten thousand five hundred dollars of such annual retirement allowance and shall be payable commencing October first, nineteen hundred sixty-seven, to all disability pensioners, and to other pensioners who have attained age sixty-two on or before September thirtieth, nineteen hundred sixty-seven and commencing on April first, nineteen hundred sixty-eight, to such other pensioners who shall have attained age sixty-two on or after October first, nineteen hundred sixty-seven and on or before September thirtieth, nineteen hundred sixty-eight, and commencing on October first, nineteen hundred sixty-eight, to such other pensioners who shall have attained age sixty-two on or after April first, nineteen hundred sixty-eight and on or before September thirtieth, nineteen hundred sixty-eight, and commencing on October first, nineteen hundred sixty-nine, to such other pensioners who shall have attained age sixty-two on or after October first, nineteen hundred sixty-eight and on or before September thirtieth, nineteen hundred sixty-nine, and commencing on October first, nineteen hundred seventy, to such other pensioners who shall have attained age sixty-two on or after October first, nineteen hundred sixty-nine and on or before September thirtieth, nineteen hundred seventy, and commencing on October first, nineteen hundred seventy-two, to such other pensioners who shall have attained age sixty-two on or after October first, nineteen hundred seventy and on or before September thirtieth, nineteen hundred seventy-two, and to each such other pensioner of a pension or retirement system of a paid fire department of a city having a population of one million or more who shall have attained age sixty-two on or after October first, nineteen hundred seventy-two, commencing with a payment for the later of the month of July, nineteen hundred eighty-one or the month of July next following the twelve-month period ending June thirtieth in which such other pensioner who shall have attained age sixty-two on or after October first, nineteen hundred seventy-two shall have attained such age, and continuing thereafter.

b. The percentage referred to in subdivision a hereof shall be determined from the ratio of two indexes, in the following manner. The average of the twelve monthly consumer price indexes of the calendar year nineteen hundred sixty-six or, for a supplemental retirement allowance payable pursuant to this section on or after October first, nineteen hundred sixty-eight, the average of the twelve monthly consumer price indexes of the calendar year nineteen hundred sixty-seven or, for a supplemental retirement allowance payable pursuant to this section on or after October first, nineteen hundred sixty-nine, the average of the twelve monthly consumer price indexes of the calendar year nineteen hundred sixty-eight, or, for a supplemental retirement allowance payable pursuant to this section on or after October first, nineteen hundred seventy, the average of the twelve monthly consumer price indexes of the calendar year nineteen hundred sixty-nine, divided by the average of the twelve monthly consumer price indexes of the calendar year of retirement shall be the ratio of the indexes. Said ratio, minus one, shall be expressed as a percentage and shall be adjusted to the lower one-tenth of one per centum. Such adjusted percentage shall be the percentage of the applicable portion of the retirement allowance, computed without optional modification which shall be payable as a supplemental retirement allowance under subdivision a of this section and under this subdivision. However, no such supplement shall be paid where such percentage is less than three per centum. Such percentage for pensioners who retired prior to April first, nineteen hundred fifty-eight shall be increased by one hundred percentum thereof and the adjusted percentage shall be further adjusted to the lower one-tenth of one percentum. Such percentage shall be computed by the actuary each year and certified to the comptroller who shall, by directive, promulgate a schedule of percentages to be used for this purpose.

b-1. (1) In addition to any supplemental retirement allowance payable in accordance with the provisions of subdivisions a and b of this section, commencing with a payment for the month of July, nineteen hundred eighty-one and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid fire department of a city having a population of one million or more who retired prior to April first, nineteen hundred seventy, an amount of supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired prior to April first, nineteen hundred seventy other than for disability, commencing with a payment for the later of the month of July, nineteen hundred eighty-one or the month of July next following the twelve-month period ending June thirtieth in which such pensioner shall have attained age sixty-two, and continuing monthly thereafter, there shall be paid to such pensioner, in addition to any supplemental retirement allowance payable in accordance with the provisions of subdivisions a and b of this section, an amount of supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(3) The amount of such additional supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal a percentage of the first ten thousand five hundred dollars of the annual retirement allowance computed without optional modification. Such percentage shall be determined by the date or year of retirement in accordance with the table set forth below:

YEAR OR DATE OF RETIREMENT	PERCENTAGE
April 1, 1969 to and including March 31, 1970	twenty-one
January 1, 1968 to and including March 31, 1969	twenty-two
1967	twenty-three
1966	twenty-four
1965	twenty-four
1964	twenty-five

1963	twenty-five
1962	twenty-six
1961	twenty-six
1960	twenty-seven
1959	twenty-seven
1958	twenty-seven
1957	twenty-seven
1956	twenty-eight
1955	twenty-eight
1954	twenty-eight
1953	twenty-eight
1952	twenty-eight
1951 and earlier	twenty-nine

b-2. (1) Commencing with a payment for the month of July, nineteen hundred eighty-one and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid fire department of a city having a population of one million or more who retired on or after April first, nineteen hundred seventy and before January first, nineteen hundred seventy-three, a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired on or after April first, nineteen hundred seventy and before January first, nineteen hundred seventy-three, other than for disability, commencing with a payment for the later of the month of July, nineteen hundred eighty-one or the month of July next following the twelve-month period ending June thirtieth in which such pensioner shall have attained age sixty-two and continuing monthly thereafter, there shall be paid to such pensioner a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(3) The amount of such supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal a percentage of the first ten thousand five hundred dollars of the annual retirement allowance computed without optional modification. Such percentage shall be determined by the date or year of retirement in accordance with the

table set forth below.

DATE OF RETIREMENT	PERCENTAGE
April 1, 1970 to and including December 31, 1971	eight
1972 calendar year	seven

b-3. (1) Commencing with a payment for the month of July, nineteen hundred eighty-two and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid fire department of a city having a population of one million or more who retired during the calendar year nineteen hundred seventy-three, a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired during the calendar year nineteen hundred seventy-three, other than for disability, commencing with a payment for the later of the month of July nineteen hundred eighty-two or the month of July next following the twelve-month period ending June thirtieth in which such pensioner shall have attained age sixty-two and continuing monthly thereafter, there shall be paid to such pensioner a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(3) The amount of such supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal six per centum of the first ten thousand five hundred dollars of the annual retirement allowance computed without optional modification.

b-4. (1) Commencing with a payment for the month of July, nineteen hundred eighty-three and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid fire department of a city having a population of one million or more who retired on or after January first, nineteen hundred seventy-four and before January first, nineteen hundred seventy-seven, a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired on or after January first, nineteen

hundred seventy-four and before January first, nineteen hundred seventy-seven, other than for disability, commencing with a payment for the later of the month of July, nineteen hundred eighty-three or the month of July next following the twelve-month period ending June thirtieth in which such pensioner shall have attained age sixty-two and continuing monthly thereafter, there shall be paid to such pensioner a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(3) The amount of such supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal a percentage of the first ten thousand five hundred of the annual retirement allowance computed without optional modification. Such percentage shall be determined by the year of retirement in accordance with the table set forth below.

YEAR OF RETIREMENT	PERCENTAGE
1974 calendar year	five
1975 calendar year	four
1976 calendar year	three

b-5. (1) Commencing with a payment for the month of July, nineteen hundred eighty-four and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid fire department of a city having a population of one million or more who retired on or after January first, nineteen hundred seventy-seven and before January first, nineteen hundred seventy-nine, a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired on or after January first, nineteen hundred seventy-seven and before January first, nineteen hundred seventy-nine, other than for disability, commencing with a payment for the later of the month of July, nineteen hundred eighty-four or the month of July next following the twelve-month period ending June thirtieth in which such pensioner shall have attained age sixty-two and continuing monthly thereafter, there shall be paid to such pensioner a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(3) The amount of such supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal three per centum of the first ten thousand five hundred dollars of the annual retirement allowance computed without optional modification.

b-6. (1) Commencing with a payment for the month of July, nineteen hundred eighty-five and continuing monthly thereafter, there shall be paid to each disability pensioner of a pension or retirement system of a paid fire department of a city having a population of one million or more who retired during the calendar year nineteen hundred seventy-nine, a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(2) In the case of each pensioner of such a pension or retirement system of such a city who retired during the calendar year nineteen hundred seventy-nine, other than for disability, commencing with a payment for the later of the month of July, nineteen hundred eighty-five or the month of July next following the twelve month period ending June thirtieth in which such pensioner shall have attained age sixty-two and continuing monthly thereafter, there shall be paid to such pensioner a supplemental retirement allowance determined pursuant to the provisions of paragraph three of this subdivision.

(3) The amount of such supplemental retirement allowance referred to in paragraphs one and two of this subdivision shall equal three per centum of the first ten thousand five hundred dollars of the annual retirement allowance computed without optional modification.

b-7. Notwithstanding any other provision of law to the contrary, the spouse of a deceased pensioner of a pension or retirement system of a paid fire department of a city having a population of one million or more, where such pensioner had elected one of the options under the administrative code of such city which provides that benefits are to be continued for the life of such spouse after the death of the pensioner, and where the death of such pensioner occurred or occurs more than thirty days after the effective date of the retirement of such pensioner, shall be entitled to receive a monthly supplemental retirement allowance pursuant to this subdivision. Such monthly supplemental retirement allowance shall be equal in amount to one-half of the monthly supplemental retirement allowance which the pensioner would be receiving if living, and shall commence with a payment for the later of (1) the month of July, nineteen hundred eighty-three, or (2) the month following the month in which the death of the pensioner occurred or occurs, or (3) the first month for which such pensioner, if living, would be entitled to receive a monthly supplemental retirement allowance, and such spouse's monthly supplemental retirement allowance shall continue thereafter during the lifetime of such spouse.

c. The benefits hereinabove provided for shall be in lieu of the benefits presently provided by any other general, special or local law unless such benefits are in excess of those provided by this section, in which latter case such benefits shall be paid by the retirement system pursuant to this section.

d. Contributions shall be made to such pension accumulation fund by, or on account of, the municipality at a rate fixed by the actuary or if there be no actuary then by the fiscal officer of the municipality, which shall be computed to be sufficient to provide the benefits established by this section which are payable during the period of time that this section shall be in effect.

e. The supplemental retirement allowance shall be rounded off to the nearest dollar.

* NB There are 2 § 207-i's

§ 207-ii. Payment of supplemental retirement allowances of retired police officers and firefighters of certain cities. 1. Notwithstanding any other provision of law to the contrary, payment of all supplemental retirement allowances which, for the month of July, nineteen hundred eighty or any subsequent month preceding the month in which the date of enactment of this section occurs, were payable pursuant to section two hundred seven-i of this chapter, as added by chapter five hundred sixty-one of the laws of nineteen hundred sixty-seven, to any pensioner of a pension or retirement system of a paid police department of a city having a population of one million or more whose employment in such department began on or after March twenty-ninth, nineteen hundred forty, shall be deemed to have been the obligation of the pension reserve fund of such pension or retirement system and payment of any such supplemental retirement allowances to any such pensioners for any subsequent month shall be the obligation of such pension reserve fund.

(2) Notwithstanding any other provision of law to the contrary, if a pension reserve fund shall be established by law for a pension or retirement system of a paid fire department of a city having a population of one million or more, the funds of which pension or retirement system did not, prior to July first, nineteen hundred eighty, include a pension reserve fund, payment of all supplemental retirement allowances which, for the month of July, nineteen hundred eighty or any subsequent month preceding the month in which the date of enactment of this section occurs, were payable pursuant to section two hundred seven-i of this chapter, as added by chapter five hundred forty-six of the laws of nineteen hundred sixty-seven, to any pensioner who retired as a member of such pension or retirement system wherein a pension reserve fund is established, and whose employment in such fire department began on or after March twenty-ninth, nineteen hundred forty, shall be deemed to have been the obligation of the pension reserve fund and such pension or retirement system and payment of such supplemental retirement allowances to any such pensioners for any subsequent month shall be the obligation of such pension reserve fund.

(3) With respect to payments of any such supplemental retirement allowances which are referred to in subdivisions one and two of this section and which were made for the month of July, nineteen hundred eighty or any subsequent month preceding the month in which the date of enactment of this section occurs, the actuary of any such pension or retirement system referred to in such subdivisions shall determine the adjustments, if any, which, by reason of any such payments, the applicable provisions of such subdivisions require to be made between the funds of the pension reserve fund of such pension or retirement system and the funds of the supplemental pension fund of the city wherein such system functions, and any such adjustments so determined shall be carried out by resolution of the board of trustees of such pension or retirement system and executive order of the mayor or other chief executive officer of such city.

(4) Notwithstanding any other provision of law to the contrary, all payments of additional supplemental retirement allowances pursuant to section thirty or section thirty-one of chapter six hundred fifty-eight of the laws of nineteen hundred eighty-four to any pensioner of a pension or retirement system of a paid police department of a city having a population of one million or more whose employment in such department began on or after March twenty-ninth, nineteen hundred forty, shall be the obligation of the pension reserve fund of such pension or retirement system.

(5) Notwithstanding any other provision of law to the contrary, all payments of additional supplemental retirement allowances pursuant to section thirty or section thirty-one of chapter six hundred fifty-eight of the laws of nineteen hundred eighty-four to any pensioner of a pension or retirement system of a paid fire department of a city having a population of one million or more whose employment in such department began on or after March twenty-ninth, nineteen hundred forty, shall be the obligation of the pension reserve fund of such pension or retirement system.

§ 207-j. Supplemental pension allowances of certain retired teachers of cities. Nothing in any general, special or local law, administrative code, ordinance, rule or regulation or pension contract to the contrary notwithstanding a supplemental pension allowance shall be paid to pensioners who have retired from a teachers pension or retirement system of a city prior to the calendar year nineteen hundred sixty-eight. Such supplemental pension allowance shall be payable on the basis provided for herein, commencing with a payment for the month of October, nineteen hundred sixty-eight, and continuing through the month of December, nineteen hundred seventy.

a. The supplemental pension allowance provided for herein shall be a percentage of the pension allowance computed without optional modification and shall be determined on the basis of the consumer price index (all items - United States city average), published by the United States Bureau of Labor Statistics. Said percentage shall be determined in the manner set forth in this section. Said supplemental pension allowance shall be computed on the basis of the first seven thousand dollars of such annual pension allowance and shall be payable commencing October first, nineteen hundred sixty-eight, to all disability pensioners, and to other pensioners who have attained age sixty-two on or before September thirtieth, nineteen hundred sixty-eight and commencing on April first, nineteen hundred sixty-nine, to such other pensioners who shall have attained age sixty-two on or after October first, nineteen hundred sixty-eight and on or before September thirtieth, nineteen hundred sixty-nine and commencing on October first, nineteen sixty-nine to such other pensioners who have attained age sixty-two on or before September thirtieth, nineteen hundred sixty-nine and commencing on April first, nineteen hundred seventy, to such other pensioners who shall have attained age sixty-two on or after October first, nineteen hundred sixty-nine and on or before September thirtieth, nineteen hundred seventy.

b. The percentage referred to in subdivision a hereof shall be determined from the ratio of two indexes, in the following manner. The average of the twelve monthly consumer price indexes of the calendar year nineteen hundred sixty-six, or, for a supplemental pension payable pursuant to this section on or after October first, nineteen hundred sixty-nine, the average of the twelve monthly consumer price indexes of the calendar year nineteen hundred sixty-seven, divided by the average of the twelve monthly consumer price indexes of the calendar year of retirement shall be the ratio of the indexes. Said ratio, minus one, shall be expressed as a percentage and shall be adjusted to the lower one-tenth of one per centum. Such adjusted percentage shall be the percentage of the applicable portion of the pension allowance, computed without optional modification which shall be payable as a supplemental pension allowance. However, no such supplement shall be paid where such percentage is less than three per centum. Such percentage shall be computed by the actuary each year and certified to the comptroller who shall, by directive promulgate a schedule of percentages to be used for this purpose. The supplemental pension allowance shall be rounded off to the nearest dollar.

c. The benefits hereinabove provided for shall be in lieu of the benefits presently provided by any other general, special or local law unless such benefits are in excess of those provided by this section, in which latter case such benefits shall be paid by the retirement system pursuant to this section.

d. Contributions shall be made to such pension accumulation fund by, or on account of, the municipality at a rate fixed by the actuary or if there be no actuary then by the fiscal officer of the municipality, which shall be computed to be sufficient to provide the benefits established by this section which are payable during the period of time that this section shall be in effect.

*** § 207-k. Disabilities of policemen and firemen in certain cities.** Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, but except for the purposes of sections two hundred seven-a and two hundred seven-c of this chapter, the workmen's compensation law and the labor law, any condition of impairment of health caused by diseases of the heart, resulting in total or partial disability or death to a paid member of the uniformed force of a paid police department or fire department, where such paid policemen or firemen are drawn from competitive civil service lists, who successfully passed a physical examination on entry into the service of such respective department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence.

* NB Expired July 1, 1973

* NB There are 2 § 207-k's

*** § 207-k. Disabilities of policemen and firemen in certain cities.** a. Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, but except for the purposes of sections two hundred seven-a and two hundred seven-c of this article, the workers' compensation law and the labor law, any condition of impairment of health caused by diseases of the heart, or by a stroke, resulting in total or partial disability or death to a paid member of the uniformed force of a paid police department or fire department, where such paid policemen or firemen are drawn from competitive civil service lists, who successfully passed a physical examination on entry into the service of such respective department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence.

b. The provisions of this section shall remain in full force and effect to and including the thirtieth day of June, nineteen hundred seventy-four.

* NB Expired July 1, 1995 per subdivision 2; see retirement and social security law § 480 for expiration

* NB There are 2 § 207-k's

*** § 207-kk. Disabilities of firefighters in certain cities caused by cancer.** Notwithstanding any other provisions of this chapter to the contrary, any condition of impairment of health caused by (i) any condition of cancer affecting the lymphatic, digestive, hematological, urinary, neurological, breast, reproductive, endocrine/thyroid or prostate systems or (ii) melanoma resulting in total or partial disability or death to a paid member of a fire department in a city with a population of one million or more, or any retired member of such department who has been retired for five or less years, who successfully passed a physical examination on entry into the service of such department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty unless the contrary be proved by competent evidence. The provisions of this section shall remain in full force and effect pursuant to section four hundred eighty of the retirement and social security law.

* NB Expires per § 480 of the retirement and social security law

§ 207-kkk. Disabilities of firefighters in certain cities caused by

Parkinson's Disease. Notwithstanding any other provisions of this chapter to the contrary, any condition of impairment of health caused by Parkinson's Disease resulting in total or partial disability or death to a paid member of a fire department in a city with a population of one million or more, or any retired member of such department who has been retired for two or less years, who successfully passed a physical examination on entry into the service of such department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty unless the contrary be proved by competent evidence.

§ 207-l. Temporary supplemental retirement allowances for certain police officers in towns and villages. Notwithstanding the provisions of any general, special or local law, charter or administrative code to the contrary, a supplemental retirement allowance may be paid to pensioners of a pension or retirement system of a paid police department of a town or village who have retired prior to the calendar year nineteen hundred seventy. Such supplemental retirement allowance shall be payable on the basis provided for herein, commencing with a payment for the month of October, nineteen hundred seventy-one and continuing through the month of September, nineteen hundred seventy-three.

a. The supplemental retirement allowance provided for herein shall be a percentage of the retirement allowance computed without optional modification and shall be determined on the basis of the consumer price index (all items--United States city average), published by the United States Bureau of Labor Statistics. Said percentage shall be determined in the manner set forth in this section. Said supplemental retirement allowance shall be computed on the basis of the first eight thousand dollars of such annual retirement allowance and shall be payable commencing October first, nineteen hundred seventy-one, to all disability pensioners, and to other pensioners who have attained age sixty-two on or before September thirtieth, nineteen hundred seventy-one, and commencing on April first, nineteen hundred seventy-two, to such other pensioners who shall have attained age sixty-two on or after October first, nineteen hundred seventy-one and on or before September thirtieth, nineteen hundred seventy-two.

b. The percentage referred to in subdivision a hereof shall be determined from the ratio of two indexes, in the following manner. The average of the twelve monthly consumer price indexes of the calendar year nineteen hundred sixty-nine, divided by the average of the twelve monthly consumer price indexes of the calendar year of retirement shall be the ratio of the indexes. Said ratio, minus one, shall be expressed as a percentage and shall be adjusted to the lower one-tenth of one per centum. Such adjusted percentage shall be the percentage of the applicable portion of the retirement allowance, computed without optional modification which shall be payable as a supplemental retirement allowance. However, no such supplement shall be paid where such percentage is less than three per centum. Such percentage for pensioners who retired prior to April first, nineteen hundred fifty-eight shall be increased by sixty per centum thereof and the adjusted percentage shall be further adjusted to the lower one-tenth of one per centum. Such percentage shall be computed by the actuary each year and certified to the comptroller who shall, by directive, promulgate a schedule of percentages to be used for this purpose.

c. The supplemental retirement allowance shall be rounded off to the nearest dollar.

d. The benefits hereinabove provided for shall be in lieu of the benefits presently provided by any other general, special or local law unless such benefits are in excess of those provided by this section, in which latter case such benefits shall be paid by the retirement system pursuant to this section.

e. Contributions shall be made to such pension accumulation fund by, or on account of, the municipality at a rate fixed by the actuary or if there be no actuary then by the fiscal officer of the municipality, which shall be computed to be sufficient to provide the benefits established by this section which are payable during the period of time that this section shall be in effect.

f. Nothing herein contained shall be deemed to apply to members of the state employees' retirement system.

§ 207-n. Performance of duty disability retirement. Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, but except for the purposes of the workers' compensation law and the labor law, a paid member of the uniformed force of a paid correction department, where such paid member is drawn from competitive civil service lists, who successfully passed a physical examination on entry into the service of such department, who contracts HIV (where there may have been exposure to a bodily fluid of an incarcerated individual or any person confined in an institution under the jurisdiction of the department of corrections and community supervision, or the department of health, or any person who has been committed to such institution by any court as a natural and proximate result of an act of any incarcerated individual or person described above, that may have involved transmission of a specified transmissible disease from an incarcerated individual or person described above to the member), tuberculosis or hepatitis will be presumed to have contracted such disease in the performance or discharge of his or her duties, unless the contrary be proved by competent evidence.

*** § 207-o. Performance of duty disability retirement.** Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, but except for the purposes of the workers' compensation law and the labor law, a paid employee who performs the functions of an emergency medical technician or advanced emergency medical technician, where such employee is drawn from competitive civil service lists and successfully passed a physical examination on employment, who, on or after March seventeenth, nineteen hundred ninety-six, contracts HIV (where the employee may have been exposed to a bodily fluid of a person under his or her care or treatment, or while the employee examined, transported or otherwise had contact with such person, in the performance of his or her duties) tuberculosis or hepatitis, will be presumed to have contracted such disease as a natural and proximate result of an accidental injury received in the performance or discharge of his or her duties and not resulting from his or her willful negligence, unless the contrary be proved by competent evidence.

* NB There are 2 § 207-o's

*** § 207-o. Disabilities of members of the uniformed force of correction departments in certain cities.** 1. Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, but except for the purposes of the workers' compensation law and the labor law, any condition of impairment of health caused by diseases of the heart, resulting in total or partial disability or death to a paid member of the uniformed force of a paid correction department, where such paid member is drawn from competitive civil service lists, who successfully passed a physical examination on entry into the service of such department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence.

2. The provisions of this section shall remain in full force and effect to and including the thirtieth day of June, nineteen hundred ninety-nine at which time the provisions of this section shall be deemed to be repealed.

* NB Expired July 1, 1995 per subdivision 2; see retirement and social security law § 480 for expiration

* NB There are 2 § 207-o's

§ 207-p. Performance of duty disability retirement; police and fire department. Notwithstanding any other provision of this chapter or administrative code to the contrary, any paid member of a fire department and/or a paid police department, in a city with a population of one million or more who successfully passed a physical examination upon entry into the service of such department who contracts HIV (where the employee may have been exposed to a bodily fluid of a person under his or her care or treatment, or while the employee examined, transported, rescued or otherwise had contact with such person, in the performance of his or her duties), tuberculosis or hepatitis, will be presumed to have contracted such disease as a natural or proximate result of an accidental injury received in the performance and discharge of his or her duties and not as a result of his or her willful negligence, unless the contrary be provided by competent evidence.

*** § 207-q. Firefighters; presumption in certain diseases.** Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, and for the purposes of this chapter, any condition of impairment of health caused by diseases of the lung, resulting in total or partial disability or death to a uniformed member of a paid fire department, where such member successfully passed a physical examination on entry into such service or subsequent thereto, which examination failed to reveal any evidence of such conditions, shall be presumptive evidence that such disability or death (1) was caused by the natural and proximate result of an accident, not caused by such firefighter's own negligence and (2) was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence. The provisions of this section shall remain in full force and effect to and including the thirtieth day of June, two thousand eight.

* NB Expired July 1, 2008

* NB There are 2 § 207-q's

*** § 207-q. Disabilities of emergency medical technicians or advanced emergency medical technicians in certain cities.** a. Disabilities of persons performing emergency medical services in certain cities. Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, but except for the purposes of the workers' compensation law and the labor law, any condition of impairment of health caused by diseases of the heart resulting in total or partial disability or death to a paid employee of a fire department who performs the functions of an emergency medical technician or advanced emergency medical technician in a city with a population of one million or more, where such employee is drawn from competitive civil service lists, who successfully passed a physical examination on entry into the service of such department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance of duty, unless the contrary be proved by competent evidence.

b. The provisions of this section shall remain in full force and effect to and including the thirtieth day of June, two thousand three.

* NB Expired July 1, 2003 per subdivision 2; see retirement and social security law § 480 for expiration

* NB There are 2 § 207-q's

§ 208. Members of police force to have one day rest in seven. Notwithstanding the provisions of any general or special law, every member of the police force in a city, county, town or village, except in case of an emergency, shall be allowed at least twenty-four consecutive hours of rest in any calendar week, without diminution of the salary or compensation as fixed by or pursuant to law. The term "emergency" within the meaning of this section shall be deemed to mean and include, a national war, a strike or riot, a conflagration, a general or special election, a public celebration, and other like public emergencies requiring attendance by the police force.

§ 208-a. School guards. The duly constituted authorities of any city, town, or village or any county police department or police district may designate, authorize and appoint such a number of persons as such authority shall deem necessary, and at such salaries as such authority shall deem advisable, as school crossing guards to aid in protecting school children going to and from school, and church crossing guards to aid in protecting persons going to and from places of worship, and for such purpose shall have power to control vehicular traffic within such municipality. A board of education or trustees of a school district may enter into an agreement with any city, town, village or county police department or police district whereby such school district pays for all or any portion of the salaries of the school crossing guards providing services pursuant to this section to the students of such district. Notwithstanding any agreement entered into pursuant to this section, school crossing guards shall not be considered employees of the school district. The authority of a board of education or trustees of a school district to enter into such agreement shall only exist when such agreement results in an increase to the number of school crossing guards employed by the city, town, village, county police department or police district.

§ 208-b. Death benefits for beneficiaries of certain police officers and firefighters. 1. Notwithstanding any other provision of law, and in addition to any benefits otherwise provided, death benefit may be payable upon the death of a regular member of a police department or police force or of a fire department in a county not wholly contained within a city, a city having a population of less than one million, or a town, village, or other subdivision of government, or agency of such a county having a regular police department or force or fire department, hereinafter referred to as a municipality, if, upon application therefor, the chief officer of the municipality maintaining such department or force shall determine, on the basis of the evidence, that such member:

a. Died within one year after, and as the natural and proximate result of injuries sustained at a definite time and place and incurred in the performance of duty as a member of such department or force, and

b. Did not cause such accident by his own wilful negligence.

2. The death benefit shall be paid by the municipality upon the allowance of the claim therefor, and shall consist of:

a. An amount equal to the salary received by such member either during the year immediately preceding his death, or during the year preceding such injuries, whichever is greater and

b. One thousand dollars, or ten percent of the deceased member's final salary, whichever is higher, payable for each child of such member under eighteen on the date of the member's death.

3. The death benefit shall be paid to:

a. The member's widow, or if he shall leave no widow, or if his widow shall die before receiving the total of the amounts provided in subdivision two hereof, then to

b. His child or children under age eighteen, in equal amounts.

4. Application for death benefit shall be made:

a. By the member's widow.

b. By any of his children.

c. By any person in behalf of the widow or children.

5. Application for death benefit shall be made:

a. To the chief fiscal officer of the municipality, on a form to be prescribed and supplied by him and requiring such information as he shall determine necessary.

b. Within thirty days after the death of the member, provided, however, that failure to file the application within thirty days may be excused on petition to and order of a justice of the supreme court having jurisdiction, upon a showing either

1. That a sufficient reason exists why such notice was not given.

2. That a report or other notice was made or given to the department or force of the injuries within the thirty day period.

3. That the municipality has not been prejudiced by the delay in

giving the notice.

§ 208-c. Death benefits for dependent fathers or dependent mothers of certain police officers and firefighters. 1. Notwithstanding any other provision of law, and in addition to any benefits otherwise provided, any municipality, as enumerated in section two hundred eight-b of this chapter, may elect to make the death benefit provided thereunder available and paid to the dependent father or dependent mother, as he shall have nominated by written designation duly acknowledged and filed with the chief officer of the municipality maintaining such police department, or police force, or fire department; or, if there be no such nomination, then to his dependent father or dependent mother, as such chief officer, in his discretion, shall determine if

(a) The member shall leave no widow, or if his widow shall die before receiving the total of the amounts provided in subdivision two of section two hundred eight-b of this chapter, and

(b) He has no child or children under the age of eighteen surviving.

2. Application for such death benefit shall be made by the member's dependent father or dependent mother in the manner provided in subdivision four of section two hundred eight-b of this chapter.

*** § 208-d. Extra work by members of certain police forces.** Notwithstanding the provisions of any general, special or local law or any rule or regulation of any police department or commissioner or head thereof, any member of a police force of a housing authority of any municipality may engage in extra work for another employer outside his regular hours of duty for not exceeding twenty hours a week provided that such extra work does not interfere or conflict with his regular duties as a member of the police force of such a housing authority or his availability for emergency duty nor affect his physical condition to the extent that it impairs his ability to efficiently perform such duties and further provided that the type of employment shall first be approved by the appropriate housing police department or housing police chief.

* NB There are 3 § 208-d's

*** § 208-d. Compensation during disability.** 1. Notwithstanding the provisions of any general, special or local law, any member of a police force in a village or town to which the rules and regulations of the state civil service shall have been extended prior to January first, nineteen hundred fourteen, who, through no fault or misconduct on his part is disabled by injuries received in the discharge of his duties, or who, as a result of illness attributable to the performance of such duties, shall, when certified to by a duly licensed physician or physicians designated by the board of trustees of the village or town board of the town, as the case may be, stating that the said member is physically or mentally incapacitated for the performance of police duty, be paid by the village or town by which he is employed the full amount of his regular compensation or wages until his disability arising therefrom has ceased, or until such time as such physician or physicians shall certify to the board of trustees of the village or the town board that said member has recovered and is physically fit to do part time police duty or that such member is permanently disabled and unfit to perform any police duty and shall recommend that said member be retired from the said force as provided by law.

2. Notwithstanding any provision of law to the contrary thereto contained herein or elsewhere, a cause of action shall accrue to the village or town aforesaid for reimbursement in such sum or sums actually paid as a salary or wages and/or for medical or hospital treatment, as against any third party against whom the police officers shall have a cause of action for the injuries sustained.

* NB There are 3 § 208-d's

*** § 208-d. Extra work by members of a police force in cities.** Notwithstanding the provisions of any general, special or local law or any rule or regulation of any police department or commissioner or head thereof, any member of a police force of a city may engage in extra work for another employer outside his regular hours of duty for not exceeding twenty hours a week provided that such extra work does not interfere or conflict with his regular duties as a member of the force or his availability for emergency duty nor affect his physical condition to the extent that it impairs his ability to efficiently perform such duties and further provided that the type of employment shall first be approved by the appropriate police department or police commissioner.

* NB There are 3 § 208-d's

§ 208-e. Extra work by members of certain police forces. Notwithstanding the provisions of any general, special or local law or any rule or regulation of any police department or commissioner or head thereof, any member of a police force of a transit authority with facilities in any municipality may engage in extra work for another employer outside his regular hours of duty for not exceeding twenty hours a week provided that such extra work does not interfere or conflict with his regular duties as a member of the police force of such a transit authority or his availability for emergency duty nor affect his physical condition to the extent that it impairs his ability to efficiently perform such duties and further provided that the type of employment shall first be approved by the appropriate transit authority.

§ 208-f. Special accidental death benefit. a. Notwithstanding any other provision of law, the special accidental death benefit provided by this section shall be paid to the widow or widower or the deceased member's children under the age of eighteen, or, if a student under the age of twenty-three, if the widow or widower has died, or to the deceased member's parents if the member has no widow, widower, children under the age of eighteen, or a student under the age of twenty-three, of: (i) a deceased member of a pension or retirement system of a police department or paid fire department of a city, town or village; (ii) a deceased paid member of the police force of the police department of the New York city transit authority; (iii) a deceased paid member of the police force of the police department of the New York city housing authority; (iv) a deceased paid member of the uniformed correction force of the New York city department of correction; (v) a deceased paid uniformed member of a county sheriff's department (outside the city of New York); (vi) a deceased employee of the city of New York or the New York city health and hospitals corporation in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or in a title whose duties require the supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law); (vii) a deceased paid bridge and tunnel member of the New York city employees' retirement system; (viii) a deceased paid member of the uniformed force of the New York city department of sanitation; or (ix) a deceased paid deputy sheriff member of the New York city sheriff's department, providing the widow or widower is ineligible to receive benefits pursuant to section three hundred sixty-one-a of the retirement and social security law as amended by chapter seven hundred thirty-three of the laws of nineteen hundred ninety and the deceased member:

1. Died before the effective date of his or her retirement, as the natural and proximate result of an accident sustained in the performance of duty in the service upon which his membership was based, and

2. Did not cause such accident by his or her own willful negligence, and

3. At the time of such accident was actually a member of: (i) a pension or retirement system of a police department or paid fire department of a city, town or village; (ii) a pension or retirement system covering the police force of the police department of the New York city transit authority; (iii) a pension or retirement system covering the police force of the police department of the New York city housing authority; (iv) a pension or retirement system covering the uniformed correction force of the New York city department of correction; (v) a pension or retirement system covering uniformed members of a county sheriff's department (outside the city of New York); (vi) a pension or retirement system covering employees of the city of New York, or the New York city health and hospitals corporation in a

title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or in a title whose duties require the supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law); (vii) a pension or retirement system covering paid bridge and tunnel members of the New York city employees' retirement system; (viii) a pension or retirement system covering paid members of the uniformed force of the New York city department of sanitation; or (ix) a pension or retirement system covering paid deputy sheriff members of the New York city sheriff's department.

b. The special accidental death benefit shall be paid by the county, city, town or village which employed the deceased member at the time of death, and shall consist of a pension which is equal to the salary of the deceased member, reduced by the sum of each of the following benefits received by the widow or widower or the deceased member's children under the age of eighteen, if the widow or widower has died, or to the deceased member's parents if the member has no widow, widower, children under the age of eighteen, or a student under the age of twenty-three, on account of the death of the deceased member:

1. Any death benefit and any supplementation thereto paid by the said county, city, town or village in the form of a pension, and

2. The social security benefit payable on July first, nineteen hundred seventy-eight for death occurring prior to July first, nineteen hundred seventy-eight; or the social security benefit payable immediately after death if such death occurs on or after July first, nineteen hundred seventy-eight. In the event the social security benefit is reduced to an amount less than that noted in this paragraph, the amount of special accidental death benefit shall be increased by the amount of the social security reduction.

3. The workers' compensation benefit.

In the case of a deceased member who died prior to January first, nineteen hundred seventy-eight the salary shall be increased by a percentage which shall be determined on the basis of the consumer price index (all items--U.S. city average), published by the United States bureau of labor statistics. The percentage shall be determined as the ratio of two indexes, the denominator of which is the average of the twelve monthly consumer price indexes of the calendar year of the death of the member and the numerator of which is the average of the twelve monthly consumer price indexes for the calendar year nineteen hundred seventy-seven. Said ratio, minus one, shall be expressed as a percentage and shall be adjusted to the nearest one-tenth of one per centum.

c. Commencing July first, two thousand twenty-six the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, or to the deceased member's parents if the member has no widow, widower, children under the age of eighteen, or a student under the age of twenty-three, shall be escalated by adding thereto an additional percentage of the salary of the deceased member (as increased pursuant to subdivision b of this section) in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	325.6%
1978	313.2%
1979	301.2%
1980	289.5%
1981	278.2%
1982	267.1%
1983	256.5%
1984	246.1%
1985	236.0%
1986	226.2%
1987	216.7%
1988	207.5%
1989	198.5%
1990	189.8%

1991	181.4%
1992	173.2%
1993	165.2%
1994	157.5%
1995	150.0%
1996	142.7%
1997	135.7%
1998	128.8%
1999	122.1%
2000	115.7%
2001	109.4%
2002	103.3%
2003	97.4%
2004	91.6%
2005	86.0%
2006	80.6%
2007	75.4%
2008	70.2%
2009	65.3%
2010	60.5%
2011	55.8%
2012	51.3%
2013	46.9%
2014	42.6%
2015	38.4%
2016	34.4%
2017	30.5%
2018	26.7%
2019	23.0%
2020	19.4%
2021	15.9%
2022	12.6%
2023	9.3%
2024	6.1%
2025	3.0%
2026	0.0%

d. For the purpose of this section, salary shall be the regular compensation earned during the member's last twelve months of service in full pay status as a member, or, if he or she had not completed twelve months of service prior to the date of death, the compensation he or she would have earned had he or she worked for the twelve months prior to such date, provided, that for the purpose of any payment on or after July first, nineteen hundred ninety-five the term salary shall in no case be less than the full salary payable to a first grade police officer (in the case of a deceased police officer) or a first grade firefighter (in the case of a deceased firefighter) employed by a department or uniformed force described in subdivision c of this section on the date of such employee's death. Provided further, that for the purpose of any payment on or after July first, nineteen hundred ninety-six the term salary shall in no case be less than the earnings that would have been payable to a police superior officer were he or she in the highest grade of a supervisory position (in the case of a police superior officer deceased on or after July first, nineteen hundred ninety-five who had been appointed to and was serving in such a supervisory position) or payable to a fire officer were he or she in the highest grade of a supervisory position (in the case of a fire officer deceased on or after July first, nineteen hundred ninety-five who had been appointed to and was serving in such a supervisory position) employed by a department or uniformed force described in subdivision c of this section on the date of such employee's death, and provided further that, for the purpose of any payment on or after September tenth, two thousand one, in the case of a police officer, a firefighter, a police superior officer, or fire officer acting in a higher rank, the term salary shall in no case be less than the earnings that would have been payable at the highest grade of such higher rank.

e. There shall be appropriated to the general fund an amount equal to the special accidental death benefits paid pursuant to subdivisions b and c of this section during each preceding state fiscal year, as certified to the comptroller by the appropriate municipal official, for the purposes of reimbursing such special accidental death benefits.

The monies appropriated and made available pursuant to this subdivision shall be paid under rules and regulations adopted by the comptroller and subject to the approval of the director of the budget upon the audit and warrant of the comptroller on vouchers certified or approved as provided by law.

f. The special accidental death benefit shall be paid to:

1. The member's widow or widower to continue during his or her lifetime. If he or she shall leave no widow or widower, or if his or her widow or widower shall die before all his or her children shall have attained age eighteen or, if students shall have attained the age of twenty-three, or sooner die, then to

2. His or her child or children under age eighteen, or, if students, under age twenty-three, divided in such manner as the comptroller, in his discretion, shall determine, or sooner die, then to

3. His or her parents if the member has no widow, widower, children under the age of eighteen, or a student under the age of twenty-three, for their lifetimes. Such pension shall continue in the same amount as received by the member's widow or widower as a joint and survivor pension until every such child shall have attained age eighteen or sooner die.

g. Notwithstanding any other provision of law to the contrary, and solely for the purposes of this section, a member otherwise covered by this section shall be deemed to have died as the natural and proximate result of an accident sustained in the performance of duty upon which his or her membership is based, and not as a result of willful negligence on his or her part, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on such active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services.

h. Notwithstanding any other provision of law, if (i) a member of a pension or retirement system covering a police department or paid fire department of a city, town or village; (ii) a member of a pension or retirement system covering the uniformed corrections force of the New York city department of corrections; (iii) a member of a pension or retirement system covering a county sheriff's department (outside of the city of New York); (iv) a deputy sheriff member of the New York city employees' retirement system; (v) a member of the New York city employees' retirement system who is an employee of the city of New York or the New York city health and hospitals corporation in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or in a title whose duties require the supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law); (vi) a bridge and tunnel member of the New York city employees' retirement system, who: (1) has met the criteria of subdivision g of section sixty-three of the retirement and social security law, subdivision g of section three hundred sixty-three of the retirement and social security law, subdivision h of section three hundred sixty-three-bb of the retirement and social security law, subdivision g of section five hundred seven of the retirement and social security law, subdivision c of section five hundred seven-c of the retirement and social security law, subdivision h of section five hundred fifty-six of the retirement and social security law, subdivision h of section six hundred five of the retirement and social security law, subdivision h of section six hundred five-a of the retirement and social security law, subdivision d of section six hundred five-b of the retirement and social security law as added by chapter five hundred four of the laws of two thousand two, subdivision b of section six hundred five-c of the retirement and social security law, subdivision c of section six hundred seven-b of the retirement and social security law, subdivision one of section 13-252.1 of the administrative code of the city of New York, subdivision one of section 13-353.1 of the administrative code of the city of New York, or subdivision b of section

13-168 of the administrative code of the city of New York; and (2) dies in active service from a qualifying condition or impairment of health, as defined in each of the foregoing subdivisions, that is determined by the applicable head of the retirement system or applicable medical board to have been caused by such member's participation in the World Trade Center rescue, recovery or cleanup operations, then unless the contrary be proven by competent evidence, such member shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on his or her part. Upon such determination, the eligible beneficiary of such member, as defined in either section sixty-one, five hundred one or six hundred one of the retirement and social security law, section 13-149, 13-244 or 13-347 of the administrative code of the city of New York shall be entitled to a special accidental death benefit as provided by this section, payable in accordance with subdivisions b, c and d of this section.

i. Notwithstanding any other provision of law, if (i) a retiree of a pension or retirement system covering a police department or paid fire department of a city, town or village; (ii) a retiree of a pension or retirement system covering the uniformed corrections force of the New York city department of corrections; (iii) a retiree of a pension or retirement system covering a county sheriff's department (outside of the city of New York); (iv) a retired deputy sheriff member of the New York city employees' retirement system; (v) a retired member of the New York city employees' retirement system who was an employee of the city of New York or the New York city health and hospitals corporation in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) or in a title whose duties require the supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law); or (vi) a retired bridge and tunnel member of the New York city employees' retirement system, who: (1) has met the criteria of subdivision g of section sixty-three of the retirement and social security law, subdivision g of section three hundred sixty-three of the retirement and social security law, subdivision h of section three hundred sixty-three-bb of the retirement and social security law, subdivision g of section five hundred seven of the retirement and social security law, subdivision c of section five hundred seven-c of the retirement and social security law, subdivision h of section five hundred fifty-six of the retirement and social security law, subdivision h of section six hundred five of the retirement and social security law, subdivision h of section six hundred five-a of the retirement and social security law, subdivision d of section six hundred five-b of the retirement and social security law as added by chapter five hundred four of the laws of two thousand two, subdivision b of section six hundred five-c of the retirement and social security law, subdivision c of section six hundred seven-b of the retirement and social security law, subdivision one of section 13-252.1 of the administrative code of the city of New York, subdivision one of section 13-353.1 of the administrative code of the city of New York, or subdivision b of section 13-168 of the administrative code of the city of New York, or would have met the criteria if not already retired on an accidental disability; and (2) has not been retired for more than thirty-five years; and (3) dies from a qualifying condition or impairment of health, as defined in each of the foregoing subdivisions, that is determined by the applicable head of the retirement system or applicable medical board to have been caused by such retiree's participation in the World Trade Center rescue, recovery or cleanup operations, then unless the contrary be proven by competent evidence, such retiree shall be deemed to have died as a natural and proximate result of an accident sustained in the performance of duty and not as a result of willful negligence on such retiree's part. Upon such determination, the eligible beneficiary of such retiree, as defined in either section sixty-one, five hundred one or six hundred one of the retirement and social security law or section 13-149, 13-244, or 13-347 of the administrative code of the city of New York shall be entitled to a special accidental death benefit as provided by this section, payable in accordance with subdivisions b, c and d of this section, however, for the purposes of determining the salary base upon which the special accidental death benefit is calculated, the retiree shall be deemed to have died on the date of such retiree's retirement. In no event shall the special accidental death benefit be paid unless a written application is made by the eligible beneficiary of such retiree to the head of the applicable retirement system requesting conversion of the retiree's service or disability benefit to an accidental death benefit and upon the approval of said application. At the time of such conversion, the eligible beneficiary shall relinquish all rights to the prospective benefits under the service or disability retirement benefit, including any post-retirement death benefits, since the retiree's death. If the eligible beneficiary is not the only beneficiary receiving or entitled to receive a benefit under the service or disability retirement benefit (including, but not limited to, post-retirement death benefits or benefits paid or payable pursuant to the retiree's option selection), the special accidental death benefit payments to the eligible beneficiary will be reduced by any amounts paid or payable to any other beneficiary.

j. In the case of a deceased member who died prior to the effective date of this subdivision, the payment of the benefit to the deceased member's parents shall commence on the effective date of this subdivision, provided, however that the benefit amount shall be deemed to have been subject to annual increases pursuant to subdivision b of this section and escalation pursuant to subdivision c of this section, from the date of such member's death.

k. In the case of a deceased county member who died prior to the effective date of this subdivision, the payment of the benefit to the deceased member's beneficiaries pursuant to subdivision f of this section, shall commence on the effective date of this subdivision, provided, however that the benefit amount shall be deemed to have been subject to annual increases pursuant to subdivision b of this section and escalation pursuant to subdivision c of this section, from the date of such member's death.

§ 208-g. Community activity by members of a police force. The provisions of any general, special or local law or any rule or regulation to the contrary notwithstanding, including any rule or regulation of any police department or commissioner or head thereof, any member of a police force of a municipal corporation, including, the definition of municipal corporation in this chapter notwithstanding, the city of New York, may accept any additional place or position in another adjacent or nearby municipal corporation, including the city of New York, provided that such additional place or position is limited to volunteer work as a member or volunteer in, of, or for a community board, not-for-profit corporation, volunteer fire department, or other similar community-oriented entity, so long as any such activity shall occur outside his or her regular hours of duty for not exceeding twenty hours a week and provided that such extra work does not interfere or conflict with his or her regular duties as a member of the force or his or her availability for emergency duty nor affect his or her physical condition to the extent that it impairs his or her ability to efficiently perform such duties, and further provided that the type of activity shall first be approved by the appropriate police department or police commissioner.

§ 208-h. Cardiopulmonary resuscitation training and retraining for police departments in cities having a population of one million or more 1. For the purposes of this section, "cardiopulmonary resuscitation" shall have the same meaning as provided in subdivision six of section six hundred twenty-one of the general business law.

2. Every police department in a city having a population of one million or more shall provide all uniformed personnel of such department training in cardiopulmonary resuscitation and direct that such training be completed at least every two years to the extent practicable, but no later than every four years.

§ 209. Outside service by local fire departments, companies, ambulance districts and airport crash-fire-rescue units. 1. The fire department of any city, village or fire district, the fire companies serving territory outside of villages and fire districts in any town and the fire departments of any town which has a town fire department, an ambulance district and a county or public authority which operates an airport crash-fire-rescue unit, may answer calls for assistance outside the area regularly served and protected by such fire department or fire companies, ambulance district or crash-fire-rescue unit and may engage and participate in fire training programs in territory outside the area regularly served and protected by such fire department, fire companies, ambulance districts or crash-fire-rescue unit. While in the performance of their duties under this subdivision, the members of such departments, companies, districts or crash-fire-rescue units shall have the same immunities and privileges as if such duties were performed within the area regularly served and protected by such departments, companies, districts or crash-fire-rescue units. While responding to a call for assistance under this subdivision a city, village, fire district, ambulance district, town or county or public authority operating an airport crash-fire-rescue unit shall be liable for the negligence of firefighters of the city fire department, village fire department, fire district fire department, town fire department, ambulance district or crash-fire-rescue unit, respectively, occurring in the performance of their duties in the same manner and to the same extent as if such negligence occurred in the performance of their duties within the area regularly served and protected by such departments, districts or units. The legislative body of any county, city or village, the board of fire commissioners or other governing board of any fire district, ambulance district or public authority or the town board of any town in relation to the fire companies serving territory outside of villages and fire districts or in relation to a town fire department, or ambulance district, as the case may be, by resolution may restrict such outside service and training to such extent as it shall deem advisable. Any such resolution shall continue in effect until amended or repealed by the adoption of a subsequent resolution. The officer in charge of any fire department or fire company or ambulance district shall be notified promptly of the adoption of any such resolution and of any amendment or repeal thereof. In a county, city, or in a village or town, such action may be taken by local law or by ordinance instead of by resolution. As used in this section, the terms "fire department", "fire companies", "ambulance service" and "crash-fire-rescue unit" shall include all companies, squads, patrols or other units of such departments, companies or units, or volunteer ambulance services organized pursuant to section one hundred twenty-two-b of this chapter, and the term "assistance" includes the services of firefighting forces, fire police squads, ambulance services, emergency rescue and first aid squads rendered in case of a fire or other emergency, including stand-by service, to aid (1) a fire department or fire company, and (2) owners or occupants of property, and other persons, whether or not such owners, occupants or persons are receiving fire or other emergency service from another fire department or fire company or ambulance service. Except as otherwise provided by law in the case of natural disaster emergencies, a call to furnish assistance may be made by any person aware of the peril involved and the need for assistance or pursuant to any legally authorized or recognized plan for the furnishing of mutual aid in cases of fire or other emergency. The call need not originate in the municipal corporation, district or area liable for the payment of financial benefits in the event of the death or injury of a firefighter or ambulance or rescue squad member engaged in rendering such assistance. The call may be relayed through one or more persons or mediums of communication. The provisions of this subdivision shall supersede the provisions of any general, special or local law to the extent that there is a conflict between the provisions of this subdivision and such law, except that if (1) any city had, prior to April fifteenth, nineteen hundred fifty, restricted in any manner the fire department of the city from engaging in service outside the city or (2) any city, village, fire district or town has heretofore restricted in any manner a fire department or fire company or ambulance service from engaging in service or training pursuant to the provisions of this subdivision, such restrictions shall continue in effect until changed pursuant to the provisions of this subdivision.

2. Any loss or damage to, or expense incurred in the operation of, fire apparatus or other equipment answering a call for assistance from outside territory, as provided for in subdivision one of this section or otherwise, and the cost of any materials used in connection with such call, shall be a charge against and paid by the city, village, fire district, ambulance district or by the town in relation to territory in the town located in (1) a fire protection district, (2) a fire alarm district, (3) or ambulance district or (4) the territory in the town

outside of any village, fire district or any such fire protection district or fire alarm district, ambulance district, which issued the call for assistance. No such claim, however, shall be allowed unless, within sixty days after such loss or damage has been sustained, or such expense has been incurred, or such materials have been used, written notice thereof be served by mail or otherwise on the comptroller or chief financial officer of the city, the village clerk of the village, the secretary of the fire district, the clerk of the ambulance district or the town clerk of the town in relation to the territory in the town located as aforesaid, from which issued the call for assistance.

3. In cities such loss, damage, expense or cost shall be a city charge and audited and paid as other city charges. In villages such loss, damage, expense or cost shall be a village charge and shall be audited and paid in the same manner as village charges, and shall be assessed upon the property liable to taxation in said village, and levied and collected in the same manner as village taxes. In fire districts or ambulance districts such loss, damage, expense or cost shall be audited and paid in the same manner as other fire district or ambulance district charges, and shall be assessed and levied upon the property liable to taxation in such district and collected in the same manner as other fire or ambulance district charges. The limitations on fire district expenditures set forth in subdivision eighteen of section one hundred seventy-six of the town law shall not be applicable to appropriations or expenditures for the purpose of paying any such loss, damage, expense or cost.

4. In towns which do not contain a city, village, fire district, fire protection district, ambulance district or fire alarm district, such loss, damage, expense or cost shall be a town charge audited and paid in the same manner as town charges. In fire protection districts, fire alarm districts, or territory outside of cities, villages, fire districts, ambulance districts or any such fire protection or fire alarm district, such loss, damage, expense or cost shall be a town charge, audited and paid in the same manner as town charges, and shall be assessed upon the property liable to taxation in such fire protection district, fire alarm district or territory outside of cities, villages,

fire districts, ambulance districts or such fire protection and fire alarm districts, as the case may be.

5. Provided, however, that nothing contained in this section shall preclude a city, village, fire district, ambulance district or town from entering into a reciprocal fire protection agreement with the state of New York and the head of any military department of the United States government, which agreement shall waive all compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of said reciprocal fire protection agreement. Provided further, however, that any reciprocal fire protection agreement entered into under the authority of this subdivision may provide for the reimbursement for any and all costs incurred by the party issuing the call for assistance.

§ 209-a. Relations with other states and the dominion of Canada. 1. Whenever a volunteer fire company or department of this state shall answer a call for assistance from any political subdivision or territory of another state of the United States, or of the Dominion of Canada, or property ceded to the federal government, the provisions of section two hundred five of this chapter and the provisions of the workers' compensation law shall apply with respect to the volunteer firefighters of such fire company or department, while such assistance is being rendered or while going to or returning from the place from whence such call came, to the same extent and in the same manner as if such service had been rendered in the area regularly served by such volunteer firefighters; provided, however, that there shall be deducted from any amounts payable under such section or such law, any amounts recoverable by or payable to such volunteer firefighters under the laws applicable in the political subdivision or territory from whence the call for assistance came.

2. The provisions of sections two hundred five and two hundred nine of this chapter shall apply with respect to volunteer firefighters, fire departments and companies of other states of the United States and of the Dominion of Canada that render service in this state in answer to a

call for assistance, provided that the laws of the state served by such volunteer firefighters, fire departments or companies, or of the Dominion of Canada, as the case may be, contain provisions under which substantially similar benefits are granted to volunteer firefighters, fire departments and companies of this state when rendering service in such other states, or the Dominion of Canada, as the case may be, in answer to a call for assistance, and provided further that there shall be deducted from any amounts payable under the provisions of section two hundred five of this article to volunteer firefighters of such other states or of the Dominion of Canada, any amounts recoverable by or payable to such volunteer firefighters under the laws of the state served by such volunteer firefighters or of the Dominion of Canada, as the case may be.

3. The provisions of this section shall not apply where a volunteer firefighter of this state, or of another state, or of the Dominion of Canada, as the case may be, is killed or injured, on or after the first day of March, nineteen hundred fifty-seven, or dies from the effects of injuries received on or after such date.

*** § 209-aa. Paid leave for disaster service volunteers.** 1. Members of the uniformed force of the fire department of the city of New York who are certified disaster service volunteers of the American red cross shall be granted leave from work with regular pay to participate in specialized disaster relief operations upon written request for the services of such members by the American red cross and upon the approval of the fire commissioner, which approval shall not be unreasonably withheld.

2. The paid leave set forth in subdivision one of this section shall be provided for a cumulative total of no more than one hundred days of paid leave for all participating members during any fiscal year of the fire department of the city of New York.

3. The fire department of the city of New York shall promulgate appropriate guidelines for the participation of members of the uniformed

force as certified disaster service volunteers of the American red cross within ninety days after the effective date of this section.

* NB There are 2 § 209-aa's

*** § 209-aa. Appointment of private college campus security officers at independent non-profit colleges.** 1. Notwithstanding any other provision of law to the contrary, the chief law enforcement officer charged with oversight of law enforcement throughout a city having a population of less than one million may appoint as private college campus security officers security guards employed by an independent non-profit college upon the request of such independent non-profit college in accordance with the provisions of section sixty-four hundred thirty-five of the education law. The chief law enforcement officer may appoint such campus security officers pursuant to this section only if more than fifty percent of the total acreage of real property owned by or under the control of such independent non-profit college is located within such city and the city council, pursuant to local law or resolution duly adopted, has authorized such chief law enforcement officer to make appointments pursuant to this section. Any such security guards appointed as campus security officers shall be employees of the independent non-profit college requesting such appointment and shall not be officers, agents, servants or employees of such chief law enforcement officer or his city of jurisdiction nor be considered public officers, agents, servants or employees. Such campus security officers shall only have the powers set forth in section sixty-four hundred thirty-five of the education law.

2. The chief law enforcement officer may condition appointment as private college campus security officers upon compliance by such campus security officers with written procedures established by such chief law enforcement officer in order to ensure a coordinated and cooperative law enforcement effort and the payment of an administrative fee not to exceed fifty dollars per year per campus security officer and may revoke such appointments at any time for material non-compliance with the requirements of such written procedures or section sixty-four hundred thirty-five of the education law or for any other reason that shall

disqualify a security guard from being a campus security officer pursuant to the provisions of such section.

* NB There are 2 § 209-aa's

§ 209-b. Emergency rescue and first aid squads. 1. Emergencies. a. The authorities having control of fire departments and fire companies may organize within such departments or companies emergency rescue and first aid squads composed of firefighters who are members of such departments or companies. Such squads, so organized, may render services in case of accidents, calamities or other emergencies in connection with which their services may be required, as well as in case of alarms of fire. Whether or not such squads have been organized, any firefighter may render service in case of accidents, calamities or other emergencies in connection with which the services of firefighters may be required, as well as in case of alarms of fire, unless he or she shall have been duly ordered not to render such service by the authorities having control of the fire department or company of which he or she is a member. If a request for emergency service is made by, or originates from a doctor or peace officer, acting pursuant to his or her special duties, or police officer, and there is any doubt as to whether an emergency exists, the judgment of the doctor or officer that there is, in fact, an emergency may be accepted as conclusive by such squad, or the firefighter responding, or who has responded to such call. The person designated to receive calls for such emergency services, for the purpose of dispatching such squads or firefighters, shall determine in the first instance from the information furnished to him or her whether an emergency exists and his or her decision, if in good faith, as to whether or not there is an emergency shall be final in relation to dispatching such squads or firefighters. Any such preliminary determination shall not be deemed to authorize the rendition of services if, upon arriving at the place to which dispatched, it is found that there is no emergency.

b. The governing board of any city, town, village or fire district which has a fire department but which has not authorized such fire department to render emergency ambulance service, may contract for the furnishing to it of emergency ambulance service with another city, town, village or fire district which has in its fire department an emergency rescue and first aid squad duly authorized to render emergency ambulance service. Before any contract to furnish emergency ambulance service is entered into, the consents of the fire department, the fire company and the emergency rescue and first aid squad to furnish such emergency ambulance service shall be obtained. Each consent shall be evidenced by a copy of a resolution certified respectively by the secretary of the fire department and fire company and by the officer then in command of the emergency rescue and first aid squad.

2. General ambulance service. a. The governing board of any city, town which has a fire department, village or fire district which has in its fire department an emergency rescue and first aid squad composed mainly of volunteer firefighters, by resolution, may authorize any such squad to furnish general ambulance service for the purpose of (1) transporting any sick, injured or disabled resident or person found within the city, town, village or fire district to a hospital, clinic, sanatorium or other place for treatment and care and returning any such person therefrom if still sick, injured or disabled and (2) transporting any sick, injured or disabled resident of the city, town, village or fire district from a hospital, clinic, sanatorium or other place where such person has received treatment and care to any other place for treatment and care or to such person's home whether such hospital, clinic, sanatorium or other place where such person has received treatment and care is within or without the city, town, village or fire district or the territory listed on the ambulance service certificate or certificate of registration as the usual territory within which the ambulance service operates.

b. The town board of a town which does not have a fire department but in which there is a fire corporation located outside any village, fire district, fire alarm district or fire protection district, by resolution, may authorize the emergency rescue and first aid squad of such fire corporation to furnish general ambulance service for the purpose of (1) transporting any sick, injured or disabled resident or person found within the area described in the certificate of incorporation of the fire corporation to a hospital, clinic, sanatorium or other place for treatment and care and returning any such person therefrom if still sick, injured or disabled and (2) transporting any sick, injured or disabled resident of such described area from a hospital, clinic, sanatorium or other place where such person has received treatment and care to any other place for treatment and care or to such person's home whether such hospital, clinic, sanatorium or other place where such person has received treatment and care is within or without the area described in the certificate of incorporation of such fire corporation or the territory listed on the ambulance service certificate or certificate of registration as the usual territory within which the ambulance service operates.

c. The governing board of a city, village or fire district which by law is authorized to contract to have fire protection furnished for any district or area thereof by the fire department or fire company of another city, town, village or fire district, or a town board on behalf of a fire protection district or fire alarm district, may include in any fire protection contract a provision for the furnishing of general ambulance service by the emergency rescue and first aid squad of the fire department or fire company which furnishes such fire protection. Such general ambulance service shall be for the purpose of (1) transporting any sick, injured or disabled resident or person found within the contract district or area to a hospital, clinic, sanatorium or other place for treatment and care and returning any such person therefrom if still sick, injured or disabled and (2) transporting any sick, injured or disabled resident of such contract district or area from a hospital, clinic, sanatorium or other place where such person has received treatment and care to any other place for treatment and care or to such person's home whether such hospital, clinic, sanatorium or other place where such person has received treatment and care is within or without the contract district or area or the territory listed on the ambulance service certificate or certificate of registration as the usual territory within which the ambulance service operates. The city, town, village, fire district or the fire department or fire company thereof which is authorized to furnish such fire protection pursuant to contract shall have power to contract to furnish such general ambulance service.

d. Before any authorization is granted under paragraphs a and b of this subdivision, or before any contract to furnish general ambulance service is entered into pursuant to paragraph c of this subdivision, and before any public hearing is conducted as herein provided, the consents of the fire department, the fire company and the emergency rescue and first aid squad to furnish the general ambulance service shall be obtained. Each consent shall be evidenced by a copy of a resolution certified, respectively, by the secretary of the fire department and fire company and by the officer then in command of the emergency rescue and first aid squad.

e. Before authorizing general ambulance service under paragraphs a and b of this subdivision the governing board of a city, town, village or fire district shall conduct a public hearing. Before the governing board of a city, town, village or fire district enters into a contract for fire protection which contract, for the first time for a specific district or area, provides for the furnishing of general ambulance service pursuant to paragraph c of this subdivision, it shall conduct a public hearing in the manner required by law, if any, for the entering into of a fire protection contract therefor, but if a public hearing is not required in any such case, then the public hearing shall be held as herein provided and the procedure for publishing notice under this paragraph shall be applicable. Notice of such hearing shall be published at least once in a newspaper or newspapers having general circulation in the city, town, village or fire district, or, in the case of contracts, in the fire alarm district, fire protection district, or other contract area. In all cases the notice of hearing shall, in general terms, (1) describe the general ambulance service which is proposed to be furnished, (2) describe the area to be served, (3) state the names of the fire department, fire companies and emergency rescue and first aid squad affected, (4) state the time and place within the city, town, village or fire district, or, in the case of contracts, the fire alarm district, fire protection district, or other contract area, where such hearing will be held and (5) state that all persons residing within the area to be served, all persons, firms and corporations owning real property within the area to be served, and all persons, firms and corporations whose business interests or employment would either be benefited or adversely affected, whether or not a resident or owner of real property within the area to be served, shall have the right to be heard in person or by representative at the public hearing. Such notice shall be published at least ten days prior to the date fixed for the hearing.

f. After the hearing and after considering the statements made at the hearing the governing board shall determine whether authorizing the furnishing of general ambulance service, or the entering into of a contract for general ambulance service, is in the public interest. If the governing board determines that it is in the public interest to authorize the furnishing of general ambulance service, or to enter into a contract for general ambulance service, it shall adopt the resolution authorizing the same and within ten days thereafter cause a certified copy of the resolution and the determination on which it is based to be filed in the office of the clerk of the county or counties in which the city, town, village or fire district is located. The consents required by paragraph d of this subdivision shall be filed with such resolution and determination.

g. The determination of the governing board in relation to the furnishing of general ambulance service shall be subject to review in the manner provided in article seventy-eight of the civil practice law and rules provided that application has been made therefor within thirty days from the date of the filing thereof. Such determination shall become final and conclusive and the resolution shall become effective at the expiration of such thirty days or, if application for review be made, upon the final determination thereof.

h. When general ambulance service is authorized pursuant to this subdivision, the emergency rescue and first aid squad shall answer all calls and demands for such service to be furnished to sick, injured or disabled persons entitled thereto, subject to such rules and regulations as shall be prescribed by authorities having control of such squad, and subject at all times to the emergency needs of the fire department and any limitations upon such service specified in a fire protection contract. Such rules and regulations may establish limitations on the distances which may be traveled outside the area to be served in order to reach hospitals, clinics, sanatoriums or other places where care and treatment is to be or has been furnished.

i. Any action taken pursuant to this subdivision may be rescinded by resolution of the governing board which has taken such action. The term "resolution", as used in this subdivision two, means resolution, ordinance, act or local law.

j. The provisions of this subdivision two shall apply to all cities, towns, villages and fire districts, except where the provisions of a general or special law expressly prohibit the rendition of general ambulance service by an emergency rescue and first aid squad of the fire department thereof.

3. Transportation of persons. Squads and persons authorized to render service pursuant to this section shall transport sick, injured or disabled persons only in vehicles owned by or under the control of a city, town, village, fire district, a fire department or a fire company unless ordered or permitted to transport such persons in other vehicles by the authorities having control of the fire department or fire company of which he is a member.

3-a. Mutual aid. a. The governing board of any city, town which has a fire department, village or fire district which has in its fire department an emergency rescue and first aid squad composed mainly of volunteer firefighters, may, by resolution authorize any such squad to enter into one or more mutual aid agreements as defined in subdivision twenty of section three thousand one of the public health law, and/or to contract with ambulance services as defined in subdivisions two and three of section three thousand one of the public health law to provide services when the emergency rescue and first aid squad is unavailable.

b. The town board of a town which does not have a fire department but in which there is a fire corporation located outside any village, fire district, fire alarm district or fire protection district may, by resolution, authorize the emergency rescue and first aid squad of such fire corporation to enter into one or more mutual aid agreements as defined in subdivision twenty of section three thousand one of the public health law, and/or to contract with ambulance services as defined in subdivisions two and three of section three thousand one of the public health law to provide services when the emergency rescue and first aid squad is unavailable.

* 4. Fees and charges authorized. (a) Subject to the restrictions set forth in paragraph (d) of this subdivision, emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the public health law, authorized pursuant to this section may be furnished without cost to the person served; provided, however, that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide such service or services may fix a schedule of fees or charges to be paid by persons requesting such service or services. The authorities having control of a fire department or fire company may provide for the collection of fees and charges or may formulate rules and regulations for the collection thereof by the fire department or fire company. When fees and charges are authorized pursuant to this subdivision, the fees and charges collected shall be disbursed in accordance with a written contract entered into between the authority having control of a fire department or fire company and the fire department or fire company itself. If the authorities having control of a fire department or fire company have authorized such fire department or fire company to fix a schedule of fees or charges to be paid by persons requesting such service or services, and seek participation in and reimbursement from the medical assistance program, the authorities having control of a fire department or fire company shall adhere to any medical assistance enrollment and billing requirements applicable to such services prior to receiving reimbursement. The acceptance by any firefighter of any personal remuneration or gratuity, directly or indirectly, from a person served shall be a ground for his or her expulsion or suspension as a member of the fire department or fire company.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, a basic life support service which establishes a schedule of fees for service shall enter into a contract with a provider or providers of advanced life support services to provide such advanced life support services. Such contract shall at a minimum establish the fees for advanced life support services and the means by which said provider will be reimbursed when the ambulance service bills for emergency medical service.

(c) An emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the public health law, authorized pursuant to this section which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services. In the absence of any agreed upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable.

(d) An emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the public health law, authorized pursuant to this section to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service's primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the commissioner of health pursuant to section three thousand five of the public health law, on or before January first, two thousand twenty-two.

(e) An emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the public health law, authorized pursuant to this section shall not directly issue a bill for its services to any uninsured recipient of such services.

* NB Effective until April 9, 2031

* 4. Fees and charges prohibited. Emergency and general ambulance service authorized pursuant to this section shall be furnished without

cost to the person served. The acceptance by any firefighter of any personal remuneration or gratuity, directly or indirectly, from a person served shall be a ground for his or her expulsion or suspension as a member of the fire department or fire company.

* NB Effective April 9, 2031

5. The term "emergency", as used in this chapter, or in any other law of general application, in relation to the operations of fire departments, includes, unless a contrary intent is clearly expressed or indicated, the search for persons and the search for, and attempts to recover or the recovery of, bodies of persons even though it is posible or is known that all hope of life is gone.

§ 209-bb. Specialized teams; volunteer wilderness/inland search and rescue teams. 1. a. By resolution, after a public hearing the governing body of each county, city and town is authorized, respectively, to establish, maintain and supervise municipal-wide and inter-municipal specialized teams.

b. Counties, cities and towns are authorized to appropriate and expend such sums as are deemed necessary to establish and maintain specialized teams pursuant to this section.

c. Municipalities and organizations that insure volunteer firefighters, volunteer ambulance workers or municipal employees, as the term "employee" is defined under section eighteen of the public officers law, may extend such insurance coverage to members of a specialized team by resolution.

d. For the purposes of this section, "specialized teams" shall mean any emergency team or squad composed of volunteer firefighters, volunteer ambulance workers or municipal employees, who shall have attained the minimum level of training or experience to meet qualifying standards established by the office of fire prevention and control, and which is administered by the state, a county, city or town for the purposes of training for or responding to a man made or natural disaster by carrying out any activities which are within the relevant training and expertise of such municipal employees or are authorized pursuant to the volunteer firefighters' benefit law or the volunteer ambulance workers' benefit law but which are not normally provided by such entities.

2. a. The governing body of each county, city, town and village is authorized, respectively, to contract for the assistance of a volunteer wilderness/inland search and rescue team for the purpose of locating and rescuing an individual or individuals.

b. No municipality shall be liable for the injury, death or damage to a volunteer wilderness/inland search and rescue team or its members occurring during the performance of the activities authorized by this section. Such team and its members shall indemnify and hold harmless the municipality that contracted for assistance with such volunteer wilderness/inland search and rescue team pursuant to this section against any claim of liability for any injury, death or property damage that may occur as a result of an act of such team and its members, including, but not limited to, any indemnity paid, attorneys' fees, costs and litigation expenses. The provisions of this subdivision shall not apply when the municipality has engaged in willful misconduct, gross negligence or recklessness.

c. For purposes of this section, "volunteer wilderness/inland search and rescue team" or "team" shall mean an organization: whose members have obtained a minimum level of training or experience as may be established by the department of environmental conservation's office of public protection; that is formed for the purpose of locating and rescuing, or recovering, a known individual or known individuals, in an unknown location, whose safety may be threatened by conditions related to the environment or other factors; that is incorporated under the laws of New York state; and that operates not for pecuniary profit or financial gain.

d. For the purposes of this section, "volunteer wilderness/inland search and rescue team member" shall mean an active volunteer member of a volunteer search and rescue team who meets the minimum level of training or experience pursuant to paragraph c of this subdivision and is specified on a list regularly maintained by the volunteer wilderness/inland search and rescue team. Such list shall be provided to a requesting municipality. In addition, for purposes of this section, a volunteer wilderness/inland search and rescue team member shall be an independent contractor and shall not be considered an officer or employee of the contracting municipality.

3. Whenever a law enforcement agency or other state agency is engaged in a search or rescue operation, any volunteer wilderness/inland search and rescue team involved in such operation shall be subject to the command and control of the law enforcement or other state agency conducting such operation.

§ 209-c. Fire police squads of fire departments and fire companies. The authorities having control of fire departments and fire companies may organize within such departments or companies fire police squads composed of volunteer firefighters who are members of such departments or companies. Members of fire police squads, so organized, at such times as the fire department, fire company or an emergency rescue and first aid squad of the fire department or fire company are on duty, or when, on orders of the chief of the fire department or fire company of which they are members, they are separately engaged in response to a call for assistance pursuant to the provisions of section two hundred nine of this article, shall have the powers of and render service as peace officers. A member of a fire police squad shall take an oath of office as a fire police officer in the following form: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of fire police officer of the .... fire company (or fire department), according to the best of my ability." Such oath shall be filed in the office of the city clerk in the case of a firefighter of a fire company or fire department in a city, in the office of the village clerk in the case of a firefighter of a fire company or fire department in a village, and in the office of the town clerk in all other cases. Notwithstanding any other provision of law to the contrary, a member of a fire police squad shall have satisfied any requirement for training as provided by any general or local law if the person has satisfactorily completed a training course offered by the state office of fire prevention and control, or an equivalent course as approved by the state office of fire prevention and control.

§ 209-cc. Notification of presence of wild animals and dangerous dogs. 1. The knowledge of the presence of dangerous wild animals, and dangerous dogs, in the context of emergency services responses, is necessary to protect public safety and the safety of emergency services personnel.

2. As used in this section:

(a) the term "emergency services personnel" means fire, police, and ambulance personnel.

(b) the term "person" means any individual, partnership, corporation, association, or other entity.

(c) the term "wild animal" means any or all of the following orders and families:

(1) Nonhuman primates and prosimians;

(2) Felidae (with the exception of domesticated cats);

(3) Canidae (with the exception of domesticated dogs);

(4) Ursidae;

(5) All venomous snakes and all constrictors and python snakes that are ten feet or greater in length; and

(6) Crocodilia that are five feet or greater in length.

(d) the term "dangerous dog" means a dog found dangerous pursuant to the provisions of section one hundred twenty-three of the agriculture and markets law.

3. The state fire administrator, in consultation with the department of environmental conservation, shall develop and maintain a list of the common names of wild animals to be reported.

4. Except for pet dealers as defined in section seven hundred fifty-two-a of the general business law and zoological facilities and other exhibitors licensed pursuant to title 7 U.S.C. sections 2133 and 2134, and in the case of dangerous dogs except for licensed veterinarians in temporary possession of such dogs, every person owning, possessing, or harboring a wild animal or a dangerous dog within this state shall report the presence thereof to the clerk of the city, town, or village in which such wild animal or dangerous dog is owned, possessed, or harbored. Such report shall be filed annually on a date to be determined by the state fire administrator in the manner prescribed by the state fire administrator. A separate report shall be filed for each street address at which any such wild animal or dangerous dog may be found.

5. Such clerk shall forward a copy of such report to each state police troop, county sheriff, and municipal police agency having jurisdiction over the location of such wild animal or dangerous dog. A copy thereof shall also be forwarded to each fire department, fire corporation, or fire company serving such location and to each ambulance or emergency medical service department, ambulance corporation, or ambulance or emergency medical service company serving such location. In lieu of forwarding a copy of each report, the clerk may compile the contents of the several reports, and forward the compilation.

6. Any person who fails to report the presence of a wild animal or dangerous dog as required in this section shall be subject to a civil penalty of not more than two hundred fifty dollars for the first offense, and upon being found guilty of a second or subsequent offense, by a civil penalty of not less than two hundred fifty dollars or more than one thousand dollars. Except as otherwise provided by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of a person found guilty thereof.

§ 209-d. Contracts for outside service by volunteer fire departments and companies. Notwithstanding any other provision of law, no contract shall be made by a municipality or fire district whereby the services of a volunteer fire department or company are to be supplied outside of such municipality or fire district to provide (1) fire protection, (2) emergency service in case of accidents, calamities or other emergencies, or (3) general ambulance service pursuant to the provisions of section two hundred nine-b of this article, unless such volunteer fire department or company consents thereto. Any such contract may provide for the payment of a portion of the consideration expressed therein to such volunteer fire department or company to be expended for fire department or company purposes only. If the municipality or fire district owns all of the fire apparatus to be used in carrying out the contract, the portion of the consideration which may be paid to such volunteer fire department or company shall not exceed thirty-five per centum, unless a greater portion was being so paid on March fifteenth, nineteen hundred forty-one, under a contract entered into on or before that date, in which event a not greater portion than was being paid on said date may be paid to such volunteer fire department or company in respect to any contract entered into on or after such date. No payments shall be made to individual volunteer firefighters as compensation for rendering such outside service.

§ 209-dd. Discovery of unlawful drug laboratory. All emergency services personnel, as defined in section two hundred nine-cc of this article, shall be provided with information on recognizing the signs of an unlawful methamphetamine laboratory. Pursuant to section 19.27 of the mental hygiene law, the office of alcoholism and substance abuse services shall make such information on recognizing the signs of unlawful methamphetamine laboratories available to such personnel. Emergency services personnel shall notify or cause to be notified the division of state police regarding the location of any such unlawful methamphetamine laboratory.

§ 209-e. Fire mobilization and mutual aid plan. 1. Plan. The state fire administrator shall prepare a state fire mobilization and mutual aid plan which may provide for the establishment of fire mobilization and mutual aid zones of the state. Upon filing of the plan in the office of fire prevention and control such plan shall become the state fire mobilization and mutual aid plan. Such plan may be amended from time to time in the same manner as originally adopted.

2. Regional fire administrators. The state fire administrator may appoint and remove a regional fire administrator for each fire mobilization and mutual aid zone established pursuant to the state fire mobilization and mutual aid plan. Before he or she enters on the duties of the office, each regional fire administrator shall take and subscribe before an officer authorized by law to administer oaths the constitutional oath of office, which shall be administered and certified by the officer taking the same without compensation and shall be filed in the office of the secretary of state.

3. Regulations. The commissioner of the division of homeland security and emergency services, in consultation with the state fire administrator, may make regulations and issue orders which he or she may deem necessary to implement the state fire mobilization and mutual aid plan and carry out the purposes of this section.

4. Powers. Whenever a county, city, town, village or fire district shall request, or whenever the governor shall determine that the public interest so requires, the state fire administrator shall possess and exercise the powers, functions and duties set forth in the state fire mobilization and mutual aid plan.

5. Standard thread. The state fire mobilization and mutual aid plan shall prescribe a standard hose thread for the state, and each county, city, town, village or fire district not equipped with the same may be required either to recut its threads to such standard or provide adapters whereby the same may be brought to such standards.

6. Records. The state fire administrator shall keep a permanent public record of the activations of the state fire mobilization and mutual aid

plan, showing how, when and where it was activated and when such activation was terminated.

7. Reimbursement of assisting municipal corporations or fire districts. Whenever the governor activates the state fire mobilization and mutual aid plan pursuant to subdivision four of this section, claims submitted by an assisting municipal corporation or fire district for expenses allowed by subdivision two of section two hundred nine-g of this article made in performance of its duties on behalf of a receiving municipality or fire district pursuant to such plan may be reimbursed in the first instance by the state from any local assistance appropriation established for such purpose. Reimbursements of such claims from such appropriation may be made only upon certification of such claim by the state fire administrator to the state comptroller and audit of such claim by the state comptroller prior to payment. Expenditures for such reimbursements from such appropriation shall be considered a liability for outside aid as described in section two hundred nine-g of this article and shall be repaid by the municipality or fire district receiving assistance pursuant to the state fire mobilization and mutual aid plan.

8. Hazardous materials incident plan. The state fire administrator shall prepare a hazardous materials incident plan which shall complement and become a part of the plan required by subdivision one of this section. The plan shall provide for the mobilization and coordination of fire service resources in response to emergencies which involve or may involve hazardous materials and shall establish hazardous materials incidents response zones and criteria for recognized regional hazardous materials incidents response teams. The office of fire prevention and control, by and through the state fire administrator or his or her duly authorized officers and employees, is authorized to approve grants of funds from monies allocated and appropriated therefor for expenditures of municipal corporations for hazardous materials incidents planning and equipment, pursuant to applicable rules and regulations promulgated by the commissioner of the division of homeland security and emergency services, in consultation with the state fire administrator, and approved by the director of the budget.

§ 209-ee. Adoption of a code of ethics and disclosure of interests by fire companies. 1. Notwithstanding any provision of general, special or local law to the contrary, every fire company that contracts with or is under the control of a county, city, town, village or fire district to provide fire protection or other emergency service, shall adopt a code of ethics. Such code shall set forth the standards of conduct reasonably expected.

2. Any elected and/or appointed officer of a volunteer fire company responsible for governance, including but not limited to a line officer, treasurer, president, vice president and secretary, who has, will have, or later acquires an interest in or whose spouse has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the fire company of which he or she is a member, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the governing body thereof as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body.

3. a. For the purpose of this section the term fire company shall have the same meaning as defined in section three of the volunteer firefighters' benefit law.

b. For the purpose of this section the term interest shall mean a direct or indirect pecuniary or material benefit accruing to an elected and/or appointed officer of a volunteer company as the result of a contract with the fire entity which he or she serves. For the purposes of this article an elected and/or appointed officer of a volunteer company shall be deemed to have an interest in the contract of (i) his or her spouse, minor children and dependents, (ii) a firm, partnership or association of which such individual is a member or employee, (iii) a corporation of which such individual is an officer, director or employee and (iv) a corporation any stock of which is owned or controlled directly or indirectly by such individual.

c. The disclosure requirement of subdivision two of this section shall not apply to the following:

(i) a contract with a corporation in which an individual has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such individual; or

(ii) a contract in which an individual has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars.

§ 209-f. Outside service by local police forces; mobilization by governor; powers of sheriffs. 1. Whenever the public interest requires it, the governor may, in his discretion, authorize and direct the superintendent of state police, the sheriff of a county, the commissioner of the Nassau county police department and the head of the police department or force of any county, city, town or village of the state, to detail, assign, and make available for duty and use in any county, town, city or village of the state requesting their aid, assistance and use, under the direction and command of such officer as the governor may designate, all or any part of the deputies, forces, equipment and supplies under the command and control of such superintendent, sheriff, commissioner or head, as the case may be. While engaged in duty and rendering service in such county, town, city or village, the deputies, officers and members of such police forces shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in the civil or political subdivision in or by which they are normally employed.

2. a. Notwithstanding any inconsistent provision of law, general, special or local, the sheriff of any county may, when the public interest requires it, declare a state of special emergency in any part or parts of his county where the public peace is threatened or where

life or property may be endangered, after first advising the governor, by telegram, facsimile or other electronic means that he is about to do so.

b. During the continuance of any such emergency so declared and until it has been terminated by the sheriff who declared it or by the governor, the sheriff who declared such emergency: (1) May, after having received a request for aid from the chief executive officer of a city, town or village located within his county, request the chief executive officer of any other city, town or village located within his county, and the administrative head of any parkway police force and any state park police force which operates within his county, and the head of a county police department in his county, to detail, assign and make available for duty and use in the city, town or village requesting the aid, a part of the forces, equipment and supplies of the police department or police force of the municipality, parkway and state park police force, and county police department whose aid is requested, and the chief executive officer of such city, town or village, and the administrative head of such parkway and state park police force, and the head of a county police department, is hereby authorized and empowered to grant any request so made, and (2) shall have the power to request any or any number of sheriffs in the state to aid him by detailing, assigning and making available to him, for duty and use in his county, such number of their deputy sheriffs as may be available, together with equipment and supplies, and to deputize as emergency special deputy sheriffs of his county any or all personnel so supplied by the sheriff of any other county, and the sheriff of any county to whom such a request is made is hereby authorized and empowered to grant any request so made.

c. All or any part of the personnel, equipment and supplies furnished by the sheriff of another county in response to a request therefor, as aforesaid, may be detailed, assigned and made available for duty and use, by the requesting sheriff, (1) in a city, town or village which had requested aid, as aforesaid, provided there is need therefor to supplement the aid already provided by another municipality or by a parkway and/or state park police force, or a county police department, or any combination thereof, or if there is need therefor because no such aid was provided, or pending the arrival of such other aid, and (2) in any part of the county of the requesting sheriff which is outside a city or incorporated village and which, in the opinion of the requesting sheriff, is in need thereof to maintain the public peace or to prevent life or property becoming endangered.

d. While engaged in duty and rendering service in any city, town, village or elsewhere, as aforesaid, the officers and members of any such police department or police force, and any responding sheriff and his deputies, so assigned and made available for duty and use shall have the same powers, duties, rights, benefits, privileges and immunities as if they were performing their duties in the civil or political subdivision in or by which they are normally employed, and all thereof, for the purpose of the workmen's compensation law, shall be deemed to be engaged in the course of their employment from the time they report for such duty until they return to the civil or political subdivision in or by which they are normally employed.

e. The chief executive officer of a municipality who requested aid, as aforesaid, with the consent of the chief of police of his police department or police force if any such there be, may deactivate any or all of the manpower furnished, upon his request for aid, by another municipality, parkway and/or state park police force, and/or a county police department. Manpower so furnished as aid to a municipality not having a police department or force may be deactivated by the chief executive officer thereof with the consent of the sheriff of the county in which it is located.

f. A municipality may, by local law, delegate to the chief of police of its police department or police force the power hereby granted to its chief executive officer to request aid.

g. If the chief executive officer of any such city, town or village is absent or disabled, the chief of police thereof may make such request for aid, grant a request therefor, and deactivate manpower furnished in response to request therefor. If any such municipality does not have a chief of police a person empowered by the local legislative body may so act, except with respect to deactivating manpower furnished upon request.

h. As used in this section: (a) The term "chief executive officer" shall mean: (1) In the case of a city the mayor, except in a city having a city manager where it shall mean such city manager, and (2) in the case of a town the supervisor or presiding supervisor, and (3) in the case of a village the mayor, except in a village having a president or manager where it shall mean such president or manager; (b) The term "municipality" shall mean a city, town or village.

(i) All powers vested in the sheriff by this section shall only be exercised in the county of Nassau by the county executive of Nassau county.

§ 209-ff. Provisions relating to certain accidental disability benefits. 1. Notwithstanding the provisions of subdivisions a and b of section five hundred seven of the retirement and social security law, a police/fire member in active service, a New York city uniformed correction/sanitation revised plan member in active service or an investigator revised plan member in active service shall be eligible for the accidental disability benefit provided in such section five hundred seven, regardless of whether he or she is eligible for a normal service retirement benefit. For the purposes of this section, the terms "police/fire member" and "active service" shall have the same meanings as defined in section five hundred one of the retirement and social security law.

2. Notwithstanding the provision of any general, special or local law, charter or administrative code to the contrary, subdivision d of section five hundred seven of the retirement and social security law shall not apply to retired police/fire members, retired New York city uniformed correction/sanitation revised plan members and retired investigator revised plan members who receive accidental disability retirement allowances. Such retirees shall be subject to post retirement medical examinations, and where applicable, modification of retirement

allowance, following such examinations, in the same manner and under the same conditions prescribed by law immediately prior to the first of April, two thousand twelve for retired New York city uniformed correction/sanitation revised plan members, and prior to the first of July, two thousand nine for retired police/fire members and retired investigator revised plan members.

§ 209-fff. Provisions relating to a membership date in the New York city police pension fund or the fire department pension fund attributable to service in the titles of police cadet program and police cadet program II in the New York city police department cadet program. 1. Notwithstanding any provision of law to the contrary, upon election, any member of the New York city police pension fund or the New York city fire department pension fund who is subject to article fourteen of the retirement and social security law, and who served in the New York city police department cadet program in the title of police cadet program or police cadet program II prior to April first, two thousand twelve, but did not join the New York city employees' retirement system while serving in either such title, may purchase credit for the period of service in such titles in the New York city police department cadet program by paying into the New York city police pension fund or the New York city fire department pension fund all member contributions plus interest, at a rate of five percent per annum, which would have been payable to the New York city employees' retirement system under any provision of law had such member joined the New York city employees' retirement system on the earliest date that such member was appointed to the title of police cadet program or police cadet program II in the New York city police department cadet program, provided such payment, for members of the New York city police pension fund, is made within five years of the effective date of chapter four hundred thirty-one of the laws of two thousand nineteen. For members of the New York city fire department pension fund, such payment must be made within five years of the effective date of the chapter of the laws of two thousand twenty-four which amended this section.

2. Any member of the New York city police pension fund or the New York

city fire department pension fund who acquires service credit pursuant to this section shall be entitled to all rights, benefits and privileges to which such member would have been entitled had such member's membership in the New York city police pension fund or the New York city fire department pension fund begun upon the earliest date that such member was appointed to the title of police cadet program or police cadet program II in the New York city police department cadet program, but in no event shall the service credit acquired pursuant to this section be deemed to be: (a) service in the police force or any other type of service counted or creditable as service in the police force under section 13-218 of the administrative code of the city of New York; (b) service in the fire department of the city of New York or any other type of service counted or creditable as service in such fire department under section 13-318 of the administrative code of the city of New York; or (c) service under section five hundred thirteen of the retirement and social security law or any other provision of law for purposes of eligibility for benefits and to determine the amount of benefits under the New York city police pension fund or the New York city fire department pension fund.

§ 209-g. Liability for outside aid. 1. Notwithstanding any inconsistent provision of law, general, special or local, any county, city, town, village or fire district requesting fire aid pursuant to section two hundred nine-e of this article or any county, city, town or village requesting police aid pursuant to section two hundred nine-f of this article, shall be liable and responsible to the assisting municipal corporation or fire district for any loss of or damage to apparatus or equipment or supplies and shall bear and pay the expense incurred in the operation and maintenance of any apparatus or equipment and the cost of materials and supplies used or consumed in rendering such aid and assistance, but such liability and responsibility shall not apply or extend to apparatus, equipment, materials and supplies owned or supplied by the state.

2. The state or assisting municipal corporation or fire district in such case shall be liable for salaries or other compensation to the

assisting forces furnished during the time they shall not be performing their duties for the state or for the assisting municipal corporation or fire district and shall defray the actual traveling and maintenance expense of such assisting forces while they are rendering such aid and assistance, but the receiving municipal corporation or fire district shall reimburse the assisting municipal corporation or fire district for any moneys paid for such salaries or other compensation and traveling and maintenance expense. Any such claim for loss, damage, expense or cost shall not be allowed unless within sixty days after the same shall have been sustained or incurred a written notice of such claim, under oath, itemizing such loss, damage, expense or cost, is served by mail or otherwise upon the comptroller or chief fiscal officer of such receiving municipal corporation or fire district. An assisting municipal corporation or fire district may assume any such loss, damage, expense or cost or loan such equipment and apparatus or donate such services to the receiving municipal corporation or fire district without charge or cost.

3. A county, city, town, village or fire district shall be liable for all payments to be made to or on behalf of injured volunteer firefighters or to representatives of deceased volunteer firefighters pursuant to and in accordance with the provisions of the volunteer firefighters' benefit law. The amount so paid by a town shall be assessed in the manner provided in such law.

4. Neither the state nor the civil or political subdivision of the state whose police or fire forces or employees are engaged in rendering such outside aid and assistance pursuant to any request for aid and assistance or pursuant to direction of the governor or other official or agency authorized by, or pursuant to law so to direct shall be liable or accountable in any way or on account of any act or omission on the part of any officer or member of such forces or of any such employee while so engaged or for or on account of the operation, maintenance or use of any apparatus, equipment, materials or supplies in connection therewith, nor shall any sheriff be held liable or accountable in any way for or on account of any act or omission on the part of any of his or her deputies within or without the county of their appointment where such deputies

are under the command of an officer other than himself or herself.

5. Notwithstanding any inconsistent provision of law, general, special or local, (a) any county whose sheriff, or in the county of Nassau the county executive, declared a state of special emergency within his or her county pursuant to section two hundred nine-f of this article, which resulted in men or women and/or equipment being furnished by the sheriff of another county for use in the county of the sheriff, or in the county of Nassau the county executive, declaring the state of emergency, shall be liable and responsible to the county of the assisting sheriff for salaries or other compensation paid or due the persons comprising the assisting forces during the time they were engaged in performing services in the county of the requesting sheriff, or in the county of Nassau the county executive, and for all loss or damage to apparatus, equipment and supplies used or consumed by the persons comprising such assisting forces in rendering aid and assistance in the county of the requesting sheriff, or in the county of Nassau the county executive, provided an itemized claim therefor is submitted in writing to the chief fiscal officer of the county of the requesting sheriff, or in the county of Nassau the county executive, within sixty days after the termination of such an emergency. An assisting county may, however, assume any such cost, loss or damage, and all payments made or to be made to or on behalf of such persons comprising such assisting forces or to representatives of deceased persons who comprised such assisting forces pursuant to and in accordance with the provisions of any applicable law, rule or ordinance, including the workmen's compensation law which shall be deemed to be applicable. Neither the county whose sheriff responded with men and/or equipment to a request for assistance made by another sheriff who declared a state of special emergency, or in the county of Nassau the county executive, nor a responding sheriff or employee of the responding county, shall be liable or accountable in any way for any act or omission on the part of any person during the continuance of any such emergency, including but not restricted to the operation, maintenance or use of any apparatus, equipment or supplies in connection therewith, nor shall any sheriff be held liable or accountable in any way for or on account of any act or omission on the part of any of his or her deputies within or without the county of their appointment where such deputies

are under the command of any person other than himself or herself, and (b) the city, town or village receiving police aid pursuant to section two hundred nine-f of this article shall assume the liability for all damages arising out of any act performed in rendering such aid and shall reimburse the assisting city, town, village, parkway police force, state park police force and/or county police department for any moneys paid by it for salaries or for other expenses incurred by it, including damage to or loss of equipment and supplies. An assisting city, town, village, parkway police force, state park police force and/or county police department may, however, assume in whole or in part any such cost, loss, damage or other cost or charge sustained or suffered by it which is applicable to its rendering such aid, by taking appropriate action to accomplish the same, and the county of the receiving city, town or village may, by appropriate action, elect to obligate itself to pay all or part of any money which such receiving municipality is obliged to pay arising out of and applicable to its having received such aid, and (c) a regular, part time or special deputy sheriff of a county shall not, for any reason, lose or forfeit any right, benefit or privilege which he or she would have had in the county of his or her residence by becoming and/or acting as an emergency special deputy sheriff of another county during an emergency.

6. The commissioner of the division of homeland security and emergency services, in consultation with the state fire administrator, may promulgate rules and regulations necessary to carry out the purpose and provisions of this section.

§ 209-gg. Symbols of hate. 1. A fire district, volunteer fire company, or police department shall not sell or display any symbols of hate or any similar image, or tangible personal property, inscribed with such an image unless the image appears in a book, digital medium, museum, or otherwise serves an educational or historical purpose.

2. For the purposes of this section, the term "symbols of hate" shall include, but not be limited to, symbols of white supremacy, neo-Nazi ideology or the Battle Flag of the Confederacy.

§ 209-i. Emergency service by volunteer firefighters. 1. Whenever a volunteer firefighter is within this state, but outside the area regularly served by the fire company or fire department of which he or she is a member and has knowledge of a fire or other emergency at or near the place where he or she is for the time being, such volunteer firefighter may report to the officer in command of the paid or volunteer fire company or paid or volunteer fire department, or in command of one of the paid or volunteer fire companies or one of the paid or volunteer fire departments, engaged in the handling of any such fire or other emergency and, on an individual basis, offer his or her services to assist such fire company or fire department. After his or her services are so accepted, the volunteer firefighter shall then be entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered, in the same manner and to the same extent as if he or she were a volunteer member of the fire company or fire department which he or she is assisting, including benefits under the volunteer firefighters' benefit law. Any such commanding officer shall have power, in his or her discretion, to so accept the services of a volunteer firefighter unless the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire companies serving territory outside villages and fire districts or (b) a town fire department, as the case may be, by resolution heretofore or hereafter adopted, has forbidden the acceptance of any such services pursuant to this section. Any such resolution shall continue in effect until amended or repealed by the adoption of a subsequent resolution. The officer in charge of any fire company or fire department shall be notified promptly of the adoption of any such resolution and of any amendment or repeal thereof.

1-a. A volunteer firefighter who, because of his residence or usual occupation, is regularly in the area served by a volunteer fire company or department of which he is not a member may nevertheless volunteer his services on an on-going basis to the officer in command thereof to assist such fire company or fire department for the purpose of assisting such company or department's general or emergency ambulance services, or for the purpose of assisting such fire company or fire department at a fire or other emergency scene or for the purpose of training with such fire company or fire department. After his services are so accepted, the volunteer firefighter shall then be entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered, in the same manner and to the same extent as if he were a volunteer member of the fire company or fire department which he is assisting, including benefits under the volunteer firefighters' benefit law. Any such commanding officer when authorized by the legislative body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire companies serving territory outside villages and fire districts or (b) a town fire department, as the case may be, shall have power, in his discretion, to so accept the services of a volunteer firefighter.

1-b. In the event that an active volunteer firefighter provides services under subdivision one of this section when there is no jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the volunteer firefighters' benefit law provided the fire company or municipality the volunteer serves adopts a resolution granting coverage for the provision of such services. Upon arrival of a jurisdictional officer in command, such volunteer shall be entitled to benefits in the manner set forth in subdivision one of this section.

1-c. A member of a fire company or department of another state who is regularly in an area served by a volunteer fire company or fire department may volunteer their services on an on-going basis to such fire company or fire department for the purpose of assisting such company or department's general or emergency ambulance services, or for the purpose of assisting such fire company or fire department at a fire or other emergency scene or for the purpose of training with such fire company or fire department, provided that such company or department is authorized to accept such services by the governing body of the city or the village, the board of fire commissioners or other governing board of the fire district, or the town board of the town in relation to (a) the fire companies serving territory outside villages and fire districts or (b) a town fire department, as the case may be. Upon application by an out-of-state firefighter, a fire company or fire department shall determine whether such out-of-state firefighter meets state and local requirements for active members of their company or department, including, but not limited to, compliance with a background check pursuant to section eight hundred thirty-seven-o of the executive law, and whether such out-of-state firefighter is in good standing with the fire company or department in which they normally serve. If a volunteer fire company or fire department accepts the services of such an out-of-state firefighter, such firefighter shall be entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered, in the same manner and to the same extent as if such firefighter were a volunteer member of the fire company or fire department being assisted, including benefits under the volunteer firefighters' benefit law, provided, however, such firefighter shall not be eligible to participate in a service award program as authorized by articles eleven-A and eleven-AAAA of this chapter nor shall such firefighter be eligible for coverage under section eleven-c of the volunteer firefighters' benefit law relating to diseases of the lung and section sixty-one of the volunteer firefighters' benefit law relating to disease or malfunction of heart or coronary arteries and any other presumptive coverage for impairment of health or death. Upon acceptance of such out-of-state firefighter to a fire company or fire department, such company or department shall provide to the applicant, and the applicant shall acknowledge receipt of, the following written statement: "If a volunteer fire company or fire department accepts the services of a firefighter who is a member of a fire department or a company of another state, such firefighter shall be entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered, in the same manner and to the same extent as if such firefighter were a volunteer member of the fire company or fire department being assisted, including benefits under the volunteer firefighters' benefit law, provided, however, such firefighter shall not be eligible to participate in a service award program as authorized by articles 11-A and 11-AAAA of the general municipal law, nor shall such firefighters be eligible for coverage under section eleven-c of the volunteer firefighters' benefit law, relating to diseases of the lung, and section 61 of the volunteer firefighters' benefit law, relating to disease or malfunction of heart or coronary arteries, and any other presumptive coverage for impairment of health or death."

2. The municipal corporation or fire district which would be liable for the negligence of any volunteer members of the fire company or fire department which has accepted the services of the volunteer firefighter pursuant to this section shall be liable for the negligence of such volunteer firefighter while acting, after such acceptance and during the time such services were rendered, in the discharge of his or her duties as a volunteer firefighter in the same manner and to the same extent as if he or she were a volunteer member of the fire company or fire department which he or she assisted. If the fire company or fire department which has so accepted the services of a volunteer firefighter pursuant to this section is a paid fire company or paid fire department, such paid fire company or paid fire department shall, for the purposes of this subdivision and section two hundred five-b of this article, be deemed to be a "duly organized volunteer fire company" within the meaning of such section two hundred five-b.

3. As used in this section, the term "volunteer firefighter" means a "volunteer firefighter" as such term is defined in section three of the volunteer firefighters' benefit law; the term "area regularly served" means the home area of the volunteer firefighter as described in subdivisions one, two, three, four or five of section thirty of the volunteer firefighters' benefit law and, in addition, any other area served pursuant to a contract for fire protection and the terms "fire company" and "fire department" shall include emergency rescue and first aid squads or other squads or units of a fire company or fire department.

§ 209-j. Mutual aid programs in counties. The board of supervisors in any county may appropriate and expend such sums as it may deem necessary and proper for the establishment and maintenance of a county mutual aid plan in cases of fire and other emergencies in which the services of firefighters would be used and may prescribe the method of auditing or approving expenditures under any such appropriation. Expenses incurred by any city, town, village or fire district participating in such mutual aid plan shall be a lawful municipal or fire district charge to be paid in the same manner as other like charges.

§ 209-l. Removal of volunteer officers and volunteer members of fire departments. 1. The authorities having control of fire departments of cities, towns, villages and fire districts may make regulations governing the removal of volunteer officers and volunteer members of such departments and the companies thereof.

2. Such officers and members of such departments and companies shall not be removed from office, or membership, as the case may be, by such authorities or by any other officer or body, except for incompetence or misconduct.

3. Removals on the ground of incompetence or misconduct, except for absenteeism at fires or meetings, shall be made only after a hearing upon due notice and upon stated charges and with the right to such officer or member to a review pursuant to article seventy-eight of the civil practice law and rules. Such charges shall be in writing and may be made by any such authority. The burden of proving incompetency or misconduct shall be upon the person alleging the same.

4. a. Hearings upon such charges shall be held by the officer or body having the power to remove the person charged with incompetency or misconduct or by a deputy or employee of such officer, or body designated in writing for that purpose. In a case where a deputy or other employee is so designated, he or she shall, for the purpose of such hearing, be vested with all the powers of such officer or body, and shall make a record of such hearing, which shall be referred to such officer or body for review within ninety days from the close of such

hearing along with his or her recommendations.

b. The notice of such hearing shall specify the time and place of such hearing and state the body or person before whom the hearing will be held.

c. Such notice and a copy of such charges shall be served personally upon the accused officer or member at least ten days but not more than thirty days before the date of the hearing.

d. A stenographer may be employed for the purpose of taking testimony at the hearing.

5. The officer or body having the power to remove the person charged with incompetence or misconduct may suspend such person after charges are filed and pending disposition of the charges, and after the hearing may remove such person or may suspend him or her for a period of time not to exceed one year.

The provisions of this section shall not affect the right of members of any fire company to remove a volunteer officer or voluntary member of such company for failure to comply with the constitution and by-laws of such company.

§ 209-m. Outside service by local police; civil disturbance control.
1. As used in this section:

a. The term "local government" shall mean a county, a city, a town, or a village, as the case may be.

b. The term "chief executive officer" shall mean:
(1) In the case of a county, the county executive unless there is none, in which case it shall mean the county manager if there is one, or the chairman of the board of supervisors if there is neither a county executive nor county manager.
(2) In the case of cities, the mayor, except in those cities having a

city manager, it shall mean such city manager.
(3) In the case of towns, the supervisor or presiding supervisor.
(4) In the case of villages, the mayor, except in those villages having a president or manager, it shall mean such latter officer.

c. The term "chief of police" shall include any police officer in command of the police department or police force of a local government during the absence, illness or disability of the chief of police or who is authorized to exercise the powers of the chief of police in emergency situations.

2. Notwithstanding the provisions of any general, special or local law or of any county, city or village charter, the chief executive officer of a local government, whenever he deems that the public interest requires it, may request the chief executive officer of any other local government to detail, assign and make available for duty and use in the local government for which the request is made any part of the forces, equipment and supplies of the police department, police force or parkway police force of the local government of which the request is made. The chief executive officer of the local government of which the request is made is hereby authorized and empowered to grant the request so made.

3. A local government may, by local law, delegate to the chief of police of its police department or police force the powers hereby granted to a chief executive officer to request and grant police assistance.

4. If the chief executive officer of any such local government is absent or disabled, the chief of police of the local government may make any such request or may grant any such request, as the case may be.

5. The local government receiving police aid pursuant to this section shall assume the liability for all damages arising out of any act performed in rendering such aid and shall reimburse the assisting local government for any moneys paid by it for salaries or for other expenses incurred by it including damage to or loss of equipment and supplies. An assisting local government may assume such loss, damage, expenses or

cost for such equipment and supplies and donate such services to the receiving local government. While engaged in duty and rendering services in such local government the officers and members of such police department or police force shall have the same powers, duties, rights, benefits, privileges and immunities as if they were performing their duties in the local government in and by which they are normally employed.

§ 209-p. Relay of fire and emergency calls. The fire department of any city may accept any calls for aid in cases of fire or other emergencies made to its fire headquarters from territory outside the city and may relay such calls for aid in fires or other emergencies by such means as may be expedient to the fire department, fire company or fire district serving said territory. This section shall apply only to cities participating in any legally authorized or recognized plan for furnishing mutual aid in cases of fire and other emergencies in which the services of firefighters would be used. Any city, village or fire district, any town which has a town fire department, or any town board on behalf of a fire protection district, fire alarm district or territory outside any such municipal corporation or district, for which aid is to be furnished, may contract with a city to accept and relay such calls, as aforesaid, and the amounts payable under any such contract shall be a lawful charge against and paid as contracted for by the city, village, fire district, town which has a town fire department, fire protection district, fire alarm district or territory outside any such municipal corporation or district. Any city accepting and transmitting fire calls from territory outside the city, pursuant to any such contract, shall not be liable for any injury or death to persons or damage to property as the result thereof, when it, in good faith, complies with or attempts to comply with the provisions of this section.

§ 209-q. Permanent appointment of police officers; completion of training program. 1. (a) Notwithstanding the provisions of any general, special or local law or charter to the contrary, no person shall, after July first, nineteen hundred sixty, receive an original appointment on a permanent basis as a police officer of any county, city, town, village or police district unless such person has previously been awarded a certificate by the executive director of the municipal police training council created under article thirty-five of the executive law, attesting to his satisfactory completion of an approved municipal police basic training program; and every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a police officer of any county, city, town, village or police district shall forfeit his position as such unless he previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the governor pursuant to section eight hundred forty-two of the executive law, satisfactorily completes, a municipal police basic training program for temporary or probationary police officers and is awarded a certificate by such director attesting thereto.

(b) Except as provided in paragraph (b-1) of this subdivision a certificate attesting to satisfactory completion of an approved municipal police basic training program awarded by the executive director of the municipal police training council pursuant to this subdivision shall remain valid:

(i) during the holder's continuous service as a police officer or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, provided that such police officer received training as set forth under subdivision eight of section eight hundred forty of the executive law, consistent with the rules and regulations promulgated therein; and

(ii) for two years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a police officer or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, for less than two consecutive years; or

(iii) for four years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a police officer or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, for two consecutive years or longer; or

(iv) where the holder, whose interruption in continuous service as a police officer does not exceed ten years, has satisfactorily completed an approved police officer refresher course or where a peace officer, who seeks an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, has satisfactorily completed relevant police officer training courses, as prescribed by the municipal police training council.

(b-1) A certificate awarded under paragraph (b) of this subdivision may be permanently invalidated upon an officer's removal for cause in accordance with subdivisions two and three of section eight hundred forty-five of the executive law. An officer whose certificate is invalidated under this paragraph may be ineligible for any future certification.

(c) As used in this subdivision, the term "interruption" shall mean a period of separation from employment as a police officer or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, by reason of such officer's leave of absence, resignation or removal, other than removal for cause.

1-a. Notwithstanding the provisions of any general, special or local law or charter, the promotion of any police officer to a first-line supervisory position on or after July first, nineteen hundred sixty-seven, shall not become permanent unless such police officer has previously been awarded a certificate by the executive director of the municipal police training council created under article nineteen-f of the executive law, attesting to his satisfactory completion of an approved course in police supervision as prescribed by the municipal police training council. Any police officer who is promoted on any basis to a first-line supervisory position on or after July first, nineteen hundred sixty-seven shall forfeit such promotion unless he previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the governor pursuant to section four hundred eighty-four of the executive law satisfactorily completes, the prescribed course in police supervision and is awarded a certificate by such director attesting thereto.

2. a. The term "police officer", as used in this section, shall mean a person defined as a police officer pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law who is appointed or employed by a county, city, town, village or police district.

b. The term "first-line supervisory position", as used in this section, shall mean the position or rank of a police officer next above the beginning rank of patrolman or the rank equivalent to patrolman, which requires performance of supervisory duties.

3. The provisions of subdivisions one and one-a of this section shall not apply to a city having a population of one million or more to the extent that such city has, by regulation promulgated by the governor pursuant to section eight hundred forty of the executive law, been exempted from the provisions of article thirty-five of the executive law.

4. Nothing in this section shall be construed to except any police officer, or other officer or employee from the provisions of the civil service law.

§ 209-r. Police protection. Notwithstanding any local or special law or charter provision, a city, town or village shall, irrespective of the boundaries of a privately owned housing development, provide for any streets and pathways open to the public within such development, police protection services of the same character and to the same extent as those provided generally in the community.

§ 209-s. Contracts between municipalities and fire districts for joint fire training centers. The local governing bodies of the several cities, towns, villages and fire districts of the state, are hereby authorized on behalf of their respective cities, towns, villages and fire districts to enter into contracts with any other municipality or municipalities or fire districts for the construction, operation and maintenance and joint use of fire training centers at their joint expense. Any such contract may provide for the apportionment and allocation of expenses among the parties and, in the case of expenses of a town, may make provision for the elimination of dual liability of taxable real property within the boundaries of the contracting parties; provided however, that unless the governing board of any village within the town shall agree otherwise, the expenses of a town shall not be charged against the taxable real property within such village.

§ 209-t. Contracts for joint fire alarm systems. The local governing bodies of the several villages and fire districts of the state are hereby authorized on behalf of their respective villages and fire districts to enter into contracts with any other village or fire district for the construction, operation and maintenance and joint use of a fire alarm system at their joint expense (each village or fire district bearing a part of the expense in proportion to the assessed valuation of real estate in such village or fire district, or on such other basis or division as may be jointly agreed upon).

§ 209-u. Notification of presence of hazardous materials. 1. The knowledge of the presence of hazardous materials is vital to meeting the contingencies of a fire or other emergency. It is the purpose of this section to secure the health, safety and welfare of the public, protect those called upon to respond to the emergency, encourage preparedness to meet any danger, and promote planning for future demands for emergency services by requiring the reporting of the presence of hazardous materials.

2. As used in this section:

(a) the term "insured" or "policyholder" means the policyholder of a fire insurance policy insuring against a risk located in this state; and

(aa) the term "person" means any individual, partnership, corporation or association; and

(b) the term "insurer" means any insurance company authorized to do the business of fire insurance in this state; and

(c) for the purpose of this section hazardous materials shall be those which bear a label under requirements of the United States Department of Transportation or those listed on the form prescribed by the state fire administrator.

3. Every person engaged in commerce in this state, excepting those operating as a farm, as defined by subdivision one of section six hundred seventy-one of the labor law who, based upon the experience of the business in the use of hazardous materials during the previous year, may have possession of hazardous materials at a permanent place of business, a construction site or a temporary storage depot, shall report the presence of such hazardous materials to the chief of the appropriate fire department, fire corporation, or fire company having responsibility for fire protection of each location at which any such hazardous material may be found. Upon receipt thereof, in counties which have an office of county fire coordinator, the fire department, fire corporation or fire company, shall forward a copy of said report to the office of the county fire coordinator.

4. A separate report shall be filed for each street address at which any such hazardous materials may be found. Such report shall be filed annually with such fire chief on a date to be determined by the state fire administrator in the manner prescribed by the state fire administrator. Upon receipt thereof, in counties which have an office of county fire coordinator, the fire department, fire corporation or fire company, shall forward a copy of said report to the office of the county fire coordinator. Such report shall be printed by and supplied to insurers upon their request by the office of fire prevention and control. Failure to file as required in this section shall not be the basis for denial by an insurer of an insured's claim under any policy in force for said property. The filing by the person of a single report to

any one fire department, fire corporation, or fire company shall be sufficient to meet the requirements of this section where hazardous materials may be found at more than one location at each street address for which he must report.

5. An exemption from the provisions of subdivision three of this section may be granted by the chief of the fire department, fire corporation, or fire company where, in cooperation with or at the invitation of the person, he chooses to make or causes his representative to make an inspection of the person's place of business. At the time of such inspection the person is required to inform the chief or his representative of any hazardous materials which are subject to the provisions of this section. Failure to inform shall constitute a violation as set forth in subdivision eight of this section.

6. Exemptions from the provisions of subdivision three of this section may also be granted by said chief as follows: (a) a general exemption if the firefighting capability of the person is sufficient to defend against an emergency involving such hazardous material; (b) an exemption, based upon the need for confidentiality, from the reporting of specific hazardous materials. Requests for exemptions shall be in writing and shall be filed annually with said chief. Such exemptions shall be filed with said chief and in counties which have an office of county fire coordinator, a copy of said exemption shall be forwarded by said chief to the office of county fire coordinator on a date to be determined by the state fire administrator in the manner prescribed by the state fire administrator. Exemptions shall be in writing and shall expire one year from the date granted. An exemption may be revoked if the conditions provided in paragraph (a) or (b) of this subdivision no longer exist.

7. The state fire administrator shall provide that the report form required in subdivision four of this section shall indicate the manner in which the exemption procedures granted herein shall be followed and also that the form shall make provision for the signature of the fire chief for the purpose of certifying that an exemption to subdivision three has been granted.

8. Any person who fails to report the presence of hazardous materials as required in this section shall be subject to a fine of not more than two hundred fifty dollars for the first offense, and upon being found guilty of a second or subsequent offense, by a fine of not less than two hundred fifty dollars or more than one thousand dollars. Except as otherwise provided by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a criminal penalty or punishment and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of a person found guilty thereof.

§ 209-v. Employment of retired persons as special patrolmen for publicly owned property. 1. Notwithstanding any general, local or special law or charter provision, the governing board of any political subdivision may authorize any police or law enforcement agency of such political subdivision to employ retired former members of police or sheriff's departments, or the division of state police, or retired former correction, parole or probation officers for the purpose of providing special patrolmen in publicly owned property within such political subdivision, including property of a school district, in order to protect the property or persons on such premises.

2. Persons so employed shall have all the powers of peace officers, as set forth in section 2.20 of the criminal procedure law, when performing the duties set forth in subdivision one of this section.

3. The governing board of such political subdivision shall have the power to fix the compensation of persons so employed, either at annual or per diem rates. Employments provided for in this section shall be subject to the provisions of article seven of the retirement and social security law.

§ 209-w. Permanent appointment of fire fighters; completion of training program. 1. Notwithstanding the provisions of any general, special, or local law or charter to the contrary, no person shall, after the effective date of regulations adopted by the state fire administrator pursuant to section one hundred fifty-eight of the executive law, receive an original appointment on a permanent basis as a fire fighter of any county, city, town, village, or fire district unless such person has previously been awarded a certificate by the state fire administrator attesting to his or her satisfactory completion of an approved fire basic training program; and every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a fire fighter of any county, city, town, village or fire district shall forfeit his or her position as such unless he or she previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the state fire administrator pursuant to section one hundred fifty-eight of the executive law, satisfactorily completes, a fire basic training program for temporary or probationary fire fighters and is awarded a certificate by the state fire administrator attesting thereto.

2. The term fire fighter, as used in this section, shall mean a member of a fire department whose duties include fire service as the phrase fire service is defined in paragraph d of subdivision eleven of section three hundred two of the retirement and social security law.

3. Nothing in this section shall be construed to exempt any fire fighter or other officer or employee from the provisions of the civil service law.

4. The provisions of this section shall not prevent the establishment of more restrictive local requirements for appointment of fire fighters.

5. Any person whose name was on an eligible list for appointment in the competitive class of the civil service as a fire fighter on the effective date of any rules and regulations promulgated by the state fire administrator pursuant to section one hundred fifty-eight of the executive law shall continue to remain eligible for permanent appointment from such list during the life of such list without satisfying the requirements set forth in subdivision one of this

section, provided he or she would otherwise have remained eligible for permanent appointment from such list if this section had not been enacted.

6. The provisions of this section shall not apply to appointments made by any county, city, town, village or fire district which employs five or fewer fire fighters.

§ 209-x. Training of certain paid city firefighters promoted to a first-line supervisory position. 1. Notwithstanding the provisions of any general, special or local law or charter to the contrary, any officer of a paid fire department promoted to a first-line supervisory position after passing a civil service examination shall, on and after April first, nineteen hundred eighty-five, attend a training program, not to exceed four weeks, in fire supervision at the New York city fire academy in accordance with rules and regulations promulgated pursuant to article six-C of the executive law.

2. The expenses incurred in furnishing such program in fire supervision to an officer referred to in subdivision one hereof, including the furnishing of meals and lodging at such academy, shall be paid by the city of New York. Reasonable travel expenses incurred by said officer shall also be paid by said city but only if such travel expense would not otherwise be incurred by said officer in the regular course of this employment.

3. The expenses incurred by the city of New York pursuant to this section shall be reimbursed by the state, except that expenses incurred by such city in excess of one million dollars and directly attributable to training any officers of such city's fire department shall not be subject to state reimbursement.

§ 209-y. Establishment of hazardous materials emergency response teams. 1. By resolution, the governing body of each county is authorized to establish a hazardous materials emergency response team. Such teams shall be coordinated in accordance with a plan developed pursuant to section two hundred four-f of this chapter.

2. The governing bodies of two or more counties may by mutual agreement form one or more regional hazardous materials emergency response teams. Such regional teams shall be coordinated in accordance with a plan developed pursuant to section two hundred four-f of this chapter.

3. Counties are authorized to appropriate and expend such sums as are deemed necessary to establish or maintain hazardous materials emergency response teams pursuant to this section.

4. Notwithstanding any other provision of law to the contrary, any person who is by training or experience and attainment qualified to participate as a member of a hazardous materials incidents response team recognized under this section and who voluntarily and without expectation of monetary compensation serves as a member of such team shall not be subject to a penalty or to civil liability for damages or injuries alleged to have been sustained by any person or entity by reason of an act or omission in the course of such service. Nothing in this section shall be deemed or construed to relieve from liability for damages or injuries any person who (a) is alleged to have caused said damages or injuries as the result of gross negligence or reckless, wanton, or intentional conduct, (b) is under a legal duty to respond to a particular incident, or (c) receives compensation other than reimbursement for out-of-pocket expenses for services in response to a particular incident.

§ 209-z. Annual independent audits. 1. Notwithstanding any provision of general or special law to the contrary, any fire company with revenues of four hundred thousand dollars, or such lesser amount as the state comptroller shall designate, that contracts with a city, town, village or fire district to provide fire service shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. Such audit shall be an examination of the revenues and expenditures in connection with such contract or contracts. Such audit shall indicate whether the fire company has filed Internal Revenue Service Form 990 and any report required pursuant to section thirty-three-a of this chapter. If such filings are required and have not been made, the audit shall include an examination of all revenues, expenditures and resources from any source. For purposes of this section, the term "fire company" shall have the same meaning as set forth for such term in section three of the volunteer firefighters' benefit law.

2. A copy of the audit report in the form prescribed by the state comptroller and certified by the accountant shall be furnished to the entity, and the municipal corporation with which the entity contracts, within one hundred eighty days following the end of the fiscal year audited.

ARTICLE 11

ACQUISITION OF LANDS BY THE UNITED STATES

§ 210. United States may acquire land in cities. The United States is hereby authorized to acquire by condemnation, purchase or gift in conformity with the laws of this state, one or more pieces of land not exceeding two acres in extent, in any city or village of this state, for the purpose of erecting and maintaining thereon a public building for the accommodation of post-offices and other governmental offices in any such city or village.

§ 211. Certified copy of transfer to be filed. Whenever the United States, by any agent authorized under the hand and seal of any head of an executive department of the government of the United States, shall cause to be filed in the office of the secretary of state of this state, maps and descriptions by metes and bounds of any such pieces of land which had been acquired by the United States for the purposes specified in section two hundred and ten of this article, exclusive jurisdiction, except as provided in section two hundred and twelve, is thereupon ceded to the United States over the lands so described, during the time that the United States shall be or remain the owner thereof. Such maps shall be drawn with pen and India ink upon tracing cloth and shall be otherwise in form and manner suitable to the files, records and purposes of the office of the secretary of state, and show such data thereon, or in relation thereto, as may be required by the secretary of state.

§ 212. Jurisdiction of state not affected. The jurisdiction ceded to the United States as prescribed by this article shall not prevent the execution on the land acquired for the purposes specified in section two hundred and ten of any process civil or criminal, issued under the authority of the state, except as such process might affect the property of the United States thereon; nor prevent, in the case of lands within the Adirondack park as defined in section 9-0101 of the environmental conservation law, the application of section eight hundred seventeen of the executive law thereto.

ARTICLE 11-A

SERVICE AWARD PROGRAMS

§ 214. Purpose. 1. It is hereby declared that this article is intended to effectuate the objects and purposes of section eighteen of article one of the constitution and that the relationship between the political subdivision liable for payments of service awards under this article and a volunteer firefighter entitled to such payments is that of employer and employee within the meaning of such provision of the constitution. In no event shall the receipt of a service award under the provisions of this article be deemed to constitute membership in any pension or retirement system of the state or of a civil division thereon within the purview of section seven of article five of the constitution.

2. It is hereby further declared that this article is also intended to provide service awards for volunteer firefighters of incorporated fire companies or departments which are not otherwise part of a political subdivision of this state and who do not fall within the purview of subdivision one of this section.

§ 215. Definitions. As used in this article:

1. "Active volunteer firefighter" means a person who has been approved by the authorities in control of a duly organized volunteer fire company or volunteer fire department as an active volunteer firefighter of such fire company or department and who is faithfully and actually performing service in the protection of life and property from fire or other emergency, accident or calamity in connection with which the services of such fire company or fire department are required.

2. "Defined benefit plan" means any service award program that provides to eligible volunteer firefighters, a benefit that is

definitely determinable under the program without reference to the amount contributed to the program on the participant's behalf or to any income, expenses, gains or losses or forfeitures of other participants under the program.

3. "Defined contribution plan" means any service award program that provides to eligible volunteer firefighters a benefit as the result of definite and determinable contributions under the program, and without reference to any income, expense, gains or losses or forfeitures of other participants under the program.

4. "Entitlement age" means the age designated by the sponsor at which a program participant is entitled to begin receiving an unreduced service award. In no event shall the entitlement age under a program be earlier than age fifty-five nor later than the age at which the participant can receive an unreduced benefit under Title II of the Social Security Act (Public Law 74-271 U.S.C. 306 et seq.). No service award program may provide for the payment of benefits (except in the case of death or disability) before age fifty-five.

5. "Fiduciary" means any person who exercises discretionary authority or control with respect to the administration of the program or the management or disposition of program assets or who renders investment advice for a fee to the program.

5-a. "Fire service area" means a portion of a village that receives fire protection from a special fire department pursuant to a contract with the governing board of the village when the cost of the contract is charged to such area of the village.

6. "Nonforfeitable" means the unconditional and legally enforceable right to receive benefits attributable to service as an active volunteer firefighter under the program that will begin at the entitlement age specified in the program.

7. "Participant" means an active volunteer firefighter who is eligible for a benefit under a service award program.

7-a. "Political subdivision" means a county, city, town, town on behalf of a fire protection district, village, village on behalf of fire service area or fire district.

8. "Service award" means the benefit payable to a participant in a service award program.

9. "Service award program" or "program" means a defined benefit plan or defined contribution plan established or maintained under this article to provide service awards for active volunteer firefighters, pursuant to the benefit options specified by the sponsoring organization.

9-a. "Special fire company or department" means a fire company or department for which a service award program cannot be established pursuant to subdivision one or two of section two hundred sixteen of this article which provides fire protection services to two or more political subdivisions under contracts with the governing boards thereof.

10. "Sponsor" or "sponsoring organization" means a political subdivision which has established or jointly established a service award program, a volunteer fire company or department, or any other entity responsible for fire protection.

11. "Year of firefighting service" means a twelve month period during which an active volunteer firefighter participates in the fire service and satisfies the minimum requirements of participation established by the sponsoring organization maintaining the program which shall be applied on a consistent and uniform basis, subject to the minimum standards established by the sponsoring organization.

12. "Elected or appointed position" means line officers, department or company officers and president, vice president, treasurer and secretary of a fire company or department.

13. "Administrator" or "plan administrator" means the state comptroller, or an administrative service agency or financial organization selected by the state comptroller to perform all or a portion of the functions required to administer service award programs.

14. "Administrative service agency" means an organization duly authorized to do business in the state and which is qualified to administer and maintain records and accounts of plans which meet the requirements for qualification under the internal revenue code and governmental plans.

15. "Financial organization" means an organization duly authorized to do business in the state and which is (i) registered as an investment adviser under the Investment Advisers Act of 1940, as such provisions may be amended from time to time; (ii) licensed or chartered by the state department of financial services; (iii) chartered by an agency of the federal government; or (iv) subject to the jurisdiction and regulation of the securities and exchange commission of the federal government.

§ 216. Authorization to establish service award programs for volunteer firefighters of political subdivisions of the state and for volunteer firefighters other than of political subdivisions of the state. 1. a. A service award program may be adopted only by resolution of the governing board of a political subdivision, receiving the affirmative vote of at least sixty percent of the governing board of the political subdivision having control of the fire departments and fire companies, and the approval of a mandatory referendum authorizing the adopting of the program by the eligible voters within such political subdivision.

b. The resolution authorizing the adoption of a service award program shall state:

(i) the name of each fire company having volunteer firefighters who are potential participants in the program;

(ii) whether the program will be administered by the political subdivision or the state;

(iii) the entitlement age under the program;

(iv) the estimated annual cost of program, including the estimated annual administration fee;

(v) the number of years of fire service required to obtain a nonforfeitable right to a service award;

(vi) the activities for which points shall be granted toward a year of fire service;

(vii) the amount of the contribution to the program to be made on behalf of each participant credited with a year of fire service;

(viii) the extent to which the program provides for contributions for fire service rendered by a participant during one or more of the five calendar years immediately preceding the adoption of the program;

(ix) in the case of a service award program which provides for contributions for fire service rendered by a participant during one or more of the five calendar years immediately preceding the adoption of the program, the timing and method of financing such contributions;

(x) the date as of which the program shall take effect; in the case of a service award program to take effect on a day other than the first day of January, whether points toward a year of fire service shall be granted for activities performed prior to the effective date of the program and on or after the immediately preceding first day of January; and

(xi) the date on which the proposition authorizing the adoption of the program shall be submitted to referendum.

2. Upon the affirmative vote of at least sixty percent of the governing board of the political subdivision, which political subdivision has contracted with volunteer fire departments or fire companies located in a fire protection district of such political subdivision, there shall be held a mandatory referendum of the eligible voters residing within such fire protection districts to determine whether such governing board shall establish a service award program for the volunteer firefighters of such volunteer fire departments or fire companies.

3. (a) The referendum described in subdivision one or two of this section shall state the type of service award program selected, whether

a defined contribution program described in section two hundred eighteen or a defined benefit program described in section two hundred nineteen of this article.

(b) The referendum described in subdivision one or two of this section shall state the estimated annual cost of the service award program, including the estimated annual administration fee, the projected monthly award to be paid to eligible volunteer firefighters and the estimated annual cost per covered participant.

(c) The referendum described in subdivision one or two of this section shall state whether the service award program will be administered by the political subdivision or the state of New York.

(d) Payments under the service award program if adopted, shall not impair any rights of the volunteer firefighters under the volunteer firefighters' benefit law or any other law.

(e) Except as otherwise provided in this paragraph once a service award program has been established, it may be abolished or amended in the same manner as it was created in accordance with the provisions of this article by following the procedures set forth in subdivision one or two of this section. The point system adopted by the governing board of the sponsor of a service award program pursuant to subdivision (c) of section two hundred seventeen of this article may be amended by the affirmative vote of at least sixty percent of such governing board, without referendum, provided, that, consistent with the provisions of subdivision (c) of section two hundred seventeen, the only effect of the amendment is to decrease the number of points granted for the performance of an activity, increase the amount of an activity required to earn the points granted for the performance of the activity, or both. Any amendment to a service award program shall only take effect as of the first day of January next succeeding completion of the proceedings required for adoption of the amendment and shall only apply prospectively.

4. Within thirty days of voter approval of the referendum described in subdivisions one and two of this section, the governing board of the political subdivision shall notify the state comptroller of the adoption of the service award program, whether such service award program will be a defined contribution plan or a defined benefit plan, and whether the

plan will be administered by the political subdivision or the state of New York.

5. Notwithstanding any inconsistent provision of law, no member of the governing board of a political subdivision of the state is prohibited by virtue of being a member of a volunteer fire company or department from voting upon a resolution authorizing a referendum on the establishment of a service award program if more than forty percent of the governing board would otherwise be prohibited from voting upon such resolution. Any member of such governing board voting upon such a resolution who serves as a member of a volunteer fire company or department shall publicly disclose in writing to the governing board such status. Such written disclosure shall be part of and set forth in the official record of the proceedings of such governing board.

§ 216-a. Authorization to establish service award programs for special fire companies and departments. 1. The political subdivisions which contract to receive fire protection services from a special fire company or department may jointly establish a service award program for the volunteer firefighters of such special fire company or department, provided, however, that no such service award program shall be established unless each and every political subdivision which contracts to receive fire protection services from the special fire company or department joins in establishing the program.

2. A service award program for the volunteer firefighters of a special fire company or department shall be jointly established by the political subdivisions which contract to receive fire protection services from such fire company or department only if:

(a) the governing board of each and every such political subdivision approves an agreement to jointly sponsor the program by an affirmative vote of at least sixty percent of the governing board; and

(b) the eligible voters of each and every such political subdivision separately approve a proposition authorizing their political subdivision to jointly sponsor the program to be administered by the political subdivision or the state of New York.

3. An agreement between or among political subdivisions to jointly sponsor a service award program for a special fire company or department may contain any provision which could be included in an agreement entered into pursuant to article five-G of this chapter and shall contain provisions specifying the following:

(a) the manner in which the several political subdivisions shall exercise and perform the powers and duties that are conferred by other sections of this article on the governing board of a single political subdivision that individually establishes and sponsors a service award program;

(b) the effect of the addition of other political subdivisions as parties to the agreement;

(c) the effect of the withdrawal of political subdivisions from the agreement;

(d) the entitlement age under the program;

(e) the age and length of service requirements to participate in the service award program;

(f) the number of years of firefighting service required to obtain a nonforfeitable right to a service award;

(g) the activities for which points will be granted toward a year of firefighting service;

(h) the extent to which the program provides credit for years of firefighting service rendered during one or more of the five calendar years immediately preceding the establishment of the program;

(i) in the case of a defined contribution plan,

(i) the amount of the contribution to be made on behalf of each participant credited with a year of firefighting service, and

(ii) the amount of any additional disability or death benefit;

(j) in the case of a defined benefit plan,

(i) the amount of the monthly payment to be made to each participant for each year of firefighting service credited to the participant, and

(ii) if the plan is to provide for payment of benefits prior to the tenth anniversary of the establishment of the plan, the date on which the plan is to provide for the payment of benefits;

(k) the date as of which the service award program shall take effect which shall be either the first day of January next succeeding the date of the last voter approval required to establish the program or, if sufficient funds are or will be available to each political subdivision to fund the program, the first day of January next preceding such last voter approval; and

(l) whether the service award program is to be administered by the political subdivision or the state of New York; and

(m) any other provisions as may be necessary for the implementation, operation, administration and funding of the program.

4. A proposition authorizing a political subdivision to jointly sponsor a service award program for the volunteer firefighters of a special fire company or department shall be submitted to referendum not less than thirty days and not more than ninety days after the governing board votes to approve the agreement to jointly sponsor the program. Notice of the referendum shall be published at least once, not less than fourteen days prior to the date of the referendum, in the official newspaper of the political subdivision or, if the political subdivision does not have an official newspaper, in one or more newspapers having general circulation in the political subdivision. The referendum shall be conducted in the same manner as other referenda held by the political subdivision and the cost thereof shall be charged to the political subdivision.

5. A proposition authorizing a political subdivision to jointly sponsor a service award program for the volunteer firefighters of a special fire company or department shall state:

(a) whether the service award program to be established is a defined contribution plan or a defined benefit plan;

(b) whether the service award program is to be administered by the political subdivision or the state of New York;

(c) the estimated annual cost of the service award program, including the estimated annual administration fee, and the estimated annual cost per participant, for all the political subdivisions establishing the program and for the political subdivision submitting the proposition to referendum;

(d) the extent to which the program provides credit for years of firefighting service rendered during one or more of the five calendar years immediately preceding the establishment of the program;

(e) in the case of a defined contribution plan, the amount of any additional disability or death benefit; and

(f) in the case of a defined benefit plan,

(i) the projected monthly award to be paid to participants, and

(ii) if the plan is to provide for the payment of benefits prior to the tenth anniversary of the establishment of the plan, the date on which payment of benefits shall begin.

6. Upon the last voter approval required to jointly establish a service award program for the volunteer firefighters of a special fire company or department, the agreement to jointly sponsor the service award program shall take effect and the program shall take effect as set forth in the agreement.

7. Within thirty days after the last voter approval required to jointly establish a service award program for the volunteer firefighters of a special fire company or department, the governing boards of the political subdivisions which established the program shall notify the state comptroller of the adoption of the service award program and whether such service award program will be a defined contribution plan or a defined benefit plan, and whether the plan will be administered by the political subdivision or the state of New York.

8. Within sixty days after the last voter approval required to jointly establish a service award program for the volunteer firefighters of a special fire company or department, the governing boards of the political subdivisions which established the program shall jointly adopt a program document. The program document shall be consistent with the provisions of this article and the agreement to jointly sponsor the service award program, as amended, and shall set forth the obligations and rights of the sponsors, the special fire company or department, and the volunteer firefighters for whom the program is established, and establish standards and procedures for the administration of the program provided, however, that in the case of a state-administered program the procedures for administration shall be consistent with the rules and regulations governing the state program.

9. Except as otherwise provided in this subdivision, any provision of an agreement to jointly sponsor a service award program for the volunteer firefighters of a special fire company or department may be amended upon the affirmative vote of at least sixty percent of the governing board of each political subdivision which is a party to the agreement without referendum. Amendments to the provisions of the agreement required by paragraphs (h), (i) and (j) of subdivision three of this section shall only be made upon the affirmative vote of at least sixty percent of the governing board of each such political subdivision, subject to a mandatory referendum of the eligible voters within each such political subdivision.

10. In the event that the governing board of a political subdivision which is a party to an agreement to jointly sponsor a service award program for the volunteer firefighters of a special fire company or department ceases to contract to receive fire protection services from the special fire company or department, the political subdivision shall cease to be a sponsor of the service award program and shall be deemed to have withdrawn from the agreement in accordance with the terms of the agreement without further action by the governing board or voters of any political subdivision.

11. A service award program for the volunteer firefighters of a special fire company or department shall remain in effect until terminated by the political subdivisions which are parties to the agreement to jointly sponsor the program. The service award program shall be terminated only if:

(a) the governing board of each and every such political subdivision approves a resolution to terminate the program by an affirmative vote of at least sixty percent of the governing board; and

(b) the eligible voters of each and every such political subdivision separately approve a proposition to terminate the program.

§ 216-b. Continuation of service award programs. 1. (a) In the event that a town establishes a service award program for the volunteer firefighters of a fire company located within a fire protection district and, subsequently, the fire protection district is dissolved and the entire area thereof is included in or added to a fire district established pursuant to article eleven of the town law, and the fire district neither has established a service award program nor includes the area of any other jurisdiction which has established a service award program, the service award program established by the town shall be continued as provided in this subdivision.

(b) Except as otherwise provided in this subdivision, as of the date of completion of the proceedings described in paragraph (a) of this subdivision or, in the case of a newly established fire district, as of the date of the first organization meeting of the board of fire commissioners, the town shall have no further responsibility for administering or funding the service award program and the fire district shall assume responsibility for those functions. As of that date, the fire district shall succeed the town as the sponsor of the service award program and the board of fire commissioners shall exercise and perform all of the powers and duties of the sponsor of the program under this article and under any agreements or contracts entered into by the town pursuant thereto in furtherance of its powers and duties as sponsor of the program, including but not limited to the program trust agreement and any contracts relating to the custody, control, investment, or disbursement of program assets. The fire district shall be responsible for funding any unfunded liability of the sponsor of the program existing as of the date the fire district succeeds the town as sponsor of the program.

(c) Upon the fire district's succeeding the town as sponsor of the service award program, the town shall retain responsibility for administering the assets of the program until discharged from such responsibility as provided in this subdivision. Except for those records required for the continued administration of program assets, the town shall turn over immediately to the fire district all records maintained by the town as sponsor of the program.

(d) Within sixty days after the date on which the fire district succeeds the town as sponsor of the service award program, the board of fire commissioners of the fire district shall develop a plan for the continued administration of program assets. Subject to the provisions of the program trust agreement and any contracts entered into by the town in furtherance of its powers and duties as sponsor of the program, such plan may provide for the custody, control, transfer, investment, or disbursement of program assets. Such plan, however, shall provide for the replacement of any individual serving in his or her official capacity as a town officer or employee as trustee or in any other position involving the administration of program assets. In developing such plan, the board of fire commissioners may request from the town information concerning the town's administration of program assets, and the town shall provide promptly such information as the board may reasonably request. Upon completion of the plan, the board of fire commissioners shall submit to the supervisor of the town a copy of the plan and a list of actions required to be taken by the town for implementation of the plan, including but not limited to execution of documents and the transfer of assets. Immediately after receiving such plan and list, the supervisor shall cause the actions on the list to be taken. Upon completion of the actions on the list and submission to the board of fire commissioners of all town records relating to the administration of program assets, the town shall be discharged from any further responsibility for administering the assets of the program. In the event that the board of fire commissioners fails to submit to the supervisor such plan and list within sixty days after the date on which the fire district succeeds the town as sponsor of the program, the supervisor may submit to the board of fire commissioners all town records relating to the administration of program assets, and upon such submission the town shall be discharged from any further responsibility for administering the assets of the program, and the board of fire commissioners shall assume responsibility for administering the assets of the program.

(e) The participants in the service award program as of the date that the fire district succeeds the town as sponsor of the program shall retain all point totals, service credit, contributions, and benefits earned prior to that date, irrespective of whether or not a participant has acquired a nonforfeitable right to a percentage of a service award on or before such date; provided, however, that nothing in this subdivision shall be construed as modifying or eliminating any requirement that a participant obtain a nonforfeitable right to a percentage of a service award in accordance with the provisions of the program. Any other active volunteer firefighters of the fire district fire department shall be eligible to participate in the service award program. Such active volunteer firefighters shall earn credit for years of firefighting service commencing with the calendar year in which the fire district succeeds the town as sponsor of the program, based on activities performed on or after the date that the fire district succeeds the town as sponsor.

(f) Except as provided in this subdivision, the service award program shall continue to be governed by the provisions of this article.

2. (a) In the event that either a town establishes a service award program for the volunteer firefighters of a fire company located within a fire protection district or a village establishes a service award program for the volunteer firefighters of the village fire department or a fire district establishes a service award program for the volunteer firefighters of the fire district fire department and, subsequently, the entire area of the fire protection district, village, or fire district is included in or added to a joint fire district established pursuant to article eleven-A of the town law and article twenty-two-A of the village law, and the joint fire district neither has established a service award program nor includes the area of any other jurisdiction which has established a service award program, the service award program established by the town, village, or fire district shall be continued as provided in this subdivision.

(b) Except as otherwise provided in this subdivision, as of the date of completion of the proceedings described in paragraph (a) of this subdivision or, in the case of a newly established joint fire district, as of the date of the first organization meeting of the board of fire commissioners of the joint fire district, the town, village, or fire district which established the service award program shall have no further responsibility for administering or funding the program and the joint fire district shall assume responsibility for those functions. As of that date, the joint fire district shall succeed the town, village, or fire district as the sponsor of the service award program, and the board of fire commissioners of the joint fire district shall exercise and perform all of the powers and duties of the sponsor of the program under this article and under any agreements entered into by the town, village, or fire district pursuant thereto in furtherance of its powers and duties as sponsor of the program, including but not limited to the program trust agreement and any contracts relating to the custody, control, investment, or disbursement of program assets. The joint fire district shall be responsible for funding any unfunded liability of the sponsor of the program existing as of the date that the joint fire district succeeds the town, village, or fire district as sponsor of the program.

(c) Upon the joint fire district's succeeding the town, village, or fire district which established the service award program as sponsor of the program, the town, village, or fire district shall retain responsibility for administering the assets of the program until discharged from such responsibility as provided in this subdivision. Except for those records required for the continued administration of program assets, the town, village, or fire district shall turn over immediately to the joint fire district all records it maintained as sponsor of the program.

(d) Within sixty days after the date on which the joint fire district succeeds the town, village, or fire district which established the service award program as sponsor of the program, the board of fire commissioners of the joint fire district shall develop a plan for the continued administration of program assets. Subject to the provisions of the program trust agreement and any contracts entered into by the town, village, or fire district in furtherance of its powers and duties as sponsor of the program, such plan may provide for the custody, control, transfer, investment, or disbursement of program assets. Such plan, however, shall provide for the replacement of any individual serving in his or her official capacity as a town, village, or fire district officer or employee as trustee or in any other position involving the administration of program assets. In developing such plan, the board of fire commissioners may request from the town, village, or fire district information concerning the town, village, or fire district's administration of program assets, and the town, village, or fire district shall provide promptly such information as the board may reasonably request. Upon completion of the plan, the board of fire commissioners shall submit to the supervisor of the town, the mayor of the village, or the chairperson of the board of fire commissioners of the fire district a copy of the plan and a list of actions required to be taken by the town, village, or fire district for implementation of the plan, including but not limited to execution of documents and the transfer of assets. Immediately after receiving such plan and list, the supervisor, mayor, or chairperson of the board of fire commissioners shall cause the actions on the list to be taken. Upon completion of the actions on the list and submission to the board of fire commissioners of the joint fire district of all town, village, or fire district records relating to the administration of program assets, the town, village, or fire district shall be discharged from any further responsibility for administrating the assets of the program. In the event that the board of fire commissioners of the joint fire district fails to submit such plan and list within sixty days after the date on which the joint fire district succeeds the town, village, or fire district as sponsor of the program, the supervisor, mayor, or chairperson of the board of fire commissioners may submit to the board of fire commissioners of the joint fire district all town, village, or fire district records relating to the administration of program assets and upon such submission the town, village, or fire district shall be discharged from any further responsibility for administering the assets of the program, and the board of fire commissioners of the joint fire district shall assume responsibility for administering the assets of the program.

(e) The participants in the service award program as of the date that the joint fire district succeeds the town, village or fire district which established the service award program as sponsor of the program shall maintain all point totals, service credit, contributions, and benefits earned prior to that date, irrespective of whether or not a participant has acquired a nonforfeitable right to a percentage of a service award on or before such date; provided, however, that nothing in this subdivision shall be construed as modifying or eliminating any requirement that a participant obtain a nonforfeitable right to a percentage of a service award in accordance with the provisions of the program. Any other active volunteer firefighters of the joint fire district fire department shall be eligible to participate in the service award program. Such active volunteer firefighters shall earn credit for years of firefighting service commencing with the calendar year in which such proceedings are completed, based on activities performed on or after the date of completion of such proceedings.

(f) Except as provided in this subdivision, the service award program shall continue to be governed by the provisions of this article.

§ 216-c. State administration of service award programs. 1. On or before the fifteenth day of November, two thousand eight and of each succeeding calendar year, the administrator shall determine the amount that each participating program sponsor is required to pay for the state-administered service award programs. The administrator shall submit to the fiscal officer of each political subdivision a statement of the amount so payable. Such amount shall consist of the amount deemed necessary to provide for payment in full of all estimated obligations of the current fiscal year of the fire service awards program and any additional obligations, plus interest on such amount, for fiscal years proceeding the current fiscal year. If, as a result of the amount determined to be paid for any fiscal year, a participating program sponsor over-paid its actual obligation for that year, the amount to be determined by the administrator for the next succeeding November fifteenth shall reflect the amount of the over payment, plus interest, as a reduction in the amount otherwise required to be paid by such participant political subdivision.

2. State-administered service award programs may be centrally administered by the state comptroller, or the comptroller may enter into one or more of the following contracts:

(a) a contract with an administrative service agency or financial organization to serve as program administrator and to perform all or any portion of the functions required to establish and administer such programs including, but not limited to, preparation of a plan document, record keeping, reporting, payment of service awards, and having custody of program moneys and assets;

(b) contracts with one or more financial organizations to invest program moneys; or

(c) a contract with an actuary for the performance of all actuarial calculations required by the program.

If the comptroller contracts for the performance of any function as provided in this subdivision, the comptroller shall be liable only for the exercise of due care in the selection of the administrative service agency, financial organization or actuary performing the function.

3. The state comptroller shall promulgate rules and regulations, as appropriate, for the service award programs. Such rules shall include, but not be limited to, standards for the selection of service providers, the method and timing of the payments required to be made by the sponsor, reporting requirements, matters relating to the preparation of a plan document, application procedures for transfer into the state-administered program, and any other matter relating to the service award programs.

4. (a) The state comptroller, or an administrative service agency or financial organization serving as program administrator, shall prepare and may amend a single plan document setting forth the obligations of sponsors, the rights of the volunteer firefighters, and standards and procedures for the administration of all state-administered service award programs. The plan document and any amendments thereto shall be consistent with the provisions of this article, the rules and regulations promulgated by the comptroller and any amendments thereto. If the plan document or any amendment thereto is prepared by an administrative service agency or financial organization, it shall not take effect until approved by the comptroller.

(b) The program administrator shall cause a summary of the plan document to be provided to each participant within six months from the date that program participation commences. The program administrator shall also cause a summary of any material amendment of the plan document to be provided to each participant within six months of the date the amendment takes effect.

(c) The plan document and the summary of the plan document shall be made available for public inspection and copying.

5. All program assets shall be held in trust for the exclusive purpose of providing service awards to participants and their beneficiaries or

for the purpose of defraying the reasonable expenses of the operation and administration of the program. The trust shall be established and may be amended by the state comptroller. The comptroller may designate himself or herself, an administrative service agency, or a financial organization as trustee, and may substitute trustees. If the service award programs and the trust are not tax qualified within the meaning of sections 401 and 501 of the Internal Revenue Code of 1954 (68A Stat. 3.26 U.S.C. 401 and 501), the trust may provide that assets apportioned to an individual sponsor may be subject to the claims of general creditors, if any, of the sponsor or may contain such other terms and provisions as are necessary to ensure that participation in a service award program does not result in taxable income under any provision of the Internal Revenue Code of 1986, as amended.

6. There is hereby established in the custody of the state comptroller a special fund to be known as the volunteer firefighter service award fund. Such fund shall consist of any money of service award programs held by the comptroller. Moneys may be paid from such fund without an appropriation by law. All payments from such fund shall be made only in accordance with the provisions of this article, the rules and regulations promulgated thereto and the plan document.

7. The moneys held for the sponsor of each service award program shall be accounted for separately. The administrator shall cause a statement of contributions to be provided to sponsors at least once annually.

8. The administrator and every fiduciary of a service award program shall be required to act solely in the interest of the program's participants and beneficiaries. Notwithstanding the provisions of any general or special law restricting the power or duty of the state comptroller to invest moneys belonging to a fund which the comptroller is authorized to invest, a fiduciary may accept, hold, invest in and retain any investment if purchased or retained with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aim.

9. (a) All contracts or agreements with an administrative service agency, financial organization or actuary shall be awarded only after receiving competitive proposals. In addition to other statutory requirements, the state comptroller shall cause to be published in the state register and in the official newspaper or newspapers, if any, or otherwise in an appropriate newspaper designated for such purposes, at least sixty days prior to the date on which the contract or agreement will be awarded and shall request proposals within thirty days of publications.

(b) All contracts and agreements entered into with an administrative service agency, financial organization or actuary shall be in writing, shall not exceed five years in duration, and shall impose no penalties or surrender charges for the transfer of assets or responsibilities on termination of the contract or agreement. Such contracts and agreements shall be available for public inspection and copying.

§ 217. General requirements of a service award program. No volunteer fire department, volunteer fire company, fire district, fire protection district, village, town or city, shall be required under this article to provide service award benefits for its active volunteer firefighters. Any service awards provided to an active volunteer firefighter under this article shall be governed by the provisions of section two hundred eighteen in the case of defined contribution plans, section two hundred nineteen in the case of defined benefit plans and in either case by the provisions of sections two hundred fourteen, two hundred fifteen, two hundred sixteen and two hundred nineteen-a of this article. No service award program may be provided under this article unless the following requirements are met:

(a) An active volunteer firefighter must be eligible to participate in any service award program provided under this article if the active volunteer firefighter has reached the age of eighteen and has completed at least one year of firefighting service. The sponsor of the service award program may impose younger age or shorter length of service requirements for participation in the service award program.

(b) A participant shall have a nonforfeitable right to a percentage of a service award that is not less than the percentage determined under the following table:

Years of Firefighting Service	Nonforfeitable Percentage
Less than 5	0
5 or more	100

Notwithstanding the preceding table, a participant shall have a one hundred percent nonforfeitable right to his service award upon his attainment of the entitlement age under the program. Each sponsor may establish a percentage table that provides for a faster rate of becoming nonforfeitable. Any amounts attributable to forfeiture of a participant's service award shall be used to reduce contributions for other service award program participants and shall not in any case be used to increase benefits for other participants. The preceding shall not preclude amendment of a service award program to provide for an increase in benefits.

(c) A year of firefighting service shall be credited under a service award program for each calendar year after establishment of the program in which an active volunteer firefighter accumulates at least fifty points. Points shall be granted in accordance with a system adopted by the program sponsor. Such system shall provide that points shall be granted for activities designated by the program sponsor, which activities shall be selected from the following:

(i) Training courses -- twenty-five points maximum.

(A) Courses under twenty hours duration -- one point per hour, with a maximum of five points.

(B) Courses of twenty to forty-five hours duration -- one point per hour for each hour over initial twenty hours, with a maximum of ten points.

(C) Courses over forty-five hours to one hundred hours duration -- fifteen points per course.

(D) Courses over one hundred hours duration -- twenty-five points per course.

(ii) Drills -- twenty points maximum. One point per drill (minimum two hour drill).

(iii) Sleep-in or stand-by -- twenty points maximum.

(A) Sleep-in -- one point each full night.

(B) Stand-by -- one point each. A stand-by is defined as line of duty activity of the volunteer fire company, lasting for four hours, not falling under one of the other categories.

(iv) Elected or appointed position (see definition) -- twenty-five points maximum.

(A) Completion of one year term in an elected or appointed position. If the term of office for a firefighter who has been elected or appointed to a position in a fire company or fire department commences during the month of May, the participant shall receive credit for the full year notwithstanding the fact that the participant has not completed one year in the elected or appointed position at the end of the calendar year in which he or she was elected or appointed.

(B) An active volunteer firefighter elected to serve as a delegate to a firefighters' convention shall also be eligible to receive one point per meeting.

(v) Attendance at meetings -- twenty points maximum.

Attendance at any official meetings of the volunteer fire company -- one point per meeting.

(vi) Participation in department responses -- twenty-five points for responding on the minimum number of calls, as outlined below:

(A) Total number of calls volunteer fire company responds to annually other than emergency rescue and first aid squad calls (ambulance calls)	0 to 500	500 to 1000	1000 to 1500	1500 and up
Minimum number of calls volunteer firefighter must run annually in order to receive twenty-five points credit	10%	7.5%	5%	2.5%
(B) Total number of calls emergency rescue and first aid squad (ambulance)	0 to 500	500 to 1000	1000 to 1500	1500 and up
Minimum number of calls volunteer firefighter must run annually in order to receive	10%	7.5%	5%	2.5%

twenty-five points credit

(vii) Miscellaneous activities -- maximum fifteen points. Participation in inspections and other activities covered by the volunteer firefighters' benefit law and not otherwise listed -- one point per activity.

(viii) In the event that any active volunteer firefighter is either totally and temporarily disabled, or partially and permanently disabled, as certified by the workers' compensation board or other competent authority approved by the sponsor of the service award program, and the disability occurs during the course of service as a volunteer, while actively engaged in providing line of duty services, as defined in subdivision one of section five of the volunteer firefighters' benefit law, the firefighter shall receive five points for each full month of such disability.

(ix) Teaching fire prevention classes--five points maximum. An active volunteer firefighter who at the direction of his company, district or department, and for no remuneration, presents a public education class on fire prevention to a school, not-for-profit corporation, or civic organization organized and existing under the laws of this state or authorized to conduct activities in this state--one point per class.

The program sponsor may designate less than all the activities specified in this subdivision as activities for which points may be earned.

(d) An active volunteer firefighter's service award program may provide for the crediting of years of active firefighting service for periods prior to the establishment of such program to a maximum of five years of active firefighting service per participant but only to the extent authorized pursuant to section two hundred sixteen of this article.

(e) In order to provide credit for service prior to the establishment of the service award program, each sponsor shall review its prior membership rosters to determine the number of years credit for each participant who is entitled to credit. In making the analysis, the standards for active service set forth in subdivision (c) of this section and adopted by the sponsor shall be used. Approval for such prior service shall require certification by the president, secretary and chief of the volunteer fire company. In the event an active volunteer firefighter requests credit for service in more than one volunteer fire company, each such company shall provide a certification for the appropriate number of years.

(g) An active volunteer firefighter whose name does not appear on the approved certified list or who is denied credit for service prior to the establishment of the service award program shall have the right to appeal within thirty days of posting of the list or within thirty days of denial of past service credit. The appeal shall be in writing and mailed to the clerk or secretary of the governing board of such political subdivision, which shall investigate the appeal. The decision of the authorities in control of each volunteer fire company shall be subject to appropriate judicial review.

(h) An active volunteer firefighter's service award program may designate that benefits thereunder may be paid in the form of a lump sum, a life annuity with or without survivor benefits, period certain annuities, or any other form provided under the program. All forms of benefit payments shall be actuarially equivalent to each other. The sponsor may limit the forms of benefit payment under a service award program or impose conditions concerning the availability of such benefits. Nothing in this subdivision shall require a sponsor of a service award program to purchase annuity contracts from an insurance company.

(i) A participant whose volunteer fire service is interrupted by full-time extended obligatory military service or by a single voluntary enlistment not to exceed four years in the armed forces of the United States shall be considered on military leave. During such period of military leave, the participant shall receive active volunteer service credit of fifty points for each full year, prorated for service of less than a year.

(j) All program assets shall be held in trust for the exclusive purpose of providing benefits to participants and their beneficiaries or for the purpose of defraying the reasonable expenses of the operation and administration of the program. If the service award program and the related trust are not tax qualified within the meaning of sections 401 and 501 of the Internal Revenue Code of 1954 (68A Stat 3, 26 U.S.C. 401 and 501), the trust referred to in this subdivision may provide that the assets held thereunder may be subject to the claims of general creditors, if any, of the sponsor or may contain such other terms and provisions as are necessary to insure that the participation by an active volunteer firefighter in the service award program does not result in taxable income to such volunteer firefighter under any provision of the Internal Revenue Code of 1986, as amended.

(k) Every fiduciary of a service award program will be required to act solely in the interest of the program's participants and beneficiaries. Subject only to the provisions of the program document, a fiduciary may accept, hold, invest in and retain any investment if purchased or retained in the exercise of the degree of judgment and care, under the circumstances then prevailing, which persons of prudence and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to permanent disposition of their funds, considering the probable income to be derived therefrom as well as the probable safety of their capital.

(l) No service award provided under the program may be assigned or alienated except to provide for the legally obligated support of minor children or spouse.

(m) A participant who is convicted of the crime of arson in any degree as defined in the penal law shall not be eligible to receive benefits from a service award program and shall forfeit any and all rights he or she may have had to past or future benefits pursuant to a service award program.

(n) An active volunteer firefighters' service award program may provide for the crediting of years of active firefighting service for periods after an active volunteer firefighter has reached the entitlement age and is receiving a service award.

(o) In the case of a state-administered service award program, the state comptroller may promulgate rules and regulations prescribing procedures and forms for the compilation and maintenance of records of the points accumulated by each volunteer firefighter. Each fire company participating in the state-administered program shall compile and maintain such records in the manner prescribed.

(q) The program sponsor may make adjustments to the participation in department responses point system category provided for in paragraph (vi) of subdivision (c) of this section in the event that such program sponsor adopts written emergency response protocols setting different emergency response requirements for the fire department, fire companies, squads and units thereof such that certain participants are not permitted to respond and are restricted from responding to all non-emergency rescue and first aid squad calls and/or all emergency rescue and first aid squad calls. Such restrictions on response may relate to determinations made by the district physician or department's physician as to the duties that may be assigned to certain personnel. In the event that the program sponsor adopts different response requirements for different groups, participants in those groups shall be required to respond to the minimum number of emergency calls assigned to their group by applying the percentage provided for in paragraph (vi) of subdivision (c) of this section. Notwithstanding the provisions of section two hundred sixteen of this article, a point system amendment to address written emergency response protocols may be adopted by the affirmative vote of at least sixty percent of such governing board, without referendum. Such amendment shall only take effect as of the first day of January next succeeding the completion of the proceedings required for adoption of the amendment and shall only apply prospectively unless the new written emergency response protocol is adopted in order to address a state disaster emergency, as such term is defined in section twenty of the executive law, and applicable to the county or counties in which the fire department operates, in which case such amendment may be applied in the year adopted.

§ 217-a. Public information website. 1. The comptroller is hereby authorized to make available to the public on its website information about vendors of service award programs, both defined contribution programs and defined benefit programs, for volunteer firefighters. Such information shall include, but need not be limited to:

(a) categorization by class of all costs, fees and commissions of any type;

(b) rate of return on investment for one, three, five and ten year periods ending December thirty-first, including gross of all costs and net of all costs;

(c) length of time the company has been in business;

(d) information regarding management stability including the length of tenure of board members;

(e) description of investment structure including its ten largest holdings;

(f) statement of investment philosophy;

(g) list of all representatives and their relationship to any program sponsor;

(h) percentage of investments bought or sold during each year.

2. The comptroller is hereby authorized to develop and distribute to every vendor, not more than sixty days after the effective date of this section, a form that shall be used for the purpose of collecting the information required by subdivision one of this section and any other information the comptroller may deem desirable to accomplish the purposes of this section. Every vendor shall return such forms to the comptroller no later than ninety days after the effective date of this section and annually thereafter, but no later than March first of each year commencing in two thousand eight. The comptroller is hereby authorized to publish the information obtained from such forms and make it available to New York residents on the office of the comptroller website by July first, two thousand eight and annually thereafter.

3. As used in this section, "vendor" shall mean an organization duly authorized to do business in the state and which is qualified to administer and maintain records and accounts of defined benefit and defined contribution plans which meet the requirements for qualification under the internal revenue code and governmental defined benefit and defined contribution plans.

§ 218. Requirements and benefits under a defined contribution plan service award program. (a) An active volunteer firefighter's service award program that is a defined contribution plan shall be subject to minimum and maximum contribution requirements as set forth in subdivision (b) of this section. In determining whether such minimum and maximum contribution requirements have been satisfied, all benefits provided under all service award programs instituted by a sponsor shall be considered as one program.

(b) The sponsor of a defined contribution plan shall contribute to the plan a fixed amount of money, as determined by the sponsor, on behalf of each participant who is credited with a year of service. The minimum and maximum contribution requirements for a defined contribution service award program shall be as follows. The minimum contribution shall be one hundred twenty dollars per year of service. The maximum contribution shall be twelve hundred dollars per year of service. The maximum number of years of service for which a participant may receive a contribution shall be forty years. The sponsor shall appropriate annually an amount sufficient to pay the contributions. The governing board of a political subdivision may extend the maximum number of years of service for which a participant may receive a contribution for up to an additional ten years, to a maximum of fifty years, and such increases in the number of years may be added in multiple increments or in a single action, pursuant to the adoption of the required resolution or resolutions of the governing board, receiving the affirmative vote of at least sixty percent of the governing board of the political subdivision, and the approval of any mandatory referendum or referenda authorizing the extension of benefits under the program by eligible voters within such political subdivision.

(c) The benefit payable to a participant in a defined contribution plan shall be the resulting amount from a defined annual contribution made by the sponsor less necessary administrative costs and shall include interest and/or other earnings resulting from investment of the annual contribution. The governing board of the sponsor may retain an actuary to provide advice with respect to the investment of annual contributions or any other aspect of the program and the cost thereof shall constitute a necessary administrative cost of the program. Benefits shall be available when the participating volunteer firefighter reaches entitlement age or at the time permanent total disability is established.

(d) In the event that any active volunteer firefighter becomes disabled and in the event that the disability prevents the active volunteer firefighter from pursuing such volunteer's normal occupation and if the disability is total and of a permanent nature as certified by the workers' compensation board or other competent authority approved by the sponsor of the service award program, the volunteer firefighter is entitled to receive the benefits described in this section, regardless of age or length of service. Such benefits shall begin on the first day of the first month following the establishment of such disability.

At the option of the sponsor of the service award program, the sponsor may provide an additional disability benefit in the event that any active volunteer firefighter becomes disabled during the course of service as a volunteer while actively engaged in providing a line of duty services, as defined in subdivision one of section five of the volunteer firefighters' benefit law. The additional disability benefit shall be an amount equal to an amount stated in the referendum under which the program was established or amended and payable to the disabled firefighter monthly for life. The plan sponsor shall provide the plan annually with the additional funds necessary to accommodate this additional disability benefit or the sponsor may purchase an annuity or make other provisions to effectuate the additional disability benefit.

(e) A volunteer firefighter's retirement income plan shall provide that, in the event of the death of an active volunteer firefighter who has a right to a nonforfeitable percentage of retirement income pursuant to subdivision (b) of this section, the designated beneficiaries of such active volunteer firefighter (or his estate if no beneficiary is so designated) shall be entitled to receive death benefits under the service award plan. Such benefits shall be equal to the amount of benefits earned by the volunteer firefighter under the plan at the date of death.

At the option of the sponsor of the services award program, if the active volunteer firefighter dies during the course of service as a volunteer while actively engaged in providing line of duty services, as defined in subdivision one of section five of the volunteer firefighters' benefit law, additional death benefits may be provided by the sponsor. The amount of such death benefit shall be stated in the referendum under which the program was established or amended. In the event of the death of an active volunteer firefighter during the course of service as a volunteer while actively engaged in providing line of duty services, as defined in subdivision one of section five of the volunteer firefighters' benefit law, such death benefit amount shall be paid by the sponsor to the plan for distribution to the beneficiary or the estate if no beneficiary is designated.

(f) In the case of a state-administered service award program, a service award shall be paid only after an application is made to the program administrator and the administrator approves the application.

§ 219. Requirements and benefits under a defined benefit plan service award program. (a) An active volunteer firefighter's service award program that is a defined benefit plan shall be subject to minimum and maximum retirement benefit requirements as set forth in subdivision (b) of this section. In determining whether such minimum and maximum benefit requirements have been satisfied, all benefits provided under all service award programs instituted by a sponsor shall be considered as one program.

(b) The minimum and maximum retirement benefit requirements for a service award program that is a defined benefit plan shall be defined as follows. Each participating active volunteer firefighter shall be entitled to a minimum service award benefit of five dollars per month for each year of firefighting service completed after satisfying the program's eligibility requirement and after establishment of the program. The maximum benefit amount payable to a participating active volunteer firefighter entitled to a benefit shall be determined on the basis of an actuarial valuation. The valuation shall take into account the age, and such other factors as the actuary deems appropriate, of the eligible participating active volunteer firefighters and the amount of available financing available per active covered volunteer firefighter. The maximum service award under a service award program shall be a monthly payment, payable for life, that does not exceed an amount equal to thirty dollars for each year of firefighting service credited under the terms of the program to a maximum of forty years of firefighting service. The governing board of a political subdivision may extend the maximum number of years of service for which a participant may receive a contribution for up to an additional ten years, to a maximum of fifty years, and such increases in the number of years may be added in multiple increments or in a single action, pursuant to the adoption of the required resolution or resolutions of the governing board, receiving the affirmative vote of at least sixty percent of the governing board of the political subdivision, and the approval of any mandatory referendum or referenda authorizing the extension of benefits under the program by eligible voters within such political subdivision.

(c) No benefit payments may be made under any service award program that is a defined benefit plan until the tenth anniversary of the establishment of the service award program. The foregoing sentence shall not preclude a service award program from providing for additional benefit payments after the tenth anniversary of the establishment of the service award program to reflect the fact that the payment of benefits could not commence until that date.

Notwithstanding the preceding paragraph, if a program sponsor has been authorized pursuant to section two hundred sixteen or two hundred sixteen-a of this article to provide benefits prior to the tenth anniversary of the establishment of the service award program, it may provide for the payment of service awards from the date of establishment of the service award program or from such other date as is set forth in the authorization.

(d) The governing board shall engage the services of an actuary for the purpose of determining the annual amount required to be contributed to a defined benefit service award program, which amount shall be based on the interest and mortality tables or other appropriate assumptions and methods selected by actuary. The sum so determined shall be appropriated annually by the political subdivision. The governing board may also retain an actuary to provide advice with respect to any other aspect of the program.

(e) In the event that any active volunteer firefighter becomes disabled and in the event that the disability prevents the active volunteer firefighter from pursuing such volunteer's normal occupation and if the disability is total and of a permanent nature as certified by the workers' compensation board or other competent authority as approved by the program sponsor, the volunteer firefighter is entitled to receive the benefits described in this section, regardless of age or length of service. Such benefits shall begin on the first day of the first month following the establishment of such disability.

At the option of the sponsor of the service award program, if the active volunteer firefighter becomes disabled during the course of service as a volunteer while actively engaged in providing line of duty services as defined in subdivision one of section five of the volunteer firefighters' benefit law, an additional disability benefit may be authorized. Additional disability benefit shall be equal to the amount of additional benefits that the volunteer firefighter would have been entitled to had he continued to earn years of firefighting service through his entitlement age if the rate of benefits being provided under the service award program at the time of disability continued to be provided through the entitlement age.

(f) A volunteer firefighter's retirement income plan may provide that, in the event of the death of an active volunteer firefighter who has a right to a nonforfeitable percentage of retirement income pursuant to subdivision (b) of this section, the designated beneficiaries of such active volunteer firefighter (or his estate if no beneficiary is so designated) shall be entitled to receive death benefits under the service award plan. Such death benefits shall be payable in the form of a lump sum amount designated by the sponsor as payable at death or a percentage of the retirement benefits otherwise payable. Such benefits shall be equal to the amount of benefits earned by the volunteer firefighter under the plan at the date of death.

At the option of the sponsor of the service award program, if the active volunteer firefighter dies during the course of service as a volunteer while actively engaged in providing line of duty services, as defined in subdivision one of section five of the volunteer firefighters' benefit law, additional death benefits may be provided.

(g) In the case of a state-administered service award program, a service award shall be paid only after an application is made to the program administrator and the administrator approves the application.

§ 219-a. Administration, reporting and disclosure. 1. The sponsor or the designated program administrator shall provide each active volunteer firefighter who participates in a service award program maintained under this article with a summary of the program's provisions, including the program's provisions relating to the participation requirements, the rate at which a nonforfeitable interest in program benefits increases and the program's service awards formula. This summary shall be provided to each service award program participant within six months from the date the program participation commences. In addition, any material modification to such program provisions shall be communicated in writing to each participant within six months after the later of the date modification is adopted or the date it is effective. The designated program administrator shall cause a statement of contributions to be provided to sponsors at least once annually. A copy of this program, the summary of the program, and documents related to the funding or investment of the assets of the program and of any contracts or agreements with service providers to the program shall be provided to participants annually and a copy shall be made available for inspection or copying by a program participant or beneficiary at the sponsor's main office. The plan document and the summary of the plan document shall be made available for public inspection and copying.

2. (a) This program shall be administered by such political subdivisions in accordance with standards and procedures established by them. Payment shall be made when certified by such political subdivisions; provided, however, that in the case of a state-administered program, the procedures for administration and payment shall be consistent with the rules and regulations governing the state-administered program.

(b) It shall be the responsibility of each participating volunteer fire company to maintain all required records on forms prescribed by the governing board of such political subdivision of the state; provided, however, that in the case of a state-administered program, each participating fire company shall compile and maintain such records in a manner consistent with the rules and regulations governing the state-administered program.

(c) Each volunteer fire company shall furnish to the governing board of such political subdivision a list of all volunteer members, certified under oath, and shall identify those volunteer members who have qualified for credit under the award program for the previous year. Such list shall be submitted annually by March thirty-first. In the case of state-administered plans, such list shall be submitted annually by March thirty-first or otherwise as provided in the rules and regulations governing the state-administered program. Notwithstanding the provisions of this paragraph a volunteer firefighter may request that his name be deleted from said list as a "participant" in said "defined benefit plan" or "defined contribution plan". Such request for deletion shall be in writing and shall remain effective until withdrawn in the same manner.

(d) The governing board of each such political subdivision shall review the list of each volunteer fire company and approve the final annual certification. The approved list of certified members shall then be returned to each company and posted for at least thirty days for review by members.

3. The sponsor or designated program administrator shall obtain an annual audit of its records by an independent certified public accountant or an independent public accountant. Such audit shall examine the program's financial conditions, actuarial assumptions, fiduciary investment and control, and asset allocations, including whether current assets are adequate to fund future liabilities. A copy of the audit shall be presented to the program sponsor and to the state comptroller by such accountant. Copies of the audit shall also be made available for public inspection and copying. The audit must be completed within two hundred seventy days of the program sponsor's fiscal year.

ARTICLE 11-AA

DEFINED CONTRIBUTION

SERVICE AWARD

PROGRAMS FOR VOLUNTEER AMBULANCE WORKERS

219-i. Conversion to defined benefit plan.

§ 219-b. Purpose. It is hereby declared that this article is intended to effectuate the objects and purposes of section eighteen of article one of the constitution and that the relationship between the political subdivision liable for payments of service awards under this article and a volunteer ambulance worker entitled to such payments is that of employer and employee within the meaning of such provision of the constitution. In no event shall the receipt of a service award under the provisions of this article be deemed to constitute membership in any pension or retirement system of the state or of a civil division thereof within the purview of section seven of article five of the constitution.

§ 219-c. Definitions. As used in this article:

1. "Ambulance company" shall mean a municipal ambulance service or a voluntary ambulance service, but shall not include an ambulance service organized pursuant to section two hundred nine-b of this chapter.

2. "Defined contribution plan" means any service award program that provides to a participant a benefit as the result of definite and determinable contributions made to the program on behalf of the participant without reference to any income, expense, gains or losses or forfeitures of other participants under the program.

3. "Entitlement age" means the earliest age, except in the case of disability or death, designated by the sponsor at which a participant who has a nonforfeitable right to a service award is entitled to apply for and begin receiving a service award. In no event shall entitlement age be earlier than age fifty-five nor later than age sixty-seven.

3-a. "Fiduciary" means any person, including an administrative service agency and a financial organization, exercising discretionary authority or control with respect to the administration of a service award program or the custody, management or disposition of program assets, or any person who renders advice to the program for a fee.

4. "Fund" means the volunteer ambulance service award fund created pursuant to this article.

4-a. "Municipal ambulance service" means an ambulance service as defined in subdivision two of section three thousand one of the public health law operated by a municipal corporation or agency thereof, or by an ambulance district, and staffed in whole or in part by volunteer ambulance workers.

5. "Nonforfeitable" means the unconditional and legally enforceable right to receive a service award.

6. "Participant" means a volunteer ambulance worker who satisfies the age and service requirements of subdivision one of section two hundred nineteen-e of this article.

6-a. "Political subdivision" means a county, city, town, village, ambulance district, or fire protection district which contracts with an ambulance service which is not organized pursuant to section two hundred nine-b of this chapter.

7. "Service award" means the benefit payable pursuant to a service award program.

8. "Service award program" or "program" means a defined contribution plan established, adopted and maintained under this article to provide service awards for volunteer ambulance workers.

9. "Sponsor" or "sponsoring organization" means a political subdivision which adopts a service award program.

9-a. "Voluntary ambulance service" means an ambulance service as defined in subdivision three of section three thousand one of the public health law (i) operating not for pecuniary profit or financial gain, and (ii) no part of the assets or income of which is distributable to, or enures to the benefit of its members, directors or officers except to the extent permitted under article thirty of the public health law.

9-b. "Volunteer ambulance worker" means an active volunteer member of an ambulance company as specified on a list regularly maintained by the company for purposes of the volunteer ambulance workers' benefit law.

10. "Year of ambulance service" means a calendar year during which a volunteer ambulance worker accumulates at least fifty points in accordance with the system established pursuant to subdivision three of section two hundred nineteen-e of this article.

11. "Elected or appointed position" means the directors, president, vice president, treasurer, secretary or other corporate officers and line officers of an ambulance company.

12. "Administrator" or "plan administrator" means the state comptroller, or an administrative service agency or financial organization selected by the state comptroller to perform all or a portion of the functions required to administer service award programs.

13. "Administrative service agency" means an organization duly authorized to do business in the state and which is qualified to administer and maintain records and accounts of plans which meet the requirements for qualification under the internal revenue code and governmental plans.

14. "Financial organization" means an organization duly authorized to do business in the state and which is (i) registered as an investment adviser under the Investment Advisers Act of 1940, as such provisions may be amended from time to time; (ii) licensed or chartered by the state department of financial services; (iii) chartered by an agency of the federal government; or (iv) subject to the jurisdiction and regulation of the securities and exchange commission of the federal government.

§ 219-d. Authorization to adopt service award programs. 1. No political subdivision shall be required to adopt a service award program. Any service award program adopted pursuant to this section shall be governed by the provisions of this article.

2. A political subdivision may adopt a service award program for the volunteer ambulance workers of ambulance companies which are either:

(a) a municipal ambulance service of the political subdivision; or

(b) a voluntary ambulance service which provides service to the political subdivision under contract with the governing board thereof and has its principal headquarters in the political subdivision.

3. A service award program may be adopted only by resolution of the governing board of a political subdivision receiving the affirmative vote of at least sixty percent of the governing board and the approval of a proposition authorizing the adoption of the program at a referendum of the electors of the political subdivision.

4. The resolution authorizing adoption of a service award program shall state:

(a) the name of each volunteer ambulance company having volunteer ambulance workers who are potential participants in the program;

(b) the entitlement age under the program;

(c) the number of years of ambulance service required to obtain a nonforfeitable right to a service award;

(d) the activities for which points shall be granted toward a year of ambulance service;

(e) the amount of the contribution to the program to be made by the sponsor on behalf of each participant credited with a year of ambulance service;

(f) the extent to which the program provides for contributions for ambulance service rendered by a participant during one or more of the five calendar years immediately preceding the adoption of the program;

(g) in the case of a service award program which provides for contributions for ambulance service rendered by a participant during one or more of the five calendar years immediately preceding the adoption of the program, the timing and method of financing such contributions;

(h) the date as of which the program shall take effect;

(i) in the case of a service award program to take effect on a day other than the first day of January, whether points toward a year of ambulance service shall be granted for activities performed prior to the effective date of the program and on or after the immediately preceding first day of January; and

(j) the date on which the proposition authorizing the adoption of the program shall be submitted to referendum.

5. The proposition authorizing adoption of the service award program shall be submitted to referendum not less than thirty days and not more than ninety days after the governing board votes to authorize the adoption of the program. Notice of the referendum shall be published at least once, not less than fourteen days prior to the date of the referendum, in the official newspaper of the political subdivision or, if the political subdivision does not have an official newspaper, in one or more newspapers having general circulation in the political subdivision. The referendum shall be conducted and the cost thereof charged in the same manner as other referenda held by the political subdivision.

6. The proposition shall state: (a) the estimated annual cost of the service award program;

(b) the portion of the estimated annual cost of the program, if any, to be paid by one or more other political subdivisions;

(c) the estimated annual cost per participant;

(d) in the case of a proposition to be voted on at a referendum held on or after January first, nineteen hundred ninety-five, the estimated annual administration fee;

(e) the extent to which the program provides for contributions for ambulance service rendered by a participant during one or more of the five calendar years immediately preceding the adoption of the program and the estimated cost thereof; and

(f) in the case of a service award program to take effect on a day other than the first day of January, whether points toward a year of ambulance service shall be granted for activities performed prior to the effective date of the program and on or after the immediately preceding first day of January.

7. Upon approval of the proposition, the service award program shall be deemed adopted by the political subdivision in accordance with the terms of the resolution adopted by the governing board.

8. (a) Once a service award program has been adopted, participation therein by the sponsor may be terminated, or the amount of the sponsor's contribution to the program may be changed, or the program may be amended to provide for contributions for ambulance service rendered by a participant during one or more of the five calendar years immediately preceding the adoption of the program, by resolution of the governing board of the sponsor receiving the affirmative vote of at least sixty percent of the governing board and the approval of a proposition at a referendum of the electors of the sponsor.

(b) The entitlement age, the number of years of ambulance service required to obtain a nonforfeitable right to a service award, and the activities for which points shall be granted toward a year of ambulance service may be changed by resolution adopted by the affirmative vote of at least sixty percent of the governing board of the sponsor without referendum; provided, that, consistent with the provisions of subdivision three of section two hundred nineteen-e of this article, if the effect of the amendment is to increase the number of points granted for the performance of the activity, decrease the amount of an activity required to earn the points granted for the performance of the activity, or both, such amendment shall be subject to a mandatory referendum. Any amendment to a service award program shall only take effect as of the first of January next succeeding completion of the proceedings required for adoption of the amendment and shall only apply prospectively.

(c) The sponsor's participation in a service award program adopted for the volunteer ambulance workers of one or more ambulance companies described in paragraph (b) of subdivision two of this section shall be suspended to the extent that service credit shall not be granted for activities performed by the volunteer ambulance workers of any such ambulance company during any period in which the company ceases to provide service to the sponsor under contract with the governing board thereof.

§ 219-e. Participation, vesting and service credit. 1. A volunteer ambulance worker must be eligible to participate in any service award program provided under this article if the volunteer ambulance worker has reached the age of eighteen and has completed at least one year of ambulance service.

2. A participant shall have a nonforfeitable right to a service award upon completing five years of ambulance service, provided, however, that a sponsor may reduce the number of years of ambulance service required to obtain a nonforfeitable right to a service award. Any amounts attributable to forfeiture of a participant's service award shall be used to reduce contributions for other service award program participants and shall not in any case be used to increase benefits for other participants. The preceding shall not preclude amendment of a service award program to provide for an increase in benefits.

3. A year of ambulance service shall be credited under a service award program for each calendar year, beginning with the year in which the program is adopted, in which a volunteer ambulance worker accumulates at least fifty points. Except as provided in subdivision five of this section and subdivision eight of section two hundred nineteen-d of this article, points shall be granted for activities performed after the effective date of the program in accordance with a system adopted by the sponsor which shall be applied on a consistent and uniform basis. Such system shall provide that points shall be granted for activities designated by the sponsor, which activities shall be selected from the following:

(a) Training courses -- twenty-five points maximum.

(i) Courses under twenty hours duration -- one point per hour, with a maximum of five points.

(ii) Courses of twenty to forty-five hours duration -- one point per hour for each hour over initial twenty hours, with a maximum of ten points.

(iii) Courses over forty-five hours duration -- fifteen points per course.

For purposes of this paragraph, the term "training course" shall mean a course of instruction having a prescribed topic and syllabus. Points for a training course shall be awarded only upon the successful completion of the course and only in the year in which the course is successfully completed.

(b) Drills and seminars -- twenty points maximum. One point per minimum two hour drill or seminar. For purposes of this paragraph, the term "drill" shall mean a skills practice or skills training session related to emergency medical service and the term "seminar" shall mean a lecture on a topic relating to the emergency medical service.

(c) Sleep-in or stand-by -- twenty points maximum.

(i) Sleep-in -- one point each full night.

(ii) Stand-by -- one point each. A stand-by is defined as line of duty activity of the volunteer ambulance company, lasting for four hours, not falling under one of the other categories. A service award program may not provide points pursuant to this paragraph if the program provides points for tours of duty pursuant to paragraph (d) of this subdivision.

(d) Tours of duty. A maximum of twenty points may be granted for serving tours of duty at a rate equal to no more than one-sixth of a point per hour served as determined by the sponsor. For purposes of this paragraph, the term "tour of duty" shall mean a line of duty activity, not falling under one of the other paragraphs of this subdivision, involving a period of time scheduled or assigned by an ambulance company during which a volunteer ambulance worker is responsible for providing emergency medical service or general ambulance service, including sleep-ins, stand-bys and backup duty, by reason of being stationed at an event, as part of a rostered duty crew or as otherwise provided by the regular procedures of the ambulance company. A sponsor may also define two or more activities included within the meaning of the term tour of duty and provide for points to be granted for the performance of such activities at different rates, provided, that points for such activities shall not be granted at a rate in excess of one-sixth of a point per hour served and no more than twenty points shall be granted for all such activities. A service award program may not provide points pursuant to this paragraph if the program provides points for sleep-ins or stand-bys pursuant to paragraph (c) of this subdivision.

(e) Elected or appointed position -- twenty-five points maximum.

(i) Completion of one year term in an elected or appointed position.

(ii) A volunteer ambulance worker elected to serve as a delegate to an ambulance workers' convention shall also be eligible to receive one point per meeting.

(iii) A volunteer ambulance worker appointed to serve on the New York state emergency medical services council, the state emergency medical advisory committee, a regional emergency medical services council or a regional emergency medical advisory committee, established pursuant to article thirty of the public health law shall also be eligible to receive one point per meeting.

(f) Attendance at meetings -- twenty points maximum.

(i) Attendance at any official meetings of the ambulance company -- one point per meeting.

(ii) Attendance at official meetings of a standing committee of the ambulance company by a member of the committee -- one point per meeting.

(g) Participation in ambulance company responses -- twenty-five points for responding on the minimum number of calls, as outlined below:

Total number of calls ambulance company responds to annually	0 to 500	500 to 1000	1000 to 1500	1500 and over
Minimum number of calls volunteer ambulance worker must run annually in order to receive twenty-five points credit	10%	7.5%	5%	2.5%

A volunteer ambulance worker who is granted points toward a year of ambulance service pursuant to this paragraph may not be granted points toward the same year of ambulance service for alternative participation company responses pursuant to paragraph (h) of this subdivision.

(h) Alternative participation in company responses. A maximum of twenty-five points may be granted for participation in company responses at a rate equal to no more than one-half point per response as determined by the sponsor. A volunteer ambulance worker who is granted points toward a year of ambulance service pursuant to this paragraph may not be granted points toward the same year of ambulance service for participation in company responses pursuant to paragraph (g) of this subdivision.

(i) Miscellaneous activities -- maximum fifteen points. Participation in inspections and other activities covered by the volunteer ambulance workers' benefit law and not otherwise listed -- one point per activity.

(j) The sponsor may designate less than all the activities specified in this subdivision as activities for which points may be earned.

4. Points toward a year of ambulance service may be granted for activities performed after a participant reaches entitlement age, but shall not be granted for activities performed after a participant applies for a service award.

5. A service award program which is to take effect on a day other than the first day of January may provide for points to be granted toward a year of ambulance service for activities performed prior to the effective date of the program and on or after the immediately preceding first day of January, provided, the proposition authorizing adoption of the program contains a statement authorizing points to be granted for such activities. Points attributable to such activities shall be granted in accordance with the point system adopted by the sponsor pursuant to subdivision three of this section.

6. In computing credit for those volunteer ambulance workers who also serve as paid employees within a political subdivision of the state, credit shall not be given for activities performed during the individual's regularly assigned work periods.

7. A participant whose ambulance service is interrupted by full-time extended obligatory military service or by a single voluntary enlistment not to exceed four years in the armed forces of the United States shall be considered on military leave. During such period of military leave, the participant shall receive fifty points for each full year of military service, prorated for military service of less than a year.

7-a. An active volunteer ambulance worker's service award program may provide for the crediting of years of and points for volunteer ambulance service for periods after an active volunteer ambulance worker has reached the entitlement age and is receiving a service award.

8. The state comptroller may promulgate rules and regulations prescribing procedures and forms for the compilation and maintenance of records of the points accumulated by each volunteer ambulance worker. Each ambulance company shall compile and maintain such records in the manner prescribed.

9. The president, secretary and chief or comparable officers of each ambulance company shall submit to the governing board of the sponsor a list of all volunteer members, certified under oath, which shall identify those volunteer members who have qualified for credit under the award program for the previous year. Such list shall be submitted annually by March thirty-first or otherwise as provided in the rules and regulations of the state comptroller and shall be accompanied by such membership records and records of point accumulations as the governing board may require to substantiate the accuracy of the list. Notwithstanding the provisions of this subdivision a volunteer ambulance worker may request that his name be deleted from said list as a "participant". Such request for deletion shall be in writing and shall remain effective until withdrawn in the same manner.

10. The governing board of the sponsor shall review the list of each ambulance company and may delete the name of any person who was not a volunteer ambulance worker during the preceding calendar year or the name of any volunteer ambulance worker who did not earn fifty points during the preceding calendar year or whose point accumulation has not been adequately documented. Thereafter, the governing board shall approve the list and return a copy of the list to the ambulance company and forward a certified copy of the approved list to the program administrator.

11. Upon receipt of the approved list, the ambulance company shall post the list at its principal headquarters for at least thirty days. A volunteer ambulance worker whose name does not appear on the approved list shall have the right to appeal within thirty days of posting of the list. The appeal shall be in writing and mailed to the clerk or

secretary of the governing board of the sponsor, which shall investigate the appeal. The decision of the governing board shall be subject to judicial review pursuant to article seventy-eight of the civil practice law and rules.

12. In the event that a volunteer ambulance worker is either totally and temporarily disabled or partially and permanently disabled as certified by the workers' compensation board or other competent authority approved by the state comptroller, and the disability occurs during the course of service as a volunteer while actively engaged in providing line-of-duty services as defined in the volunteer ambulance workers benefit law, the volunteer shall be credited with five points for each full month of such disability; provided, however, such volunteer shall cease to be credited with such line of duty disability points after attaining the entitlement age.

§ 219-f. Contributions and benefits. 1. The sponsor of a service award program shall contribute to the program a fixed amount of money, as determined by the sponsor, on behalf of each participant who is credited with a year of ambulance service. The minimum contribution shall be one hundred twenty dollars per year of ambulance service. The maximum contribution shall be twelve hundred dollars per year of ambulance service.

2. A service award program may provide for contributions for ambulance service rendered by a participant during one or more of the five calendar years immediately preceding the year in which the program is adopted, but only to the extent authorized pursuant to section two hundred nineteen-d of this article. In order to determine eligibility for such contributions, each ambulance company shall review its prior membership rosters and service records to determine the number of years for which each participant is entitled to a contribution. In making such determination, the point system established pursuant to subdivision three of section two hundred nineteen-e of this article shall be used. The president, secretary and chief or comparable officers of the ambulance company shall submit to the governing board of the sponsor a

certified list of participants who are entitled to such contributions and the number of years for which each participant is entitled to a contribution, and such membership and service records as the governing board may require. The list shall be submitted to and approved by the governing board, and posted by the ambulance company, at the same time and in the same manner as provided in subdivisions nine through eleven of section two hundred nineteen-e of this article, and each person named on the list approved by the governing board shall be entitled to the number of contributions indicated thereon. A person whose name does not appear on the list as submitted to or approved by the governing board shall have the administrative and judicial remedies set forth in subdivision eleven of section two hundred nineteen-e of this article.

3. The maximum number of years for which a participant may receive a contribution shall be forty years. The governing board of a political subdivision may extend the maximum number of years of service for which a participant may receive a contribution for up to an additional ten years, to a maximum of fifty years, and such increases in the number of years may be added in multiple increments or in a single action, pursuant to the adoption of the required resolution or resolutions of the governing board, receiving the affirmative vote of at least sixty percent of the governing board of the political subdivision, and the approval of any mandatory referendum or referenda authorizing the extension of benefits under the program by eligible voters within such political subdivision.

4. A service award shall be the amount resulting from the contributions made by the sponsor on behalf of a participant less necessary administrative costs and shall include interest and/or other earnings resulting from investment of the contributions, determined as of the valuation date or dates provided for in the program. Service awards shall be paid in the form of a lump sum, a life annuity with or without survivor benefits, a period certain annuity, or any other form provided under the program, provided, that all forms of payment shall be actuarially equivalent to each other. The program may limit the forms of payment or impose conditions concerning the availability of a form of payment.

5. Except as otherwise provided in this section, a participant shall be entitled to apply for and receive a service award only when the participant has acquired a nonforfeitable right to a service award and has reached entitlement age.

6. In the event that a participant becomes totally and permanently disabled, as certified by the workers' compensation board or other competent authority approved by the administrator, and the disability prevents the participant from pursuing his or her normal occupation, the participant shall be entitled to apply for and receive a service award, regardless of whether the participant has reached entitlement age or has acquired a nonforfeitable right to a service award.

7. In the event of the death of a participant who has acquired a nonforfeitable right to a service award and who has not previously received all or a portion of a service award, the beneficiaries designated by the participant or, if no beneficiaries have been so designated, the participant's estate, shall be entitled to apply for and receive the participant's service award, regardless of whether the participant reached entitlement age before death.

8. A service award shall be paid only after an application is made to the program administrator and the administrator approves the application. In the event that a participant dies after receiving a portion of a service award, the remaining portion, if any, shall be paid in accordance with the terms and conditions of the form of payment selected by the participant prior to death.

9. No service award may be assigned or alienated except to provide for the legally obligated support of minor children or a spouse.

10. Payment of a service award shall not impair any rights of volunteer ambulance workers under the volunteer ambulance workers' benefit law or any other law.

§ 219-g. Funding. 1. The cost of a service award program shall be a charge against the sponsor. The governing board of the sponsor shall appropriate annually an amount equal to the estimated amount due the service award program during the fiscal year for which the appropriation is made. On or before May first, or such date as may be prescribed by rules and regulations promulgated by the state comptroller, the governing board, without prior submission of a claim, shall direct the chief fiscal officer of the sponsor to pay to the program administrator the amount due the program.

2. (a) Before or after a service award program is adopted for the volunteer ambulance workers of an ambulance company which contracts to provide service to one or more political subdivisions other than the prospective or actual sponsor of the program, the governing boards of the sponsor and one or more of such other political subdivisions may enter into agreements to apportion the cost of the program in any equitable manner between the sponsor and such other political subdivisions.

(b) No such agreement shall be entered into by a political subdivision other than the sponsor unless a resolution authorizing the agreement is approved by the affirmative vote of at least sixty percent of the governing board of the political subdivision and a proposition authorizing the agreement or amendment is approved at a referendum of the electors of the political subdivision.

(c) The proposition authorizing the agreement or amendment shall be submitted to referendum not less than thirty days and not more than ninety days after the governing board votes to authorize the agreement or amendment. Notice of the referendum shall be published at least once, not less than fourteen days prior to the date of the referendum, in the official newspaper of the political subdivision or, if the political subdivision does not have an official newspaper, in one or more newspapers having general circulation in the political subdivision.

(d) Any such agreement shall remain in effect until amended or terminated by resolution and submission of a proposition to referendum as provided in paragraphs (b) and (c) of this subdivision, but shall be suspended with respect to any such political subdivision which ceases to contract with the ambulance company or in the event the sponsor ceases to contract with the ambulance company.

(e) The amount to be paid by a political subdivision under any such contract shall be a charge against the political subdivision and shall be paid to the sponsor. The governing board of the sponsor shall apply the amount received under any such contract to reduce the amount that would otherwise be raised for the program from the sponsor.

§ 219-h. Administration. 1. Service award programs shall be centrally administered by the state comptroller, or the comptroller may enter into one or more of the following contracts:

(a) a contract with an administrative service agency or financial organization to serve as program administrator and to perform all or any portion of the functions required to establish and administer such programs including, but not limited to, preparation of a plan document, record keeping, reporting, payment of service awards, and having custody of program moneys and assets; or

(b) contracts with one or more financial organizations to invest program moneys. If the comptroller contracts for the performance of any function as provided in this subdivision, the comptroller shall be liable only for the exercise of due care in the selection of the administrative service agency or financial organization.

2. The state comptroller shall promulgate rules and regulations, as appropriate, for service award programs. Such rules shall include, but not be limited to, standards for the selection of financial organizations, the method and timing of the payment of contributions to the fund made by the sponsoring organization, the reporting on individual participant accounts, matters relating to the preparation of a plan document and any other matter properly pertaining thereto.

3. (a) The state comptroller, or an administrative service agency or financial organization selected by the comptroller, shall prepare and may amend a single plan document setting forth the obligations of sponsors, the rights of the volunteer ambulance workers, and standards and procedures for the administration of all service award programs. The plan document and any amendments thereto shall be consistent with the

provisions of this article, the rules and regulations promulgated by the comptroller and any amendments thereto. If the plan document or any amendment thereto is prepared by an administrative service agency or financial organization, it shall not take effect until approved by the comptroller.

(b) The plan administrator shall cause a summary of the plan document to be provided to each participant within six months from the date that program participation commences. The plan administrator shall also cause a summary of any material amendment of the plan document to be provided to each participant within six months of the date the amendment takes effect.

(c) The plan document and the summary of the plan document shall be made available for public inspection and copying.

4. All program assets shall be held in trust for the exclusive purpose of providing service awards to participants and their beneficiaries or for the purpose of defraying the reasonable expenses of the operation and administration of the program. The trust shall be established and may be amended by the state comptroller. The comptroller may designate him or herself, an administrative service agency or a financial organization as trustee, and may substitute trustees. If the service award programs and the trust are not tax qualified within the meaning of sections 401 and 501 of the Internal Revenue Code of 1954 (68A Stat. 3.26 U.S.C. 401 and 501), the trust may provide that assets apportioned to an individual sponsor may be subject to the claims of general creditors, if any, of the sponsor or may contain such other terms and provisions as are necessary to ensure that participation in a service award program does not result in taxable income under any provision of the Internal Revenue Code of 1986, as amended.

5. There is hereby established in the custody of the state comptroller a special fund to be known as the volunteer ambulance service award fund. Such fund shall consist of any money of service award programs held by the comptroller. Moneys may be paid from such fund without an appropriation by law. All payments from such fund shall be made only in accordance with the provisions of this article, the rules and regulations promulgated thereto and the plan document.

6. The moneys held for the participants of each service award program shall be accounted for separately. The administrator shall cause a statement of contributions to be provided to sponsors and a statement of account balances to be provided to participants at least once annually.

7. The administrator and every fiduciary of a service award program shall be required to act solely in the interest of the program's participants and beneficiaries. Notwithstanding the provisions of any general or special law restricting the power or duty of the state comptroller to invest moneys belonging to a fund which the comptroller is authorized to invest, a fiduciary may accept, hold, invest in and retain any investment if purchased or retained with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aim.

8. (a) All contracts or agreements with an administrative service agency or financial organization shall be awarded only after receiving competitive proposals. In addition to other statutory requirements, the state comptroller shall cause to be published in the state register and in the official newspaper or newspapers, if any, or otherwise in an appropriate newspaper designated for such purposes, at least sixty days prior to the date on which the contract or agreement will be awarded and shall request proposals within thirty days of publication.

(b) All contracts and agreements entered into with an administrative service agency or a financial organization shall be in writing, shall not exceed five years in duration, and shall impose no penalties or surrender charges for the transfer of assets or responsibilities on termination of the contract or agreement such contracts and agreements shall be available for public inspection and copying.

§ 219-i. Conversion to defined benefit plan. The sponsor of a service award program adopted pursuant to this article may convert such program into a defined benefit plan authorized by article eleven-AAA of this chapter by adopting a defined benefit service award program in accordance with the procedures set forth in section two hundred nineteen-l of this chapter. Upon conversion to a defined benefit plan, a service award program adopted pursuant to this article which provides contributions for years of ambulance service rendered by a participant during the five calendar years immediately preceding the year in which the program is adopted need not provide credit for years of ambulance service rendered prior to the adoption of the program. Upon the conversion of a service award program, the program shall be governed by the provisions of article eleven-AAA of this chapter as if the program was originally adopted pursuant to such article eleven-AAA, provided, that (1) conversion of a service award program shall not affect the number of years of ambulance service earned by a volunteer ambulance worker or a participant's status as having a nonforfeitable right to a service award or the amount of a service award paid in whole or in part prior to the conversion, and (2) upon conversion of a service award program adopted pursuant to this article which provides contributions for years of ambulance service rendered by a participant during the five calendar years immediately preceding the year in which the program is adopted, if the converted program provides for credit for years of ambulance service rendered by a participant during the five calendar years immediately preceding the year in which the program is adopted, if the converted program provides for credit for years of ambulance service rendered during the five calendar years immediately preceding the adoption of the program, such five year period shall be measured from the date of adoption of the program pursuant to this article. The comptroller may promulgate rules and regulations relating to such conversions including, but not limited to, the disposition of assets and the time and manner of making any additional payments required to fund benefits attributable to years of ambulance service earned prior to the conversion over a period not to exceed five years.

ARTICLE 11-AAA

DEFINED BENEFIT SERVICE AWARD PROGRAM FOR VOLUNTEER AMBULANCE WORKERS

Section 219-j. Purpose.

§ 219-j. Purpose. It is hereby declared that this article is intended to effectuate the objects and purposes of section eighteen of article one of the constitution and that the relationship between the political subdivision liable for payments of service awards under this article and a volunteer ambulance worker entitled to such payments is that of employer and employee within the meaning of such provision of the constitution. In no event shall the receipt of a service award under the provisions of this article be deemed to constitute membership in any pension or retirement system of the state or of a civil division thereof within the purview of section seven of article five of the constitution.

§ 219-k. Definitions. As used in this article:

1. "Ambulance company" shall mean a municipal ambulance service or a voluntary ambulance service, but shall not include an ambulance service organized pursuant to section two hundred nine-b of this chapter.

2. "Defined benefit plan" means any service award program that provides to a participant a benefit that is definitely determinable under the program without reference to the amount contributed to the program on the participant's behalf or to any income, expense, gains or losses or forfeitures of other participants under the program.

3. "Entitlement age" means the age designated by the sponsor at which a program participant is entitled to begin receiving an unreduced service award. In no event shall the entitlement age under a program be earlier than age fifty-five nor later than the age at which the participant can receive an unreduced benefit under Title II of the

Social Security Act (Public Law 74-271 U.S.C. 306 et seq.). No service award program may provide for the payment of benefits (except in the case of death or disability) before age fifty-five.

4. "Fiduciary" means any person, including an administrative service agency and a financial organization, exercising discretionary authority or control with respect to the administration of a service award program or the custody, management or disposition of program assets, or any person who renders advice to the program for a fee.

5. "Fund" means the volunteer ambulance defined benefit service award fund created pursuant to this article.

6. "Municipal ambulance service" means an ambulance service as defined in subdivision two of section three thousand one of the public health law operated by a municipal corporation or agency thereof, or by an ambulance district, and staffed in whole or in part by volunteer ambulance workers.

7. "Nonforfeitable" means the unconditional and legally enforceable right to receive a service award.

8. "Participant" means a volunteer ambulance worker who satisfies the age and service requirements of subdivision one of section two hundred nineteen-m of this article.

9. "Political subdivision" means a county, city, town, village, ambulance district, or fire protection district which contracts with an ambulance service which is not organized pursuant to section two hundred nine-b of this chapter.

10. "Service award" means the benefit payable pursuant to a service award program.

11. "Service award program" or "program" means a defined benefit plan established, adopted and maintained under this article to provide service awards for volunteer ambulance workers.

12. "Sponsor" or "sponsoring organization" means a political subdivision which adopts a service award program.

13. "Voluntary ambulance service" means an ambulance service as defined in subdivision two of section three thousand one of the public health law (a) operating not for pecuniary profit or financial gain, and (b) no part of the assets or income of which is distributable to, or enures to the benefit of its members, directors or officers except to the extent permitted under article thirty of the public health law.

14. "Volunteer ambulance worker" means an active volunteer member of an ambulance company as specified on a list regularly maintained by the company for purposes of the volunteer ambulance workers' benefit law.

15. "Year of ambulance service" means a calendar year during which a volunteer ambulance worker accumulates at least fifty points in accordance with the system established pursuant to subdivision three of section two hundred nineteen-m of this article.

16. "Elected or appointed position" means the directors, president, vice president, treasurer, secretary, other corporate officers and line officers of an ambulance company.

17. "Administrator" or "plan administrator" means the state comptroller, or an administrative service agency or financial organization selected by the state comptroller to administer service award programs.

18. "Administrative service agency" means an organization duly authorized to do business in the state and which is qualified to administer and maintain records and accounts of plans which meet the requirements for qualification under the internal revenue code and governmental plans.

19. "Financial organization" means an organization duly authorized to do business in the state which is (a) registered as an investment

adviser under the Investment Advisers Act of 1940, as such provisions may be amended from time to time; (b) licensed or chartered by the state department of financial services; (c) chartered by an agency of the federal government; or (d) subject to the jurisdiction and regulation of the securities and exchange commission of the federal government.

§ 219-l. Authorization to adopt service award programs. 1. No political subdivision shall be required to adopt a service award program. Any service award program adopted pursuant to this section shall be governed by the provisions of this article.

2. A political subdivision may adopt a service award program for the volunteer ambulance workers of ambulance companies which are either:
(a) a municipal ambulance service of the political subdivision; or
(b) a voluntary ambulance service which provides service to the political subdivision under contract with the governing board thereof and has its principal headquarters in the political subdivision.

3. The governing board of a political subdivision which intends to adopt a service award program shall engage the services of the program actuary designated by the comptroller for the purpose of determining the estimated annual cost of the program. The program actuary shall determine estimated annual cost of the program on the basis of an interest rate, mortality tables and other appropriate assumptions and methods selected by the actuary. The cost of obtaining such estimate shall be a charge against the political subdivision, provided, that if the political subdivision is an ambulance district or a fire protection district, the town in which the district is located may temporarily advance moneys from its general fund to pay for the services of the actuary and the district shall reimburse the town with interest from moneys raised for that purpose in the district's next succeeding fiscal year.

4. Following such determination of the estimated annual cost of a service award program, the program may be adopted only by resolution of the governing board of a political subdivision receiving the affirmative

vote of at least sixty percent of the governing board and the approval of a proposition authorizing the adoption of the program at a referendum of the electors of the political subdivision.

5. The resolution authorizing adoption of a service award program shall state:

(a) the name of each volunteer ambulance company having volunteer ambulance workers who are potential participants in the program;

(b) the activities for which points shall be granted toward a year of ambulance service;

(c) the amount of the benefit provided under the program;

(d) whether the program provides credit for years of ambulance service rendered by a participant during the five calendar years immediately preceding the adoption of the program;

(e) in the case of a service award program which provides credit for years of ambulance service rendered by a participant during the five calendar years immediately preceding the adoption of the program, the timing and method of financing the cost of providing such credit;

(f) the date as of which the program shall take effect;

(g) in the case of a service award program to take effect on a day other than the first day of January, whether points toward a year of ambulance service shall be granted for activities performed prior to the effective date of the program and on or after the immediately preceding first day of January; and

(h) the date on which the proposition authorizing the adoption of the program shall be submitted to referendum; and

(i) entitlement age- the age at which volunteers are eligible to begin receiving service awards.

6. The proposition authorizing adoption of the service award program shall be submitted to referendum not less than thirty days and not more than ninety days after the governing board votes to authorize the adoption of the program. Notice of the referendum shall be published at least once, not less than fourteen days prior to the date of the referendum, in the official newspaper of the political subdivision or, if the political subdivision does not have an official newspaper, in one or more newspapers having general circulation in the political

subdivision. The referendum shall be conducted and the cost thereof charged in the same manner as other referenda held by the political subdivision.

7. The proposition shall state:

(a) the estimated annual cost of the service award program;

(b) the portion of the estimated annual cost of the program, if any, to be paid by one or more other political subdivisions;

(c) the estimated annual cost per participant;

(d) the estimated annual administration fee;

(e) whether the program provides credit for years of ambulance service rendered by a participant during the five calendar years immediately preceding the adoption of the program and the estimated cost of providing such credit; and

(f) in the case of a service award program to take effect on a day other than the first day of January, whether points toward a year of ambulance service shall be granted for activities performed prior to the effective date of the program and on or after the immediately preceding first day of January.

8. Upon approval of the proposition, the service award program shall be deemed adopted by the political subdivision in accordance with the terms of the resolution adopted by the governing board.

9. (a) Once a service award program has been adopted, participation therein by the sponsor may be terminated, or the benefits under the program may be changed, or the program may be amended to provide credit for years of ambulance service rendered by a participant during the five calendar years immediately preceding the adoption of the program, by resolution of the governing board of the sponsor receiving the affirmative vote of at least sixty percent of the governing board and the approval of a proposition at a referendum of the electors of the sponsor.

(b) The activities for which points shall be granted toward a year of ambulance service may be changed by resolution adopted by the affirmative vote of at least sixty percent of the governing board of the sponsor without referendum; provided, that, consistent with the provisions of subdivision three of section two hundred nineteen-m of this article, if the effect of the amendment is to increase the number of points granted for the performance of the activity, decrease the amount of an activity required to earn the points granted for the performance of the activity, or both, such amendment shall be subject to a mandatory referendum. Any amendment to a service award program shall only take effect as of the first of January next succeeding completion of the proceedings required for adoption of the amendment and shall only apply prospectively.

(c) The sponsor's participation in a service award program adopted for the volunteer ambulance workers of one or more ambulance companies described in paragraph (b) of subdivision two of this section shall be suspended to the extent that service credit shall not be granted for activities performed by the volunteer ambulance workers of any such ambulance company during any period in which the company ceases to provide service to the sponsor under contract with the governing board thereof.

§ 219-m. Participation, vesting and service credit. 1. A volunteer ambulance worker must be eligible to participate in any service award program provided under this article if the volunteer ambulance worker has reached the age of eighteen and has completed at least one year of ambulance service.

2. A participant shall have a nonforfeitable right to a service award upon completing five years of ambulance service. Any amounts attributable to forfeiture of a participant's service award shall be used to reduce contributions for all other service award program participants and shall not in any case be used to increase benefits for any other participants. The provisions of this subdivision shall not preclude amendment of a service award program to provide for an increase in benefits.

3. A year of ambulance service shall be credited under a service award program for each calendar year, beginning with the year in which the program is adopted, in which a volunteer ambulance worker accumulates at

least fifty points. Except as provided in subdivision five of this section and subdivision eight of section two hundred nineteen-l of this article, points shall be granted for activities performed after the effective date of the program in accordance with a system adopted by the sponsor which shall be applied on a consistent and uniform basis. Such system shall provide that points shall be granted for activities designated by the sponsor, which activities shall be selected from the following:

(a) Training courses -- twenty-five points maximum.

(i) Courses under twenty hours duration -- one point per hour, with a maximum of five points.

(ii) Courses of twenty to forty-five hours duration -- one point per hour for each hour over initial twenty hours, with a maximum of ten points.

(iii) Courses over forty-five hours duration -- fifteen points per course.

For purposes of this paragraph, the term "training course" shall mean a course of instruction having a prescribed topic and syllabus. Points for a training course shall be awarded only upon the successful completion of the course and only in the year in which the course is successfully completed.

(b) Drills and seminars -- twenty points maximum. One point per minimum two hour drill or seminar. For purposes of this paragraph, the term "drill" shall mean a skills practice or skills training session related to emergency medical service and the term "seminar" shall mean a lecture on a topic relating to the emergency medical service.

(c) Sleep-in or stand-by -- twenty points maximum.

(i) Sleep-in -- one point each full night.

(ii) Stand-by -- one point each. A stand-by is defined as line of duty activity of the volunteer ambulance company, lasting for four hours, not falling under one of the other categories.

A service award program may not provide points pursuant to this paragraph if the program provides points for tours of duty pursuant to paragraph (d) of this subdivision.

(d) Tours of duty. A maximum of twenty points may be granted serving tours of duty at a rate equal to no more than one-sixth of a point per hour served as determined by the sponsor. For purposes of this paragraph, the term "tour of duty" shall mean a line of duty activity, not falling under one of the other paragraphs of this subdivision, involving a period of time scheduled or assigned by an ambulance company during which a volunteer ambulance worker is responsible for providing emergency medical service or general ambulance service, including sleep-ins, stand-bys and backup duty, by reason of being stationed at an event, as part of a rostered duty crew or as otherwise provided by the regular procedures of the ambulance company. A sponsor may also define two or more activities included within the meaning of the term tour of duty and provide for points to be granted for the performance of such activities at different rates, provided, that points for such activities shall not be granted at a rate in excess of one-sixth of a point per hour served and no more than twenty points shall be granted for all such activities. A service award program may not provide points pursuant to this paragraph if the program provides points for sleep-ins or stand-bys pursuant to paragraph (c) of this subdivision.

(e) Elected or appointed position, as defined in subdivision sixteen of section two hundred nineteen-k of this article -- twenty-five points maximum.

(i) Completion of one year term in an elected or appointed position.

(ii) A volunteer ambulance worker elected to serve as a delegate to an ambulance workers' convention shall also be eligible to receive one point per meeting.

(iii) A volunteer ambulance worker appointed to serve on the New York state emergency medical services council, the state emergency medical advisory committee, a regional emergency medical services council or a regional emergency medical advisory committee, established pursuant to article thirty of the public health law shall also be eligible to receive one point per meeting.

(f) Attendance at meetings -- twenty points maximum.

(i) Attendance at any official meetings of the ambulance company -- one point per meeting.

(ii) Attendance at official meetings of a standing committee of the ambulance company by a member of the committee -- one point per meeting.

(g) Participation in ambulance company responses -- twenty-five points for responding on the minimum number of calls, as outlined below:

Total number of calls	0	500	1000	1500

ambulance company responds	to	to	to	and
to annually	500	1000	1500	over
Minimum number of calls volunteer ambulance worker must run annually in order to receive twenty-five points credit	10%	7.5%	5%	2.5%

A volunteer ambulance worker who is granted points toward a year of ambulance service pursuant to this paragraph may not be granted points toward the same year of ambulance service for alternative participation company responses pursuant to paragraph (h) of this subdivision.

(h) Alternative participation in company responses. A maximum of twenty-five points may be granted for participation in company responses at a rate equal to no more than one-half point per response as determined by the sponsor. A volunteer ambulance worker who is granted points toward a year of ambulance service pursuant to this paragraph may not be granted points toward the same year of ambulance service for participation in company responses pursuant to paragraph (g) of this subdivision.

(i) Miscellaneous activities -- maximum fifteen points. Participation in inspections and other activities covered by the volunteer ambulance workers' benefit law and not otherwise listed -- one point per activity.

(j) Activities; designation. The sponsor may designate less than all the activities specified in this subdivision as activities for which points may be earned.

4. Points toward a year of ambulance service may be granted for activities performed after a participant reaches entitlement age, but shall not be granted for activities performed after a participant applies for a service award. The maximum number of years for which a participant may receive credit for a year of ambulance service shall be forty years. The governing board of a political subdivision may extend the maximum number of years for which a participant may receive credit for a year of ambulance service for up to an additional ten years, to a maximum of fifty years, and such increases in the number of years may be added in multiple increments or in a single action, pursuant to the adoption of the required resolution or resolutions of the governing

board, receiving the affirmative vote of at least sixty percent of the governing board of the political subdivision, and the approval of any mandatory referendum or referenda authorizing the extension of benefits under the program by eligible voters within such political subdivision.

5. A service award program which is to take effect on a day other than the first day of January may provide for points to be granted toward a year of ambulance service for activities performed prior to the effective date of the program and on or after the immediately preceding first day of January, provided, the proposition authorizing adoption of the program contains a statement authorizing points to be granted for such activities. Points attributable to such activities shall be granted in accordance with the point system adopted by the sponsor pursuant to subdivision three of this section.

6. In computing credit for those volunteer ambulance workers who also serve as paid employees within a political subdivision of the state, credit shall not be given for activities performed during the individual's regularly assigned work periods.

7. A participant whose ambulance service is interrupted by full-time extended obligatory military service or by a single voluntary enlistment not to exceed four years in the armed forces of the United States shall be considered on military leave. During such period of military leave, the participant shall receive fifty points for each full year of military service, prorated for military service of less than a year.

7-a. An active volunteer ambulance worker's service award program may provide for the crediting of years of and points for volunteer ambulance service for periods after an active volunteer ambulance worker has reached the entitlement age and is receiving a service award.

8. The state comptroller may promulgate rules and regulations prescribing procedures and forms for the compilation and maintenance of records of the points accumulated by each volunteer ambulance worker. Each ambulance company shall compile and maintain such records in the manner prescribed.

9. The president, secretary and chief or comparable officers of each ambulance company shall submit to the governing board of the sponsor a list of all volunteer members, certified under oath, which shall identify those volunteer members who have qualified for credit under the award program for the previous year. Such list shall be submitted annually by March thirty-first or otherwise as provided in the rules and regulations of the state comptroller and shall be accompanied by such membership records and records of point accumulations as the governing board may require to substantiate the accuracy of the list. Notwithstanding the provisions of this subdivision a volunteer ambulance worker may request that his name be deleted from said list as a "participant". Such request for deletion shall be in writing and shall remain effective until withdrawn in the same manner.

10. The governing board of the sponsor shall review the list of each ambulance company and may delete the name of any person who was not a volunteer ambulance worker during the preceding calendar year or the name of any volunteer ambulance worker who did not earn fifty points during the preceding calendar year or whose point accumulation has not been adequately documented. Thereafter, the governing board shall approve the list and return a copy of the list to the ambulance company and forward a certified copy of the approved list to the program administrator.

11. Upon receipt of the approved list, the ambulance company shall post the list at its principal headquarters for at least thirty days. A volunteer ambulance worker whose name does not appear on the approved list shall have the right to appeal within thirty days of posting of the list. The appeal shall be in writing and mailed to the clerk or secretary of the governing board of the sponsor, which shall investigate the appeal. The decision of the governing board shall be subject to judicial review pursuant to article seventy-eight of the civil practice law and rules.

12. A service award program may provide credit for years of ambulance service rendered by a participant during the five calendar years

immediately preceding the year in which the program is adopted, but only if authorized pursuant to section two hundred nineteen-l of this article. In order to determine eligibility for such credit, each ambulance company shall review its prior membership rosters and service records to determine the number of years for which each participant is entitled to a contribution. In making such determination, the point system established pursuant to subdivision three of this section shall be used. The president, secretary and chief or comparable officers of the ambulance company shall submit to the governing board of the sponsor a certified list of participants who are entitled to such credit and the number of years for which each participant is entitled to such credit, and such membership and service records as the governing board may require. The list shall be submitted to and approved by the governing board, and posted by the ambulance company, at the same time and in the same manner as provided in subdivisions nine through eleven of this section, and each person named on the list approved by the governing board shall be entitled to the credit indicated thereon. A person whose name does not appear on the list as submitted to or approved by the governing board shall have the administrative and judicial remedies set forth in subdivision eleven of this section.

13. In the event that a volunteer ambulance worker is either totally and temporarily disabled or partially and permanently disabled as certified by the workers' compensation board or other competent authority approved by the state comptroller, and the disability occurs during the course of service as a volunteer while actively engaged in providing line-of-duty services as defined in the volunteer ambulance workers benefit law, the volunteer shall be credited with five points for each full month of such disability; provided, however, such volunteer shall cease to be credited with such line of duty disability points after attaining the entitlement age.

§ 219-n. Benefits. 1. The benefit payable under a service award program shall be the actuarial equivalent of an annual payment for life in one of the following amounts as selected by the sponsor:

(a) sixty dollars per year of ambulance service;

(b) one hundred twenty dollars per year of ambulance service;
(c) one hundred eighty dollars per year of ambulance service;
(d) two hundred forty dollars per year of ambulance service; or
(e) three hundred sixty dollars per year of ambulance service.

2. Service awards shall be paid in the form of a lump sum, a life annuity with or without survivor benefits, a period certain annuity, or any other form provided under the program, provided, that all forms of payment shall be actuarially equivalent to each other. The program may limit the forms of payment or impose conditions concerning the availability of a form of payment.

3. Except as otherwise provided in this section, a participant shall be entitled to apply for and receive a service award only when the participant has acquired a nonforfeitable right to a service award and has reached entitlement age.

4. In the event that a participant becomes totally and permanently disabled, as certified by the workers' compensation board or other competent authority approved by the administrator, and the disability prevents the participant from pursuing his or her normal occupation, the participant shall be entitled to apply for and receive a service award, regardless of whether the participant has reached entitlement age or has acquired a nonforfeitable right to a service award.

5. In the event of the death of a participant who has acquired a nonforfeitable right to a service award, the beneficiaries designated by the participant or, if no beneficiaries have been so designated, the participant's estate, shall be entitled to apply for and receive a lump sum death benefit, regardless of whether the participant reached entitlement age before death. Such benefit shall be equal to the lump sum equivalent of the service award earned by the participant at the date of death, provided that the benefit provided pursuant to this subdivision shall not be paid following commencement of payment of a service award.

6. A service award shall be paid only after an application is made to

the program administrator and the administrator approves the application.

7. No service award may be assigned or alienated except to provide for the legally obligated support of minor children or a spouse.

8. Payment of a service award shall not impair any rights of volunteer ambulance workers under the volunteer ambulance workers' benefit law or any other law.

§ 219-o. Funding. 1. The cost of a service award program including, but not limited to, amounts necessary to fund benefits and to pay for all necessary administrative services, shall be a charge against the sponsor. The governing board of the sponsor annually shall appropriate and pay to the administrator an amount sufficient to pay the cost of the program. The cost of the program shall be determined annually by the program actuary designated by the comptroller. The program actuary shall select the interest rate, mortality tables and other appropriate assumptions and methods to determine the cost of the program. The cost of the program, if any, attributable to (a) years of ambulance service rendered during the five years immediately preceding the adoption of the program or (b) the conversion of the program pursuant to section two hundred nineteen-i of this chapter, shall be paid over a period not to exceed five years. The comptroller shall promulgate rules and regulations prescribing the time and manner of payment of the cost of the program.

2. (a) Before or after a service award program is adopted for the volunteer ambulance workers of an ambulance company which contracts to provide service to one or more political subdivisions other than the prospective or actual sponsor of the program, the governing boards of the sponsor and one or more of such other political subdivisions may enter into agreements to apportion the cost of the program in any equitable manner between the sponsor and such other political subdivisions.

(b) No such agreement shall be entered into by a political subdivision other than the sponsor unless a resolution authorizing the agreement is approved by the affirmative vote of at least sixty percent of the governing board of the political subdivision and a proposition authorizing the agreement or amendment is approved at a referendum of the electors of the political subdivision.

(c) The proposition authorizing the agreement or amendment shall be submitted to referendum not less than thirty days and not more than ninety days after the governing board votes to authorize the agreement or amendment. Notice of the referendum shall be published at least once, not less than fourteen days prior to the date of the referendum, in the official newspaper of the political subdivision or, if the political subdivision does not have an official newspaper, in one or more newspapers having general circulation in the political subdivision.

(d) Any such agreement shall remain in effect until amended or terminated by resolution and submission of a proposition to referendum as provided in paragraphs (b) and (c) of this subdivision, but shall be suspended with respect to any such political subdivision which ceases to contract with the ambulance company or in the event the sponsor ceases to contract with the ambulance company.

(e) The amount to be paid by a political subdivision under any such contract shall be a charge against the political subdivision and shall be paid to the sponsor. The governing board of the sponsor shall apply the amount received under any such contract to reduce the amount that would otherwise be raised for the program from the sponsor.

§ 219-p. Administration. 1. Service award programs shall be centrally administered by the state comptroller, or the comptroller may enter into one or more of the following contracts:

(a) a contract with an administrative service agency or financial organization to serve as program administrator and to perform all or any portion of the functions required to establish and administer such programs including, but not limited to, preparation of a plan document, record keeping, reporting, payment of service awards, and having custody of program moneys and assets;

(b) contracts with one or more financial organizations to invest program moneys; or

(c) a contract with an actuary for the performance of all actuarial calculations required by the program.
If the comptroller contracts for the performance of any function as provided in this subdivision, the comptroller shall be liable only for the exercise of due care in the selection of the administrative service agency, financial organization or actuary performing the function.

2. The state comptroller shall promulgate rules and regulations, as appropriate, for the service award programs. Such rules shall include, but not be limited to, standards for the selection of service providers, the method and timing of the payments required to be made by the sponsor, reporting requirements, matters relating to the preparation of a plan document, and any other matter relating to the service award programs.

3. (a) The state comptroller, or an administrative service agency or financial organization serving as program administrator, shall prepare and may amend a single plan document setting forth the obligations of sponsors, the rights of the volunteer ambulance workers, and standards and procedures for the administration of all service award programs. The plan document and any amendments thereto shall be consistent with the provisions of this article, the rules and regulations promulgated by the comptroller and any amendments thereto. If the plan document or any amendment thereto is prepared by an administrative service agency or financial organization, it shall not take effect until approved by the comptroller.
(b) The program administrator shall cause a summary of the plan document to be provided to each participant within six months from the date that program participation commences. The program administrator shall also cause a summary of any material amendment of the plan document to be provided to each participant within six months of the date the amendment takes effect.
(c) The plan document and the summary of the plan document shall be made available for public inspection and copying.

4. All program assets shall be held in trust for the exclusive purpose of providing service awards to participants and their beneficiaries or

for the purpose of defraying the reasonable expenses of the operation and administration of the program. The trust shall be established and may be amended by the state comptroller. The comptroller may designate him or herself, an administrative service agency or a financial organization as trustee, and may substitute trustees. If the service award programs and the trust are not tax qualified within the meaning of section 401 and 501 of the Internal Revenue Code of 1954 (68A Stat. 3.26 U.S.C. 401 and 501), the trust may provide that assets apportioned to an individual sponsor may be subject to the claims of general creditors, if any, of the sponsor or may contain such other terms and provisions as are necessary to ensure that participation in a service award program does not result in taxable income under any provision of the Internal Revenue Code of 1986, as amended.

5. There is hereby established in the custody of the state comptroller a special fund to be known as the volunteer ambulance service award fund. Such fund shall consist of any money of service award programs held by the comptroller. Moneys may be paid from such fund without an appropriation by law. All payments from such fund shall be made only in accordance with the provisions of this article, the rules and regulations promulgated thereto and the plan document.

6. The moneys held for the sponsor of each service award program shall be accounted for separately. The administrator shall cause a statement of contributions to be provided to sponsors at least once annually.

7. The administrator and every fiduciary of a service award program shall be required to act solely in the interest of the program's participants and beneficiaries. Notwithstanding the provisions of any general or special law restricting the power or duty of the state comptroller to invest moneys belonging to a fund which the comptroller is authorized to invest, a fiduciary may accept, hold, invest in and retain any investment if purchased or retained with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aim.

8. (a) All contracts or agreements with an administrative service agency, financial organization or actuary shall be awarded only after receiving competitive proposals. In addition to other statutory requirements, the state comptroller shall cause to be published in the state register and in the official newspaper or newspapers, if any, or otherwise in an appropriate newspaper designated for such purposes, at least sixty days prior to the date on which the contract or agreement will be awarded and shall request proposals within thirty days of publications.

(b) All contracts and agreements entered into with an administrative service agency, financial organization or actuary shall be in writing, shall not exceed five years in duration, and shall impose no penalties or surrender charges for the transfer of assets or responsibilities on termination of the contract or agreement such contracts and agreements shall be available for public inspection and copying.

ARTICLE 11-AAAA

SUPPLEMENTAL SERVICE AWARDS FOR VOLUNTEER AMBULANCE WORKERS AND FIREFIGHTERS

§ 219-q. Definitions. 1. "Participant" means a participant as defined in subdivision six of section two hundred nineteen-c of this chapter, subdivision seven of section two hundred fifteen of this chapter and subdivision eight of section two hundred nineteen-k of this chapter. Participant also includes individuals who served as volunteer firefighters or ambulance workers in the timeframe specified by the program sponsor, prior to the enactment of the service award program.

2. "Supplemental award" means the benefit payable pursuant to a supplemental award program.

3. "Supplemental award program" or "program" means a plan established, adopted and maintained under this article to provide awards for volunteer firefighters and ambulance workers.

4. "Decade of service" means:
(a) ten calendar years during which a participant accumulates at least fifty points in accordance with the service awards program established pursuant to article eleven-A, eleven-AA or eleven-AAA of this chapter; or
(b) ten calendar years for which the participant can demonstrate, to the satisfaction of the sponsor, that he or she substantially met the standards for active service during those ten years.

§ 219-r. Authorization to adopt supplemental award programs. 1. No political subdivision shall be required to adopt a supplemental award program. Any supplemental award program adopted pursuant to this section shall be governed by the provisions of this article.

2. (a) A political subdivision may adopt a supplemental award program for volunteer firefighters only if that political subdivision has previously established a service award program for volunteer firefighters under article eleven-A or eleven-AA of this chapter.
(b) A political subdivision may adopt a supplemental award program for volunteer ambulance workers only if that political subdivision has previously established a service award program for volunteer ambulance workers under article eleven-AAA of this chapter.

3. A supplemental award program may be adopted only in the same manner as the service award program was adopted by a resolution of the governing board following the affirmative vote of at least sixty percent of the governing board and the approval of a proposition authorizing the adoption of the program at a referendum of the electors of the political subdivision. A proposition for the approval of such local resolution shall be submitted at the next general election of state or local government officers held in such local government not less than sixty

days after the passage of such resolution.

4. The resolution authorizing adoption of a supplemental award program shall state:

(a) the amount of the contribution to the program to be made by the sponsor on behalf of each participant credited with at least one decade of service;

(b) the maximum number of years for which service may be granted;

(c) the date on which the proposition authorizing the adoption of the program shall be submitted to referendum;

(d) the date as of which the program shall take effect.

5. The proposition authorizing the adoption of the supplemental award program shall be submitted to referendum in the same manner as the service award program.

6. The proposition shall state:

(a) the estimated annual cost of the supplemental service award program;

(b) the portion of the estimated annual cost of the program, if any, to be paid by any other political subdivisions;

(c) annual cost per participant;

(d) whether the program provides credit for years of service rendered by a participant preceding the adoption of the supplemental service award program and the estimated cost of providing such credit.

7. Upon approval of the proposition, the supplemental award program shall be deemed adopted by the political subdivision in accordance with the terms of the resolution adopted by the governing board. The supplemental award program shall take effect January first next succeeding the date at which the proposition was approved.

8. Once a supplemental award program has been adopted, participation therein by the sponsor may be terminated, or the benefits under the program may be changed by resolution of the governing board of the sponsor receiving the affirmative vote of at least sixty percent of the governing board and the approval of a proposition at a referendum of the

electors of the sponsor.

9. Payments under the supplemental program, if adopted, shall not impair any rights of the participants under the volunteer firefighters' benefit law or volunteer ambulance workers' benefit law or any other law.

§ 219-s. Participation and service credit. 1. A participant must be eligible to participate in a supplemental award program provided under this article if the participant has reached entitlement age and has completed at least one decade of service in the timeframe designated by the sponsor.

2. A decade of service shall be credited under a supplemental award program for each calendar year in the timeframe designated by the sponsor.

3. In order to provide credit each sponsor shall review its prior membership rosters to determine the number of decades of credit for each participant who is entitled to credit. In making this analysis, the standards for active service set forth in subdivision (c) of section two hundred seventeen or subdivision three of section two hundred nineteen-m of this chapter and adopted by the sponsor shall be used. Approval for such prior service shall require certification by the president, secretary and chief of the volunteer fire company.

4. In computing credit for those participants who also serve as paid employees within a political subdivision of the state, credit shall not be given for activities performed during the individual's regularly assigned work periods.

5. Sponsors may provide credit to participants whose service was interrupted by full-time extended obligatory military service or by a single voluntary enlistment not to exceed four years in the armed forces of the United States.

6. The president, secretary and chief or comparable officers of each volunteer company shall submit to the governing board of the sponsor a list of all participants, certified under oath, which shall identify those participants who have qualified for credit under the award program for the previous year. Such list shall be submitted annually by March thirty-first or otherwise as provided by local resolution and shall be accompanied by such membership records as the governing board may require to substantiate the accuracy of the list. Notwithstanding the provision of this subdivision a participant may request that his or her name be deleted from said list as a "participant." Such request for deletion shall be in writing and shall remain effective until withdrawn in the same manner.

7. The governing board of the sponsor shall review the list and may delete the name of any person whose point accumulation has not been adequately documented. Thereafter, the governing board shall approve the list and return a copy of the list to the appropriate company and forward a certified copy of the approved list to the program administrator.

8. Upon receipt of the approved list the company shall post the list at its principal headquarters for at least thirty days. A participant whose name does not appear on the approved list shall have the right to appeal within thirty days of posting of the list. The appeal shall be in writing and mailed to the clerk or secretary of the governing board of the sponsor, which shall investigate the appeal. The decision of the governing board shall be subject to judicial review pursuant to article seventy-eight of the civil practice law and rules.

§ 219-t. Contributions and benefits. 1. The sponsor of a supplemental award program shall contribute to the program a fixed amount of money, as determined by the sponsor, on behalf of each participant who is credited with a decade of service. The minimum contribution shall be twenty-five dollars per decade of service. The maximum contribution shall be one hundred dollars per decade of service.

2. The maximum number of years for which a participant may receive a contribution shall be determined by the sponsor, but in no event may a participant receive a contribution of more than fifty years.

3. Supplemental awards shall be paid in the form of a lump sum. The program may limit the forms of payment or impose conditions concerning the availability of a form of payment.

4. Except as otherwise provided in this section, a participant shall be entitled to apply for and receive a supplemental award only when the participant has acquired a nonforfeitable right to a service award established pursuant to article eleven-A, eleven-AA or eleven-AAA of this chapter and has reached entitlement age. A participant who served as a volunteer firefighter or ambulance worker in the timeframe specified by the program sponsor shall be entitled to apply for and receive a supplemental award only when the participant has reached entitlement age.

5. In the event that a participant becomes totally and permanently disabled, as certified by the workers' compensation board or other competent authority approved by the administrator, and the disability prevents the participant from pursuing his or her normal occupation, the participant shall be entitled to apply for and receive a supplemental award, regardless of whether the participant has reached entitlement age or has acquired a nonforfeitable right to a service award.

6. A supplemental award shall be paid only after an application is made to the program administrator and the administrator approves the application.

7. No supplemental award may be assigned or alienated except to provide for the legally obligated support of minor children or spouse.

8. Notwithstanding any inconsistent provision of law, no member of the governing board of a political subdivision of the state is prohibited by virtue of being a member of a volunteer fire or ambulance company or department from voting upon a resolution authorizing a referendum on the

establishment of a service award program if more than forty percent of the governing board would otherwise be prohibited from voting upon such resolution. Any member of such governing board voting upon such a resolution who serves as a member of a volunteer fire or ambulance company or department shall publicly disclose in writing to the governing board such status. Such written disclosure shall be part of and set forth in the official record of the proceedings of such governing board.

ARTICLE 12-a.

CITY AND VILLAGE PLANNING COMMISSIONS.

§ 234. Creation, appointment and qualifications. Each city and incorporated village is hereby authorized and empowered to create a commission to be known as the city or village planning commission. Such commission shall be so created in incorporated villages by resolution of the trustees, in cities by ordinance of the common council, except that in cities of the first class, having more than a million inhabitants, it shall be by resolution of the board of estimate and apportionment or other similar local authority. In cities of the first class such commission shall consist of not more than eleven, in cities of the second class of not more than nine, in cities of the third class and incorporated villages of not more than seven members. Such ordinance or resolution shall specify the public officer or body of said municipality that shall appoint such commissioners, and shall provide that the appointment of as nearly as possible one-third of them shall be for a term of one year; one-third for a term of two years, and one-third for a term of three years; and that at the expiration of such terms, the terms of office of their successors shall be three years; so that the term of office of one-third of such commissioners, as nearly as possible, shall expire each year. All appointments to fill vacancies shall be for the unexpired term. Not more than one-third of the members of said commission shall hold any other public office in said city or village. In a county containing a population of over three hundred thousand one of the members of any such commission may reside outside of such village or city as the case may be.

§ 235. Officers, expenses and assistance. The commission shall elect annually, a chairman from its own members. It shall have the power and authority to employ experts, clerks, and a secretary, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the annual appropriation that may be made by said city or village for said commission. The body creating the commission shall by ordinance or resolution provide what compensation if any, each of such commissioners shall receive for his services as such commissioner. Each city and incorporated village is hereby authorized and empowered to make such appropriation as it may see fit for such expenses and compensation, such appropriations to be made by those officers or bodies in such city or village having charge of the appropriation of the public funds.

§ 236. General powers. The body creating such planning commission may, at any time, by ordinance or local law or resolution, provide that the following matters, or any one or more of them, shall be referred for report thereon, to such commission by the board, commission, commissioner or other public officer or officers of said city or village which is the final authority thereon before final action thereon by such authority: the adoption of any map or plan of said city or incorporated village, or part thereof, including drainage and sewer or water system plans or maps, and plans or maps for any public water front, or marginal street, or public structure upon, in or in connection with such front or street, or for any dredging, filling or fixing of lines with relation to said front; any change of any such maps or plans; the location of any public structure upon, in or in connection with, or fixing lines with relation to said front; the location of any public building, bridge, statue or monument, highway, park, parkway, square, playground or recreation ground, or public open place of said city or village. In default of any such ordinance, local law or resolution all of said matters shall be so referred to said planning commission.

The body creating such planning commission may, at any time, by ordinance, local law or resolution, fix the time within which such planning commission shall report upon any matter or class of matters to be referred to it, with or without the further provision that in default of report within the time so fixed, the planning commission shall forfeit the right further to suspend action, as aforesaid with regard to the particular matter upon which it has so defaulted. In default of any such ordinance, local law or resolution, no such action shall be taken until such report is so received, and no adoption, change, fixing or location as aforesaid by said final authority, prior thereto, shall be valid. No ordinance, local law or resolution shall deprive said planning commission of its right or relieve it of its duty, to report, at such time as it deems proper upon any matter at any time referred to it.

This section shall not be construed as intended to limit or impair the power of any art commission, park commission or commissioner, now or hereafter existing by virtue of any provision of law, to refuse consent to the acceptance by any municipality of the gift of any work of art to said municipality, without reference of the matter, by reason of its proposed location or otherwise, to said planning commission. Nor shall this section be construed as intended to limit or impair any other power of any such art commission or affect the same, except in so far as it provides for reference or report, or both, on any matter before final action thereon by said art commission.

§ 237. Maps and recommendations. Such planning commission may cause to be made a map or maps of said city or village or any portion thereof, or of any land outside the limits of said city or village so near or so related thereto that in the opinion of said planning commission it should be so mapped. Such plans may show not only such matters as by law have been or may be referred to the planning commission, but also any and all matters and things with relation to the plan of said city or village which to said planning commission seem necessary and proper, including recommendations and changes suggested by it; and any report at any time made, may include any of the above. Such planning commission may obtain expert assistance in the making of any such maps or reports, or in the investigations necessary and proper with relation thereto.

§ 238. Private streets. The body creating such planning commission may at any time, by ordinance or resolution provide that no plan, plot or description, showing the layout of any highway or street upon private property, or of building lots in connection with or in relation to such highway or street shall, within the limits of any municipality having a planning commission, as aforesaid, be received for record in the office of the clerk of the county where such real property is situated, until a copy of said plan, plot or description has been filed with said commission and it has certified, with relation thereto, its approval thereof. Such certificate shall be recorded as a part of the record of said original instrument containing said plan, plot, or description. No such street or highway which has not received the approval of the planning commission shall be accepted by said city or village until the matter has been referred to such commission under the provision of section two hundred and thirty-six of this article. But if any such street is plotted or laid out in accordance with the map of said municipality, adopted according to law, then it shall not be necessary to file such copy, or obtain or record such certificate.

§ 239. Rules. Such commission may make rules not contrary to law, to govern its action in carrying out the provisions of this article.

§ 239-a. Construction of article. This article shall be construed as the grant of additional power and authority to cities and incorporated villages, and not as intended to limit or impair any existing power or authority of any city or village.

Any city or incorporated village in order to appoint a planning commission under this article shall recite, in the ordinance or resolution so creating the commission, the fact that it is created under this article.

ARTICLE 12-B
COUNTY PLANNING BOARDS AND REGIONAL PLANNING COUNCILS

§ 239-b. Definitions. As used in this article and unless otherwise provided:

1. "Municipal legislative body" means the town board of a town, the board of trustees of a village; the board of aldermen, common council,

council or commission of a city; and other elective governing board or body now or hereafter vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws or ordinances.

2. "County legislative body" means the board of supervisors of a county, the county legislature, the county board of representatives, or other body vested by its charter or other law with jurisdiction to enact local laws or resolutions.

3. "Municipality" means a city, village, or that portion of a town located outside the limits of any city or village.

4. "County planning board" means a county planning board established pursuant to section two hundred thirty-nine-c of this article.

5. "Special board" means a board consisting of one or more members of the county planning board and such other members as are appointed by the county legislative body to prepare a proposed county comprehensive plan or an amendment thereto.

6. "County comprehensive plan" means the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the county, as may be prepared pursuant to section two hundred thirty-nine-d of this article.

7. "Region" means an area which encompasses a regional planning council.

8. "Regional planning council" means a council established pursuant to section two hundred thirty-nine-h of this article.

9. "Regional comprehensive plan" means the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the

goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the region, as may be prepared pursuant to section two hundred thirty-nine-i of this article.

§ 239-c. County planning boards. 1. Legislative findings and intent. The legislature hereby finds and determines that:

(a) significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by county planning boards.

(b) county planning boards serve as an important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.

(c) through comprehensive planning and special studies, county planning boards focus on opportunities and issues best handled at a county-wide scale.

(d) the development of a county comprehensive plan can foster cooperation among governmental agencies in the planning and implementation of capital projects. Similarly, county comprehensive plans can promote intermunicipal cooperation in the provision of public services.

(e) citizen participation is essential to the design and implementation of a county comprehensive plan.

(f) the great diversity of resources and conditions that exist within and among counties requires consideration of such factors by county planning boards.

(g) it is the intent of the legislature therefore, to provide a permissive and flexible framework within which county planning boards can perform their power and duties.

1-a. Alternate members of county planning boards. (a) A county legislative body may, by local law or as a part of the local law creating the county planning board, establish alternate planning board member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the county planning board shall be appointed by resolution of the county legislative body, for terms established by such legislative body.

(b) The chairperson of the planning board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial planning board meeting at which the substitution is made.

(c) All provisions of this section relating to county planning board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.

2. Establishment of county planning board. (a) Creation. In the absence of a county administrative code or county charter which may otherwise provide for the creation of a county planning board, the county legislative body alone, or in collaboration with the legislative bodies of the municipalities in such county may establish a county planning board.

(b) Membership. Members and officers of such board shall be selected in a number and manner determined by the county legislative body. In making such appointments, the county legislative body shall include members from a broad cross section of interests within the county. Consideration should also be given to securing representation by population size, geographic location and type of municipality. The terms of membership as well as the filling of vacancies on such board shall be determined by the county legislative body. The county legislative body may provide for the appointment of individuals to serve as ex-officio members of the county planning board. Said ex-officio members or their designees may participate in the deliberations of the county planning board, but shall not have voting privileges.

(c) Membership of elected or appointed officials. No person shall be precluded from serving as a member of a county planning board, as appointed by the county legislative body pursuant to this section, because such member is an elected or appointed official of the county or a municipality. A member of a county planning board shall excuse himself or herself from any deliberation or vote relating to a matter or proposal before such county planning board which is or has been the subject of a proposal, application or vote before the municipal board of which he or she is a member.

(d) Training and attendance requirements. (i) Each member of a county planning board shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this paragraph. Such training shall be approved by the county and may include, but not be limited to, training provided by a regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

(ii) To be eligible for reappointment to such board, such member shall have completed the training promoted by the county pursuant to this paragraph.

(iii) The training required by this paragraph may be waived or modified by the county when, in the judgment of the governing board, it is in the best interest of the county to do so.

(iv) No decision of a county planning board shall be voided or declared invalid because of a failure to comply with this paragraph.

(e) Member reimbursement. The members of such county planning board shall receive no salary or compensation for their services as members of such board but may be reimbursed for authorized, actual and necessary travel and expenditures.

(f) Removal of members. The county legislative body may remove any member of such planning board for cause, and may provide by resolution for removal of any planning board member for non-compliance with minimum requirements relating to meeting attendance and training as established by the county legislative body by resolution.

(g) By-laws. The county planning board shall adopt by-laws governing its operation, which shall be approved by the county legislative body and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(h) Appropriation; expenses. The county legislative body and municipal legislative bodies may, in their discretion, appropriate and raise by taxation, money for the expenses of such county planning board. Such bodies shall not be charged for any expense incurred by such board except pursuant to such appropriation. The county planning board shall have the power and authority to employ staff, consultants and other experts and to pay for their services, and to provide for such other expenses as may be necessary and proper, not to exceed the appropriation that may be made therefor by the county legislative body for such county planning board.

(i) Authority to receive and expend funds. In furtherance of the purposes of this article, the county planning board may receive and expend public funds and grants from private foundations or agencies and may apply for and accept grants from the federal government or the state government and enter into contracts for and agree to accept such grants, donations or subsidies in accordance with such reasonable conditions and requirements as may be imposed thereon.

3. County planning board powers and duties. (a) Review of certain municipal planning and zoning actions. The county legislative body may, by resolution, authorize the county planning board to conduct reviews of certain classes of planning and zoning actions by a city, town or village within such county pursuant to sections two hundred thirty-nine-l and two hundred thirty-nine-m of this article, and to review certain subdivision plats pursuant to section two hundred thirty-nine-n of this article.

(b) County comprehensive plan. The county legislative body may request the county planning board to assist in the preparation of a county comprehensive plan and amendments thereto pursuant to section two hundred thirty-nine-d of this article.

(c) County official map. The county legislative body may request the county planning board to prepare a county official map and amendments thereto pursuant to section two hundred thirty-nine-e of this article.

(d) County studies. The county planning board may undertake studies relevant to the future growth, development, and protection of the county and municipalities therein, including studies in support of a county comprehensive plan.

(e) Local studies. The county planning board may assist a city, town, or village in the study of ways to obtain economy, efficiency and quality in the planning and provision of municipal services.

(f) Collection and distribution of information. The county planning board may collect and distribute information relative to county or municipal planning and zoning in such county. Upon request from the county or a municipality the planning board may recommend to the legislative body of the county or such municipalities whose jurisdictions are served by the county planning board a comprehensive plan which shall designate suitable areas to be zoned for land uses, taking into consideration, but not limited to, such factors as existing and projected highways, parks, open spaces, parkways, public works, public utilities, public transportation terminals and facilities, population trends, topography and geologic structure.

(g) Local technical assistance. The county planning board may furnish such technical services as a municipality within the county may request. Such services may include, but not be limited to assistance with planning and land use functions, use of geographic information systems, infrastructure development, as well as inter-municipal services delivery, and may be provided directly by the county planning board or in coordination with other county departments or agencies. The charges, if any, to be made for such services shall be established by the county legislative body.

(h) Highway construction. Before the final approval of any plan involving the construction or reconstruction of any state or county highway, with or without federal aid, the county planning board shall be given an opportunity to examine such plans and offer suggestions with respect thereto. This paragraph shall in no manner be construed as nullifying or contravening the final approval of the commissioner of transportation.

4. Annual report. The county planning board shall submit an annual report to the county legislative body and include in such report topics that are required in the by-laws of the county planning board.

5. Voting requirements. Every motion or resolution of a county planning board shall require for its adoption the affirmative vote of a

majority of all the members of the county planning board.

§ 239-d. County comprehensive plan. 1. Content. The county comprehensive plan may include but shall not be limited to the following topics at the level of detail adapted to the special requirements of the county:

(a) General statements of goals, objectives, principles, policies, and standards upon which proposals for the immediate and long-range protection, enhancement, growth and development of the county are based;

(b) Consideration of regional needs and the official plans of other governmental units and agencies within the county;

(c) The existing and proposed location and intensity of land uses;

(d) Consideration of agricultural uses, historic and cultural resources, coastal and natural and scenic resources and sensitive environmental areas;

(e) Consideration of population, demographic and socio-economic trends and future projections;

(f) The location and types of transportation facilities, including the reuse of abandoned transportation facilities;

(g) Existing and proposed general location of public and private utilities and infrastructure;

(h) Existing housing resources and future housing needs, including affordable housing;

(i) The present and future general location of educational and cultural facilities, historic sites, health facilities, and facilities for emergency services;

(j) Existing and proposed recreation facilities and parkland;

(k) The present and potential future general location of commercial and industrial facilities;

(l) Specific policies and strategies for improving the county economy in coordination with other plan topics;

(m) Proposed measures, programs, devices, and instruments to implement the goals and objectives of the various topics within the county comprehensive plan;

(n) All or part of the plan of another public agency;

(o) Any and all other items which are consistent with the protection, enhancement, orderly growth and development of the county; and

(p) Consideration of cumulative impacts of development, and other issues which promote compliance with the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

2. Preparation. The county legislative body, or by resolution of such body the planning board or a special board, may prepare a proposed county comprehensive plan and amendments thereto. In the event the planning board or special board is directed to prepare a proposed comprehensive plan or amendment thereto, such board shall, by resolution, recommend such proposed plan or amendment to the county legislative body.

3. Environmental review. A county comprehensive plan and any amendments thereto shall be subject to the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. A county comprehensive plan may be designed to also serve as, or be accompanied by, a generic environmental impact statement pursuant to the state environmental quality review act statute and regulations. No further compliance with such law is required for subsequent site specific county actions that are in conformance with the thresholds established for such county actions in the generic environmental impact statements and its findings.

4. Agricultural review and coordination. A county comprehensive plan and any amendments thereto for a county containing all or part of an agricultural district or lands receiving agricultural assessments within its jurisdiction, shall continue to be subject to the provisions of article twenty-five-AA of the agriculture and markets law relating to the enactment and administration of local laws, ordinances, rules or regulations. A newly adopted or amended county comprehensive plan shall take into consideration applicable county agricultural and farmland protection plans as created under article twenty-five-AAA of the agriculture and markets law.

5. Referrals. The county legislative body shall, prior to adoption, refer the proposed county comprehensive plan or any amendment thereto to the county and regional planning boards as well as to the legislative bodies and to the planning boards of each municipality within the county for review and recommendation.

6. Public hearings; notice. (a) Prior to adopting or amending a county comprehensive plan, the county legislative body shall hold one or more hearings on such proposed plan or amendments thereto.

(b) Where a special board prepares the proposed county comprehensive plan the county legislative body shall, within ninety days of receiving the special board's recommendations on such proposed plan or amendment, and prior to the adoption of the plan or amendment, hold a public hearing on such proposed plan or amendment.

(c) Notice of a public hearing shall be published in a newspaper of general circulation in the county at least ten calendar days in advance of the hearing. Notice shall also be mailed to the chief executive officer and the chairperson of the planning board of each municipality at least ten days before such hearing. Representatives of the regional or county planning board, the commissioner of transportation or his or her representative, county departments, municipalities, citizens and other interested parties shall be given the opportunity to be heard.

7. Adoption. The county legislative body may adopt by resolution a county comprehensive plan or any amendment thereto.

8. Filing of adopted county comprehensive plan. The adopted county comprehensive plan and any amendments thereto shall be filed in the office of the county clerk or register and a copy thereof filed in the office of the county planning board, with the secretary of state, as well as with the clerk of each municipality within the county.

9. Effect of adoption. (a) All county land acquisitions and public improvements, including those identified in the county official map adopted or amended pursuant to this article, shall be in accordance with a county comprehensive plan, if one exists.

(b) All plans for capital projects of a municipality or state governmental agency on land included in the county comprehensive plan adopted pursuant to this section shall take such plan into consideration.

10. Periodic review. The county legislative body shall provide, as a component of such proposed county comprehensive plan, the maximum intervals at which the adopted plan shall be reviewed.

§ 239-e. County official map. 1. Legislative intent. It is the general intent of this section and section two hundred nine-f of this chapter to enable counties to utilize certain regulatory powers which are essential for providing for orderly growth and development, for affording adequate facilities for the safe, convenient, and efficient means for traffic circulation including the vehicular movement of goods, for protecting the public against flood damage, and for providing needed space for public development. Such purposes are declared to be in promotion of the safety, convenience, and general welfare of the community.

2. Purpose. The county legislative body may adopt an official map in order to facilitate the planning and development of roads and drainage systems and sites for public development. County official maps shall be designed to assist in the protection of rights-of-way that will be needed for widened, realigned or new roads; protect drainage systems; and protect sites for public development. Such county official map shall serve as a basis for the adoption and administration of regulations for the control of development along or otherwise related to roads, drainage channels and sites for public development.

3. Content. The county official map shall show existing and proposed rights-of-way for drainage systems and for county roads as established pursuant to article six of the highway law. Such map shall be consistent with any county comprehensive plan adopted or amended pursuant to this article. In counties where the county legislative body has adopted such county comprehensive plan, the official map may also include:
rights-of-way required for any proposed transportation network; and
sites for any proposed county, state or federal development facilities,

including parks, drainage courses, water courses, and public buildings. No state or federal development facility shall be included, changed or deleted in the official map until approved by the appropriate state or federal agency.

4. Adoption, amendment. After the conduct of a public hearing, as hereinafter provided, the county legislative body may adopt an official map covering the entire county, or portions thereof, and amend such map whenever it may deem it to be in the public interest.

(a) Notice, hearing. A public hearing shall be held on any proposed adoption of, or amendment to, the official county map. Notice of such hearing shall be published at least ten days prior to such hearing in a newspaper of general circulation in the county. Written notice shall be given to the appropriate state or federal agency for the development facilities affected.

(b) Referral to county planning board. Prior to adopting or amending a county official map, the county legislative body shall refer such proposed change to the county planning board, if any, and the county superintendent of highways or commissioner of public works for report thereon within thirty days of such reference.

(c) Referral to municipalities. The county legislative body shall refer such proposed amendment to the legislative body and planning board of each municipality within the county, which may report thereon to the county legislative body and to the county planning board. If the municipal legislative body disapproves by resolution such proposed amendment, the county legislative body may not so amend the official map except by a two-thirds vote of said body. In counties where the county legislative body has adopted a county comprehensive plan, the county legislative body may change the official map by a majority vote notwithstanding such municipal disapproval so long as the change is in accordance with the county comprehensive plan.

5. Effect. (a) The official county map shall be final and conclusive with respect to the location, width and dimensions of all rights-of-way and sites as shown thereon. The county official map shall be deemed to be in addition to, or an amendment of, the official map of any municipality. If a municipality does not have an official map, the

county official map as it affects such municipality shall be considered to be the official map of such municipality, and all provisions of law applying to municipal official maps shall be applicable in the case of county official maps where they affect municipalities. The adoption of a county official map shall in no way supersede or otherwise substitute for highway maps or procedures adopted pursuant to the state highway law. No permit shall be issued for any building in any right-of-way or site, shown or laid out on a county official map, except in accord with the appeal procedures herein.

(b) All county land acquisitions and public improvements shall be in accordance with the county map and any comprehensive plan adopted or amended pursuant to this article.

6. Filing. Certified copies of such county official map and all amendments thereto shall be sent to each municipality, the secretary of state, and appropriate state and federal agencies affected, within ten days of the date of adoption.

7. Appeals. If the land within a right-of-way or site shown or laid out on the county official map is not yielding a fair return on its value to the owner, the owner may appeal to the zoning board of appeals, if any, or other board established by the municipality in which the land is situated to issue variances or make exceptions in zoning regulations.

(a) Notice, hearing. Notice of a public hearing on such appeal shall be published in a newspaper of general circulation in the municipality at least ten days prior to such hearing. Notice of such hearing shall also be given at least ten days in advance by a registered letter to the superintendent of highways or commissioner of public works, to the clerk of the county legislative body, and to the county planning board and those state and federal agencies affected.

(b) Conditions. The zoning board of appeals or other board authorized by the municipal legislative body to issue building permits shall, by the vote of two-thirds of its members in accordance with the provisions of section two hundred thirty-nine-f of this article, have the power to grant a permit for a building in such right-of-way or site which will as little as practicable increase the cost of acquiring such right-of-way or site or tend to cause a change of the county official map. Such board may impose reasonable requirements as a condition of granting such permit, which requirements shall inure to the benefit of the county and of the municipality in which such building is located.

(c) Court review. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals or other board authorized by the municipal legislative body to issue building permits may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such appeal shall be taken in the same manner and pursuant to the same provisions as appeals from the decisions of such zoning board of appeals or other authorized board.

§ 239-f. Approval of building permits, curb cuts, and subdivision plats. 1. Rules and regulations. The county superintendent of highways or the commissioner of public works in cooperation with the county planning board as well as the county building inspector, if any, shall promulgate rules and regulations governing the approval of building permits and curb cuts relating to elements contained in the county official map, including provision for direct application to him or her by prospective builders or by persons desiring to secure access to existing or proposed rights-of-way or to alter existing means of access. Any approval of such application shall be subject to all the provisions of law pertaining to the municipality affected.

2. Procedure. No subdivision plat or building permit shall be issued or approved by any municipality when there are proposed structures, proposed new streets, or proposed buildings which shall have frontage on, access to, or be otherwise directly related to any existing or proposed right-of-way or site shown on the county official map, except in accord with the following procedures.

(a) Notification. (i) Upon receipt of an application for approval of a subdivision plat, the clerk of the municipal planning board shall notify the county planning board and the county superintendent of highways or commissioner of public works.

(ii) Upon receipt of an application for a building permit the municipal building inspector or other authorized municipal official shall notify county officials. The county superintendent of highways or commissioner of public works shall notify appropriate state or federal agencies affected. Such state and federal agencies shall have ten working days in which to file their objections to an application for a building permit.

(b) Report. (i) The county planning board shall review a subdivision application insofar as proposed structures or new streets may be related to any existing or proposed right-of-way or site shown on the county official map. Within ten working days of receipt of notification of a subdivision plat application, the county planning board shall report to the municipality on its approval, disapproval, or approval subject to stated conditions.

(ii) The county superintendent of highways or commissioner of public works shall review an application for a building permit insofar as proposed building, including curb cuts or other means of access, may be related to any existing or proposed right-of-way or site shown on the county official map. Within ten working days of receipt of a building permit application the county superintendent of highways or commissioner of public works may consult with the county planning board and shall report to the municipality on his or her approval, disapproval, or approval subject to stated conditions. If such superintendent or commissioner fails to make a report within ten working days of such reference, the county shall forfeit the right to suspend action.

(c) Considerations. In making such report the county planning board and the county superintendent of highways or commissioner of public works shall take into consideration the following:

(i) the prospective character of the development;

(ii) any appropriate access standards or non-access or limited access provisions of state and federal agencies;

(iii) the design and frequency of access;

(iv) the traffic which the development will generate and the effect of said traffic upon existing or proposed rights-of-way or sites shown on the county official map;

(v) the effect of this development upon drainage as related to drainage systems; and

(vi) the extent to which such development may impair the safety and traffic carrying capacity of existing and proposed rights-of-way affected.

(d) Approval. (i) A subdivision plat may be approved by the municipality subject to stated conditions, notwithstanding such county planning board report, by a two-thirds vote of all the members.

(ii) A building permit shall be issued in accord with and consistent with such report, provided that the board of appeals or other authorized board may vary the requirements of the report of the county superintendent of highways or the commissioner of public works by a two-thirds vote of all the members. Before issuing such building permit, a notice of public hearing on such permit shall be published in a newspaper of general circulation in the municipality at least ten working days prior to such hearing. Such notice shall be forwarded at least ten working days in advance by a registered letter to the superintendent of highways or commissioner of public works, to the clerk of the county legislative body, and to the county planning board, if any, and appropriate state and federal agencies affected.

§ 239-g. Planning associations or federations. 1. Establishment. In any county or counties, the municipalities may form a federation or association to promote community or inter-community planning within or by such municipalities, to provide for the collection and distribution of information on planning, subdivision and zoning matters and kindred subjects and to cooperate with appropriate state and county authorities in matters affecting the county comprehensive plan and county official map.

2. Appropriation, expenses. A municipal legislative body or a county legislative body, is hereby authorized to include annually in the budget and raise by taxation in such municipality or county a sum to meet the actual and necessary expenses of establishing, maintaining and continuing such association or federation. Such expenses may include activities in this state for the purpose of devising practical ways and means for obtaining greater economy and efficiency in the design, layout and development of a municipality or county; for promoting the public health, safety and general welfare by means of local and inter-community planning, subdivision and zoning activities; or for establishing and

maintaining information services for the benefit of its members.

§ 239-h. Regional planning councils. 1. Legislative findings and intent. The legislature hereby finds and determines that:

(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by regional planning councils.

(b) Regional planning councils serve as an increasingly important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.

(c) Through comprehensive planning and special studies, regional planning councils provide focus on opportunities and issues best handled on a broad geographic scale.

(d) The development of a regional comprehensive plan can foster cooperation among governmental agencies in the planning and implementation of capital projects. Similarly, regional comprehensive plans can promote intermunicipal cooperation in the provision of public services.

(e) Citizen participation is essential to the design and implementation of a regional comprehensive plan.

(f) The great diversity of resources and conditions that exist within and among regions requires consideration of such factors by regional planning councils.

(g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which regional planning councils can perform their powers and duties.

2. Definitions. For the purposes of this section and section two hundred thirty-nine-i of this article the term "municipality" shall mean any city, town, village or county.

3. Establishment of regional planning council. (a) Creation. Any municipal legislative body may collaborate with the legislative body of a contiguous municipal legislative body to create a regional planning council under this article. The legislative bodies of the municipalities

participating in the regional planning council shall adopt by resolution an agreement setting forth the terms and conditions of such collaboration. The regional planning council shall be considered an agency of a political subdivision or municipality for purposes of sections one hundred three, one hundred four and article eighteen of this chapter, articles six and seven of the public officers law, and for the purposes of eligibility for federal and/or state grants.

(b) Membership. Membership and officers on such council shall be selected in a manner to be determined by the collaborating legislative bodies. In making such appointments, the collaborating legislative bodies shall include members from a broad cross section of interests within the region. Consideration should also be given to securing representation by population size, geographic location and type of municipality. The terms of membership as well as the filling of vacancies on such council shall be determined by the collaborating legislative bodies. The collaborating legislative bodies may also jointly provide for the appointment of individuals to serve as ex-officio members of the regional planning council. Said ex-officio members or their designees may participate in the deliberations of the council, but shall not have voting privileges.

(c) Membership of elected or appointed officials. No person shall be precluded from serving as a member of a regional planning council as appointed by a collaborating municipal legislative body pursuant to this section, because such member is an elected or appointed official of such municipality. A member of a regional planning council shall excuse himself or herself from any deliberation or vote relating to a matter or proposal before such regional planning council which is or has been the subject of a proposal, application or vote before the municipal board of which he or she is a member.

(d) Training and attendance requirements. As a condition of appointment to the regional planning council, the collaborating legislative bodies may establish training, continuing education and meeting attendance requirements for such members.

(e) Member reimbursement. The members of such regional planning council shall receive no salary or compensation for their services as members of such council, but may be reimbursed for authorized, actual and necessary travel and expenditures.

(f) Removal of members. The legislative body of each collaborating municipality may remove any regional planning council member which said municipal legislative body has appointed for cause and may provide by resolution for removal of any such regional planning council member for non-compliance with minimum requirements relating to meeting attendance and training as established by the collaborating legislative bodies by resolution.

(g) By-laws. The regional planning council shall adopt by-laws governing its operation which shall be approved by the collaborating legislative bodies and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(h) Appropriation; expenses. Collaborating legislative bodies may, in their discretion, appropriate and raise by taxation, money for the expenses of the regional planning council; such bodies shall not be charged with any expense incurred by the regional planning council except pursuant to such appropriation. The legislative body of each collaborating municipality is authorized to provide for the payment of the moneys so appropriated for the expenses of such council to an officer of the council designated in the council by-laws to receive such moneys, provided that before any such money shall be paid to such officer, such officer shall have executed an official undertaking conditioned for the faithful performance of duties in the manner provided in section four hundred three of the county law and provided that such undertaking shall have been approved by the legislative body of each municipality. The regional planning council shall have the power and authority to employ staff, consultants and other experts and to pay for their services, and to provide for such other expenses as may be necessary and proper.

(i) Authority to receive and expend funds. In furtherance of the purposes of this section, the regional planning council may receive and expend public and private funds and grants from non-public foundations, agencies, corporations, and private entities and may apply for and accept grants from the federal government or the state government and enter into contracts for and agree to accept such grants, donations or subsidies in accordance with such reasonable conditions and requirements as may be imposed thereon.

4. Regional planning council powers and duties. (a) The regional planning council shall have such of the following powers as shall be provided in the agreement among the collaborating municipalites:

(i) conduct surveys, studies and research programs which address regional needs and improve community services;

(ii) distribute information resulting from such surveys, studies and programs;

(iii) prepare a regional comprehensive plan and any amendments thereto pursuant to section two hundred thirty-nine-i of this article;

(iv) consult and cooperate with appropriate state, municipal and public or private agencies in matters affecting the region, including, but not limited to the general protection, enhancement, quality of life, growth and development of the region;

(v) assist with transportation planning in areas of the region not served by metropolitan planning organizations created pursuant to section fifteen-a of the transportation law; and

(vi) conduct reviews of certain classes of planning and zoning actions by a city, town or village pursuant to sections two hundred thirty-nine-l and two hundred thirty-nine-m of this article, and review certain subdivision plats pursuant to section two hundred thirty-nine-n of this article.

(b) A regional planning council shall not undertake any capital construction project, including but not limited to the design, acquisition, construction, improvement, reconstruction or rehabilitation of any capital asset, whether in the nature of real or personal property.

5. Annual report and audit. Every regional planning council shall submit an annual report to the collaborating legislative bodies and to the department of audit and control which report shall include a summary of council activities, including planning and technical services and grant and loan programs, a summary of the financial status of the council, including the annual budget as well as any federal, state and local funding and private sector financial assistance, and a summary of planned future activities as well as topics that are required in the by-laws of the regional planning council. Every regional planning

council shall engage a certified public accountant to complete an annual financial audit and audit of the internal control structure of the regional planning council, a copy of which shall be included in the annual report.

6. Voting requirements. Every motion or resolution of a regional planning council shall require for its adoption the affirmative vote of a majority of all the members of the regional planning council.

§ 239-i. Regional comprehensive plans. 1. Content of a regional comprehensive plan. The regional comprehensive plan may include the following topics of significance at the level of detail adapted to the special requirements of the region:

(a) general statements of goals, objectives, principles, policies, and standards upon which proposals for the immediate and long-range protection, enhancement, growth and development of the region are based;

(b) consideration of regional needs and the official plans of other government units and agencies within the region;

(c) the existing and proposed intensity of land uses;

(d) consideration of agricultural uses, historic and cultural resources, coastal and natural resources and sensitive environmental areas;

(e) consideration of population, demographic and socio-economic trends and future projections;

(f) the location and types of transportation facilities, including the reuse of abandoned transportation facilities;

(g) existing and proposed general location of public and private utilities and infrastructure;

(h) existing housing resources and future housing needs, including affordable housing;

(i) the present and future general location of educational and cultural facilities, historic sites, health facilities, and facilities for emergency services;

(j) existing and proposed recreation facilities and parkland;

(k) the present and potential future general location of commercial and industrial facilities;

(l) specific policies and strategies for improving the regional economy in coordination with other plan topics;

(m) proposed measures, programs, devices, and instruments to implement the goals and objectives of the various topics within the regional comprehensive plan;

(n) all or part of the plan of another public agency;

(o) any and all other items which are consistent with the protection, enhancement, orderly growth and development of the region; and

(p) consideration of cumulative impacts of development and other issues which promote compliance with the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

2. Preparation. The regional planning council may prepare a proposed regional comprehensive plan and amendments thereto.

3. Environmental review. A regional comprehensive plan, and any amendment thereto, is subject to the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. A regional comprehensive plan may be designed to also serve as, or be accompanied by, a generic environmental impact statement pursuant to the state environmental quality review act statute and regulations. No further compliance with such law is required for subsequent site specific actions that are in conformance with the conditions and thresholds established for such actions in the generic environmental impact statement and its findings.

4. Agricultural review and coordination. A regional comprehensive plan and any amendments thereto, for a region containing all or part of an agricultural district or lands receiving agricultural assessments within its jurisdiction, shall continue to be subject to the provisions of article twenty-five-AA of the agriculture and markets law relating to the enactment and administration of local laws, ordinances, rules or regulations. A newly adopted or amended regional comprehensive plan shall take into consideration applicable county agricultural and farmland protection plans as created under article twenty-five-AAA of

the agriculture and markets law.

5. Referrals. The regional planning council shall, prior to adoption, refer the proposed regional comprehensive plan or any amendment thereto to the collaborating municipal legislative bodies and planning boards for review and recommendation.

6. Public hearings; notice. (a) In the event the regional planning council prepares a proposed regional comprehensive plan or amendment thereto, the regional planning council shall hold one or more public hearings in each collaborating municipality and such other meetings as it deems necessary to assure full opportunity for citizen participation in the preparation of such proposed plan or amendment, and in addition, the regional planning council shall hold one or more public hearings in each collaborating municipality prior to adoption of such proposed plan or amendment.

(b) Notice of a public hearing shall be published in a newspaper of general circulation in each collaborating municipality at least ten calendar days in advance of the hearing. Notice shall also be mailed to the chief executive officer and the chairperson of the planning board of each municipality at least ten days before such hearing. The proposed regional comprehensive plan or amendment thereto shall be made available for public review during said period at the office of the clerk of each collaborating municipality, and may be made available at any other place, including a public library.

7. Adoption. The regional planning council may adopt by resolution a regional comprehensive plan or any amendment thereto.

8. Filing of regional comprehensive plan. The adopted regional comprehensive plan and any amendments thereto shall be filed in the office of the clerk of each collaborating municipality.

9. Effect of adoption of the regional comprehensive plan. All plans for capital projects of another governmental agency on land included in the regional comprehensive plan adopted pursuant to this section shall take such plan into consideration.

10. Periodic review. The regional planning council shall provide, as a component of such proposed regional comprehensive plan, the maximum intervals at which the adopted plan shall be reviewed.

§ 239-l. Coordination of certain municipal zoning and planning actions; legislative intent and policy. 1. Definitions. For the purposes of this section and sections two hundred thirty-nine-m and two hundred thirty-nine-n of this article, the following terms shall apply:

(a) "County planning agency" means a county planning board, commission or other agency authorized by the county legislative body to review proposed actions referenced for inter-community or county-wide considerations subject to the provisions of this section, and sections two hundred thirty-nine-m and two hundred thirty-nine-n of this article.

(b) "Regional planning council" means a regional planning board or agency established pursuant to the provisions of this chapter.

2. Intent. The purposes of this section, sections two hundred thirty-nine-m and two hundred thirty-nine-n of this article shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the following:

(a) compatibility of various land uses with one another;

(b) traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities;

(c) impact of proposed land uses on existing and proposed county or state institutional or other uses;

(d) protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas;

(e) drainage;

(f) community facilities;

(g) official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures; and

(h) such other matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment.

3. Review considerations. In no way shall the review of inter-community and county-wide considerations pursuant to the provisions of this section, or pursuant to sections two hundred thirty-nine-m and two hundred thirty-nine-n of this article, preclude a county planning agency or a regional planning council from making informal comments, or supplying such technical assistance as may be requested by a municipality.

§ 239-m. Referral of certain proposed city, town and village planning and zoning actions to the county planning agency or regional planning council; report thereon; final action. 1. Definitions. As used herein:

(a) The term "proposed" as used in subparagraphs (ii) and (iii) of paragraph (b) of subdivision three of this section shall be deemed to include only those recreation areas, parkways, thruways, expressways, roads or highways which are shown on a county comprehensive plan adopted pursuant to section two hundred thirty-nine-d of this article or adopted on an official map pursuant to section two hundred thirty-nine-e of this article.

(b) The term "referring body" shall mean the city, town or village body responsible for final action on proposed actions subject to this section.

(c) The term "full statement of such proposed action" shall mean all materials required by and submitted to the referring body as an application on a proposed action, including a completed environmental assessment form and all other materials required by such referring body in order to make its determination of significance pursuant to the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. When the proposed action referred is the adoption or amendment of a zoning ordinance or local law, "full statement of such proposed action" shall also include the complete text of the proposed ordinance or local law as well as all existing provisions to be affected thereby, if any, if not already in the possession of the county planning agency or regional planning council. Notwithstanding the foregoing provisions of this paragraph, any referring body may agree with the county planning agency or regional planning council as to what shall constitute a "full statement" for any or all of those proposed actions which said referring body is authorized to act upon.

(d) The term "receipt" shall mean delivery of a full statement of such proposed action, as defined in this section, in accordance with the rules and regulations of the county planning agency or regional planning council with respect to person, place and period of time for submission. In no event shall such rule or regulation define delivery so as to require in hand delivery or delivery more than twelve calendar days prior to the county planning agency's or regional planning council's meeting date. In the absence of any such rules or regulations, "receipt" shall mean delivery in hand or by mail to the clerk of the county planning agency or regional planning council. Where delivery is made in hand, the date of receipt shall be the date of delivery. Where delivery is made by mail, the date as postmarked shall be the date of delivery. The provisions of this section shall not preclude the rules and regulations of the county planning agency or regional planning council from providing that the delivery may be a period greater than twelve days provided the referring body and the county planning agency or regional planning council agree in writing to such longer period.

2. Referral of proposed planning and zoning actions. In any city, town or village which is located in a county which has a county planning agency, or, in the absence of a county planning agency, which is located within the jurisdiction of a regional planning council duly created pursuant to the provisions of law, each referring body shall, before taking final action on proposed actions included in subdivision three of this section, refer the same to such county planning agency or regional planning council.

3. Proposed actions subject to referral. (a) The following proposed actions shall be subject to the referral requirements of this section,

if they apply to real property set forth in paragraph (b) of this subdivision:

(i) adoption or amendment of a comprehensive plan pursuant to section two hundred seventy-two-a of the town law, section 7-722 of the village law or section twenty-eight-a of the general city law;

(ii) adoption or amendment of a zoning ordinance or local law;

(iii) issuance of special use permits;

(iv) approval of site plans;

(v) granting of use or area variances;

(vi) other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

(b) The proposed actions set forth in paragraph (a) of this subdivision shall be subject to the referral requirements of this section if they apply to real property within five hundred feet of the following:

(i) the boundary of any city, village or town; or

(ii) the boundary of any existing or proposed county or state park or any other recreation area; or

(iii) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or

(iv) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or

(v) the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or

(vi) the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.

(c) The county planning agency or regional planning council may enter into an agreement with the referring body or other duly authorized body of a city, town or village to provide that certain proposed actions set forth in this subdivision are of local, rather than inter-community or county-wide concern, and are not subject to referral under this section.

4. County planning agency or regional planning council review of proposed actions; recommendation, report. (a) The county planning

agency or regional planning council shall review any proposed action referred for inter-community or county-wide considerations, including but not limited to those considerations identified in section two hundred thirty-nine-l of this article. Such county planning agency or regional planning council shall recommend approval, modification, or disapproval, of the proposed action, or report that the proposed action has no significant county-wide or inter-community impact.

(b) Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. If such county planning agency or regional planning council fails to report within such period, the referring body may take final action on the proposed action without such report. However, any county planning agency or regional planning council report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of subdivision five of this section.

5. Extraordinary vote upon recommendation of modification or disapproval. If such county planning agency or regional planning council recommends modification or disapproval of a proposed action, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

6. Report of final action. Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

*** § 239-n. Referral of certain proposed subdivision plats to the**

county planning agency or regional planning council; report thereon; final action. 1. Definitions. As used herein:

(a) The term "proposed" as used in subparagraphs (ii) and (iii) of paragraph (a) of subdivision three of this section shall be deemed to include only those recreation areas, parkways, thruways, expressways, roads or highways which are shown on a county comprehensive plan, adopted pursuant to subdivision seven of section two hundred thirty-nine-d of this article, or shown on an official map adopted pursuant to section two hundred thirty-nine-e of this article.

(b) The term "undeveloped plat" shall mean those plats already filed in the office of the clerk of the county in which such plat is located where twenty percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

(c) The term "referring body" shall mean the city, town or village body authorized by a municipal legislative body to approve preliminary or final plats or to approve the development of undeveloped plats and/or plats already filed in the office of the county clerk.

2. Referral of proposed plats. In any city, town or village which is located in a county which has a county planning agency authorized by the county legislative body to review preliminary or final plats or to approve the development of undeveloped plats, the clerk of the municipal planning agency, upon receipt of application for preliminary and/or final approval of a subdivision plat or proposal to develop an undeveloped plat and/or plats already filed in the office of the county clerk, shall refer certain of such plats to the county planning agency. In the absence of a county planning agency, the county legislative body may authorize a regional planning council whose geographic area includes the county, to perform the review functions prescribed herein.

3. Plats subject to referral. (a) The following applications for approval of preliminary or final plats and undeveloped plats shall be subject to the referral requirements of this section, if the application applies to real property within five hundred feet of the following:

(i) the boundary of any city, village, or town; or

(ii) the boundary of any existing or proposed county or state park or

other recreation area; or
(iii) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
(iv) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
(v) the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
(vi) the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law.
(b) The county planning agency or regional planning council may enter into an agreement with the referring body or other duly authorized body of a city, town or village to provide that certain proposed plats are of local, rather than inter-community or county-wide concern, and are not subject to referral under this section.

4. County planning agency or regional planning council review of proposed plats; recommendation, report. (a) The county planning agency or regional planning council, when authorized by the county legislative body, shall review any referred plat for inter-community or county-wide considerations, including but not limited to those considerations identified in section two hundred thirty-nine-l of this article. The county planning agency or regional planning council may adopt such rules and regulations as are necessary to perform such function. Such county planning agency or regional planning council shall recommend approval, modification, or disapproval, of such plat, or report that such plat has no significant county-wide or inter-community impact.
(b) Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a preliminary or final plat or proposal to develop an undeveloped plat, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. If such county planning agency or regional planning council fails to report within such period, the referring body may take final action on the

referred plat without such report. However, any county planning agency or regional planning council report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of subdivision five of this section.

5. Extraordinary vote upon recommendation of modification or disapproval. If such county planning agency or regional planning council recommends modification or disapproval of a referred plat, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

6. Report of final action. Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

* NB There are 2 § 239-n's

§ 239-nn. Rights and duties of neighboring municipalities in planning and zoning matters. 1. Legislative intent and purpose. It is the intent and purpose of this section to encourage the coordination of land use development and regulation among adjacent municipalities in order that each adjacent municipality may recognize the goals and objectives of neighboring municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.

2. Definitions. For the purpose of this section:

(a) "Municipality" shall mean a city, except a city having a population in excess of one million, a town or a village.

(b) "Adjacent municipality" shall mean a city, except a city having a population in excess of one million, town or village which has a portion of its boundary that is contiguous with another municipality.

3. The legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to:

(a) the issuance of a proposed special use permit or the granting of a use variance on property that is within five hundred feet of an adjacent municipality;

(b) site plan review and approval on property that is within five hundred feet of an adjacent municipality; or

(c) a subdivision review and approval on property that is within five hundred feet of an adjacent municipality.

4. Such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing.

5. Such adjacent municipality may appear and be heard.

ARTICLE 12-C

INTERGOVERNMENTAL RELATIONS COUNCILS

*** § 239-n. Intergovernmental relations councils.** 1. Any county outside the city of New York, city, town, village, school district, board of cooperative educational services, or fire district or any combination thereof, may create by agreement an intergovernmental relations council to strengthen local governments and to promote efficient and economical provision of local governmental services within or by such participating municipalities, and to that end such council shall have power to:

a. Make surveys and studies and conduct research programs to aid in the solution of local governmental problems and in efforts to improve administration and services.

b. Provide for the distribution of information resulting from such surveys, studies and programs.

c. Consult and cooperate with appropriate state, municipal and public or private agencies in matters affecting municipal government.

d. Devise practical ways and means for obtaining greater economy and efficiency in the planning and provision of municipal services and make recommendations in accordance therewith.

e. Promote the general commercial, industrial and cultural welfare of the participating municipalities.

f. Otherwise promote strong and effective local government, public health, safety, morals and general welfare by means of local and intercommunity planning or performance of municipal services.

g. Employ such persons and adopt such rules and regulations as shall be necessary and proper to effectuate the purposes of this section.

h. Provide a forum for local governments to explore and develop areas for municipal cooperative activities pursuant to article five-G of this chapter.

i. Operate as a purchasing consortium, where authorized by participating municipalities, for the purpose of obtaining economies through joint bidding and purchasing.

j. Purchase and make available to participating municipalities, where authorized by participating municipalities, goods and equipment, including but not limited to computer hardware and software.

k. Gather and make available information on surplus goods and equipment for sale or lease.

2. The members of an intergovernmental relations council shall adopt by-laws to govern its activities and shall elect from their own number a chairman and secretary and other necessary officers to serve for such period as the members shall decide.

3. The board of supervisors of a county, the appropriate officials of a city, the governing body of a school district, board of cooperative educational services or fire district, the board of trustees of a village, or the town board of a town, is hereby authorized to include annually in the budget and raise by taxation in such county, city, school district, village or town a sum to meet all or an appropriate share of the actual and necessary expenses of establishing, maintaining and continuing such intergovernmental relations council.

* NB There are 2 § 239-n's

ARTICLE 12-D

COMMISSIONS ON HUMAN RIGHTS

§ 239-o. Creation, appointment and terms. The governing board of any county, city, village or town may by resolution create a commission on human rights. The governing board shall determine the number of members of such commission, the terms of the members, the manner of appointment of the members, the selection of a chairman and the compensation, if any, to be paid to them. In selecting the membership of the commission, the governing board shall take into consideration the various ages, races, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, domestic violence victim status and political groups in the community. The establishment of such a commission at one level of local government shall not preclude establishment of such a commission at other levels of local government.

§ 239-p. Officers and employees; expenses. The commission shall have the power and authority to employ an executive director, a secretary and such attorneys, experts and other employees as may be necessary, within the amount made available by the local governing board. Each county, city, village and town is hereby authorized and empowered to make such appropriation for such expenses and for the compensation, if any, to be paid to the members of the commission.

§ 239-q. General duties and powers. 1. It shall be the duty of the commission:

(a) To foster mutual respect and understanding among all ages, races, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status and domestic violence victim status groups in the community.

(b) To make such studies in any field of human relationship in the community as in the judgment of the commission will aid in effectuating its general purposes and where desirable, to make the results of such studies public.

(c) To inquire into incidents of tension and conflict among or between various racial, religious and nationality groups, and to take such action as may be designed to alleviate such tensions and conflict.

(d) To conduct and recommend such educational programs as, in the judgment of the commission, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.

2. In addition to all other powers, the commission, where and to the extent authorized by local law or ordinance, shall have the power:

a. To report complaints to the division of human rights alleging unlawful discriminatory practices under article fifteen of the executive law.

b. To receive, accept and use and expend public grants and private gifts, donations or bequests and other payments, goods and services, notwithstanding any other provision of law.

§ 239-r. General obligations. A commission on human rights created under the provisions of section two hundred thirty-nine-o of this article shall discharge the following obligations. (a) To receive complaints of alleged discrimination because of an individual's age, race, creed, color or national origin, sexual orientation, gender identity or expression, military status, marital status, sex, disability, predisposing genetic characteristics, familial status, marital status or domestic violence victim status, to seek the active assistance of the division of human rights in the solution of complaints which fall within the jurisdiction of the division and to prepare its own plans in the case of other complaints with a view to reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.

(b) To hold conferences, and other public meetings in the interest of the constructive resolution of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status and domestic violence victim status group tensions and the prejudice and discrimination occasioned thereby.

(c) To issue such publications and reports of investigation as in its judgment will tend to effectuate the purposes of this article.

(d) To enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice and equity and opening new opportunities into all phases of community life for all individuals.

(e) To encourage and stimulate agencies under the jurisdiction of the governing board which created the commission to take such action as will fulfill the purposes of this article.

(f) To submit an annual report to the governing board or boards and to furnish a copy thereof to the division of human rights.

§ 239-s. New York city commission on human rights. Nothing in this article shall be deemed to limit or reduce the powers of the New York city commission on human rights, and with respect to such powers, the jurisdiction of the New York city commission on human rights in relation to matters within the city of New York shall be deemed to be concurrent with the jurisdiction of the New York state division of human rights.

§ 239-t. Filing copies. One copy each of any resolution, ordinance or local law which has been, or which may hereafter be adopted, creating a commission on human rights, or any amendment thereto, shall, on or before September first, nineteen hundred sixty-seven, or within five days after its adoption, be filed with the division of human rights.

ARTICLE 12-E

NARCOTIC GUIDANCE COUNCIL

§ 239-u. Creation of drug abuse prevention council. 1. The local legislative body of any county, city, town, village or community boards, as such term is defined in article fifty-two-A of the education law, may by resolution create one or more drug abuse prevention councils. Such council shall develop a program of community participation regarding the control of the use of narcotics and dangerous drugs at the local level. Such council shall direct itself toward accomplishing the following:

(a) develop and implement community drug abuse prevention programs;

(b) recruit, train, and utilize volunteers from the community to serve without charge in its programs;

(c) make immediately available to the community, basic knowledge acquired in the field of drug abuse;

(d) create a climate in which persons seeking assistance in coping with narcotics and dangerous drug problems can meet, without embarrassment, with responsible individuals or agencies in a position to render assistance;

(e) authorize persons approved by the council to contact and counsel persons within the community suspected of using narcotics and/or dangerous drugs or those persons allegedly having knowledge of such usage; and

(f) cooperate with other drug abuse prevention councils, the local agency as defined in section 83.03 of the mental hygiene law, and with the state, and federal drug abuse agencies in planning and implementing local programs staffed by volunteers, for the prevention of drug abuse among those at risk within the local community.

2. Such council shall consist of not less than three nor more than seven members who shall be appointed by the local legislative body or community board for a term not exceeding three years and may include a member of the clergy, an attorney, a physician or other persons who have shown an active interest in the problems of drug abuse and, notwithstanding any inconsistent provision of law, persons under twenty-one years of age.

3. The presiding officer or chairman of the council shall be designated by the local legislative body from among the members so appointed to the council. The local legislative body shall have authority to remove any member of said council so appointed for cause, after a public hearing, if requested. A vacancy shall be filled for the unexpired term in the same manner as an original appointment. The local legislative body may provide for compensation to be paid to the members of the council and is empowered and authorized to make such appropriation as it may see fit for expenses incurred by the council. Such council may appoint such clerks and other employees as it may from time to time require with the approval of the local legislative body. The expenses of the council shall not exceed the appropriation that may be made therefor by the local legislative body. In the event a town creates or continues a drug abuse prevention council which develops a program pursuant to the provisions of this article, the cost thereof shall be a town charge, provided, however, that in counties with a population in excess of seven hundred fifty thousand, no tax shall be levied on real property in a village wholly or partially within such

town for such cost if the village creates and continues a village drug abuse prevention council. The council may, with the approval of the local legislative body, apply to the local agency designated to prepare and implement the comprehensive plan under article eighty-three of the mental hygiene law, for support from special grants for local volunteer programs which conform to and are included within the comprehensive plan.

ARTICLE 12-F

CONSERVATION ADVISORY COUNCILS AND CONSERVATION BOARDS

§ 239-x. Creation of conservation advisory council. 1. The local legislative body of any city, town or village may create a conservation advisory council, hereafter called the council, to advise in the development, management and protection of its natural resources. Such council shall direct itself toward accomplishing the following:

(a) Conduct researches into the land area of the municipality for which it was created;

(b) Seek to coordinate the activities of unofficial bodies organized for similar purposes and to cooperate with other official municipal bodies active in the area of community planning for the particular municipality;

(c) It may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work;

(d) It shall keep an inventory and map as defined in section two hundred thirty-nine-y of this article, of all open areas within the municipality with the plan of obtaining information pertinent to proper utilization of such open lands including lands owned by the state, any other municipality within the state or by the particular municipality itself;

(e) It shall keep an inventory and map of all open marsh lands, swamps and all other wet lands in a like manner, and may recommend to the governing body of the municipality a program for ecologically suitable utilization of all such areas;

(f) It shall keep accurate records of its meetings and actions and shall file an annual report with the local legislative body of the municipality on or before the thirty-first day of December of each and every year. Once approved, such legislative body shall forward a copy of this report to the state commissioner of environmental conservation;

(g) In addition to the foregoing, carry out any other duties, tasks, or responsibilities, consistent with the objectives of this article, assigned to it by resolution of the local legislative body creating the said council.

2. When authorized by resolution of the local legislative body, a council may accept by gift, grant, bequest, or otherwise, money or other personal property in the name of the municipality, for use in furtherance of the provisions of this act. A local legislative body may accept by gift, conditional or unconditional, grant, devise or otherwise, real property in fee, or any lesser interest, including conveyance with limitations or reversions, for the purposes of this act.

In addition, upon the written recommendation of the council the local legislative body may acquire by purchase in fee or any lesser interest, through negotiation or by condemnation, such real or personal property as may be needed to fulfill the purpose of this act.

3. Such council shall consist of not less than three nor more than nine members who shall be appointed by the local legislative body and serve at the pleasure of such body for a term not exceeding two years. Such local legislative body may, notwithstanding any inconsistent provision of law, appoint up to two members to the council who are between the ages of sixteen and twenty-one.

4. The presiding officer or chairman of the council shall be designated by the local legislative body from among the members so appointed to the council. The local legislative body shall have authority to remove any member of said council so appointed for cause,

after a public hearing, if requested. A vacancy shall be filled for the unexpired term in the same manner as an original appointment.

The local legislative body may provide for compensation to be paid to the members of the council and may provide for the payment of the expenses of the members of the council actually and necessarily incurred in the performance of their duties. Such council may appoint such employees as it may from time to time see fit, all within appropriation made therefore.

5. In the case where the local legislative body is a town board, such salaries, charges and expenses so permitted by an appropriation of the town board for such council shall be a charge upon the taxable property of that part of the town outside of incorporated villages and shall be assessed, levied and collected therefrom in the same manner as other town charges.

6. To assist a council in carrying out its functions, powers and duties, it may request the department of environmental conservation to:

(a) prepare reports outlining objectives, priorities and proposed relationships of the council to the local legislative body;

(b) prepare description of work to be undertaken, advantageous techniques to be used and suggested roles of council members;

(c) provide research on conservation facts and procedures;

(d) provide, on a consulting basis, technical and research assistance as may be required to assist the council in carrying out its work and to enable the council to offer recommendations to the local legislative body;

(e) describe particular areas of natural resources within the city, town or village, as the case may be, which require particular attention by the council.

7. Within thirty days following the establishment of a council, written notification thereof shall be sent by the local legislative body to the state commissioner of environmental conservation.

8. Any conservation advisory council heretofore created pursuant to

the provisions of section sixty-four-b of the town law is hereby continued with the same powers and duties as when originally created.

§ 239-y. Designation of council as conservation board. 1. As used in this section, the following words and phrases shall have the following meanings:

a. "Open area". Any area characterized by natural scenic beauty or, whose existing openess, natural condition or present state of use, if preserved, would enhance the present or potential value of abutting or surrounding development or would establish a desirable pattern of development or would offer substantial conformance with the planning objectives of the municipality or would maintain or enhance the conservation of natural or scenic resources.

b. "Conservation open areas inventory". An inventory of open areas within the municipality with each such area identified, described and listed according to priority of acquisition or preservation.

c. "Conservation open areas map". A map or maps identifying open areas within the municipality which are earmarked for preservation, including but not limited to open areas that are required to be set aside out of subdivision plats, publicly owned open areas, open areas preserved by non-public organizations and open areas having conservation, historical or scenic significance.

d. "Open space index". The conservation open areas inventory and conservation open areas map after acceptance and approval by the local legislative body.

2. The local legislative body of any city, town or village, which has created a conservation advisory council may, by resolution, redesignate such council as a conservation board provided such council has prepared and submitted to the local legislative body the conservation open area inventory and map which are accepted and approved by the local legislative body as the open space index of the municipality.

3. General powers and duties of conservation boards. To further assist a city, town or village in the development of sound open area planning and assure preservation of natural and scenic resources on the local level, a conservation board shall:

a. Review each application received by the local legislative body or by the building department, zoning board, planning board, board of appeals or other administrative body, which seeks approval for the use or development of any open area listed in the open space index. The conservation board shall submit a written report to the referral body within forty-five days of receipt of such application. Such report shall evaluate the proposed use or development of the open area in terms of the open area planning objectives of the municipality and shall include the effect of such use or development on the open space index. The report shall make recommendations as to the most appropriate use or development of the open area and may include preferable alternative use proposals consistent with open areas conservation. A copy of every report shall be filed with the legislative body;

b. Make available for public inspection at the office of the conservation board copies of all such reports of the conservation board;

c. Notify the department of environmental conservation of its creation within thirty days of the resolution of the legislative body;

d. Perform any duties assigned to it by resolution of the legislative body.

4. In addition to the foregoing a conservation board may:

a. Exercise any of the functions and responsibilities heretofore granted to conservation advisory councils;

b. Request the assistance of the department of environmental conservation in the preparation of any report.

ARTICLE 12-G

LANDLORD-TENANT RELATIONS COUNCIL

Section 239-z. Creation of landlord-tenant relations council.

§ 239-z. Creation of landlord-tenant relations council. 1. The local legislative body of any city, town or village may by resolution create a landlord-tenant relations council hereinafter called the council, to advise, counsel, mediate problems and disputes and to improve relations between landlords and tenants. Such council shall direct itself toward accomplishing the following:

(a) conduct research into community housing problems;

(b) formulate programs to improve landlord-tenant relations;

(c) accumulate statistical information on available housing accommodations;

(d) counsel the local legislative body on landlord-tenant problems and disputes and recommend programs for the solution of same;

(e) resolve problems and disputes between landlords and tenants through mediation and discussion at meetings of the counsel.

2. Such council shall consist of seven members who shall be appointed by the local legislative body for a term not exceeding two years and who shall be unsalaried. Three of such members shall represent landlord interests, three shall represent tenant interests and the seventh shall be an impartial appointee.

3. The presiding officer or chairman of the council shall be designated by the local legislative body from among the members so appointed to the council. The local legislative body shall have authority to remove any member of said council so appointed for cause, after a public hearing, if requested. A vacancy shall be filled for the unexpired term in the same manner as an original appointment. The local legislative body is authorized to make such appropriations as it may see fit for such expenses incurred by the council. Such council may appoint such clerks and other employees as it may from time to time require with the approval of the local legislative body. The expenses of the council

shall not exceed the appropriation that may be made therefor by the local legislative body.

ARTICLE 12-H

COUNCILS ON THE DISABLED

§ 239-aa. Creation of councils on the disabled. 1. The local legislative body of any county or city with a population of ninety thousand or more, may by resolution, create one or more councils on the disabled. Such council shall develop a program of community participation regarding the needs and problems of disabled persons in the community and may direct its efforts toward accomplishing the following:

a. Develop and implement community programs for the disabled.

b. Conduct researches into the accessibility to the disabled of public places in the community.

c. Advise and assist the local legislative body and local governmental boards and agencies, including agencies dealing with planning, zoning and the planning of public buildings.

d. Recruit, train and use volunteers from the community to serve without charge in its programs.

e. Create a climate in which disabled persons seeking assistance can meet with responsible individuals or agencies in a position to render assistance.

f. Cooperate with other councils on the disabled, and with appropriate state and federal agencies in planning and implementing local programs for the benefit of the disabled.

g. Carry out any other duties consistent with the objectives of this article, assigned to it by resolution of the local legislative body creating the said council.

2. When authorized by resolution of the local legislative body, a council may accept by gift, grant, bequest, or otherwise, money or personal property in the name of the municipality, for use in the furtherance of the provisions of this act. A local legislative body may accept by gift, conditional or unconditional grant, devise or otherwise real property in fee or any lesser interest, including conveyance with limitations or reversions, for the purposes of this act.

In addition, upon the written recommendation of the council, the local legislative body may acquire by purchase in fee or any lesser interest, through negotiation or by eminent domain such real or personal property as may be needed to fulfill the purpose of this act.

3. Such council shall consist of not less than three nor more than nine members, of whom at least one-third of the members shall be comprised of disabled individuals and, or the parent or parents of a disabled child or disabled children, who shall be appointed by the local legislative body and serve at the pleasure of such body for a term not exceeding two years. Such local legislative body may, notwithstanding any inconsistent provision of law, appoint up to two members to the council who are between the ages of sixteen and twenty-one.

4. The presiding officer or chairman of the council shall be designated by the local legislative body from among the members so appointed to the council. The local legislative body shall have authority to remove any member of said council so appointed for cause, after a public hearing, if requested. A vacancy shall be filled for the unexpired term in the same manner as an original appointment.

The local legislative body may provide for compensation to be paid to the members of the council and may provide for the payment of the expenses of the members of the council actually and necessarily incurred in the performance of their duties. Such council may appoint such employees as it may from time to time see fit, all within appropriation made therefor.

5. Within thirty days following the establishment of a council, written notification thereof shall be sent by the local legislative body to the state advocate for the disabled.

ARTICLE 12-I

COUNTY-WIDE SHARED SERVICES PANELS

Section 239-bb. County-wide shared services panels.

§ 239-bb. County-wide shared services panels. 1. Definitions. The following terms shall have the following meanings for the purposes of this article:

a. "County" shall mean any county not wholly contained within a city.

b. "County CEO" shall mean the county executive, county manager or other chief executive of the county, or, where none, the chair of the county legislative body.

c. "Panel" shall mean a county-wide shared services panel established pursuant to subdivision two of this section.

d. "Plan" shall mean a county-wide shared services property tax savings plan.

2. County-wide shared services panels. a. There may be a county-wide shared services panel in each county consisting of the county CEO, and one representative from each city, town and village in the county. The chief executive officer of each town, city and village shall be the representative to a panel and shall be the mayor, if a city or a village, or shall be the supervisor, if a town. The county CEO shall serve as chair.

b. The county CEO may invite any school district, board of cooperative educational services, fire district, fire protection district, or special improvement district in the county to join a panel. Upon such invitation, the governing body of such school district, board of cooperative educational services, fire district, fire protection district, or other special district may accept such invitation by selecting a representative of such governing body, by majority vote, to serve as a member of the panel.

3. Each county CEO may convene the panel and develop a plan. Such plans shall contain new, recurring property tax savings resulting from actions such as, but not limited to, the elimination of duplicative services; shared services arrangements including, joint purchasing, shared highway equipment, shared storage facilities, shared plowing services and energy and insurance purchasing cooperatives; reducing back office and administrative overhead; and better coordinating services. The secretary of state may provide advice and/or recommendations on the form and structure of such plans.

4. While developing a plan, the county CEO shall regularly consult with, and take recommendations from, the representatives: on the panel; of each collective bargaining unit of the county and the cities, towns, and villages; and of each collective bargaining unit of any participating school district, board of cooperative educational services, fire district, fire protection district, or special improvement district.

5. The county CEO, the county legislative body and a panel shall accept input from the public, civic, business, labor and community leaders on any proposed plan. The county CEO may cause to be conducted public hearings prior to submission of a plan to a vote of a panel. All such public hearings shall be conducted within the county, and public notice of all such hearings shall be provided at least one week prior in the manner prescribed in subdivision one of section one hundred four of the public officers law. Civic, business, labor, and community leaders, as well as members of the public, shall be permitted to provide public testimony at any such hearings.

6. a. The county CEO shall submit each plan, accompanied by a certification as to the accuracy of the savings contained therein, to the county legislative body at least forty-five days prior to a vote by the panel.

b. The county legislative body shall review and consider each plan submitted in accordance with paragraph a of this subdivision. A majority of the members of such body may issue an advisory report on each plan, making recommendations as deemed necessary. The county CEO may modify a plan based on such recommendations, which shall include an updated certification as to the accuracy of the savings contained therein.

7. a. A panel shall duly consider any plan properly submitted to the panel by the county CEO and may approve such plan by a majority vote of the panel. Each member of a panel may, prior to the panel-wide vote, cause to be removed from a plan any proposed action affecting the unit of government represented by the respective member. Written notice of such removal shall be provided to the county CEO prior to a panel-wide vote on a plan.

b. Plans approved by a panel shall be publicly disseminated to residents of the county in a concise, clear, and coherent manner using words with common and everyday meaning.

c. The county CEO shall conduct a public presentation of any approved plan no later than thirty days from the date of approval by a panel. Public notice of such presentation shall be provided at least one week prior in the manner prescribed in subdivision one of section one hundred four of the public officers law.

8. The secretary of state may solicit, and the panels may provide at the request of the secretary of state, advice and recommendations concerning matters related to the operations of local governments and shared services initiatives, including, but not limited to, making recommendations regarding grant proposals incorporating elements of shared services, government dissolutions, government and service

consolidations, or property taxes and such other grants where the secretary deems the input of the panels to be in the best interest of the public. The panel shall advance such advice or recommendations by a vote of the majority of the members present at such meeting.

ARTICLE 13.

PLAYGROUNDS AND NEIGHBORHOOD RECREATION CENTERS.

§ 240. Application of article. This article shall apply to cities of the second and third class, to any county outside of the city of New York, and to towns and villages. The term "municipality," as used in this article, includes only a city of the second and third class, any county outside the city of New York, a village, town or that part of a town not included within the boundaries of a village.

§ 241. Dedication or acquisition of land or buildings for playgrounds or neighborhood recreation centers. The board of estimate and apportionment of a city, or if there be no such board, the common council, board of aldermen or corresponding legislative body, or the governing board of any county outside of the city of New York, or of a town or village, may designate and set apart for use as playgrounds or neighborhood recreation centers any land or building owned by such municipality and not dedicated or devoted to another inconsistent public use; or such municipality may, with the approval of such local authorities and in such manner as may be authorized or provided by law for the acquisition of land for public purposes in such municipality, acquire lands in such municipality for playgrounds or neighborhood recreation centers, or if there be no law authorizing such acquisition, the board of estimate and apportionment of such city, or if there be no such board, the common council, board of aldermen or corresponding legislative body, or the governing board of any such county, town or village, may acquire land for such purpose by gift, private purchase or by condemnation, or may lease lands or buildings in such municipality for temporary use for such purpose.

§ 242. Administration, equipment and operation. The authority to establish and maintain playgrounds and neighborhood recreation centers may be vested in the park board or other existing body or in a recreation commission as the board of estimate and apportionment, common council, board of aldermen or corresponding legislative body, or the governing board of any such county, town or village, shall determine. The local authorities of any such municipality designated to equip, operate and maintain playgrounds and neighborhood recreation centers as authorized by this article, may equip such playgrounds and recreation centers, and the buildings thereon, and may construct, maintain and operate in connection therewith public baths and swimming pools. Such local authorities may, for the purposes of carrying out the object of such playgrounds or recreation centers, employ play leaders, playground directors, supervisors, recreation secretary, superintendent or such other officers or employees as they deem proper.

§ 243. Recreation commission. 1. If the board of estimate and apportionment, or if there be no such board, the common council, board of aldermen, or corresponding legislative body, or the governing board of any such county, town or village shall determine that the power to equip, operate and maintain playgrounds and recreation centers shall be exercised by a recreation commission, they may, by resolution, establish in such municipality a recreation commission, which shall possess all the powers and be subject to all the responsibilities of local authorities under this article.

2. Such a commission, if established, shall consist of at least five and not more than seven persons who are residents of such municipality or of such other municipality or school districts as shall pursuant to agreement with such municipality contribute to the expense of operating and maintaining any such playgrounds and recreation centers, to be appointed by the mayor of such city or the governing board of such county, town or village to serve for terms as set forth herein or until their successors are appointed. The members of such commission first appointed shall be appointed for such terms that the term of one commissioner shall expire annually thereafter, and their successors shall thereafter be appointed to serve terms of years which shall total in number the membership of such commission. When the membership of an existing commission is increased from five members to six or from six members to seven, the new member shall be appointed to serve for a term of years which shall total in number the increased membership of such commission, and thereafter upon the expiration of the term of each member, his reappointment or the appointment of his successor shall be for a like term. When the membership of an existing commission is increased from five members to seven, one of the new members shall be appointed to serve for a term of six years and the other for a term of seven years, and thereafter upon the expiration of the term of each member, his reappointment or the appointment of his successor shall be for a term of seven years.

3. If pursuant to this section a recreation commission be established in a city, the board or body establishing such commission may, by resolution, provide that the president of the park board of such city, or an officer having corresponding functions, shall be ex-officio a member of the commission except that in a city of the second class, located in a county having a population of not less than two hundred thousand nor more than two hundred and fifty thousand, the mayor may

appoint any resident of the city a member of such recreation commission in lieu of the above mentioned ex-officio member.

4. Members of such commission shall serve without pay, except that those members serving on such a commission in the town of Clarkstown in the county of Rockland shall be entitled to pay not to exceed three thousand dollars per member if approved by the town board of such town as part of the town budget. Vacancies in such commission occurring otherwise than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments.

§ 244. Organization of commission. The members of a recreation commission established pursuant to this article shall elect from their own number a chairman and secretary and other necessary officers to serve for one year, and may employ such persons as may be needed, as authorized by this act and pursuant to law. Such a recreation commission shall have power to adopt rules of procedure for the conduct of all business within its jurisdiction.

§ 244-a. Acceptance of donations. A recreation commission or other authority in which is vested the power to equip, operate and maintain playgrounds and neighborhood recreation centers pursuant to this article may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation to be applied principal or income for either temporary or permanent use for playground or recreation purposes, but if the use thereof for such purpose will subject the municipality to expense for improvement, maintenance or renewal, the use of any grant or devise of real estate shall be approved by the board or body establishing such recreation commission or other authority. Money received for such purpose, unless otherwise provided by the terms of the gift or bequest, shall be deposited with the treasurer of the municipality to the account of the recreation commission or other such authority, and the same may be withdrawn and paid out in the same manner as money appropriated for recreation purposes.

§ 244-b. Joint playgrounds or neighborhood recreation centers. Any two or more such municipalities may jointly acquire property for and operate and maintain playgrounds or neighborhood recreation centers and may make and perform agreements in connection therewith. Any school district shall have the power to join with any such municipality in equipping, operating and maintaining playgrounds and neighborhood recreation centers, may appropriate money therefor and may make and perform agreements in connection therewith. Such agreements between municipalities or a school district and a municipality shall include provisions for the proportionate cost to be borne by each municipality or school district and the manner of employment of personnel and may provide that a fiscal officer of one such municipality shall be the custodian of the moneys made available for expenditure for such purposes and that such fiscal officer may make payments therefrom upon audit of the appropriate auditing body or officer of his municipality.

§ 244-c. Proposition for establishment or maintenance of recreation system. The term "recreation system," as used in this section means playgrounds and neighborhood recreation centers as referred to in this article. The local legislative body of a city or the governing body of any other municipality to which this article is applicable may, and on the petition signed and acknowledged by qualified electors of such municipality in number equal to at least five per centum of the total number of votes cast for governor at the last gubernatorial election in such municipality shall, submit to the electors at a general election held in such municipality a proposition for the establishment and maintenance of a recreation system, if there be no recreation system therein, or for the maintenance of an existing recreation system in such municipality. The proposition shall specify the minimum amount which shall be annually levied and appropriated for maintenance of a recreation system in such municipality, which shall not exceed an amount equal to two mills upon every dollar of the assessed valuation of real and personal property in such municipality on the last preceding assessment-roll. Such petition shall be filed within sixty days and not later than thirty days before such election with the officer or board charged by law with the duty of preparing ballots for such election. The petition may be made upon separate sheets and the signatures to each sheet shall be authenticated in the manner provided by section 6-140 of the election law, for the authentication of nominating petitions. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. The proposition shall be in the following form: "Shall the (city, county, town, that part of a town not included within the boundaries of a village or village) of (naming it) establish a recreation system and annually levy and appropriate for the maintenance of such system not less than .... dollars?" Or, if such petition be for maintenance only, the proposition shall be in the following form: "Shall the (city, county, town, that part of a town not included within the boundaries of a village or village) of (naming it) annually levy and appropriate for the maintenance of its recreation system, not less than .... dollars?" Such proposition shall be submitted, the vote thereon canvassed and the result declared in the same manner as for other propositions submitted in such municipality. If a proposition for the establishment and maintenance of a system be adopted, jurisdiction and administration thereof shall be vested in such local authority as shall be determined in accordance with section two hundred forty-two of this chapter, and all the provisions of this article shall be applicable thereto. If either of such propositions be adopted, an amount not less than that specified therein for the maintenance of a recreation system in such municipality shall be annually levied by the officer, board or body thereof charged with the duty of levying taxes therein, and shall be annually appropriated for the maintenance of the recreation system of such municipality.

§ 244-d. Joint recreation commission. 1. Two or more municipalities which have established recreation commissions, as provided in section two hundred forty-three of the general municipal law, may join for the purpose of establishing a joint recreation commission.

2. The board of municipalities desiring to establish a joint recreation commission shall informally agree on the use of facilities,

personnel, and the distribution of financial support. After informal agreement has been reached, the common council or board of each participating municipality shall pass an ordinance embodying the terms of the agreement, before the agreement becomes final. Failure of one of the municipalities to pass the ordinance within ninety days after the informal agreement has been reached shall void the arrangement as to all parties; but the remaining parties may proceed with a new agreement.

3. A joint recreation commission shall be organized and function in the same manner as a recreation commission and shall be composed of all the members of the commissions of the participating municipalities. A joint recreation commission, however, may create an executive committee from its membership composed of an equal number of members from each participating municipality. Under the same limitations as the recreation commission, the executive committee may exercise all of the authority of the joint recreation commission, except that any executive committee member by demand may require an issue to be submitted to the joint recreation commission.

4. The joint recreation commission shall determine its total budget request. The members of each participating municipality shall present to their appropriating body the total budget and shall set forth the amount chargeable to their municipality by the terms of the agreement and ordinance. In case their appropriating body does not appropriate an amount sufficient to meet its proportionate share, the joint recreation commission may reduce the expenditures attributable to that municipality or treat the reduced appropriation as a repudiation of the agreement and terminate the relationship according to the provisions of subdivision six of this section.

5. A fiscal officer of one such municipality shall be the custodian of the moneys made available for expenditure for such purposes by all such municipalities and that such fiscal officer may make payments therefrom upon audit of the appropriate auditing body or officer of his municipality.

6. A municipality may withdraw from a recreation commission board at

the close of a fiscal year by repealing its adopting ordinance and filing a copy of the repeal ordinance with the other participating municipalities. The joint recreation commission may terminate the participation of a municipality when it does not contribute its proportion of the total budget agreed upon in the original agreement and ordinance. The termination shall occur at the conclusion of the fiscal year in which the joint recreation commission makes its finding.

The joint recreation commission at the conclusion of a fiscal year in which a discontinuance occurs, shall fairly and equitably distribute to the participating municipalities all moneys remaining in the fund.

§ 245. Expenses incurred under article. All expenses incurred under this article coming within the annual appropriation therefor (as provided in section two hundred and forty-six of this article) shall be a charge against the municipality incurring the same, payable from the current funds of such municipality; but the local authorities may provide for the acquisition of lands or buildings for playgrounds or neighborhod recreation centers payable from the current funds or to be financed, in whole or in part, pursuant to the local finance law.

§ 246. Annual appropriation. The local authorities of a municipality having power to appropriate money therein may annually appropriate and cause to be raised by taxation in such municipality a sum sufficient to carry out the provisions of this article.

§ 247. Acquisition of open spaces and areas. 1. Definitions. For the purposes of this chapter an "open space" or "open area" is any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. For purposes of this section natural resources shall include but not be limited to agricultural lands defined as open lands actually used in bona fide agricultural production.

2. The acquisition of interests or rights in real property for the preservation of open spaces and areas shall constitute a public purpose for which public funds may be expended or advanced, and any county, city, town or village after due notice and a public hearing may acquire, by purchase, gift, grant, bequest, devise, lease or otherwise, the fee or any lesser interest, development right, easement, covenant, or other contractual right necessary to achieve the purposes of this chapter, to land within such municipality. In the case of a village the cost of such acquisition of interests or rights may be incurred wholly at the expense of the village, at the expense of the owners of the lands benefited thereby, or partly at the expense of such owners and partly at the expense of the village at large as a local improvement in the manner provided by article twenty-two in the village law entitled local improvements.

3. After acquisition of any such interest pursuant to this act the valuation placed on such an open space or area for purposes of real estate taxation shall take into account and be limited by the limitation on future use of the land.

4. For purposes of this section, any interest acquired pursuant to this section is hereby enforceable by and against the original parties and the successors in interest, heirs and assigns of the original parties, provided that a record of such acquisition is filed in the manner provided by section two hundred ninety-one of the real property law. Such enforceability shall not be defeated because of any subsequent adverse possession, laches, estoppel, waiver, change in character of the surrounding neighborhood or any rule of common law. No general law of the state which operates to defeat the enforcement of any interest in real property shall operate to defeat the enforcement of any acquisition pursuant to this section, unless such general law expressly states the intent to defeat the enforcement of any acquisition pursuant to this section.

ARTICLE 13-A

LOST AND FOUND PROPERTY

§ 250. Lost and found property. The governing boards of municipal corporations may by resolution enact rules and regulations for administering the provisions of article seven-b of the personal property law and may provide the following:

(a) the designation of a public officer to accept and keep custody of found property and found instruments;

(b) procedures for determining the value and for estimating the net sum likely to be realized by sale at public auction of lost property as defined in article seven-b of the personal property law;

(c) a procedure for the disposition of derelict automobiles and other property having no value or salvage value only;

(d) longer or shorter periods of time for the report and deposit of found property and instruments by specified classes of persons having possession thereof or for either such report or such deposit, provided, however, that such rules and regulations so enacted by a county or town shall not supersede rules and regulations with respect to time for report and deposit, or for either report or deposit, so enacted by any municipal corporation within its limits, except to such extent as may be provided by an agreement pursuant to section two hundred fifty-one of this chapter;

(e) provisions for notices, reports, storage, and sales of found property not inconsistent with the provisions of article seven-b of the personal property law;

(f) the payment of proceeds from the sale of lost property as defined in article seven-b of the personal property law into a public fund other than the treasury of the municipal corporation.

§ 251. Agreements between municipal corporations. 1. Two or more municipal corporations may by agreement provide for discharge by the police department of one of them, on behalf of the other or others, of the duties provided in subdivisions three, four, five, six, seven and eight of section two hundred fifty-three of the personal property law and in sections two hundred fifty-four, two hundred fifty-five and two hundred fifty-six of such law, with respect to property or instruments deposited with the police of such other municipal corporation or corporations and may designate a police officer or other public officer of one of such municipal corporations as the person to whom such property and instruments shall be transmitted as provided in subdivision two of such section two hundred fifty-three. If pursuant to such agreement property or instruments deposited with the police of a municipal corporation are transmitted, together with the reports of the persons who deposited them, to a police officer or other official of another municipal corporation, the police of that municipal corporation shall, with respect to such property or instrument, be deemed the police with whom the property or instrument was deposited and the police having custody of the property or instrument for the purposes of subdivisions three, four, five, six, seven, and eight of section two hundred fifty-three of the personal property law and for the purposes of sections two hundred fifty-four, two hundred fifty-five, two hundred fifty-six, and two hundred fifty-eight of such law.

2. Such agreement may also provide for payment to the municipal corporation by whom such duties are to be discharged, by the municipal corporation on whose behalf they are so discharged, of such amount or amounts as may be agreed in reimbursement of or otherwise on account of expense incurred in the discharge of such duties.

3. Such agreement may also provide that the police of municipal corporations on whose behalf such duties are to be discharged shall make and keep records of reports and deposits of found property and found instruments, and of receipts given therefor, in such manner and by use of such forms as shall be specified by the police of the municipal corporation to whose police the property and instruments are to be transmitted.

4. If incorporated in a resolution of the governing board of a municipal corporation on whose behalf such duties are to be discharged,

such agreement may also provide that rules and regulations enacted pursuant to section two hundred fifty of this chapter by the governing board of the municipal corporation by whose police such duties are to be performed shall be applicable to property or instruments found, or of which possession is acquired, within the jurisdiction of the municipal corporation on whose behalf such duties are to be performed. A resolution of a municipal corporation on behalf of whom such duties are to be performed, incorporating an agreement so providing, shall be deemed an enactment of the rules and regulations so made applicable as rules and regulations of the municipal corporation on whose behalf such duties are to be performed.

ARTICLE 13-B

PICNIC PARKS AND/OR ROADSIDE REST AREAS

§ 275. Picnic parks and/or roadside rest areas. The governing body of any county, city, town or village is hereby authorized and empowered to authorize and direct such of its officers or agencies as it shall designate to enter into agreements with the state superintendent of public works for the maintenance of a picnic park and/or roadside rest area as authorized by section twenty of the highway law and to appropriate and spend moneys of the county, city, town or village for that purpose.

ARTICLE 13-BB

ADOPT-A-MUNICIPAL PARK, SHORELINE, ROADWAY OR LAKE PROGRAMS

§ 277. Adopt-a-municipal park, shoreline, roadway or lake programs. 1. The governing body of any county, city, town or village is hereby authorized and empowered to authorize and direct such of its officers or agencies as it shall designate to enter into adopt-a-municipal park, shoreline, roadway or lake program agreements with volunteers or groups in an effort to reduce and remove litter from its municipal parks, shorelines, roadways, lakes and other public lands. Such agreements shall include but not be limited to:

a. providing and coordinating services by volunteers or groups to reduce the amount of litter including providing trash bags and trash bag pick up and in designated areas where volunteers may be in close proximity to moving vehicles providing safety briefings and reflective safety gear; and

b. providing and installing signs identifying those volunteers or groups adopting its particular municipal parks, shorelines, roadways, lakes or other sections of public land.

2. Notwithstanding any inconsistent provision of law, the county, city, town or village and its employees shall not be liable for damages suffered by any persons resulting from the actions or activities of such volunteers or groups.

ARTICLE 13-C

ESTABLISHMENT OR EXTENSION OF RESIDENTIAL OR RECREATIONAL AREAS IN THE LAKE GEORGE PARK

§ 280. Establishment or extension of residential or residential and recreational areas in the Lake George park. 1. The legislature hereby declares that the preservation, protection, development and proper use of real property in the Lake George park is a matter of interest to all the people of the state and that it is, accordingly, necessary to enact this article as a means of providing for such preservation, protection, development and use.

2. For the purposes described in subdivision one of this section and for the further purposes of preserving and developing the residential and recreational facilities of the state for the benefit of the public and promoting the health, safety, morals or general welfare of the community, the village board of any village or the town board of any town lying wholly or partly within the Lake George park, upon a petition as hereinafter provided, is hereby empowered to establish in such village or town by ordinance or local law, a residential or a residential and recreational area consisting of any area of land therein including at least forty acres and lying within the Lake George park, or to extend such an area once established, which has not been previously restricted to residential or residential and recreational purposes by a zoning ordinance or local law enacted pursuant to article seven of the village law or article sixteen of the town law. Such board is further empowered to prohibit, restrict, regulate and control by such ordinance or local law, and such ordinances or local laws as thereafter amended, the use of all buildings, structures and land within such an area for any industrial or commercial purpose and to limit by such ordinance or local law, and such ordinance or local law as thereafter amended, the use of all buildings, structures and land within such an area to use for one or two family residential purposes, or to use for one or two family residential and non-profit recreational purposes. Any such ordinance or local law shall not apply to a non-conforming use in existence at the time of the effective date of any such ordinance or local law. Any such ordinance or local law may provide that a violation thereof is an offense punishable by a fine not to exceed one hundred dollars or imprisonment for not to exceed sixty days, or both, and that each calendar week's continued violation shall constitute a separate additional violation. In the event that a provision of an ordinance or local law adopted pursuant to this article conflicts with a provision of a zoning ordinance or local law subsequently adopted pursuant to article

seven of the village law or article sixteen of the town law, the provision of the zoning ordinance or local law so subsequently adopted shall govern.

§ 281. Procedure. 1. Petition. Such petition for the establishment of a residential or a residential and recreational area for such purpose or purposes shall be signed by at least twenty owners of taxable real property situate within the proposed area owning in the aggregate at least two-thirds of the assessed valuation of all the taxable real property in the proposed area as shown on the last completed assessment role of said village or town; provided, however, that if there be any resident owners, the petition shall also include the signatures of resident owners owning taxable real property aggregating at least two-thirds of the assessed valuation of all taxable real property in the proposed area owned by such resident owners, according to the last completed assessment roll of the village or town. If a portion only of a parcel of such real property appearing upon the assessment roll is situate within the proposed area then the village board or the town board may determine the relative value of the part thereof within the proposed area based upon the valuation of the entire parcel as the same appears upon such assessment roll.

A proposal to extend such an existing area may relate to any area of land adjoining such an existing area and may be made by petition signed by any number of owners of taxable real property situate within the area of the proposed extension provided that such owners own in the aggregate at least two-thirds of the assessed valuation of all the taxable real property in the proposed extension as shown on the last completed assessment roll of said village or town; and further provided, that if there be any resident owners, the petition shall also include the signatures of resident owners owning taxable real property aggregating at least two-thirds of the assessed valuation of all taxable real property in the proposed extension owned by such resident owners, according to the last completed assessment roll of the village or town. The petition requesting the extension of an existing area shall contain a statement requesting that the village board or the town board adopt an ordinance or local law containing the same terms and provisions as contained in the ordinance or local law for the existing area. The ordinance or local law adopted by the village board and the town board effecting such extension shall contain the same terms and provisions as the ordinance or local law which established the existing area and any amendments thereof shall apply to both the existing area and to such areas as are extended from time to time.

A petition shall describe the boundaries of the proposed area or proposed extension of an existing area in a manner sufficient to identify the lands included therein as in a deed of conveyance, and shall be signed by the petitioners and acknowledged or proved in the same manner as a deed to be recorded. Such petition shall contain a statement of the uses of real property for industrial and commercial purposes which petitioners seek to have prohibited, restricted, regulated or controlled in the proposed area or proposed extension of an existing area, or, in the alternative, a statement that petitioners seek to limit the use of all real property within the proposed area or proposed extension of an existing area to use for one or two family residential purposes, or to use for one or two family residential and non-profit recreational purposes.

2. Notice of hearing on petition. Whenever a petition shall be presented to the village board or to the town board pursuant to this article for the establishment or extension of a residential or residential and recreational area, the board shall adopt a resolution and enter the same in the minutes of its proceedings, reciting in general terms the filing of such petition, the boundaries of the proposed area or proposed extension, a statement of the uses of real property for industrial and commercial purposes which are proposed to be prohibited, restricted, regulated and controlled, or, a statement that it is proposed to limit the use of all real property to use for one or two family residential purposes, or to use for one or two family residential and non-profit recreational purposes, within said proposed area or proposed extension and specifying the time when and place where said board will meet to consider the petition and to hear all persons interested in the subject thereof. The board shall cause a copy of such

resolution, certified by the clerk, to be published at least once in the official newspaper of the village or town, as the case may be, the first publication thereof to be not less than ten nor more than twenty days before the date set therein for the hearing as aforesaid, and shall also cause a copy thereof to be posted conspicuously in the office of the village clerk or on the signboard maintained by the town clerk pursuant to subdivision six of section thirty of the town law, as the case may be, not less than ten nor more than twenty days before the day designated for the hearing as aforesaid. In the event that the village or the town maintains a website, such information may also be provided on the website. The board also shall cause a copy of such resolution to be mailed by registered mail, return receipt requested, to each resident owner of real property within the proposed area or extension who or which has not signed the petition and to each non-resident owner of real property therein who or which has not signed the petition and who or which in the case of a town has filed with the town clerk a written demand pursuant to section five hundred eight of the real property tax law or a notice pursuant to section nine hundred eighty-two of the real property tax law, or who or which in the case of a village has filed with the village clerk a written demand pursuant to section fourteen hundred four of the real property tax law. The copy of such resolution shall be so mailed not less than ten nor more than twenty days before the day designated for the hearing as aforesaid, to such resident and non-resident owner at the address designated in such written demand or in such notice.

3. Establishment or extension of areas. (a) After a hearing held upon notice as hereinbefore provided, the board shall determine by resolution:

(1) Whether the petition is signed and acknowledged or proved as required by law and is otherwise sufficient.

(2) Whether any part or portion of the real property within the proposed area or proposed extension should not be included therein.

(3) Whether it is in the overall public interest to grant the relief sought.

(b) (1) If the board shall determine that the petition is not signed and acknowledged or proved as required by law or that it is otherwise insufficient, or if it is determined that it be not in the overall public interest to grant the relief sought, the board shall deny the petition.

(2) If the board shall determine that the petition is signed and acknowledged or proved as required by law and is otherwise sufficient and that it is in the overall public interest to grant the relief sought but shall find that any part or portion of the real property within the proposed area or proposed extension should not be included therein, the board shall alter and revise the boundaries of the originally proposed area or originally proposed extension of an existing area so as to exclude therefrom any real property which it finds should not be included in such proposed area or proposed extension.

(3) If and when the board shall make such an affirmative determination, the board may adopt an ordinance or local law establishing an area or extending an existing area as the boundaries thereof shall have been finally determined by said board. Such ordinance or local law may prohibit, restrict, regulate and control the use of all buildings, structures and land within such area as established or extended for any industrial or commercial purpose, or, in the alternative, may limit the use of all buildings, structures and land within such area as established or extended to use for one or two family residential purposes, or to use for one or two family residential and non-profit recreational purposes; provided, however, that no such ordinance or local law shall be adopted unless the petition shall comply with the requirements of this article as to the sufficiency of the area proposed to be zoned and of signers within the boundaries of the proposed area or proposed extension as finally determined by the board. Such ordinance or local law shall not apply to a non-conforming use in existence at the time of the effective date of such ordinance or local law.

§ 282. Entry, publication, posting and effective date of ordinance; review by proceeding under article seventy-eight of the civil practice law and rules. 1. Every ordinance or local law and every amendment to an existing ordinance or local law (including any map incorporated therein) adopted pursuant to the provisions of this article shall be entered in the minutes of the board and a copy thereof (exclusive of the map incorporated therein) shall be published at least once in the official newspaper and a copy thereof together with a copy of any map incorporated therein shall be posted conspicuously in the office of the village clerk or on the sign board maintained by the town clerk pursuant to subdivision six of section thirty of the town law, as the case may be, and affidavits of the publication and posting thereof shall be filed with the clerk. Such ordinance or local law shall take effect ten days after such publication and posting; but such ordinance or local law shall take effect from the date of its service as against any person or corporation served personally with a copy thereof, certified by the clerk under the corporate seal of the village or town, as the case may be, and showing the date of its passage and entry in the minutes of the board.

2. When such ordinance or local law has been entered, published and posted as provided in subdivision one of this section, the adoption of such ordinance or local law shall be presumptive evidence of the regularity of all proceedings for the establishment of such area or the extension of an existing area and of all other actions taken by the board in relation thereto.

3. Any person or corporation aggrieved by any determination or action of the board taken pursuant to the provisions of this article may review the same by a proceeding under article seventy-eight of the civil practice law and rules provided that the application for such order of review is made within four months from the first date of the publication and posting of copies of such ordinance as provided in subdivision one of this section. All determinations and actions of the board taken pursuant to this article shall be final and conclusive unless application has been made for such review within four months from the date of such publication and posting.

§ 283. Variances and amendments. 1. The village board of any village or the town board of any town in which one or more residential or residential and recreational areas have been established pursuant to this article may establish rules, regulations and procedures by or pursuant to which such board may, consistent with the purposes and objectives of this article as described in section two hundred eighty hereof, authorize or permit a necessary or desirable use of land or prevent unnecessary hardship in an individual or particular instance by the granting of a proper and appropriate variance from any ordinance or local law adopted pursuant to the provisions of this article.

2. The village board of any village or the town board of any town in which a residential or residential and recreational area has been established pursuant to this article on petition of any person or corporation aggrieved thereby or of one or more interested persons or corporations or on its own motion may, after a public hearing held on notice published and posted as provided in subdivision two of section two hundred eighty-one of this chapter, amend any ordinance or local law adopted pursuant to this article which prohibits, restricts, regulates, controls and limits the use of buildings, structures or land within such area.

3. Each such amendment shall be entered, published and posted, shall become effective and shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules as provided in section two hundred eighty-two of this chapter.

§ 284. Enforcement and remedies. 1. The village board of any village or the town board of any town, as the case may be, in which a residential or residential and recreational area has been established pursuant to this article, in which the use of buildings, structures and land for any industrial or commercial purpose is prohibited, restricted, regulated or controlled, or in which the use of all buildings, structures and land is limited to use for one or two family residential purposes, or to use for one or two family residential and non-profit recreational purposes may provide by such ordinance or local law for the enforcement thereof.

2. In the event that any building, structure or land in any

residential or residential and recreational area is used in violation of any ordinance or local law applying to such area, the board, in addition to other remedies, may institute or authorize an official, officer, employee or agent of the village or town, as the case may be, to institute any appropriate action or proceeding to prevent such unlawful use, to restrain, correct or abate such violation or to prevent or abate any illegal act, conduct, business or use in, on or about such premises. All issues in any action or proceeding for any of the purposes herein stated shall have preference over all other civil actions and proceedings.

3. Upon the failure or refusal of the board to institute or cause to be instituted any such appropriate action or proceeding for a period of thirty days after written request by an owner of real property situate within such area so to proceed, any three owners of real property situate within the area wherein such violation exists may institute such action or proceeding at their own expense in like manner as such board or an official, officer, agent or employee authorized by the village or town board, as the case may be, is authorized to do.

ARTICLE 13-D

COMMUNITY FACILITIES AND PROGRAMS FOR THE ELDERLY

§ 290. Establishment of community facilities and programs for the elderly. The local legislative body of a city, town or village may, by resolution, determine to establish, construct, equip, maintain and operate for such city, town or village, a facility for housing, or for other residential or non-residential use of the elderly citizens of the community and for the operation and provision of health, recreational, vocational and other programs and services for such citizens. The local legislative body of a county may, by resolution, determine to establish, construct, equip, maintain and operate for such county, a facility for residential use other than housing, or for non-residential use of the elderly citizens of the county and for the operation and provision of health, recreational, vocational and other programs and services for such citizens. In any city in which a board of estimate and apportionment or other board is required to approve appropriations for public purposes, the resolution of the legislative body to establish a facility and programs for the elderly shall be effective only after the necessary appropriation for lands and buildings for such facility and programs shall have been approved by such board, in the same manner and by the same vote by which it is required by law to approve other appropriations for public purposes.

§ 291. Acquisition of real property. When the legislative body shall have resolved to establish a facility and programs for the elderly, it may use for such purpose real property owned by the county, town, city or village which, in its judgment, is not needed for any other public use or it may purchase or lease real property or interest or easement therein, or acquire such real property interest and easement therein by condemnation proceedings in the manner provided by the provisions of the condemnation law. The purchase price or award for the real property or interest or easement therein acquired may be paid for by appropriation of monies available therefor or may be financed, in whole or in part, pursuant to the local finance law. Real property and interests or easements therein may be acquired, pursuant to this section, for use on a determined or undetermined future date upon a determination by the local legislative body that such action is necessary in order to obtain property which is desirable because of its reasonable cost, advantageous location or any other factor recommending immediate acquisition.

§ 292. Equipment, maintenance and operation. The local legislative body of a county, town, city or village which has resolved to establish programs for the elderly and has acquired, leased or set apart real property for such purpose may, itself or through a municipal agency, commission or board:

1. construct, develop, improve, equip, maintain and operate such facility and program.

2. adopt regulations and establish fees and charges for the use thereof, and fix civil penalties for the violation of such regulations and provide for their enforcement.

3. provide and charge for all services, concessions or other usual or incidental facilities rendered, conducted or maintained thereat.

4. lease, or sublease the real property or lease, contract or otherwise agree, on an exclusive or non-exclusive basis, for the entire operation, equipment and maintenance of such facility and program, or of any part thereof, or for the rendering of various services.

ARTICLE 13-E

MUNICIPAL WEBSITES

Section 300. Municipal websites.

§ 300. Municipal websites. 1. All municipal corporations having a population, as shown by the latest preceding decennial federal census, equal to or greater than one thousand five hundred persons, shall maintain an official website with a ".gov" domain name that is accessible to the public and update such website regularly, as follows: the official website shall contain basic information on the municipality including but not limited to hours of operations, elected officials and services provided and the website shall contain a privacy policy that is prominently posted and written in plain language that informs website visitors of any personal information that is being collected and how it is being used; provided however, that any municipal corporation having a population, as shown by the latest preceding decennial federal census, of less than one thousand five hundred persons, shall comply with the provisions of this section to the extent practicable. For purposes of this section, a municipal corporation that hosts its official website on another municipal corporation's ".gov" Uniform Resource Locator (URL) will satisfy this section's requirement to maintain an official website with a ".gov" domain name.

2. All municipal websites of municipal corporations having a population, as shown by the latest preceding decennial federal census, equal to or greater than one thousand five hundred persons shall, at a minimum, contain the following information:

a. all documents required by subdivision seven of section thirty of this chapter;

b. notice of all municipal elections, public hearings and public meetings including regular board or legislative meetings;

c. agenda and minutes of municipal meetings as required by article seven of the public officers law; and

d. an up to date version of, or an active hyperlink to, the municipality's codes or local laws and resolutions; provided however, that any municipal corporation having a population, as shown by the latest preceding decennial federal census, of less than one thousand five hundred persons, shall comply with the provisions of this section to the extent practicable.

ARTICLE 14
AIRPORTS AND LANDING FIELDS

357. Federal aid for public airports.

§ 350. Establishment and location of airport or landing field. 1. The local legislative body of a city, county, village or town, by resolution, may determine to establish, construct, equip, maintain and operate for such county, city, village or town an airport or landing field for the use of aeroplanes and other aircraft, and may direct an appropriate officer, board or body of such county, city, village or town to acquire or lease for such purpose real property within such county, city, village or town or within ten miles of the boundaries thereof, and if such real property is located in another state adjacent to such boundaries to purchase or lease the same; or may set apart and use for such purpose real property owned by the county, city, village or town which, in the judgment of such local legislative body is not needed for any other public use, whether originally acquired by condemnation or purchase, or if acquired by grant from the state, notwithstanding any limitation of its use in the act or deed making such grant; but no such airport or landing field shall be established, constructed, equipped or maintained by a town board of a town, except in the manner provided in article fourteen of the town law. The site for such airport or landing field must be approved by the local legislative body seeking to construct or establish the facility. When the airport or landing field is to be located in whole or in part outside the boundaries of the municipality seeking to establish or construct the facility, the approval of the local legislative body of the city, town or village within which the facility will be located shall be obtained. This article shall not apply to a county wholly within a city.

2. The exercise of the powers conferred upon the board of trustees of a village by this section in relation to expenditures to be made during a fiscal year for which taxes therefor are to be levied shall be subject to a referendum and a resolution adopted by such board in the exercise of such powers shall not take effect until thirty days after its adoption; nor until approved by the affimative vote of a majority of the qualified electors of such village voting on a proposition for its approval, if within thirty days after its adoption, there shall be filed

with the village clerk, a petition signed and acknowledged by electors of the village qualified to vote upon a proposition to raise and expend money, in number equal at least to thirty per centum of the total number of the votes cast for mayor of the village at the last annual election or special election of the village at which a mayor was elected, but which shall not be less than fifty, protesting against such resolution and requesting that it be submitted to the electors of the village for their approval or disapproval. The form and contents of such petition and the procedure thereon and thereunder shall be in conformity with and governed by the provisions of article nine of the village law.

§ 351. Acquisition of real property; bonds. Real property, or any interest therein including an easement, needed by a county, city, village or town for an airport or landing field shall be acquired, by purchase, if the county, city, village or town is able to agree with the owners on the terms thereof, and otherwise, by acquisition, in the manner provided by and subject to the provisions of the eminent domain procedure law. The purchase price or award for the real property or interest therein acquired for an airport or landing field may be paid for by appropriation of moneys available therefor or may be financed, in whole or in part, pursuant to the local finance law.

§ 352. Equipment, maintenance and operation. The local legislative body of a city, or board of supervisors of a county, or board of trustees of a village, or town board of a town, which has established an airport or landing field and has acquired, leased or set apart real property for such purpose, or has entered into an agreement to operate an airport as a public airport or hereafter does so establish, acquire, lease, or enter into such agreement, or where two or more municipalities shall have established or hereafter do establish a joint airport or landing field pursuant to section three hundred fifty-three-a of this article the local legislative bodies thereof in joint session, may:

1. Construct, develop, improve, equip, maintain and operate the same.

2. Adopt regulations and establish fees or charges for the use thereof, and fix civil penalties for the violation of such regulations and provide for their enforcement.

3. Provide and charge for all services, concessions or other usual or incidental facilities rendered, conducted or maintained thereat.

4. Purchase and sell aviation petroleum products, aircraft assessories and parts, and provide and charge for the servicing and repairing of aircraft, and for all other services reasonably necessary or incidental to the operation of such airport or landing field.

5. Lease, or sub-lease the real property or lease, contract or otherwise agree, on an exclusive or non-exclusive basis, for the entire operation of such airport or landing field, or of any part thereof, or for the rendering of various services, or the conduct of business activities, on or at said airport or landing field subject to the provisions of section three hundred fifty-two-a of this chapter; provided, however, that no such lease or contract shall be made until the governing body of the municipality shall have held a public hearing in respect thereto on at least ten days notice published in two newspapers having general circulation in the municipality, and provided further that any lease of an entire or portion of an airport or landing field, together with the facilities thereon, or contract for the operation of an airport or landing field or portion thereof shall be for a term not exceeding forty years and shall expressly provide that the said airport or landing field shall be used only for aviation purposes and for other purposes required for or necessary to the efficient and successful operation of an airport or landing field, upon such terms as shall require the operation of the same as a public airport or landing field for the general use of the public and for the benefit of such city, county, village or town. Notwithstanding the provisions of any general or local law to the contrary, any municipality which was a party to an agreement in effect on or prior to January first, nineteen hundred sixty for the operation of an airport or landing field may, enter into an amended and supplemental agreement for a period not exceeding fifteen years beyond the expiration date of the existing agreement with such

additional modifications in the terms of the agreement consistent with the provisions of this chapter, as may be approved by the governing body of the municipality after a public hearing in respect thereto on at least ten days notice given in the manner provided in this subdivision.

5-a. Notwithstanding the provisions of paragraph five of this section or any other provision of law to the contrary, any town in Suffolk county may lease, for a term not exceeding forty years, real property acquired for an airport or landing field, and not necessary for the efficient and proper operation of the airport or landing field, for such other purposes as the governing board may determine, provided such other purposes do not interfere with the proper and efficient operation of the remainder of the airport or landing field. Any such lease shall be subject to requirement of a public hearing as set forth in paragraph five of this section.

5-b. Notwithstanding the provisions of subdivision five of this section or any other provision of law to the contrary, the county of Oneida may lease, for a term not exceeding forty years, real property acquired for an airport or landing field, and not necessary for the efficient and proper operation of the airport or landing field, for such other purposes as the governing board may determine, provided such other purposes do not interfere with the proper and efficient operation of the remainder of the airport or landing field. Any such lease shall be subject to requirement of a public hearing as set forth in subdivision five of this section.

6. Vest jurisdiction in any officer, board or body of such city, county, village or town to perform any or all of the foregoing powers, and establish or create a suitable office, board or body for that purpose; in vesting jurisdiction in such office, board or body, the local legislative body may reserve to itself such specific powers as it may deem proper, and may make the exercise of any such powers subject to its approval. Where a joint airport shall have been established or is hereafter established by two or more municipalities pursuant to section three hundred fifty-three-a of this article such jurisdiction shall be vested in a joint board or body as the local legislative bodies of the

participating municipalities in joint session shall provide.

The expenses incurred in connection herewith shall be a city, county, village or town charge as the case may be.

§ 352-a. Lease, contract or agreement for a definite term. No lease, contract or agreement shall permit the construction of any building at a location or the use thereof in a manner obstructing or interfering with the use of such airport as a public airport or landing field, and to this end municipalities prior to the making of any such leases, contracts or agreements shall adopt and may from time to time amend a plan showing the portions of such airport to be made available for such purposes which plan or amendments shall not be finally adopted until ten days after a copy thereof shall have been filed with the clerk of such municipality and with the clerk of the municipality or municipalities within which such airport is located.

The provisions of this section and section three hundred fifty-two shall not apply to cities of one million or more inhabitants.

§ 353. Approval of board of estimate required. Wherever under this article the local legislative body of a city is authorized to take any action, the separate approval of such action by the board of estimate and apportionment or similar body of such city, if there be such a board or body, shall also be required, unless such board of estimate and apportionment or similar body is a branch of the local legislative body.

§ 353-a. Joint airports for counties, cities, towns or villages. Two or more adjoining counties or two cities in the same county or adjoining counties, or a city and one or more villages located within the same county or adjoining counties, or two or more villages, located within the same county, or adjoining counties, or two or more towns in the same county or adjoining counties, or a city and one or more towns located within the same county or adjoining counties, or a town and one or more villages (including a village or villages within such town), located within the same county or adjoining counties, may jointly acquire real property by purchase, lease or condemnation for the purposes of this article and establish, construct, equip, maintain and operate for such municipalities jointly an airport or landing field. The ordinance, local law or resolution providing for such action shall be adopted by the local legislative body or board of trustees of each municipality and shall create a committee to be at all times composed of members of each of such bodies or boards to acquire necessary real property, in the name of the municipalities jointly, and as their joint agent, and to have charge of the construction, equipment, maintenance and operation of such airport or landing field. The ordinance, local law or resolution may specify matters as to which the action of the committee shall require the joint approval of such bodies or boards. The ordinance, local law or resolution also shall prescribe the proportions of the cost of such project to be borne by the municipalities respectively. The moneys to pay the share to be borne by each municipality may be provided in the manner prescribed by this article. The ordinance, local law or resolution may be amended from time to time with the concurrence of each of such bodies or boards, and the boundaries of the airport or landing place may be extended or the project abandoned in like manner at any time. A joint airport or landing place established under this article shall be located in one or more of the counties participating in the joint undertaking, or within the county in which the cities or one of them is located, or the county in which the villages or towns are located. The limitation contained in section three hundred and fifty as to distance from the boundaries of any such city, village or town shall not apply to such a joint airport or landing place.

§ 354. Annual appropriation. The local authorities of a county, city, village or town, to which this article is applicable having power to appropriate money therein may annually appropriate and cause to be raised by taxation in such county, city, village or town, a sum sufficient to carry out the provisions of this article.

§ 355. Acquisition of rights and property surrounding airports. Any county, city, village or town which has established and is operating, or will hereafter establish and operate, an airport, landing field or seaplane harbor, is hereby authorized to condemn, or acquire by purchase or gift, the right to abate or remove any flight hazard including any structure, building, tower, pole, wire, tree or other thing, or portion thereof, located within the flight hazard area being the approach and turning zones which lie within three thousand feet of such airport, landing field or seaplane harbor or within such greater distance as the Federal Civil Aeronautics Administration or its successor may declare to be necessary with respect to any particular airport, landing field or seaplane harbor for the approach and turning zones appurtenant thereto, and which the governing body of such county, city, village or town shall determine to constitute a menace to the safety of aircraft using such airport, landing field or seaplane harbor, or to the safety of persons and property within the flight hazard area above defined, including the right of ingress to and egress from the place upon which such structure, building, tower, pole, wire, tree or other thing exists, for the purpose of such abatement or removal. Any such county, city, village or town is further authorized to condemn or acquire by purchase or gift, the right to unobstructed use of such portion of the air space within three thousand feet of such airport, landing field or seaplane harbor or within such greater distance as may be certified to be necessary in the manner heretofore provided in this section so that nothing will interfere with the ascent or the descent of any aircraft at a gliding angle of one foot in height to every thirty feet of horizontal distance from the nearest point of such airport, landing field or seaplane harbor or at such other angles as may be declared by the Federal Civil Aeronautics Administration, or its successor, as necessary for the approach and turning zones with respect to any particular airport, landing field or seaplane harbor. Any such county, city, village or town is further authorized to condemn, or acquire by purchase or gift, for a term of years or perpetually, the right to place and maintain, obstruction markers and/or lights upon any structure, building, tower, pole, wire, tree, or other thing located within three thousand feet of such airport, landing field or seaplane harbor or within such greater distance as may be certified to be necessary in the manner heretofore provided in this section, which the governing body of such county, city, village or town shall determine to constitute a menace to aerial navigation to or from said airport, landing field or seaplane harbor, including the right to lay and maintain conduits and wires to such obstruction markers and/or lights. Any such property or property right in any structure, land, building, tower, pole, wire, tree or other thing or portion thereof shall be acquired by purchase, if the county, city, village or town is able to agree with the owners on the terms thereof, and otherwise any such property or property right in any structure, land, building, tower, pole, wire, tree or other thing or portion thereof may be taken by acquisition, in the manner provided by and subject to the provisions of the eminent domain procedure law.

§ 356. Protection of approaches to public airport. 1. It is hereby declared that a flight hazard within the flight hazard area as defined in section three hundred fifty-five of this chapter endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the public utility of the airport and the public investment therein. Accordingly it is hereby declared as a matter of public policy: (a) that the creation or establishment of a flight hazard within such flight hazard area is a public nuisance and an injury to the people and community served by such public airport; (b) that it is, therefore, necessary in the interest of the public safety, public health and general public welfare, that the creation or establishment of such flight hazards be prevented; (c) that this be accomplished to the extent legally possible under the constitution of the state by exercise of the police power without compensation, by the municipalities affected thereby under the authority granted in the following subdivisions; (d) that where the application of regulations promulgated under such police power in any particular case would prove so unreasonable as in fact to constitute a taking of the property affected, there is provided in section three hundred fifty-five of this chapter authority for the expenditure by municipalities of public funds for the acquisition of the fee or such lesser interest in property as may be necessary and proper to abate such particular hazard or prevent the creation of such hazard within the flight hazard area.

2. Any city, village or town having within its territorial limits any part of a flight hazard area as defined in section three hundred fifty-five of this chapter is hereby empowered by action of its governing body after due notice and hearing to adopt, amend and enforce regulations applicable within municipal limits for the protection of persons and property within such flight hazard area. Such regulations may divide such flight hazard area into different districts, and within each such district may apply regulations which may differ as between different districts, and may differ according to angles of elevation and distances computed from the ends of the runway of such airport and from the boundaries of approach and turning zones as may be required but otherwise shall be uniform within districts of the same classification. Such regulations may restrict and limit the height to which buildings or structures may be erected or trees or other natural objects permitted to exist or grow in such flight hazard area and shall conform so far as locally practicable to such standards as may be promulgated and approved by the Federal Civil Aeronautics Administration or its successor.

3. Where a public airport or any part of its flight hazard area lies in one or more municipalities, upon the request of the municipality owning such airport, any municipality affected thereby and empowered as described above may by resolution duly adopted join with the municipality owning such airport in the establishment of a joint airport zoning board. Such board shall prepare appropriate regulations for such flight hazard area of the character authorized in subdivision two of this section and in accordance so far as locally practicable with such standards promulgated and approved by the Federal Civil Aeronautics Administration or its successor and shall recommend the adoption in any municipality wherein any part of such flight hazard area is located of such regulations as may be applicable within their respective municipal limits. The cost of preparing, enacting, publishing and amending such regulations as may be adopted by a municipality in accordance with the recommendations of such joint board shall be charged to the requesting municipality owning such airport or may be shared by the participating

municipalities in such other manner as may be recommended by such joint board and mutually agreed to by each municipality affected thereby. Each municipality joining in the creation of such joint board is hereby authorized to appropriate moneys for its agreed upon share of the reasonable cost of preparing, enacting, publishing and amending such regulations.

4. In the event that a municipality has adopted, or hereafter adopts, a comprehensive zoning ordinance as heretofore or hereafter authorized by law, the provisions of this article governing the protection of public airports and flight hazard areas may be deemed to be supplementary to such general grant of power and any flight hazard area regulations applicable to any part of the area of such municipality may be incorporated in and made a part of such comprehensive zoning regulations, and be administered and enforced in connection therewith by the municipality within which the regulations in question are applicable.

5. Any person aggrieved by any order or decision of an administrative official charged with the enforcement of regulations adopted pursuant to this section may appeal such order or decision within the time and in the manner provided in the local zoning ordinance of that municipality or otherwise provided by law, or in the absence of a zoning ordinance, or if no board of appeals or other appellate body has been established under such local zoning ordinance, may appeal such order or decision to the governing board of that municipality. Any such appeal to a governing board of a city, town or village shall be taken within sixty days after the filing of such order or decision with the clerk of that municipality; and shall be perfected, conducted and determined in accordance with the respective provisions of the general city law, town law or village law applicable generally to appeals from decisions relating to zoning regulations, to the extent that such provisions can be reasonably adapted to the proceedings of such governing board. Any decision of such board of appeal, other appellate body, or governing board of a city, town or village shall be subject to review by a proceeding under article seventy-eight of the civil practice law and rules in accordance with the respective provisions of the general city

law, town law or village law applicable generally to the judicial review of decisions relating to zoning regulations.

§ 357. Federal aid for public airports. No county, town, city, village or authority in this state whether acting alone or jointly with another county, town, city, village or authority or with the state, shall submit to the administrator of civil aeronautics of the United States any project application, under the provisions of section nine (a) of the Act of Congress, approved May thirteenth, nineteen hundred forty-six, being a public law three hundred seventy-seven, seventy-ninth Congress, known and hereinafter designated as the "Federal Airport Act", or any amendment thereto, unless the project and the project application shall have been first approved by the state commissioner of transportation. No such county, town, city, village or authority shall directly accept, receive, receipt for, or disburse any funds granted by the United States under the Federal Airport Act but it must designate such commissioner as its agent, who, on its behalf, shall accept, receive, receipt for and disburse such funds. Every such county, town, city, village or authority shall enter into an agreement with such commissioner prescribing the terms and conditions of such agency in accordance with the federal laws, rules and regulations and applicable laws of this state. Such moneys as are paid over by the United States government shall be retained by the state or paid over to such county, town, city, village or authority upon such terms and conditions as may be imposed by the United States in making such grant.

ARTICLE 14-A

GAS AND ELECTRIC SERVICE

§ 360. Powers granted to municipal corporations to establish, own and operate certain public utility services. 1. "Public utility service" as used in this article shall mean any service authorized to be furnished by any public utility company pursuant to article four of the public service law and shall include works, structures, poles, lines, wires, conduits, mains, systems, waterpower and any and all other real and personal property used or necessary for, connected with or appertaining to the furnishing of such service. "Municipal corporations" as used in this article shall mean a county, city, town or village.

2. Notwithstanding any general or special law, any municipal corporation may construct, lease, purchase, own, acquire, use and/or operate any public utility service within or without its territorial limits, for the purpose of furnishing to itself or for compensation to its inhabitants, any service similar to that furnished by any public utility company specified in article four of the public service law. For such purpose, any municipal corporation may purchase gas or electrical energy from the state, or from any state agency, or other municipal corporation, or from any private or public corporation.

3. The proposed method of constructing, leasing, purchasing, acquiring, the plant and facilities for such service, together with both the maximum and the estimated costs thereof, and the method of furnishing such service shall be fixed by a local law in the case of a city, or by a village ordinance or local law in the case of a village, or by a resolution of the board of supervisors in the case of a county, or by a resolution of the town board in the case of a town.

4. Authority to enact such a local law for a city is hereby conferred upon the local legislative body of the city as defined in the municipal home rule law. Authority to enact such an ordinance or a local law for a village is hereby conferred upon the board of trustees of the village. Authority to adopt such a resolution for a county is hereby conferred upon the board of supervisors of the county. Authority to adopt such a

resolution for a town is hereby conferred upon the town board of the town.

5. Any such action by the local legislative body of a city, before taking effect, shall be submitted for the approval of the electors of the city at the next general election or at a special election called for such purpose, in the manner provided by, and in accordance with the provisions of the municipal home rule law relative to the submission of other local laws required thereby to be submitted in a mandatory referendum and according to the procedure provided by the election law for general or special elections. Any such action by the board of supervisors of a county, before taking effect, shall be submitted for the approval of the electors of the county at the next general election in such county held not less than ninety days after the adoption thereof; or at a special election called in the same manner as far as practicable as provided in the election law with respect to special elections called by the governor. Any such action by the board of trustees of a village, before taking effect, shall be submitted for the approval of the electors of the village at the next general election in such village to be held not less than ninety days after the adoption thereof; or at a special election called in the same manner as provided in the village law for the submission of a proposition at a special village election. Such submission shall be in the manner provided by, and in accordance with the provisions of the village law for the submission of any other question by referendum on petition, except that the referendum on the proposition provided for in this section shall be mandatory. Any such action by the town board of a town shall be submitted for the approval of the electors of the town at the next general election to be held not less than ninety days after the adoption of such resolution; or at a special election called in the same manner as provided in the town law for submission of a proposition at a special town meeting or a special town election. Such submission shall be in the manner provided by, and in accordance with the provisions of the town law for the submission of any other question by referendum on petition, except that the referendum on the proposition provided for in this section shall be mandatory. Every such local law, village ordinance, resolution of the board of supervisors or resolution of the town board,

as the case may be, and notice of the submission thereof, shall be published in one or more newspapers published within the city, village, county or town, as the case may be, to be designated by the legislative body of the municipal corporation affected, once in each week for six consecutive weeks immediately preceding such election; and if there be no such newspaper in such city, village, county or town, then in one or more newspapers published in an adjoining city, village, county or town, most likely to come to the attention of the electors of the municipal corporation affected.

6. Such municipal corporation may for such purpose acquire the public utility service of any public utility company operating pursuant to article four of the public service law or any other public utility service within or without its territorial limits, by purchase, or by condemnation in the manner provided by law for condemnation by such municipal corporation of private property for a public use. Such municipal corporation shall have the power to construct or acquire by purchase or condemnation any transmission lines or pipes connecting it with any source or sources of gas, either natural, artificial or mixed or electric power or production and to share with other municipal corporations the cost of such transmission lines or pipes.

7. The method of operation of and the rates, rentals and charges for such service and the procedure for their collection shall be fixed by the legislative body of the municipal corporation.

§ 361. Service beyond territorial limits. 1. Whenever a surplus of such public utility service exists over the amount thereof required by the municipal corporation and the residents thereof, such municipality may sell such surplus outside the municipal corporation to persons, public or private corporations or other municipal corporations. Any such municipal corporation, by agreement with any other municipal corporation which is authorized to exercise the powers specified in the preceding section, may extend such service to such other municipal corporation under such terms and conditions as may be agreed upon between them provided that if at the time of such extension, a public utility service is actually being furnished in such other municipal corporation, such extension shall not be effected without the approval of the public service commission.

2. Agreements may also be made between two or more municipal corporations, authorized as provided in this article to exercise the powers specified in the preceding section, for the joint ownership, leasing, construction, acquisition, use or operation of a public utility service, within the combined territorial limits of such contracting parties. The method of operation of and the rates, rentals and charges for such service and the procedure for their collection shall be fixed by such agreements.

§ 362. Financing the cost of public utility service. Any municipal corporation may finance the cost of such public utility service in whole or in part by levying taxes in the same manner as taxes are levied pursuant to law for any permanent improvement by such municipal corporation, or the same may be financed in whole or in part pursuant to the local finance law.

§ 363. Construction of public utility service. The purchase, acquisition, leasing, and construction of such public utility service shall, in so far as is practicable, be effected by such municipal corporation in the same manner and by the same officers or boards as other authorized public improvements are effected for and by such corporation. The provisions of law in force in such municipal corporation applicable to the purchase, acquisition, leasing and construction of the public utility service provided for in this article shall apply when not inconsistent with the provisions of this article. The local law, ordinance or resolution provided for in section three hundred and sixty of this article may, however, provide a different method or authority or agency for the purchase, acquisition, leasing and construction of such service, not inconsistent with state law applicable thereto. Funds to be used for any of the purposes set forth in section three hundred and sixty of this article shall be paid out in the manner prescribed by law for the payment of the expenses of other public improvements authorized for and effected by the municipal corporation affected.

§ 364. Provisions of public service law applicable. 1. Except as provided in subdivision two of this section, all of the provisions of article four of the public service law, so far as the same are applicable, shall apply to a municipal corporation furnishing a public utility service under this article.

2. (a) A municipal corporation need not apply to or obtain from the public service commission a certificate of authority for a public utility service under this article.

(b) A municipal corporation furnishing a public utility service or services need not decrease its rates and charges for such service or services on order of the public service commission unless such order is issued upon notice and after hearing instituted upon the verified complaint in writing of not less than twenty-five of the active consumers as shown by the records of the utility, residing in the territory in which the utility rate or rates referred to in said complaint is or are applicable.

§ 365. Effect of unconstitutionality in part. If any section, clause or provision of this article shall be unconstitutional or invalid or ineffective in whole or in part, to the extent that it is not unconstitutional or invalid or ineffective it shall be valid and effective; and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

§ 366. Inconsistent provisions superseded. The powers granted by this article shall be in addition to and not in substitution for all the powers, rights, privileges and functions conferred or imposed upon any municipal corporation by any other law heretofore or hereafter enacted. In so far as the provisions of this article are inconsistent with the provisions of any other act, general, special, or local, the provisions of this article shall be controlling.

ARTICLE 14-AA

SCHOOL DISTRICT EXPLORATION FOR NATURAL GAS FIELDS

§ 368. Exploration, development and production of natural gas fields by school districts. 1. "Natural gas producing facility" as used in this article shall mean all real estate, fixtures, and personal property operated, owned, used or to be used for or in connection with or to facilitate the production, conveyance, transportation, distribution, or furnishing of natural gas.

2. Notwithstanding any general or special law to the contrary, any school district may engage in the exploration and development of natural gas fields, and further, may construct, lease, purchase, own, acquire, use and/or operate any natural gas producing facility which is situated on real property owned by the school district for the purpose of producing, conveying, transporting and furnishing natural gas for school district purposes. A school district producing natural gas in excess of the amount required for school district purposes may convey, transport, furnish, sell or transfer such excess.

3. No school district, other than a city school district, may perform any of the acts authorized under the provisions of this section unless and until the provisions of the education law relating to voter approval of such acts have been complied with.

4. Any school district may acquire the necessary rights to extend pipes across public highways or other lands for the purpose of transporting natural gas from the natural gas producing facility to other real property owned by the school district.

5. Any school district may finance the cost of exploration, development and production of natural gas and the cost of the natural gas producing facility in whole or in part by levying taxes in the manner authorized by the education law, or the same may be financed in whole or in part pursuant to the local finance law.

6. The exploration, development and production of such natural gas and the purchase, acquisition, leasing and construction of such natural gas producing facility shall be effected by such school district in the same manner as other contracts, purchases and leases are effected by and for such school districts and shall be governed by all laws applicable thereto.

7. All of the provisions of article four of the public service law and article twenty-three of the environmental conservation law, so far as the same are applicable, shall apply to a school district which furnishes to itself natural gas under this section except that a school district need not apply to or obtain from the public service commission a certificate of authority.

8. Nothing herein shall be construed to authorize the sale or transfer of natural gas by a school district to any other person except as provided in subdivision two hereof.

9. For the purposes of this section, school district shall be defined to include a board of cooperative educational services, provided however, that the provisions of subdivision three of this section shall not apply to such boards of cooperative educational services, and provided further that:

a. No board of cooperative educational services may perform any of the acts authorized under the provisions of this section unless and until (i) a proposition is submitted to the voters of any such board of cooperative educational services in accordance with the provisions of subdivision two of section nineteen hundred fifty-one of the education law and (ii) any such board of cooperative educational services and all of its component school districts enter into an agreement or agreements providing for the performance of any such acts.

b. No such component school district shall enter into an agreement or agreements unless such agreement or agreements have been approved by a majority vote of the entire voting strength of the board of education of such a component school district.

c. Any such agreement or agreements shall also provide for the sharing of the cost of exploring, developing or producing natural gas and the cost of the natural gas producing facility among each component school district. Such agreement or agreements in addition to providing for all other matters deemed necessary and proper shall (i) set forth the cost of such exploration, development or production of natural gas and the cost of the natural gas producing facility and costs incidental thereto and (ii) provide for an allocation and apportionment of such costs among the component school districts on such equitable basis as the parties thereto shall determine and agree, and the proportion of the total cost to be provided by each such district in accordance with such allocation and apportionment. Such agreement or agreements shall be executed by all the component school districts of such board of cooperative educational services and such board of cooperative educational services. Such agreement or agreements may provide that each component school district of such a board of cooperative educational services shall issue an agreed upon amount of its obligations in a total amount sufficient to acquire or construct such facilities, or that all component districts of such board shall together issue joint obligations pledging the full faith and credit for all component districts jointly and that each such district shall pay a specified share of annual debt service on such joint obligations in accordance with the provisions of article five-g of this chapter and applicable provisions of the local finance law.

d. Each such component school district is authorized to finance its share of the cost of exploring, developing or producing natural gas and the cost of the natural gas producing facility together with the costs incidental to such financing, including, but not limited to legal fees, printing, engraving and publication of notices, either from any current funds legally available therefor, or by the issuance of obligations pursuant to the local finance law; provided, however, that (i) no approval of the voters of such component school district shall be required, (ii) the voting of a special tax or a tax to be collected in installments shall not be a condition precedent to the adoption of a bond resolution for such object or purpose, (iii) a majority vote of the entire voting strength of the board of education shall be sufficient for adoption of such a bond resolution, which bond resolution may be adopted at a regular meeting, or a special meeting of the board of education called on not less than twelve hours oral or written notice, which may be held either within or outside of such district, (iv) any such bond resolution shall be adopted prior to the execution by the board of cooperative educational services and the component school districts of such board of cooperative educational services of the agreement required by paragraph b of this subdivision.

e. Such agreement shall further provide that title to the natural gas producing facility shall vest in the board of cooperative educational services which title shall be held by the board of cooperative educational services for the benefit and on behalf of all the component school districts of such board executing such agreement.

f. Nothing herein contained shall be construed to permit any school district in a city as defined in subdivision two-b of section 2.00 of the local finance law to contract indebtedness for such specific object or purpose in excess of the limitation prescribed by subdivision b of section 104.00 of such law, without complying with the provisions of subdivision c thereof. A school district, other than a school district in a city, may not issue bonds or bond anticipation notes for such specific object or purpose in excess of the limitation prescribed by subdivision d of section 104.00 of such law, without complying with the requirements of paragraphs one through three of such subdivision.

ARTICLE 14-B

TRAFFIC VIOLATIONS BUREAUS

§ 370. Establishment. 1. The legislative body of a city, village or town, may by ordinance or local law authorize the court having jurisdiction of traffic cases to establish a traffic violations bureau to assist the court in the disposition of infractions in relation to traffic violations.

2. There shall be a department of the Nassau county government known as the Nassau county traffic and parking violations agency, which shall operate under the direction and control of the county executive.

3. There shall be a department of the Suffolk county government known as the Suffolk county traffic and parking violations agency, which shall operate under the direction and control of the county executive.

4. There shall be an executive department of the Buffalo city government known as the Buffalo traffic violations agency, which shall operate under the direction and control of the mayor.

5. There shall be an executive department or bureau of the city of Rochester known as the Rochester traffic violations agency, which shall operate under the direction and control of the mayor or the mayor's designee.

§ 370-a. Definitions. For the purpose of this article:

1. "Traffic and parking violations agency" shall mean a department of the Nassau county government established pursuant to subdivision two of section three hundred seventy of this article or a department in the Suffolk county government established pursuant to subdivision three of such section to administer and dispose of traffic and parking infractions.

1-a. "Traffic violations agency" shall mean an executive department of the city of Buffalo established pursuant to subdivision four of section three hundred seventy of this article to administer and dispose of traffic infractions as authorized pursuant to this article.

1-b. "Traffic violations agency" shall mean an executive department of the city of Rochester established pursuant to subdivision five of section three hundred seventy of this article to administer and dispose of traffic infractions as authorized pursuant to this article.

2. "Traffic prosecutor" shall mean an attorney duly admitted to practice law in the state of New York who, having been appointed and either hired or retained pursuant to section three hundred seventy-four of this article, has the responsibility of prosecuting any traffic and parking infractions returnable before the Nassau county district court or the Suffolk county district court or any traffic infractions returnable before the Buffalo city court pursuant to the jurisdictional limitations of section three hundred seventy-one of this article.

2-a. "Traffic prosecutor" shall also mean an attorney duly admitted to practice law in the state of New York who, having been appointed and either hired or retained pursuant to section three hundred seventy-four-b of this article, has the responsibility of prosecuting any traffic infractions returnable before the Rochester city court pursuant to the jurisdictional limitations of section three hundred seventy-one of this article.

*** § 371. Jurisdiction and procedure.** 1. A traffic violations bureau so established may be authorized to dispose of violations of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony, and, if authorized by local law or ordinance, to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with section eleven hundred eleven-a of such law or section eleven hundred eleven-b of such law as added by sections sixteen of chapters twenty, and twenty-two of the laws of two thousand nine which amended this subdivision, or section eleven hundred eleven-d of such law, or section eleven hundred eleven-e of such law or section eleven hundred seventy-four-a of such law.

2. The Nassau county traffic and parking violations agency, as established, may be authorized to assist the Nassau county district court, and the Suffolk county traffic and parking violations agency, as established, may be authorized to assist the Suffolk county district court, in the disposition and administration of infractions of traffic and parking laws, ordinances, rules and regulations and the liability of owners for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with section eleven hundred eleven-b of such law and the liability of owners for violations of section eleven hundred seventy-four of the vehicle and traffic law in accordance with section eleven hundred seventy-four-a of such law, except that such agencies shall not have jurisdiction over (a) the traffic infraction defined under subdivision one of section eleven hundred ninety-two of the vehicle and traffic law; (b) the traffic infraction defined under subdivision five of section eleven hundred ninety-two of the vehicle and traffic law; (c) the violation defined under paragraph (b) of subdivision four of section fourteen-f of the transportation law and the violation defined under clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law; (d) the traffic infraction defined under section three hundred ninety-seven-a of the vehicle and traffic law and the traffic infraction defined under subdivision (g) of section eleven hundred eighty of the vehicle and traffic law; (e) any misdemeanor or felony; or (f) any offense that is part of the same

criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as a violation of subdivision one of section eleven hundred ninety-two of the vehicle and traffic law, a violation of subdivision five of section eleven hundred ninety-two of the vehicle and traffic law, a violation of paragraph (b) of subdivision four of section fourteen-f of the transportation law, a violation of clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, a violation of section three hundred ninety-seven-a of the vehicle and traffic law, a violation of subdivision (g) of section eleven hundred eighty of the vehicle and traffic law or any misdemeanor or felony.

2-a. The Buffalo traffic violations agency, as established in subdivision four of section three hundred seventy of this article, may be authorized to assist the Buffalo city court in the disposition and administration of infractions of traffic laws, ordinances, rules and regulations except that such agency shall not have jurisdiction over (a) the traffic infraction defined under subdivision one of section eleven hundred ninety-two of the vehicle and traffic law; (b) the traffic infraction defined under subdivision five of section eleven hundred ninety-two of the vehicle and traffic law; (c) the violation defined under paragraph (b) of subdivision four of section fourteen-f of the transportation law and the violation defined under clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law; (d) the traffic infraction defined under section three hundred ninety-seven-a of the vehicle and traffic law and the traffic infraction defined under subdivision (g) of section eleven hundred eighty of the vehicle and traffic law; (e) traffic infractions constituting parking, standing, stopping or pedestrian offenses; (f) any misdemeanor or felony; or (g) any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as a violation of subdivision one of section eleven hundred ninety-two of the vehicle and traffic law, a violation of subdivision five of section eleven hundred ninety-two of the vehicle and traffic law, a violation of paragraph (b) of subdivision four of section fourteen-f of the transportation law, a violation of clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, a violation of section three hundred ninety-seven-a of the vehicle and traffic law, a violation constituting a parking, stopping, standing or pedestrian offense, a violation of subdivision (g) of section eleven hundred eighty of the vehicle and traffic law or any misdemeanor or felony.

2-b. The Rochester traffic violations agency, as established in subdivision five of section three hundred seventy of this article, may be authorized to assist the Rochester city court in the disposition and administration of infractions of traffic laws, ordinances, rules and regulations except that such agency shall not have jurisdiction over (a) the traffic infraction defined under subdivision one of section eleven hundred ninety-two of the vehicle and traffic law; (b) the traffic infraction defined under subdivision five of section eleven hundred ninety-two of the vehicle and traffic law; (c) the violation defined under paragraph (b) of subdivision four of section fourteen-f of the transportation law and the violation defined under clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law; (d) the traffic infraction defined under section three hundred ninety-seven-a of the vehicle and traffic law and the traffic infraction defined under subdivision (g) of section eleven hundred eighty of the vehicle and traffic law; (e) traffic infractions constituting parking, standing, stopping or pedestrian offenses; (f) any misdemeanor or felony; or (g) any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as a violation of subdivision one of section eleven hundred ninety-two of the vehicle and traffic law, a violation of subdivision five of section eleven hundred ninety-two of the vehicle and traffic law, a violation of paragraph (b) of subdivision four of section fourteen-f of the transportation law, a violation of clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, a violation of section three hundred ninety-seven-a of the vehicle and traffic law, a violation constituting a parking, stopping, standing or pedestrian offense, a violation of subdivision (g) of section eleven hundred eighty of the vehicle and traffic law or any misdemeanor or felony.

3. A person charged with an infraction which shall be disposed of by either a traffic violations bureau, the Nassau county traffic and parking violations agency, or the Suffolk county traffic and parking violations agency may be permitted to answer, within a specified time, at the traffic violations bureau, in Nassau county at the traffic and parking violations agency and in Suffolk county at the traffic and parking violations agency, either in person or by written power of attorney in such form as may be prescribed in the ordinance or local law creating the bureau or agency, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge or admitting liability as an owner for the violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law, as the case may be, and authorizing the person in charge of the bureau or agency to enter such a plea or admission and accept payment of said fine. Acceptance of the prescribed fine and power of attorney by the bureau or agency shall be deemed complete satisfaction for the violation or of the liability, and the violator or owner liable for a violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the bureau or agency may cause a complaint to be entered against him forthwith and a warrant to be issued for his arrest and appearance before the court, such summons to be predicated upon the personal service of said summons upon the person charged with the infraction. Any person who shall have been, within the preceding twelve months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court, or of three or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the traffic violations bureau or agency, but must appear in court at a time specified by the bureau or agency. Such bureau or agency shall not be authorized to deprive a person of his right to counsel or to prevent him from exercising his right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

3-a. A person charged with an infraction which shall be disposed of by the Buffalo traffic violations agency may be permitted to answer, within a specified time, at the traffic violations agency either in person or by written power of attorney in such form as may be prescribed in the ordinance or local law creating the agency, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge or a lesser charge agreeable to the traffic prosecutor and the person charged with an infraction, and authorizing the person in charge of the agency to enter such a plea and accept payment of said fine. Acceptance of the prescribed fine and power of attorney by the agency shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the agency may cause a complaint to be entered against him forthwith and a warrant to be issued for his arrest and appearance before the court, such summons to be predicated upon the personal service of said summons upon the person charged with the infraction. Any person who shall have been, within the preceding twelve months, guilty of three or more violations, shall not be permitted to appear and answer to a subsequent violation at the agency, but must appear in court at a time specified by the agency. Such agency shall not be authorized to deprive a person of his right to counsel or to prevent him from exercising his right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

3-b. A person charged with an infraction which shall be disposed of by the Rochester traffic violations agency may be permitted to answer, within a specified time, at the traffic violations agency either in person or by written power of attorney in such form as may be prescribed in the ordinance or local law creating the agency, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge or a lesser charge agreeable to the traffic prosecutor and the person charged with an infraction, and authorizing the person in charge of the agency to enter such a plea and accept payment of said fine. Acceptance of the prescribed fine and power of attorney by the agency shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the agency may cause a complaint to be entered against him forthwith and a warrant to be issued for his arrest and appearance before the court, such summons to be predicated upon the personal service of said summons upon the person charged with the infraction. Any person who shall have been, within the preceding twelve months, guilty of three or more violations, shall not be permitted to appear and answer to a subsequent violation at the agency, but must appear in court at a time specified by the agency. Such agency shall not be authorized to deprive a person of his right to counsel or to prevent him from exercising his right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

4. Notwithstanding any inconsistent provision of law, fines, penalties and forfeitures collected by the Nassau county or Suffolk county traffic and parking violations agency shall be distributed as provided in section eighteen hundred three of the vehicle and traffic law. All fines, penalties and forfeitures for violations adjudicated by the Nassau county or Suffolk county traffic and parking violations agency pursuant to subdivision two of this section, with the exception of parking violations, and except as provided in subdivision three of section ninety-nine-a of the state finance law, shall be paid by such agencies to the state comptroller within the first ten days of the month following collection. Each such payment shall be accompanied by a true and complete report in such form and detail as the comptroller shall prescribe.

4-a. Notwithstanding any inconsistent provision of law, fines, penalties and forfeitures collected by the Buffalo traffic violations agency shall be distributed as provided in section eighteen hundred three of the vehicle and traffic law. All fines, penalties and forfeitures for violations adjudicated by the Buffalo traffic violations agency pursuant to subdivision two-a of this section except as provided in subdivision three of section ninety-nine-a of the state finance law, shall be paid by such agency to the state comptroller within the first ten days of the month following collection. Each such payment shall be accompanied by a true and complete report in such form and detail as the comptroller shall prescribe.

4-b. Notwithstanding any inconsistent provision of law, fines, penalties and forfeitures collected by the Rochester traffic violations agency shall be distributed as provided in section eighteen hundred three of the vehicle and traffic law. All fines, penalties and forfeitures for violations adjudicated by the Rochester traffic violations agency pursuant to subdivision two-a of this section except as provided in subdivision three of section ninety-nine-a of the state finance law, shall be paid by such agency to the state comptroller within the first ten days of the month following collection. Each such payment shall be accompanied by a true and complete report in such form and detail as the comptroller shall prescribe.

* NB Effective until December 1, 2029

* § 371. Jurisdiction and procedure. A traffic violations bureau so established may be authorized to dispose of violations of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony, by permitting a person charged with an offense within the limitations herein stated, to answer, within a specified time, at the traffic violations bureau, either in person or by written power of attorney in such form as may be prescribed in the ordinance creating the bureau, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge and authorizing the person in charge of the bureau to make such a plea and pay such a fine in court. Acceptance of the prescribed fine and power of attorney by the bureau shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the bureau shall cause a complaint to be entered against him forthwith and a warrant to be issued for his arrest and appearance before the court. Any person who shall have been, within the preceding twelve months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court, or of

three or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the traffic violations bureau, but must appear in court at a time specified by the bureau. Such traffic violations bureau shall not be authorized to deprive a person of his right to counsel or to prevent him from exercising his right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

* NB Effective December 1, 2029

§ 371-a. Additional jurisdiction and procedure related to the adjudication of certain notices of liability. A traffic violations bureau established pursuant to subdivision one and a traffic and parking violations agency established pursuant to subdivision two of section three hundred seventy-one of this article may be authorized to adjudicate, in accordance with the provisions of this article, the liability of owners: (a) for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of the vehicle and traffic law; or (b) for violations of section eleven hundred seventy-four of the vehicle and traffic law when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of the vehicle and traffic law imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of the vehicle and traffic law; or (c) for violations of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of the vehicle and traffic law imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or (d) for violations of section three hundred eighty-five of the vehicle and traffic law and the rules of the applicable covered agency or covered authority as such terms are defined in article ten of the vehicle and traffic law in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of the vehicle and traffic law.

§ 372. Fines. The court shall designate the fines to be paid for offenses which may be satisfied at the bureau as hereinbefore stated, provided such fines are within the limits established as penalties for such offenses.

§ 373. Records. A traffic violations bureau as herein authorized shall keep a record of all violations of which each person has been guilty, whether such guilt was established in court or in the bureau, and also a record of all fines collected and the disposition thereof. It shall also perform such other or additional duties and keep such other or additional records as shall be prescribed by the court and/or the local legislative body.

§ 374. Traffic prosecutor selection and oversight. (a) The executive director of the Nassau county traffic and parking violations agency, and the executive director of the Suffolk county traffic and parking violations agency, appointed pursuant to subdivision (b) of this section, shall select and may contract with or hire one or more persons who are attorneys, duly admitted to the practice of law in New York state for the prosecution of any traffic and parking infraction, except those described in paragraphs (a), (b), (c), (d), (e) and (f) of subdivision two of section three hundred seventy-one of this article, to be heard, tried or otherwise disposed of by the district court of Nassau county in the case of an attorney selected by the Nassau county executive director, or by the district court of Suffolk county, in the case of an attorney selected by the Suffolk county executive director. Such persons shall be known as "traffic prosecutors", as that term is defined in section three hundred seventy-a of this article. Traffic prosecutors shall have the same power as a district attorney would otherwise have in the prosecution of any traffic or parking infraction which may, pursuant to the jurisdictional provisions of section three hundred seventy-one of this article, be prosecuted before the district court of Nassau county or the district court of Suffolk county, if the traffic violation occurred in Suffolk county. The executive director shall give active consideration to requiring that such traffic prosecutors serve on a full-time basis. Traffic prosecutors are prohibited from appearing in any capacity other than as a traffic prosecutor in any part of the Nassau county district court or the Suffolk county district court, if the traffic violation occurred in Suffolk county on any matter relating to traffic or parking violations and are further prohibited from appearing in any capacity other than as a traffic prosecutor in any other court or administrative tribunal on any matter relating to traffic or parking violations.

(b) The county executive of the county of Nassau shall appoint a person to serve as the executive director of the Nassau county traffic and parking violations agency subject to the confirmation of the county legislature of the county of Nassau. The county executive of the county of Suffolk shall appoint a person to serve as the executive director of the Suffolk county traffic and parking violations agency subject to the confirmation of the county legislature of the county of Suffolk. The executive director shall be responsible for the oversight and administration of the agency. The executive director of Nassau county is prohibited from appearing in any capacity in any part of the Nassau county district court and the executive director of Suffolk county is prohibited from appearing in any capacity in any part of the Suffolk county district court on any matter relating to traffic or parking violations and is further prohibited from appearing in any capacity in any other court or administrative tribunal on any matter relating to traffic or parking violations.

(c) It shall be a misdemeanor for the executive director, any traffic prosecutor or any judicial hearing officer assigned to hear traffic or parking violations cases pursuant to section one thousand six hundred ninety of the vehicle and traffic law to establish any quota of traffic violation convictions which must be obtained by any traffic prosecutor or judicial hearing officer. Nothing contained herein shall prohibit the taking of any job action against a traffic prosecutor or judicial hearing officer for failure to satisfactorily perform such prosecutor's or officer's job assignment except that the employment productivity of such prosecutor or officer shall not be measured by the attainment or nonattainment of any conviction quota. For the purposes of this section a conviction quota shall mean a specific number of convictions which must be obtained within a specific time period.

(d) The legislature of the county of Nassau may appropriate those monies which, in the legislature's sole discretion, are necessary for the compensation of those persons selected to serve as executive director and traffic prosecutors and to cover all other expenses associated with the administration of the Nassau county traffic and parking violations agency.

(e) The legislature of the county of Suffolk may appropriate those monies which, in the legislature's sole discretion, are necessary for the compensation of those persons selected to serve as executive director and traffic prosecutors and to cover all other expenses associated with the administration of the Suffolk county traffic and parking violations agency.

§ 374-a. Traffic prosecutor selection and oversight. (a) The executive director of the Buffalo traffic violations agency, appointed pursuant to subdivision (b) of this section, shall select and may contract with or hire one or more persons who are attorneys, duly admitted to the practice of law in New York state for the prosecution of any traffic infraction, except those described in paragraphs (a), (b), (c), (d), (e), (f) and (g) of subdivision two-a of section three hundred seventy-one of this article, to be heard, tried or otherwise disposed of by the Buffalo city court. Such persons shall be known as "traffic prosecutors", as that term is defined in section three hundred seventy-a of this article. Traffic prosecutors shall have the same power as a district attorney would otherwise have in the prosecution of any traffic infraction which may, pursuant to the jurisdictional provisions of section three hundred seventy-one of this article, be prosecuted before the Buffalo city court if the traffic violation occurred in the city of Buffalo. The executive director shall give active consideration to requiring that such traffic prosecutors serve on a full-time basis. Traffic prosecutors are prohibited from appearing in any capacity other than as a traffic prosecutor in any part of the Buffalo city court on any matter relating to traffic violations and are further prohibited from appearing in any capacity other than as a traffic prosecutor in any other court or administrative tribunal on any matter relating to traffic violations.

(b) The mayor of the city of Buffalo shall appoint a person to serve as the executive director of the Buffalo traffic violations agency subject to the confirmation of the common council of the city of Buffalo. The executive director shall be responsible for the oversight and administration of the agency. The executive director is prohibited from appearing in any capacity in any part of the Buffalo city court on any matter relating to traffic violations and is further prohibited from appearing in any capacity in any other court or administrative tribunal on any matter relating to traffic violations.

(c) It shall be a misdemeanor for the executive director, any traffic prosecutor or any judicial hearing officer assigned to hear traffic violations cases pursuant to section sixteen hundred ninety of the vehicle and traffic law to establish any quota of traffic violation convictions which must be obtained by any traffic prosecutor or judicial hearing officer. Nothing contained herein shall prohibit the taking of any job action against a traffic prosecutor or judicial hearing officer for failure to satisfactorily perform such prosecutor's or officer's job assignment except that the employment productivity of such prosecutor or officer shall not be measured by the attainment or nonattainment of any conviction quota. For the purposes of this section a conviction quota shall mean a specific number of convictions which must be obtained within a specific time period.

(d) Pursuant to article 20 of the Buffalo City Charter, the city of

Buffalo may appropriate those monies which, in its sole discretion, are necessary for the compensation of those persons selected to serve as executive director and traffic prosecutors and to cover all other expenses associated with the administration of the Buffalo traffic violations agency.

§ 374-b. Traffic prosecutor selection and oversight. (a) The executive director of the Rochester traffic violations agency, appointed pursuant to subdivision (b) of this section, shall select and may contract with or hire one or more persons who are attorneys, duly admitted to the practice of law in New York state for the prosecution of any traffic infraction, except those described in paragraphs (a), (b), (c), (d), (e), (f) and (g) of subdivision two-b of section three hundred seventy-one of this article, to be heard, tried or otherwise disposed of by the Rochester city court. Such persons shall be known as "traffic prosecutors", as that term is defined in section three hundred seventy-a of this article. Traffic prosecutors shall have the same power as a district attorney would otherwise have in the prosecution of any traffic infraction which may, pursuant to the jurisdictional provisions of section three hundred seventy-one of this article, be prosecuted before the Rochester city court if the traffic violation occurred in the city of Rochester. The executive director shall give active consideration to requiring that such traffic prosecutors serve on a full-time basis. Traffic prosecutors are prohibited from appearing in any capacity other than as a traffic prosecutor in any part of the Rochester city court on any matter relating to traffic violations.

(b) The mayor of the city of Rochester shall appoint a person to serve as the executive director of the Rochester traffic violations agency. The executive director shall be responsible for the oversight and administration of the agency. The executive director is prohibited from appearing in any capacity in any part of the Rochester city court on any matter relating to traffic violations and is further prohibited from appearing in any capacity in any other court or administrative tribunal on any matter relating to traffic violations.

(c) It shall be a misdemeanor for the executive director, any traffic prosecutor or any judicial hearing officer assigned to hear traffic violations cases pursuant to section sixteen hundred ninety of the vehicle and traffic law to establish any quota of traffic violation convictions which must be obtained by any traffic prosecutor or judicial hearing officer. Nothing contained herein shall prohibit the taking of any job action against a traffic prosecutor or judicial hearing officer for failure to satisfactorily perform such prosecutor's or officer's job assignment except that the employment productivity of such prosecutor or officer shall not be measured by the attainment or nonattainment of any conviction quota. For the purposes of this section a conviction quota shall mean a specific number of convictions which must be obtained within a specific time period.

(d) Pursuant to section 3-9 of the charter of the city of Rochester, the city of Rochester may appropriate those monies which, in its sole discretion, are necessary for the compensation of those persons selected to serve as executive director and traffic prosecutors and to cover all other expenses associated with the administration of the Rochester traffic violations agency.

ARTICLE 14-BB

BUREAUS OF ADMINISTRATIVE ADJUDICATION

§ 380. Code and ordinance violations; administrative adjudication. 1. Any municipality having a population of more than three hundred thousand but less than three hundred fifty thousand may adopt a local law establishing an administrative adjudication hearing procedure under the provisions of this article for all code and ordinance violations regarding conditions which constitute a threat or danger to the public health, safety or welfare. Such bureaus shall be responsible for the impartial administration and conduct of adjudicatory proceedings in such municipality.

2. The city of Yonkers may adopt a local law establishing an administrative adjudication hearing procedure under the provisions of this article for all code and ordinance violations relating to conditions which constitute a threat or danger to the public health, safety or welfare, provided, however, that such administrative adjudication hearing procedure shall not apply to violations of the building code of the city of Yonkers. Such administrative adjudication bureau established pursuant to this subdivision may also provide for the hearing and determination of traffic infractions constituting parking, standing or stopping violations, provided that the provisions of article two-B of the vehicle and traffic law shall apply to such hearing and determinations.

3. The town of Huntington may adopt a local law establishing an administrative adjudication hearing procedure under the provisions of this article for all code and ordinance violations relating to conditions which constitute a threat or danger to the public health, safety or welfare, provided, however, that such administrative adjudication hearing procedure shall not apply to violations of the building code of the town of Huntington.

* 4. The town of Babylon may adopt a local law establishing an administrative adjudication hearing procedure under the provisions of this article for all code and ordinance violations relating to conditions which constitute a threat or danger to the public health, safety or welfare, provided, however, that such administrative adjudication hearing procedure shall not apply to violations of the building code of the town of Babylon.

* NB There are 2 sb 4's

* 4. The city of Syracuse may adopt a local law establishing an administrative adjudication hearing procedure under the provisions of this article for all code and ordinance violations relating to conditions which constitute a threat or danger to the public health, safety or welfare, provided, however, that such administrative

adjudication hearing procedure shall not apply to violations of the building code of the city of Syracuse.

* NB There are 2 sb 4's

5. The town of East Hampton may adopt a local law establishing an administrative adjudication hearing procedure under the provisions of this article for all code and ordinance violations relating to conditions which constitute a threat or danger to the public health, safety or welfare, provided, however, that such administrative adjudication hearing procedure shall not apply to violations of the building code of the town of East Hampton.

6. The city of Newburgh may adopt a local law establishing an administrative adjudication hearing procedure under the provisions of this article for all code and ordinance violations relating to conditions which constitute a threat or danger to the public health, safety or welfare, provided, however, that such administrative adjudication hearing procedure shall not apply to violations of the building code of the city of Newburgh.

§ 381. Director. a. The head of the bureau shall be the director who shall be the chief administrative law judge of the bureau and shall have all the powers of an administrative law judge pursuant to this section. The director shall be appointed by the chief executive officer of the municipality, for a term of five years with the advice and consent of the legislative body of such municipality. The director shall be removable only for neglect of duty or misfeasance in office after notice and an opportunity for a hearing. Once appointed and confirmed, the director shall serve until his or her term expires and until his or her successor has been appointed and confirmed. The director shall devote his or her entire work time to the duties of the office.

b. The director shall be an attorney admitted to practice for at least five years in the state of New York and shall be knowledgeable on the subject of administrative law and procedures.

c. The director shall have the power to promulgate rules consistent with this article for the practice and procedure of the bureau, the conduct of adjudications and the dismissal or settlement of proceedings.

d. The director shall develop and implement a program of evaluation to aid in the performance of his or her duties, and to assist in the making of promotions, demotions or removals. This program of evaluation shall focus on three areas of performance: competence, productivity and demeanor. It shall include consideration of: industry and promptness in adhering to schedules, making rulings and rendering decisions; tolerance, courtesy, patience, attentiveness, and self control in dealing with litigants, witnesses and representatives, and in presiding over adjudicatory proceedings; skills and knowledge of the subject of administrative law and procedures and new developments therein; analytical talents and writing abilities; settlement skills; quantity, nature and quality of case load disposition; impartiality and conscientiousness. The director shall develop standards and procedures for this program, which shall include taking comments from selected litigants and representatives who have appeared before an administrative judge. The methods used by an administrative judge but not the results arrived at by the administrative law judge in any case may be used in evaluating an administrative judge. Before implementing any action based upon the finding of the evaluation program, the director shall discuss the findings and proposed action with the administrative law judge; provided however that the director's authority pursuant to this subdivision is subject to the provisions of the civil service law and any applicable collective bargaining agreement.

e. To the extent permitted by law, the director shall publish and make available to the public all significant decisions rendered by administrative law judges and all decisions rendered by the administrative appeals panels. The director may charge a reasonable fee for a copy of such determination or decision. Whenever any law of confidentiality prevents the publication of the identity of any of the parties, an edited version of the decision shall be prepared which shall not disclose the identities of the protected parties.

f. The director shall collect, compile, and publish statistics and other data with respect to the operations and duties of the bureau and submit annually to the the chief executive officer of the municipality, the legislative body of such municipality, and the public a report on such operations including but not limited to, the number of hearings initiated, the number of decisions rendered, the number of partial or total reversals by the appeals panel, the number of proceedings pending, and on any recommendations of the bureau of statutory or regulatory amendments.

g. The director shall study the subject of administrative adjudication in all its aspects, and develop programs including alternate dispute resolution and including preliminary or prehearing conferences or mediation which would promote the goals of fairness, uniformity and cost-effectiveness.

h. The director shall adopt, promulgate, amend and rescind rules and regulations to carry out the provisions of this article and the policies of the bureau in connection therewith. Such rules and regulations shall substantially comply with article three of the state administrative procedure act, shall supersede any inconsistent agency rules, and shall include, but not be limited to, uniform standards and procedures, rules of practice, standards for determining when an expedited hearing will be conducted, standards for uncontested proceedings, standards for the assignment of administrative law judges and their removal from cases, and for the maintenance of records.

i. The director shall secure, compile and maintain all reports of administrative law judges issued pursuant to this article, and such reference materials and supporting information as may be appropriate and to establish appropriate management information systems.

j. The director shall develop and maintain a program for the continuing training and education of administrative law judges and ancillary personnel.

§ 382. Administrative law judges. a. The director shall appoint administrative law judges who shall be attorneys admitted to practice in the state of New York for at least three years and shall have such other qualifications as may be prescribed by the director. The director may prescribe qualifications for administrative law judges which may vary based on the type or kind of adjudicatory hearing to which such administrative law judge may be assigned.

b. The director may pursuant to rule establish such special units within the bureau as are appropriate to the matters before the bureau for adjudication.

c. An administrative law judge shall not participate in any proceeding to which he or she is a party, in which he or she has been attorney, counsel or representative, if he or she is related by consanguinity or affinity to any party to the controversy within the sixth degree or where such participation is otherwise prohibited by law. Administrative law judges shall ensure that all hearings are conducted in a fair and impartial manner.

d. Except as otherwise provided by law, in the conduct of an adjudication, an administrative law judge may:

(1) hold conferences for the settlement or simplification of the issues, provided that the settlement and dismissal of proceedings shall be in accordance with the rules of the director;

(2) administer oaths and affirmations, examine witnesses, rule upon offers of proof, receive evidence, and oversee, regulate, order and enforce such discovery as is appropriate under the circumstances;

(3) upon motion of any party including an agency, or upon the administrative law judge's own motion with consent of the respondent, subpoena the attendance of witnesses and the production of books, records, or other information;

(4) regulate the course of the hearing in accordance with the rules of the bureau or other applicable law;

(5) rule on procedural requests or similar matters;

(6) make final findings of fact and final decisions, determinations or orders;

(7) where the bureau is authorized to render a final decision, determination or order imposing civil penalties, impose such civil penalties. No such civil penalty shall exceed the maximum provided under law for the violation; and

(8) take any other action authorized by law.

e. Unless inconsistent with this article, all hearings shall substantially comply with the requirements of article three of the state administrative procedure act.

f. An administrative law judge shall render all findings of fact, decisions, determinations and orders in an expeditious manner.

g. Unless otherwise authorized by law and except as provided in subdivision h of this section, an administrative law judge shall not communicate in connection with any issue that relates in any way to the merits of a proceeding pending before the administrative law judge with any person except upon notice and opportunity for all parties to participate.

h. An administrative law judge may consult on questions of law and ministerial matters with his or her supervisor, other administrative law judges, and support staff of the bureau, provided that such supervisors, administrative law judges or support staff have not been engaged in functions in connection with the adjudicatory proceeding under consideration or a factually related proceeding.

§ 383. Jurisdiction to impose civil penalties. a. Such local law may authorize such bureau to (1) conduct proceedings for the adjudication of those code or ordinance violations described in section three hundred eighty of this article for which civil penalties may be imposed, and (2) to render decisions and orders and impose the civil penalties provided under law for such violations.

b. No person subject to any charges may be sentenced to a term of imprisonment upon being found guilty thereof, nor may an administrative law judge order the arrest or detention of any person, nor may an administrative law judge deprive any person of a right to counsel.

§ 384. Commencement of proceedings; default judgments. a. The bureau shall conduct the proceedings authorized by local law in accordance with this section and with rules promulgated by the director.

b. Such proceedings shall be commenced by the service of notice of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. The notice of violation when sworn to or affirmed shall constitute the testimony of the signator and, when filed with the bureau shall be admitted into evidence as such testimony at any hearing on the violation charged. Every such notice of violation shall state whether the facts set forth therein are known personally to the signator and if the facts are not so known the notice of violation shall specifically identify the source of knowledge of such facts. If the respondent disputes the facts stated in the notice of violation, the administrative law judge, where appropriate may reject the signator's facts, accept facts the respondent offers, or direct the signator's appearance.

c. (1) The form and wording of notices of violation shall be prescribed by the director. The notice of violation shall contain information advising the person charged of the manner and the time in which such person may either admit or deny the violation charged in the notice. Such notice of violation shall also contain a warning to advise the person charged that failure to plead in the manner and time stated in the notice may result in a default decision and order being entered against such person. The original or a copy of the notice of violation shall be filed and retained by the bureau and shall be deemed a record kept in the ordinary course of business.

(2) Every notice of violation shall identify the provision of law charged and shall set forth the factual basis for the violation. Where a notice of violation does not contain this information, it shall be dismissed at the request of the respondent or the administrative law

judge may dismiss the notice of violation upon his or her own motion.

d. Where a respondent has failed to plead within the time allowed by controlling law or, if there is no such controlling law, by the rules of the bureau, or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty up to the maximum amount prescribed under law for the violation charged. A default decision and order may be opened within one year of its entry upon written application showing excusable default and a defense to the charge; a default decision and order may thereafter be opened in the discretion of the director only upon written application showing excusable default, a defense to the charge, and good cause for the delay.

e. Any final order of the bureau imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, shall constitute a judgment rendered by the bureau against the respondent which may be entered in the city court or other equivalent court of the municipality or any other place provided for the entry of civil judgments within the state, and may be enforced against the respondent and his, her or its property without court proceedings in the same manner as the enforcement of money judgments entered in civil actions; provided however that no such judgment shall be entered which exceeds the jurisdiction of such city court or other court.

f. Notwithstanding the foregoing provision, before a judgment based upon a default may be so entered the bureau must have notified the respondent by first class mail in such form as the director may require; (1) of the default decision and order and the penalty imposed; (2) that a judgment may be entered in the city court or other equivalent court of the municipality or any other place provided for the entry of civil judgments within the state of New York; and (3) that entry of such judgment may be avoided by requesting a stay of default for good cause shown and either requesting a hearing or entering a plea pursuant to the rules of the bureau within thirty days of the mailing of such notice.

g. The bureau shall not enter any final decision or order unless the notice of violation shall have been served in the same manner as is prescribed for service of process by article three of the civil practice law and rules or article three of the business corporation law, except that:

(1) service of a notice of violation may be made by delivering such notice to a person employed by the respondent (A) to work on the premises the occupancy of which caused such violation, or (B) at the premises at which the respondent actually conducts the business the operation of which gave rise to the violation, or (C) at the site of the work with respect to which the violation occurred, or (D) at the place at which the violation occurred;

(2) service of a notice of violation may be made by certified mail, return receipt requested; and

(3) a notice of violation of any code or ordinance relating to the prevention of noise pollution caused by an audible motor vehicle burglar alarm or relating to the parking, stopping or standing of a motor vehicle may be served upon the owner of such motor vehicle by affixing such notice to such vehicle in a conspicuous place.

h. Proof of service made pursuant to this article shall be filed with the bureau and, where service is made by certified mail pursuant to paragraph two of subdivision g of this section, shall include the return receipt evidencing receipt of the notice served by mail. Service shall be complete ten days after such filing.

i. Where any final decision or order may not be entered and enforced as a judgment because the amount of civil penalty exceeds the jurisdictional amount of the city court or other equivalent court of the municipality, with respect to actions and proceedings for the recovery of money, such decision or order may be enforced by the commencement of an action or proceeding for the recovery of such civil penalties in a court of competent jurisdiction by the municipality.

j. Where service of a notice of violation is not made in a manner authorized by law for the violation charged, it shall be dismissed at the request of the respondent or the administrative law judge may dismiss the notice of violation upon his or her own motion.

§ 385. Administrative appeals panel. a. There shall be one or more administrative appeals panels within the bureau. Each panel shall consist of three administrative law judges. In no event shall the administrative law judge from whom such appeal of a decision, determination or order is taken be included in the panel determining such appeal. Administrative law judges serving on the administrative appeals panel shall not regularly conduct administrative hearings, but shall serve primarily as administrative appeals panel members.

b. A respondent may appeal, on the facts and/or the law, a final decision, final determination or final order. An agency aggrieved by a final decision, final determination or final order may appeal on the law, but only after notice to the respondent and a finding by the appeals panel that the issue upon which the agency seeks to appeal is significant and affects the agency's legitimate enforcement functions.

c. Upon rendering a decision, making a final determination or issuing a final order, the administrative law judge shall provide the non-agency party with a form notice of appeal and shall explain to such party on the record (1) the method of filing the notice and the applicable time limits; (2) the requirements of subdivision f of this section concerning the payment of penalties and posting of bonds pending appeal, including the right to request exemption therefrom; and (3) that no further court challenge is permitted by law unless an administrative appeal is taken.

d. Notice of appeal shall be filed with the appeals panel within thirty days of the entry of such decision, determination or order. If no such notice of appeal is filed within such thirty day period, such decision, determination or order shall finally and irrevocably determine all the issues in the proceeding before the administrative law judge.

e. For good cause shown, the administrative appeals panel may permit the filing of a notice of appeal after the thirty day period.

f. The appeals panel shall have the power to review the record and the findings of the administrative law judge and may reverse, modify or remand any such decision, determination or order appealed therefrom.

g. Except as otherwise provided in this subdivision no appeal of a decision, determination or order of an administrative law judge imposing civil penalties shall be decided unless such civil penalties are paid or a cash or recognized surety company bond shall have been posted in the full amount of such civil penalties. No such payment or posting of such bond shall be required where the respondent is the holder of a current license or permit for the operation of a business issued by an agency or officer of such municipality. Upon a showing of undue hardship or where justice may require, the administrative law judge who decided the case or appellate panel to which the appeal is assigned may order that the appeal shall be decided without requiring such payment or posting of such bond.

h. The director of the bureau shall promulgate rules governing the practice and procedure of appeals to the administrative appeals panel pursuant to this section.

i. The determination of the appeals panel shall be rendered within ninety days after the submission of all relevant papers to the panel, or if oral argument is permitted, within ninety days after such oral argument.

j. The determination of the appeals panel shall be the final determination of the bureau for the purposes of review pursuant to article seventy-eight of the civil practice law and rules.

k. Where the respondent prevails in any proceeding pursuant to this section, civil penalties paid to the municipality shall be returned with interest at the rate set by the commissioner of finance of the city of New York for the refund of overpayments of business taxes pursuant to section 11-537 of the administrative code of the city of New York.

§ 386. Judicial enforcement. Any order or subpoena or any final decision or determination rendered by the bureau shall be subject to enforcement by the judiciary in an action or proceeding commenced in a court of competent jurisdiction by the prevailing party including the municipality.

§ 387. Restriction on collateral use. Decisions, determinations and orders issued by the bureau shall not be cited, and shall not be considered precedent nor be given any force or effect in any criminal proceeding.

ARTICLE 14-C

REVENUE-PRODUCING UNDERTAKINGS

§ 400. Short title. This article may be cited as the "revenue-producing undertaking law. "

§ 401. Definitions. Whenever used in this article, unless a different meaning clearly appears from the context:

(a) The term "undertaking" shall include the following revenue-producing undertakings, whether now existing or hereafter acquired or constructed: Causeways, tunnels, viaducts, bridges and other crossings; highways, parkways, airports, docks, piers and wharves; systems, plants, works, instrumentalities and properties used or useful in connection with (i) the obtaining of a water supply and the collection, treatment and disposal of water for public and private uses, (ii) the collection, treatment and disposal of sewage, waste and storm water, and (iii) resource recovery from municipal solid waste through the use of structures, machinery or devices involving the separation, extraction and recovery of useable materials, energy or heat; together with all parts of any such undertaking and all appurtenances thereto including lands, easements, rights of way, contract rights, franchises, approaches, connections, dams, reservoirs, sewage disposal plants, intercepting sewers, trunk, connecting and other sewer and water mains, filtration works, pumping stations and equipment.

(b) The term "municipality" shall mean a county, town, city or village.

(c) The term "governing body" shall mean the board of supervisors of a county, the town board of a town, the board of estimate and apportionment or other board performing similar functions in any city now or hereafter having a population of more than eight hundred thousand, except that in the city of New York the term governing body shall mean the officer or agency vested with power under the charter of such city or by other law, to act pursuant to this chapter; the city council, the common council, the municipal assembly or other legislative body of any other city, and the board of trustees of a village.

§ 402. Declaration of policy. It is hereby declared to be the policy of this state that any municipality acquiring, constructing, reconstructing, improving, bettering or extending an undertaking pursuant to this article shall manage such undertaking in the most efficient manner consistent with sound economy and public advantage to the end that the services of the undertaking shall be furnished at the lowest possible cost. No municipality shall operate such undertaking primarily as a source of revenue to the municipality, but shall operate such undertaking for the use and benefit of those served by such undertaking and for the promotion of the welfare and for the improvement of the health, safety, comfort and convenience of the inhabitants of the municipality.

§ 403. Additional powers of municipality. In addition to the powers which it may now have, any municipality shall have power under this article; (a) to acquire by gift, purchase, or the exercise of the right of eminent domain, to construct, reconstruct, improve, better or extend any undertaking, within or without the municipality, or partially within or partially without the municipality, and to acquire by gift, purchase, or the exercise of the right of eminent domain, lands or rights in lands or water rights in connection therewith, (b) to operate and maintain any undertaking within or without the territorial boundaries of the municipality, (c) to prescribe and collect rates, fees, tolls, charges for the services, facilities and commodities furnished by such undertaking and (d) to pledge to the punctual payment of any bonds issued to carry out any of the purposes of this article and interest on such bonds an amount of revenues of such undertaking (including improvements, betterments, or extensions thereto, thereafter constructed or acquired) or of any part of such undertaking, sufficient to pay said bonds and interest as the same shall become due and to create and maintain reasonable reserves therefor. Such amount may consist of all or any part or portion of such revenues.

§ 403-a. Future acquisition or construction of undertakings by towns prohibited. Any provision of this article to the contrary notwithstanding, no town, on and after the effective date of this section, shall have the power to acquire or construct any undertaking pursuant to the provisions of this article.

§ 404. Authorization of undertaking. The acquisition, construction, reconstruction, improvement, betterment or extension of any undertaking may be authorized under this article by resolution or resolutions of the governing body of the municipality which may be adopted at a regular or special meeting and at the same meeting at which they are introduced by a majority of all the members thereof then in office and which shall take effect immediately upon adoption.

§ 407. Lien of bonds. If bonds are issued to carry out any of the purposes of this article, bonds of the same issue shall, subject to the prior and superior rights of outstanding bonds, claims or obligations, have a prior and paramount lien on the revenue of the undertaking for which said bonds have been issued over and ahead of all bonds of any issue payable from said revenue which may be subsequently issued and over and ahead of any claims or obligations against said revenue subsequently incurred. All bonds of the same issue shall be equally and ratably secured without priority by reason of number, date of bonds, of sale, of execution or of delivery, by a lien on said revenue in accordance with the provisions of this article and the resolution or resolutions authorizing said bonds.

§ 410. Undertakings to be self-supporting. The governing body of a municipality issuing bonds to carry out any of the purposes of this article shall prescribe and collect reasonable rates, fees, tolls or charges for the services, facilities and commodities of such undertaking, and shall revise such rates, fees, tolls or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees, tolls or charges prescribed shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor.

§ 411. Undertaking exempt from taxation. So long as a municipality shall own any undertaking, the property, within the municipality, and all revenue of such undertaking shall be exempt from taxation.

§ 412. Use of revenue of undertaking. Any municipality issuing bonds for the acquisition, construction, reconstruction, improvement, betterment or extension of an undertaking shall have the right to appropriate, apply or expend the revenue of such undertaking for the following purposes: (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor, (c) to pay and discharge notes, bonds or other obligations and interest thereon, not issued under this article for the payment of which the revenue of such undertaking may have been pledged, charged or encumbered, (d) to pay and discharge notes, bonds or other obligations and interest thereon, which do not constitute a lien, charge or encumbrance on the revenue of such undertaking, which may have been issued for the purpose of financing the acquisition, construction, reconstruction, improvement, betterment or extension of such undertaking, and (e) provide a reserve for improvements to such undertaking. Unless and until full and adequate provision has been made for the foregoing purposes, no municipality shall have the right to transfer the revenue of such undertaking to its general fund.

§ 413. Consent and jurisdiction of state and municipal agencies. The provisions of this article shall not operate to dispense with the approval by or to affect the jurisdiction of any state, county, or municipal board, officer, commission, department or agency of or over the acquisition, construction, reconstruction, improvement, betterment, extension, maintenance or operation of the undertaking where such approval is necessary under or where such jurisdiction is vested by the provisions of any other general, special or local law, or with the filing of plans or specifications in connection with the undertaking in the office of any state, county, or municipal board, officer, commission, department or agency where such filing is required under any other general, special or local law.

§ 414. Competing undertakings not authorized. No municipality shall have power under this article to construct any undertaking in contravention of any act of the legislature of the state of New York whereby the state of New York pledges to or agrees with the holders of any bonds issued or to be issued pursuant to said act that the state will not authorize the construction of an undertaking which will be competitive with the project authorized by said act.

§ 415. Construction of article. The powers conferred by this article shall be in addition and supplemental to and not in substitution for, and the limitations imposed by this article shall not affect the powers conferred by any other general, special or local law. The powers conferred by this article shall not be affected by the provisions contained in any other general, special or local law, except as otherwise herein provided.

§ 416. Separability of provisions. If any provision of this article or the application of such provision to any person, body, or circumstance shall be held invalid, the remainder of this article or the application of such provision to persons, bodies, or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

ARTICLE 14-D

JAILS

§ 430. Application of article. This article shall apply to all counties outside the city of New York and to the several municipal corporations within such counties.

§ 431. Authorization. It shall be lawful in the interests of efficiency and economy for any county and any one or more municipal corporations within such county or for any two or more such corporations within the county to jointly acquire real property by purchase, lease or condemnation for the purposes hereinafter specified and to establish, construct, equip, operate, maintain, control and supervise for the joint use and benefit of such corporations one or more jails at such place or places as may be equally accessible for each of such corporations to be specified in the agreement providing therefor or to utilize one or more existing jails, lock-ups, or workhouses therefor. The ordinance or resolution providing for such joint action shall be adopted by the governing boards of each of the several corporations affected and a committee, composed of at least one member of each of such boards, shall be created to acquire necessary real property, in the name of the municipal corporations affected and, as the joint agent of such corporations such committee shall have charge of the construction, equipment, maintenance, and operation of such jail or jails and shall supervise and control the same. The ordinance or resolution may specify matters as to which the action of the committee shall require the joint approval of such boards and shall prescribe the proportions of the cost of the construction and operation of such jail or jails to be borne by the several corporations affected. The moneys to pay the share to be borne by each corporation affected shall be provided by appropriation in such amounts and at such time as may be agreed upon. Any jail, penitentiary, workhouse, or lock-up, abandoned or rendered useless by reason of action taken pursuant to this section may be sold or otherwise disposed of or utilized by the corporation controlling the same. The ordinance or resolution may also provide for the transfer to and utilization in the proposed joint jail or jails of the books, papers and records and the vans, wagons, automobiles, equipment and personnel of any existing jail, penitentiary, workhouse, or lock-up whose continued operation will be rendered unnecessary by reason of action taken pursuant to this section. All of the provisions of the correction law and of every other general, special or local law shall so far as practicable, continue to apply with full force and effect to every jail established and maintained pursuant to this section as if the several constituent institutions consolidated by such jail had continued in operation as single units.

ARTICLE 14-E

DISPLAY OF FLAG AT PUBLIC MEETINGS

§ 440. Display of American flag at public meetings. The board, body or officer having supervision shall cause the flag of the United States to be appropriately displayed upon the walls of any hall or other meeting place in a public building owned by the municipality during any meeting or gathering of persons to which the public is invited.

ARTICLE 14-EE

DISPLAY OF FLAG ON UNIFORMS

§ 445. Display of American flag on uniforms of public employees. Notwithstanding any other law, any public employee required to wear a uniform during the course of public employment shall not be deemed to violate any law, rule, code or regulation regulating the style or appearance of uniform solely by virtue of the display on the shoulder area of the sleeve of such uniform of an American flag not larger than three inches by five inches. The exact location of the flag on the sleeve may be specified by the appropriate executive officer.

ARTICLE 14-F

SEWER RENT LAW

§ 450. Short title. This article shall be known and may be cited and referred to as the "Sewer Rent Law. "

§ 451. Definitions. As used in this article, the following terms shall mean and include:

1. "Sewer rents." A scale of annual charges established and imposed in a city or village or in a sewer or wastewater disposal district in a county or town pursuant to this article for the use of a sewer system or any part or parts thereof. Such charges may be based on either (a) the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof, (b) the number and kind of plumbing fixtures on the premises connected with and served by the sewer system or such part or parts thereof, (c) the number of persons served on the premises connected with and served by the sewer system or such part or parts thereof, (d) the volume and character of sewage, industrial waste and other wastes discharged into the sewer system or such part or parts thereof, or (e) upon any other equitable basis determined by the local legislative body, including but not limited to any combination of the foregoing.

2. "Sewer System." All sewer pipes and other appurtenances which are used or useful in whole or in part in connection with the collection, treatment or disposal of sewage, industrial waste and other wastes and which are owned, operated or maintained by a city or village or a sewer district in a county or town, including sewage pumping stations and sewage treatment and disposal works and private on-site wastewater disposal systems, if any.

3. "Part." As used in relation to the term "sewer system": all lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, and any sewage treatment and disposal works, and private on-site wastewater disposal systems, each part with necessary appurtenances including sewage pumping stations.

4. "Sewage." The water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration and surface water as may be present. The admixture with sewage as above defined of industrial waste or other wastes as hereafter defined, also shall be considered "sewage" within the meaning of this article.

5. "Industrial waste." Any liquid, gaseous, solid or other waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

6. "Other wastes." Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals, and all other discarded matter not sewage or industrial waste.

7. "Local legislative body." In cities and villages, the body authorized to adopt local laws pursuant to the municipal home rule law; in counties, the board of supervisors and in towns, the town board.

§ 452. Sewer rents. 1. Where authorized by law to establish and impose sewer rents pursuant to this article, the local legislative body of a city or village or of a county or town on behalf of a sewer district or wastewater disposal district may establish and impose sewer rents in accordance with the provisions of this article as a means of producing revenue.

2. Such sewer rents may be established and imposed by local law, or resolution by cities, counties and villages, and may be imposed by local

law, ordinance, or resolution by towns on behalf of sewer districts or wastewater disposal districts. A resolution establishing and imposing sewer rents shall be adopted only after a public hearing upon five days' public notice. In the case of a sewer district or wastewater disposal district in a town which district has a board of sewer commissioners, any such local law, ordinance, or resolution may be enacted only in conformance with the recommendation of the board of sewer commissioners. The provisions of sections one hundred thirty and one hundred thirty-three of the town law, as amended from time to time, shall apply to the adoption of such ordinances in towns. Any amendments to or other action taken affecting such sewer rents shall be accomplished in the same manner as herein provided for the original establishment of sewer rents.

3. Sewer rents shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents shall have been established and imposed. The lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof.

4. The local legislative body of a city or village, or of a county or town on behalf of a sewer district or wastewater disposal district may bring and maintain an action (a) as upon contract for sewer rents in arrears, including penalties and interest, or (b) to foreclose liens for such sewer rents; provided, however, that in the case of a sewer district or wastewater disposal district in a town which district has a board of sewer commissioners any such action shall be brought and maintained by such board. As an alternative to the maintenance of any such action, any such local legislative body or board of sewer commissioners of a sewer district or wastewater disposal district, as the case may be, may annually cause a statement to be prepared setting forth the amount of each lien for sewer rents in arrears, the real property affected thereby and the name of the person in whose name such real property is assessed. Such statement shall be presented to the board or body empowered to levy city, village, county or town taxes, as the case may be, on or before a date to be specified by such board or

body. Such board or body shall levy the amounts contained in such statement against the real property liable at the same time and in the same manner as city, village, county or town taxes, as the case may be, and such amounts shall be set forth in a separate column in the annual tax rolls. The amounts so levied shall be collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of city, village, county or town taxes, as the case may be.

5. The local law or ordinance establishing and imposing sewer rents:
(a) Shall describe the sewer system or the part or parts of the sewer system for which such rents shall be established and imposed.
(b) Shall prescribe the basis of the charge for such rents.
(c) Shall provide for the date or dates on which sewer rents shall become due and payable.
(d) May provide for penalties for sewer rents in arrears or for discounts for the prompt payment of such rents, or for both penalties and discounts.

§ 453. Sewer rent fund. Revenues derived from sewer rents, including penalties and interest, shall be credited to a special fund, to be known as the "sewer rent fund." Moneys in such fund shall be used in the following order:

1. For the payment of the costs of operation, maintenance and repairs of the sewer system or such part or parts thereof for which sewer rents have been established and imposed.

2. For the payment of the interest on and amortization of, or payment of, indebtedness which has been or shall be incurred for the construction of the sewer system or such part or parts thereof for which sewer rents have been established and imposed (other than indebtedness, and the interest thereon, which is to be paid in the first instance from assessments upon benefited real property).

3. For the construction of sewage treatment and disposal works with

necessary appurtenances including pumping stations, or for the extension, enlargement, or replacement of, or additions to, such sewer systems, or part or parts thereof.

Such revenues from sewer rents shall not be used (1) to finance the cost of any extension of any part of a sewer system (other than any sewage treatment and disposal works with necessary appurtenances including pumping stations) to serve unsewered areas if such part has been constructed wholly or partly at the expense of real property especially benefited, or (2) for the payment of the interest on, and the amortization of, or payment of, indebtedness which is to be paid in the first instance from assessments upon benefited real property.

§ 454. Power to impose other charges. Subject to the provisions of section eight of this chapter, the establishment and imposition of sewer rents shall not prevent the use of other revenues of the city, village or county or town sewer district for the payment of a part of the costs, for any fiscal year, of operation, maintenance and repairs of the sewer system or any part or parts thereof for which sewer rents have been established and imposed or for the payment of interest on and amortization of, or payment of, indebtedness therefor.

ARTICLE 14-G

INTERLOCAL AGREEMENTS WITH GOVERNMENTAL UNITS OF OTHER STATES

§ 460. Purpose. It is the purpose of this article to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with governmental units of other states on a basis of mutual advantage and thereby to provide services and facilities in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

§ 461. Definitions. As used or referred to in this article, unless a different meaning clearly appears from the context,

1. The term "public agency" shall mean any county, city, town, village, school district, improvement district or district corporation of the state of New York; and any local governmental unit, subdivision, or special district of another state.

2. The term "interlocal agreement" shall mean an agreement entered into pursuant to this article.

3. The term "interlocal advisory board" shall mean a board established pursuant to this article.

4. The term "contracting public agency" shall mean a party to an interlocal agreement.

5. The term "comptroller" shall mean the comptroller of the state of New York.

6. The term "attorney general" shall mean the attorney general of the

state of New York.

§ 462. Interlocal agreements authorized. 1. Any public agency of this state may enter into interlocal agreements with any public agency or agencies of any other state or states providing for any of the following:

(a) The exchange, furnishing or providing by one or more of the contracting public agencies to one or more of the other contracting public agencies of services, personnel, facilities, equipment, or any other property or resources for any one or more of the following purposes or uses:

(1) Fire prevention and fire fighting
(2) Supply of water, gas or electricity
(3) Garbage collection and disposal
(4) Sewage disposal
(5) Refuse collection and disposal, and public dumps
(6) Storm drainage
(7) Airports or landing fields
(8) Parks, playgrounds, swimming pools, recreation centers, or other recreational areas or facilities
(9) Youth counselling and guidance
(10) Municipal planning services
(11) Engineering services
(12) Lighting
(13) Ambulance service
(14) Fire and police radio and communication systems
(15) Hospital service
(16) Public health services
(17) Mental health services
(18) Cemeteries
(19) Libraries or bookmobiles
(20) Suppression or control of plant and animal pests or diseases
(21) Propagation of game, game birds or fish
(22) Publicizing the advantages of the region
(23) Roads and highways.

(b) The establishment of an interlocal advisory board or boards to recommend programs and policies for cooperative or uniform action in any fields of activity enumerated in paragraph (a) of this subdivision and permitted or authorized for each contracting public agency, and from time to time to advise with the appropriate officials of the contracting public agencies in respect to such programs, policies or fields of activity.

2. Nothing contained in this article shall be construed to authorize or permit any public agency of this state to receive, obtain, furnish or provide services, facilities, personnel, equipment, or any other property or resources, or to engage in or perform any function or activity by means of an interlocal agreement if it does not have constitutional or statutory power or authorization to receive, obtain, furnish or provide the same or substantially similar services, facilities, personnel, equipment, other property or resources, or to engage in or perform the same or a substantially similar function or activity on its own account.

§ 463. Manner of authorizing interlocal agreements. An interlocal agreement must be authorized and approved by the governing body of the contracting public agency of this state, subject to the following requirements:

1. If the same or substantially similar services, facilities, personnel, equipment, other property or resources may be received, obtained, provided or furnished, or the same or substantially similar functions or activities engaged in or performed under the laws of this state by a joint agreement or undertaking between or among public agencies within this state, and if the statutes applicable to such joint agreement or undertaking require the holding of a public hearing or make it subject to a referendum, the governing board of the contracting public agency of this state shall, before it approves the interlocal agreement, hold a public hearing or provide the same type of referendum in substantially the same manner and on substantially the same notice provided in such statutes.

2. If the contracting public agency of this state has the authority to receive, obtain, provide or furnish the same or substantially similar services, facilities, personnel, equipment, other property or resources, or to engage in or perform the same or substantially similar functions or activities without an interlocal agreement only after a public hearing or subject to a referendum, and if the provisions of subdivision one of this section shall not apply, the governing board of the contracting public agency of this state shall, before it approves the interlocal agreement, hold a public hearing or provide the same type of referendum in the same manner and on the same notice as though such public agency were receiving, obtaining, providing or furnishing such services, facilities, personnel, equipment, other property or resources, or engaging in or performing such functions or activities without an interlocal agreement.

3. An interlocal agreement not covered by subdivision one or subdivision two of this section shall be approved only after the governing board of the contracting public agency of this state has held a public hearing on the interlocal agreement. Notice of such public hearing shall be published at least twice in a newspaper having general circulation in the territory of such contracting public agency not less than ten days nor more than twenty days before the day designated therein for the hearing. Such notice shall contain a brief description in general terms of the interlocal agreement and specify the place where and time when the governing board will meet to consider such interlocal agreement and to hear all interested persons.

§ 464. Appointment of members of interlocal advisory boards. Each contracting public agency of this state shall be represented on any interlocal advisory board established by an interlocal agreement to which it is a party. Its representatives shall be appointed by the governing board of the contracting public agency of this state, or in such other manner as shall be prescribed by such governing board. The qualifications, terms of office and compensation, if any, of such representatives shall be prescribed by such governing board, subject to any applicable provisions of the interlocal agreement.

§ 465. Payment of compensation and reimbursement for traveling expenses. In addition to paying such compensation as may be prescribed pursuant to section four hundred sixty-four of this article, a contracting public agency of this state may reimburse its representatives on an interlocal advisory board for expenses for travel, both within and without this state, incurred by them in connection with services on such board.

§ 466. Contents of interlocal agreement. Each interlocal agreement shall contain the following:

1. A statement of the duration of the agreement, which shall not exceed forty years, and any other appropriate provisions relating to the termination of the agreement.

2. The purpose or purposes of the agreement.

3. Provisions for the payment by a contracting public agency of consideration for receiving or obtaining services, personnel, facilities, equipment, other property or resources from another contracting public agency or agencies. Such consideration shall be a prorated share of the cost of the services, personnel, facilities, equipment, other property or resources furnished or provided. Such cost may be prorated on the basis of any reasonable formula agreeable to the respective contracting public agencies.

4. Such provisions as may be feasible for the indemnification of contracting public agencies and their officials, officers or employees, by means of insurance or otherwise, against any losses, damages or liabilities arising out of the receiving, obtaining, furnishing or providing of services, personnel, facilities, equipment, or any other property or resources pursuant to the interlocal agreement.

5. If the interlocal agreement establishes an interlocal advisory board or boards, (a) provisions governing the nature and scope of activities with respect to which the board shall make studies, recommend programs and policies, and give advice; (b) provisions or procedures relating to the manner in which such interlocal advisory board or boards shall make reports; (c) provisions for the furnishing by one or more of the contracting public agencies of such office space, office or other facilities or equipment, supplies and professional, technical or clerical help as may be required in the work of the interlocal advisory board or boards, and provisions for the sharing of the expenses thereof; (d) provisions relating to the payment or sharing of the costs of compensation of members of the interlocal advisory board or boards, and reimbursement for their traveling expenses; and (e) such other provisions as may be appropriate and desirable governing the establishment, functioning and termination of the interlocal advisory board or boards.

6. Provisions governing the adjudication or settlement of disputes, giving of notices, and any and all other matters necessary or appropriate to the performance of the interlocal agreement.

§ 467. Appropriation and raising of funds. All costs and expenses which a contracting public agency of this state shall incur in connection with the receiving, obtaining, providing or furnishing of services, personnel, facilities, equipment, other property or resources, or the engaging in or performance of functions or activities under an interlocal agreement shall be incurred, appropriated, raised, financed and audited in the same manner and subject to the same statutory provisions and restrictions as though such contracting public agency were receiving, obtaining or providing the same or substantially similar services, personnel, facilities, equipment, other property or resources, or engaging in or performing the same or substantially similar functions or activities without an interlocal agreement.

§ 468. State aid. If the function or activity to be performed under an interlocal agreement is by the law of this state entitled to state aid, the contracting public agency of this state may claim state aid. Such state aid shall be computed, apportioned and paid by the proper departments, agencies or officers of this state to the contracting public agency of this state in the same manner and subject to the same conditions and requirements as would apply if the interlocal agreement were not in force; provided, however, that in making such computation, apportionment and payments, such state departments, agencies or officers shall take into account any funds or other consideration received or to be received by the contracting public agency of this state from contracting public agencies of other states under the interlocal agreement.

§ 469. Approval of attorney general and other state officials. Prior to and as a condition precedent to its entry into force,

1. An interlocal agreement or any amendment thereto shall be submitted to the attorney general, who shall determine whether the agreement or amendment is in proper form and compatible with the laws and public policy of this state. The attorney general shall approve the interlocal agreement or amendment unless he shall find that it does not meet the conditions and requirements set forth herein. He shall report in writing to the governing boards of the contracting public agencies the specific respects in which the proposed agreement or amendment fails to meet the conditions or requirements of law or of public policy. The failure of the attorney general to disapprove an interlocal agreement or amendment within ninety days after receipt of the approvals required by subdivision two of this section, or within such longer period as shall be consented to by the contracting public agencies, shall constitute approval thereof.

2. In the event that an interlocal agreement or amendment thereto shall deal in whole or in part with the receiving, obtaining, providing or furnishing of services, facilities, personnel, equipment, or other property or resources, or the engaging in or performance of functions or activities with regard to which the attorney general shall certify that

a department, officer or agency of this state has constitutional or statutory responsibilities, powers, functions or duties or acts as agent of the state in connection with any federal or interstate program, the agreement or amendment shall be submitted to such department, officer or agency, and shall be approved or disapproved by it or him as to all matters within its or his jurisdiction. This approval shall be subject to the same requirements governing the action of the attorney general under subdivision one of this section. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorney general.

3. A legal opinion or opinions must be submitted to the attorney general, in such form as shall be prescribed or approved by him, concerning the authority of the contracting public agency or agencies of the other state or states to enter into the interlocal agreement or any amendment thereto.

4. A copy of the interlocal agreement and of any amendment thereto, certified by the clerk or other appropriate officer of the governing board of the contracting public agency of this state, shall be filed with the county clerk of each of the counties of this state in which such contracting public agency is located; and another copy, similarly certified, shall be filed with the secretary of state of this state.

§ 470. Reports to and audit by comptroller. Each contracting public agency shall render to the comptroller such reports concerning the transactions, operations and activities entered into, performed or conducted under an interlocal agreement at such time, in such form and manner, and containing such information as shall be prescribed by the comptroller. The comptroller shall have the power to examine and investigate the accounts and records of all officers and employees of the contracting public agencies who may be concerned with such transactions, operations and activities. For the purpose of such examination and investigation, the comptroller shall have the power to compel the appearance and attendance of any persons whose testimony may be required, to administer oaths, to take testimony, to issue subpoenas, and to compel the production of books and papers, in the manner provided by sections thirty-three and thirty-four of the general municipal law and section nine of the state finance law of this state. No such person may be compelled to appear and be examined elsewhere than within the area under the jurisdiction of the contracting public agency which he serves or with which he has any transactions under investigation. Each interlocal agreement shall expressly provide for the compliance by the officers and employees of each contracting public agency with the directions of the comptroller regarding the making of reports; and expressly provide for the submission of such officers and employees to examinations by and investigations of the comptroller as herein provided.

§ 471. Controversy involving interlocal agreement. In any case or controversy involving the performance or interpretation of the interlocal agreement or liability thereunder, the contracting public agencies shall be the real parties in interest.

§ 472. Conflicts with special statutes. The authorization in this article to receive, obtain, provide, or furnish any services, facilities, personnel, equipment, property or other resources, or perform or engage in any functions or activities by means of an interlocal agreement shall be in addition to and not in substitution for or in limitation of any authorizations for joint or cooperative agreements or undertakings contained in other provisions of the law of this state; provided, however, that if any of the provisions of this article shall be in conflict with any other statutes of this state providing for the authorization or performance of joint or cooperative agreements or undertakings between public agencies of this state and public agencies of other states, the provisions of such other statutes shall be controlling.

§ 473. Construction and severability. This article shall be liberally construed to effectuate its purposes. The provisions of this article shall be severable and if any provision, sentence, clause or phrase of this article or the application thereof to any person or agency shall be held contrary to the constitution of this state or of the United States, all other provisions hereof and their application to any other persons or agencies shall not be affected thereby.

ARTICLE 14-H

LOCAL OPTION FOR CONDUCT OF
BINGO BY CERTAIN ORGANIZATIONS

§ 475. Short title; purpose of article. This article shall be known and may be cited as the bingo licensing law. The legislature hereby declares that the raising of funds for the promotion of bona fide charitable, educational, scientific, health, religious, civic and patriotic causes and undertakings, where the beneficiaries are indefinite, is in the public interest. It hereby finds that, as conducted prior to the enactment of this article, bingo was the subject of exploitation by professional gamblers, promoters, and commercial interests. It is hereby declared to be the policy of the legislature that all phases of the supervision, licensing and regulation of bingo and of the conduct of bingo games, should be closely controlled and that the laws and regulations pertaining thereto should be strictly construed and rigidly enforced; that the conduct of the game and all attendant activities should be so regulated and adequate controls so instituted as to discourage commercialization in all its forms, including the rental of commercial premises for bingo games, and to ensure a maximum availability of the net proceeds of bingo exclusively for application to the worthy causes and undertakings specified herein; that the only justification for this article is to foster and support such worthy causes and undertakings, and that the mandate of section nine of article one of the state constitution, as amended, should be carried out by rigid regulation to prevent commercialized gambling, prevent participation by criminal and other undesirable elements and prevent the diversion of funds from the purposes herein authorized.

§ 476. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Municipality" shall mean any city, town or village within this state.

2. "Control commission" or "commission" shall mean the New York state gaming commission created pursuant to section one hundred two of the racing, pari-mutuel wagering and breeding law.

3. "Bingo" or "game" shall mean and include a specific game of chance, commonly known as bingo or lotto, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

4. "Authorized organization" shall mean and include any bona fide religious or charitable organization or bona fide educational, fraternal, civic or service organization or bona fide organization of veterans, volunteer firefighters, or volunteer ambulance workers, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in this article, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this article for a period of one year immediately prior to applying for a license under this article.

5. "Bingo control law" shall mean article nineteen-B of the executive law.

6. "Lawful purposes" shall mean one or more of the following causes, deeds or activities:

(a) Those which shall benefit needy or deserving persons indefinite in number by enhancing their opportunity for religious or educational advancement, by relieving them from disease, suffering or distress, or by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded and enhancing their loyalty to their governments;

(b) Those which shall initiate, perform or foster worthy public works or shall enable or further the erection or maintenance of public structures;

(c) Those which shall initiate, perform or foster the provisions of services to veterans by encouraging the gathering of such veterans and shall enable or further the erection or maintenance of facilities for use by such veterans which shall be used primarily for charitable or patriotic purposes, or those purposes which shall be authorized by a bona fide organization of veterans, provided however that such proceeds are disbursed in accordance with the rules and regulations of the state gaming commission.

(d) Those which shall otherwise lessen the burdens borne by government or which are voluntarily undertaken by an authorized organization to augment or supplement services which government would normally render to the people.

7. "Net proceeds" shall mean (a) in relation to the gross receipts from one or more occasions of bingo, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for bingo supplies and equipment, prizes, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the commission, janitorial services and utility supplies if any, license fees, and the cost of bus transportation, if authorized by the control commission, and (b) in relation to the gross rent received by an organization licensed to conduct bingo for the use of its premises by another licensee, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for janitorial services and utility supplies directly attributable thereto if any.

8. "Net lease" shall mean a written agreement between a lessor and lessee under the terms of which the lessee is entitled to the possession, use or occupancy of the whole or part of any commercial premises for which the lessee pays rent to the lessor and likewise undertakes to pay substantially all of the regularly recurring expenses

incident to the operation and maintenance of such leased premises.

9. "Authorized commercial lessor" shall mean a person, firm or corporation other than a licensee to conduct bingo under the provisions of this article, who or which owns or is a net lessee of premises and offer the same for leasing by him, her or it to an authorized organization for any consideration whatsoever, direct or indirect, for the purpose of conducting bingo therein, provided that he, she or it, as the case may be, shall not be

(a) a person convicted of a crime if there is a direct relationship between one or more of the previous criminal offenses and the integrity or safety of bingo, considering the factors set forth in article twenty-three-A of the correction law;

(b) a person who is or has been a professional gambler or gambling promoter or who for other reasons is not of good moral character;

(c) a public officer who receives any consideration, direct or indirect, as owner or lessor of premises offered for the purpose of conducting bingo therein;

(d) a firm or corporation in which a person defined in paragraph (a), (b) or (c) of this subdivision or a person married or related in the first degree to such a person has greater than a ten percent proprietary, equitable or credit interest or in which such a person is active or employed.

Nothing contained in this subdivision shall be construed to bar any firm or corporation that is not organized for pecuniary profit and no part of the net earnings of which inure to the benefit of any individual, member, or shareholder, from being an authorized commercial lessor solely because a public officer, or a person married or related in the first degree to a public officer, is a member of, active in or employed by such firm or corporation.

10. "Limited period bingo" shall mean the conduct of bingo by a licensed authorized organization, for a period of not more than seven of twelve consecutive days in any one year, at a festival, bazaar, carnival or similar function conducted by such licensed authorized organization. No authorized organization licensed to conduct limited period bingo

shall be otherwise eligible to conduct bingo pursuant to this article in the same year.

11. "Supercard" shall mean a bingo card on which prizes are awarded, which card is selected by the player, containing five designated numbers, colors or symbols, corresponding to the letters B, I, N, G, O, displayed on the bingo board of the bingo premises operator, which can be played concurrently with the other bingo cards played during the game of bingo.

11-a. "Early bird" shall mean a bingo game which is played as a special game, conducted not more than twice during a bingo occasion, in which prizes are awarded based upon a percentage not to exceed seventy-five percent of the sum of money received from the sale of the early bird cards and which is neither subject to the prize limits imposed by subdivisions five and six of section four hundred seventy-nine and paragraph (a) of subdivision one of section four hundred eighty-one, nor the special game opportunity charge limit imposed by section four hundred eighty-nine of this article. The percentage shall be specified both in the application for bingo license and the license. Not more than one dollar shall be charged per card with the total amount collected from the sale of the early bird cards and the prize for each game to be announced before the commencement of each game.

11-b. "Bonus ball" shall mean a bingo game that is played in conjunction with one or more regular or special bingo games designated as bonus ball games by the licensed authorized organization during one or more consecutive bingo occasions in which a prize is awarded to the player obtaining a specified winning bingo pattern when the last number called by the licensed authorized organization is the designated bonus ball number. The bonus ball prize shall be based upon a percentage of the sales from opportunities to participate in bonus ball games not to exceed seventy-five percent of the sum of money received from the sale of bonus ball opportunities or six thousand dollars, whichever shall be less, and which is not subject to the prize limits imposed by subdivisions five and six of section four hundred seventy-nine and paragraph (a) of subdivision one of section four hundred eighty-one of this article. The percentage shall be specified both in the application for the bingo license and the license. Notwithstanding section four hundred eighty-nine of this article, not more than one dollar shall be charged per player for an opportunity to participate in all bonus ball games conducted during a single bingo occasion, and the total amount collected from the sale of bonus ball opportunities and the amount of the prize to be awarded shall be announced prior to the start of each bingo occasion.

12. "Prize", where supercard is played as set forth in subdivision eleven of this section, shall mean the sum of money or actual value of merchandise awarded to the winner or winners on a game card during a game of bingo and the sum of money or actual value of merchandise awarded to the winner or winners on a supercard in excess of the total receipts derived from the sale of supercards for that specific game.

13. "Ancillary non-gaming activity" shall mean any activity not directly related to the conduct or outcome of any game of bingo, and shall include assisting at any food concession, cleaning, maintenance and site preparation at the location where games of bingo are conducted.

§ 477. Local option. Subject to the provisions of this article, and pursuant to the direction contained in subdivision two of section nine of article one of the constitution of the state, the legislature hereby gives and grants to every municipality the right, power and authority to authorize the conduct of bingo games by authorized organizations within the territorial limits of such municipality provided, however, that where the electors of a village shall hereafter approve a local law or ordinance pursuant to section four hundred seventy-eight of this article, the right, power and authority under this article of any town in which such village is located shall not extend to such village during such time as such village local law or ordinance is in effect.

§ 478. Local laws and ordinances. 1. The common council or other local legislative body of any municipality may, either by local law or ordinance, provide that it shall be lawful for any authorized organization, upon obtaining a license therefor as hereinafter provided, to conduct the game of bingo within the territorial limits of such municipality, subject to the provisions of such local law or ordinance, the provisions of this article, and the provisions of the bingo control law.

2. No such local law or ordinance shall become operative or effective unless and until it shall have been approved by a majority of the electors voting on a proposition submitted at a general or special election held within such municipality who are qualified to vote for officers of such municipality.

3. The time, method and manner of submission, preparation and provision of ballots and ballot labels, balloting by voting machine and conducting the election, canvassing the result and making and filing the returns and all other procedure with reference to the submission of and action upon any proposition for the approval of any such local law or ordinance shall be the same as in the case of any other proposition to be submitted to the electors of such municipality at a general or special election in such municipality, as provided by law.

§ 479. Restrictions upon conduct of bingo games. The conduct of bingo games authorized by local law or ordinance shall be subject to the following restrictions irrespective of whether the restrictions are contained in such local law or ordinance; but nothing herein shall be construed to prevent the inclusion within such local law or ordinance of other provisions imposing additional restrictions upon the conduct of bingo games:

1. No person, firm, association, corporation or organization, other than a licensee under the provisions of this article, shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.

2. No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

3. No authorized organization licensed under the provisions of this article shall purchase, lease, or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the bingo control law or from another authorized organization.

4. The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

5. No prize shall exceed the sum or value of five thousand dollars in any single game of bingo.

6. No series of prizes on any one bingo occasion shall aggregate more than fifteen thousand dollars.

7. No person except a bona fide member of any such organization shall participate in the management or operation of such game.

8. No person shall receive any remuneration for participating in the management or operation of any game of bingo.

9. The unauthorized conduct of a bingo game and any wilful violation of any provision of any local law or ordinance shall constitute and be punishable as a misdemeanor.

9-a. No person licensed to sell bingo supplies or equipment, or their agents, shall conduct, participate in, or assist in the conduct of bingo. Nothing herein shall prohibit a licensed distributor from selling, offering for sale, or explaining a product to an authorized organization, or installing, or servicing bingo equipment, upon the premises of a bingo game licensee.

10. Limited period bingo shall be conducted in accordance with the provisions of this article and the rules and regulations of the commission.

§ 480. Application for license. 1. To conduct bingo. (a) Each applicant for a license to conduct bingo shall, after obtaining an identification number from the control commission, file with the clerk of the municipality a written or electronic application therefor in the form prescribed in the rules and regulations of the control commission, duly executed and verified, in which such applicant shall state:

(1) the name and address of the applicant together with sufficient facts relating to such applicant's incorporation and organization to enable the governing body of the municipality to determine whether or not the applicant is a bona fide authorized organization;

(2) the names and addresses of the applicant's officers; the place or places where, and the date or dates and the time or times when, the applicant intends to conduct bingo under the license applied for;

(3) in case the applicant intends to lease premises for this purpose from other than an authorized organization, the name and address of the licensed commercial lessor of such premises, and the capacity or potential capacity for public assembly purposes of space in any premises presently owned or occupied by the applicant;

(4) the amount of rent to be paid or other consideration to be given directly or indirectly for each occasion for use of the premises of another authorized organization licensed under this article to conduct bingo or for use of the premises of a licensed commercial lessor;

(5) all other items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such games of bingo and the names and addresses of the persons to whom, and the purposes for which, they are to be paid;

(6) the specific purposes to which the entire net proceeds of such games of bingo are to be devoted and in what manner; that no commission, salary, compensation, reward or recompense will be paid to any person for conducting such bingo game or games or for assisting therein except

as in this article otherwise provided; and such other information as shall be prescribed by the rules and regulations of the commission.

(b) In each application there shall be designated an active member or members of the applicant organization under whom the game or games of bingo will be conducted and to the application shall be appended a statement executed by the member or members so designated, that he, she or they will be responsible for the conduct of such bingo games in accordance with the terms of the license, the rules and regulations of the commission and this article.

2. Commercial lessor. (a) Each applicant for a license to lease premises to a licensed organization for the purposes of conducting bingo therein shall file with the clerk of the municipality an application therefor in a form prescribed in the rules and regulations of the control commission duly executed and verified, which shall set forth the name and address of the applicant; designation and address of the premises intended to be covered by the license sought; lawful capacity for public assembly purposes; cost of premises and assessed valuation for real estate tax purposes, or annual net lease rent, whichever is applicable; gross rentals received and itemized expenses for the immediately preceding calendar or fiscal year, if any; gross rentals, if any, derived from bingo during the last preceding calendar or fiscal year; computation by which proposed rental schedule was determined; number of occasions on which applicant anticipates receiving rent for bingo during the ensuing year or shorter period if applicable; proposed rent for each such occasion; estimated gross rental income from all other sources during the ensuing year; estimated expenses itemized for ensuing year and amount of each item allocated to bingo rentals; a statement that the applicant in all respects conforms with the specifications contained in the definition of "authorized commercial lessor" set forth in section four hundred seventy-six of this article, and such other information as shall be prescribed by the rules and regulations of the commission.

(b) At the end of the license period, a recapitulation, in a manner prescribed in the rules and regulations of the commission, shall be made as between the licensee and the municipal governing body in respect of the gross rental actually received during the license period and the fee paid therefor. The licensee shall pay any deficiency of fee thereby shown to be due and any excess of fee thereby shown to have been paid shall be credited to such licensee, in such manner as the commission by rules and regulations shall prescribe.

§ 481. Investigation; matters to be determined; issuance of license; fees; duration of license. 1. The governing body of the municipality shall make an investigation of the qualifications of each applicant and the merits of each application, with due expedition after the filing of the application.

(a) Issuance of licenses to conduct bingo. If the governing body of the municipality determines:

(i) that the applicant is duly qualified to be licensed to conduct bingo under this article;

(ii) that the member or members of the applicant designated in the application to conduct bingo are bona fide active members or auxiliary members of the applicant and are persons of good moral character and have never been convicted of a crime if there is a direct relationship between one or more of the previous criminal offenses and the integrity or safety of bingo, considering the factors set forth in article twenty-three-A of the correction law;

(iii) that such games of bingo are to be conducted in accordance with the provisions of this article and in accordance with the rules and regulations of the commission;

(iv) that the proceeds thereof are to be disposed of as provided by this article;

(v) that no commission, salary, compensation, reward or recompense whatsoever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation and conduct of any such games of bingo except as in this article otherwise provided; and

(vi) that no prize will be offered and given in excess of the sum or value of five thousand dollars in any single game of bingo and that the aggregate of all prizes offered and given in all of such games of bingo conducted on a single occasion under said license shall not exceed the sum or value of fifteen thousand dollars, then the municipality shall issue a license to the applicant for the conduct of bingo upon payment of a license fee of eighteen dollars and seventy-five cents for each bingo occasion.

Notwithstanding anything to the contrary in this paragraph, the governing body shall refuse to issue a license to an applicant seeking to conduct bingo in premises of a licensed commercial lessor where such governing body determines that the premises presently owned or occupied by such applicant are in every respect adequate and suitable for conducting bingo games.

(b) Issuance of licenses to commercial lessors. If the governing body of the municipality shall determine that the applicant seeking to lease a hall or premises for the conduct of bingo to an authorized organization is duly qualified to be licensed under this article; that the applicant satisfies the requirements for an authorized commercial lessor as defined in section four hundred seventy-six that at the time of the issuance of an initial license, the governing body of the municipality shall find and determine that there is a public need and that public advantage will be served by the issuance of such license; that the applicant has filed its proposed rent for each bingo occasion; that the commission has approved as fair and reasonable a schedule of maximum rentals for each such occasion; that there is no diversion of the funds of the proposed lessee from the lawful purposes as defined in this article; and that such leasing of a hall or premises for the conduct of bingo is to be in accordance with the provisions of this article and in accordance with the rules and regulations of the commission, it shall issue a license permitting the applicant to lease said premises for the conduct of bingo to the authorized organization or organizations specified in the application during the period therein specified or such shorter period as the governing body of the municipality shall determine, but not to exceed one year, upon payment of a license fee of ten dollars plus an amount based upon the aggregate rent specified in the license and determined in accordance with the following schedule:

aggregate rental of $100 to $499 .... $5.00
aggregate rental of $500 to $999 .... $25.00
aggregate rental of $1,000 to $2,499 .... $50.00
aggregate rental of $2,500 to $4,999 .... $125.00

aggregate rental of $5,000 to $9,999 .... $250.00
aggregate rental of $10,000 to $49,999 .... $500.00
aggregate rental of $50,000 to $100,000 .... $2,500.00
aggregate rental in excess of $100,000 .... $5,000.00

2. On or before the thirtieth day of each month, the treasurer of the municipality shall transmit to the state comptroller a sum equal to fifty percent of all commercial lessor license fees and the sum of eleven dollars and twenty-five cents per occasion of all license fees for the conduct of bingo collected by such municipality pursuant to this section during the preceding calendar month.

3. No license shall be issued under this article which shall be effective for a period of more than one year. In the case of limited period bingo, no license shall be issued authorizing the conduct of such games on more than two occasions in any one day nor shall any license be issued under this article which shall be effective for a period of more than seven of twelve consecutive days in any one year. No license for the conduct of limited period bingo shall be issued in cities having a population of one million or more.

§ 482. Hearing; amendment of license. 1. No application for the issuance of a license shall be denied by the governing body until after a hearing, held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

2. Any license issued under this article may be amended, upon application made to the governing body of the municipality which issued it, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of such additional license fee if any, as would have been payable if it had been so included.

§ 483. Form and contents of license; display of license. 1. Eeach license to conduct bingo shall be in such form as shall be prescribed in the rules and regulations promulgated by the control commission, and shall contain a statement of the name and address of the licensee, of the names and addresses of the member or members of the licensee under whom the games will be conducted, of the place or places where and the date or dates and time or times when such games are to be conducted and of the specific purposes to which the entire net proceeds of such games are to be devoted; if any prize or prizes are to be offered and given in cash, a statement of the amounts of the prizes authorized so to be offered and given; and any other information which may be required by said rules and regulations to be contained therein, and each license issued for the conduct of any game shall be conspicuously displayed at the place where same is to be conducted at all times during the conduct thereof.

2. Each license to lease premises for conducting bingo shall be in such form as shall be prescribed in the rules and regulations of the control commission and shall contain a statement of the name and address of the licensee and the address of the leased premises, the amount of permissible rent and any other information which may be required by said rules and regulations to be contained therein, and each such license shall be conspicuously displayed upon such premises at all times during the conduct of bingo.

§ 484. Control and supervision; suspension of licenses; inspection of premises. 1. The governing body of any municipality issuing any license under this article shall have and exercise rigid control and close supervision over all games of bingo conducted under such license, to the end that the same are fairly conducted in accordance with the provisions of such license, the provisions of the rules and regulations promulgated by the control commission and the provisions of this article and such governing body and the control commission shall have the power and the authority to suspend any license issued by such governing body and to revoke the same, and, additionally, in the case of an authorized commercial lessor, to impose a fine in an amount not exceeding one thousand dollars, after notice and hearing, for violation of any such provisions, and shall have the right of entry, by their respective officers and agents, at all times into any premises where any game of bingo is being conducted or where it is intended that any such game shall be conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

2. In addition to the authority granted pursuant to subdivision one of this section, the governing body and the control commission, in a city having a population of one million or more, may impose a fine in an amount not exceeding one thousand dollars, after notice and hearing, on any licensee under this article for violation of any provision of such license, this article or rules and regulations promulgated pursuant thereto.

§ 485. Sunday; conduct of games on. No games of bingo shall be conducted under any license issued under this article on the first day of the week, commonly known as designated as Sunday, unless it shall be otherwise provided in the license issued for the holding, operating and conducting thereof, pursuant to the provisions of a local law or an ordinance duly adopted by the governing body of the municipality issuing the license, authorizing the conduct of bingo under this article on that day.

§ 486. Participation by persons under the age of eighteen. No person under the age of eighteen years shall be permitted to play any game or games of bingo conducted pursuant to any license issued under this article. No person under the age of eighteen years shall be permitted to conduct, operate or assist in the conduct of any game of bingo conducted pursuant to any license issued pursuant to this article. Nothing in this section shall prevent a person sixteen years of age or older from performing ancillary non-gaming activities conducted in conjunction with any game of bingo conducted pursuant to any license pursuant to this article.

§ 487. Frequency of game; sale of alcoholic beverages. No game or games of bingo, except limited period bingo, shall be conducted under any license issued under this article more often than on eighteen days in any three successive calendar months. No game or games of limited period bingo shall be conducted between the hours of twelve midnight postmeridian and noon, and no more than sixty games may be conducted on any single occasion of limited period bingo. No game or games of bingo shall be conducted in any room or outdoor area where alcoholic beverages are sold, served or consumed during the progress of the game or games.

§ 488. Persons operating and conducting games; equipment; expenses; compensation. 1. No person shall hold, operate or conduct any game of bingo under any license issued under this article except a bona fide member of the authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game of bingo under such license except such a bona fide member or a bona fide member of an organization or association which is an auxiliary to the licensee or a bona fide member of an organization or association of which such licensee is an auxiliary or a bona fide member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided. Provided, however, any person may assist the licensed organization in any activity related to the game of bingo which does not actually involve the holding, conducting, managing or operating of such game of bingo. No game of bingo shall be conducted with any equipment except such as shall be owned absolutely or leased by the authorized organization so licensed or used without payment of any compensation therefor by the licensee. Lease terms and conditions shall be subject to rules and regulations promulgated by the board. This article shall not be construed to authorize or permit an authorized organization to engage in the business of leasing bingo supplies or equipment. No items of expense shall be incurred or paid in connection with the conducting of any game of bingo pursuant to any license issued under this article, except those that are reasonable and are necessarily expended for bingo supplies and equipment, prizes, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the commission, janitorial services and utility supplies if any, and license fees, and the cost of bus transportation, if authorized by the control commission.

2. Notwithstanding any provision of this article to the contrary, a person who is a bona fide member of an organization licensed to conduct the game of bingo and is also a bona fide member of one or more other organizations which are also licensed to conduct the game of bingo, and such organizations are not affiliates or auxiliaries of the others, shall be authorized to operate, conduct or assist in the operation or conduct of games of bingo held by any of such organizations licensed to conduct bingo.

§ 489. Charge for admission and participation; amount of prizes; award of prizes. Except in the conduct of limited period bingo, not more than five dollars shall be charged by any licensee for admission to any room or place in which any game or games of bingo are to be conducted under any license issued under this article, which admission fee, upon payment thereof, shall entitle the person paying the same to participate without additional charge in all regular games of bingo to be played under such license on such occasion. In the conduct of limited period bingo: (a) no admission fee shall be charged, (b) not more than twenty-five cents shall be charged for a single opportunity to participate in any one game, which charge, upon payment thereof, shall entitle the person paying the same to one card for participation in one such game, and (c) no licensee shall sell more than five opportunities to each player participating in any one game. Every winner shall be determined and every prize shall be awarded and delivered within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any game of bingo.

§ 490. Advertising of bingo games. A licensee may advertise the conduct of an occasion of bingo to the general public by means of newspaper, radio, circular, handbill and poster, by one sign not exceeding sixty square feet in area, which may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, and through the internet or television as may be regulated by the rules and regulations of the commission. When an organization is licensed to conduct bingo occasions on the premises of another licensed authorized organization or of a licensed commercial lessor, one additional such sign may be displayed on or adjacent to the premises in which the occasions are to be conducted. Additional signs may be displayed upon any firefighting or ambulance equipment belonging to any licensed authorized organization which is a volunteer fire company, volunteer ambulance corps or upon any equipment of a first aid or rescue squad in and throughout the community served by such volunteer fire company, volunteer ambulance corps or such first aid or rescue squad, as the case may be. All advertisements shall be limited to the description of such event as "bingo", the name of the licensed authorized organization conducting such bingo occasions, the license number of the authorized organization as assigned by the clerk; the prizes offered and the date, location and time of the bingo occasion.

§ 491. Statement of receipts, expenses; additional license fees. 1. Within seven days after the conclusion of any occasion of bingo, the authorized organization that conducted the same, and such authorized organization's members who were in charge thereof, and when applicable the authorized organization that rented its premises therefor, shall each furnish to the clerk of the municipality a statement subscribed by the member in charge and affirmed by such person as true, under the penalties of perjury, showing the amount of the gross receipts derived therefrom and each item of expense incurred, or paid, and each item of expenditure made or to be made, the name and address of each person to whom each such item has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from such game or rental, as the case may be, and the use to which such proceeds have been or are to be applied and a list of prizes offered and given, with the respective values thereof. A clerk may make provisions for the option for the electronic filing of such statement. It shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement and within fifteen days after the end of each calendar quarter during which there has been any occasion of bingo, a summary statement of such information, in form prescribed by the commission, shall be furnished in the same manner to the commission.

2. Upon the filing of such statement of receipts, the authorized organization furnishing the same shall pay to the clerk of the municipality as and for an additional license fee a sum based upon the reported net proceeds, if any, for the occasion covered by such statement and determined in accordance with such schedule as shall be established from time to time by the commission to defray the cost to municipalities of administering the provisions of this article and of article nineteen-B of the executive law.

§ 492. Examination of books and records; examination of managers, etc.; disclosure of information. The governing body of the municipality and the control commission shall have power to examine or cause to be examined the books and records of

1. Any authorized organization which is or has been licensed to conduct bingo, so far as they may relate to bingo including the maintenance, control and disposition of net proceeds derived from bingo or from the use of its premises for bingo, and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game under any such license, the use of its premises for bingo, or the disposition of net proceeds derived from bingo, as the case may be.

2. Any licensed authorized commercial lessor so far as they may relate to leasing premises for bingo and to examine said lessor or any manager, officer, director, agent or employee thereof under oath in relation to such leasing.

Any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this article, and article nineteen-B of the executive law.

§ 493. Appeals from municipal governing body to control commission. Any applicant for, or holder of, any license issued or to be issued under this article aggrieved by any action of the governing body of the municipality to which such application has been made or by which such license has been issued, may appeal to the control commission from the determination of said governing body by filing with the governing body a written notice of appeal within thirty days after the determination or action appeal from, and upon the hearing of such appeal, the evidence, if any, taken before the governing body and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the control commission upon said appeal shall be binding upon said governing body and all parties to said appeal.

§ 494. Exemption from prosecution. No person or corporation lawfully conducting, or participating in the conduct of bingo or permitting the conduct upon any premises owned or leased by him or it under any license lawfully issued pursuant to this article, shall be liable to prosecution or conviction for violation of any provision of article two hundred twenty-five of the penal law or any other law or ordinance to the extent that such conduct is specifically authorized by this article, but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of bingo under any license obtained by any false pretense or by any false statement made in any application for license or otherwise, or permitting the conduct upon any premises owned or leased by him or it of any game of bingo conducted under any license known to him or it to have been obtained by any such false pretense or statement.

§ 495. Offenses; forfeiture of license; ineligibility to apply for

license. Any person, association or corporation who or which shall:

(1) make any false statement in any application for any license authorized to be issued under this article;

(2) pay or receive, for the use of any premises for conducting bingo, a rental in excess of the amount specified as the permissible rent in the license provided for in subdivision two of section four hundred eighty of this article;

(3) fail to keep such books and records as shall fully and truly record all transactions connected with the conducting of bingo or the leasing of premises to be used for the conduct of bingo;

(4) falsify or make any false entry in any books or records so far as they relate in any manner to the conduct of bingo, to the disposition of the proceeds thereof and to the application of the rents received by any authorized organization;

(5) divert or pay any portion of the net proceeds of any game of bingo to any person, association or corporation, except in furtherance of one or more of the lawful purposes defined in this article; or

(6) violate any of the provisions of this article or of any term of any license issued under this article;

shall be guilty of a misdemeanor and shall forfeit any license issued under this article and be ineligible to apply for a license under this article for one year thereafter.

§ 495-a. Unlawful bingo or game. 1. For the purposes of this section, "bingo" or "game" shall mean and include a specific game or chance, commonly known as bingo or lotto, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random, whether or not a person who participates as a player furnishes something of value for the opportunity to participate.

2. Any person, firm, partnership, association, corporation or organization holding, operating, or conducting bingo or a game is guilty of a misdemeanor, except when operating, holding or conducting:

(a) In accordance with a valid license issued pursuant to this article; or

(b) (i) Within a municipality that has authorized the conduct of bingo games by authorized organizations:

(A) within the confines of a home for purposes of amusement or recreation where (I) no player or other person furnishes anything of value for the opportunity to participate, and (II) the prizes awarded or to be awarded are nominal.

(B) within any apartment, condominium or cooperative complex, retirement community, or other group residential complex or facility where (I) sponsored by the operator of or an association related to such complex, community or facility, (II) such games are conducted solely for the purpose of amusement and recreation of its residents, (III) no player or other person furnishes anything of value for the opportunity to participate, (IV) the value of the prizes shall not exceed ten dollars for any one game or a total of one hundred fifty dollars in any calendar day, (V) such games are not conducted on more than one day per week and not more than thirty times during any calendar year, and (VI) no person other than an employee or volunteer of such complex, community or facility conducts or assists in conducting the game or games.

(C) on behalf of any bona fide social, charitable, educational, recreational, fraternal, religious, not-for-profit or age group organization, club or association solely for the purpose of amusement and recreation of its members or beneficiaries where (I) no player or other person furnishes anything of value for the opportunity to participate, (II) the value of the prizes shall not exceed ten dollars for any one game or a total of one hundred fifty dollars in any calendar day, (III) such games are not conducted on more than one day per week and not more than thirty times during any calendar year, (IV) no person other than a bona fide active member of the organization, club or association participates in the conduct of the games, and (V) no person is paid for conducting or assisting in the conduct of the game or games.

(D) as a hotel's, motel's, recreational or entertainment facility's or common carrier's social activity solely for the purpose of amusement and recreation of its patrons where (I) no player or other person furnishes anything of value for the opportunity to participate, (II) the value of the prizes shall not exceed ten dollars for any one game or a total of one hundred fifty dollars in any calendar day, (III) such games are not conducted on more than fifteen days during any calendar year, (IV) no person other than an employee or volunteer conducts or assists in conducting the game or games, and (V) the game or games are not conducted in the same room where alcoholic beverages are sold.

(ii) The control commission and the governing body of the municipality in which bingo games are conducted pursuant to this paragraph shall have the authority to regulate the conduct of such games. Any bingo game or games, in which no participant or other person furnishes anything of value for the opportunity to participate, which is operated in violation of this paragraph, a civil penalty of not more than one hundred dollars may be imposed for the first such violation, a civil penalty of not more than one hundred fifty dollars may be imposed for the second such violation in a period of three years, and a civil penalty of not more than two hundred dollars may be imposed for the third or subsequent such violation in a period of five years.

3. The provisions of this section shall apply to all municipalities within this state, including those municipalities where this article is inoperative.

§ 496. Article inoperative until adopted by voters. Except as provided in section 495-a, the provisions of this article shall remain inoperative in any municipality unless and until a proposition therefor submitted at a general or special election in such municipality shall be approved by a vote of the majority of the qualified electors in such municipality voting thereon.

§ 497. Amendment and repeal of local laws and ordinances. Any such local law or ordinance may be amended, from time to time, or repealed by the common council or other local legislative body of the municipality which enacted it and such amendment or repeal, as the case may be, may be made effective and operative not earlier than thirty days following the date of enactment of the local law or ordinance effecting such amendment or repeal, as the case may be; and the approval of a majority of the electors of such municipality shall not be a condition prerequisite to the taking effect of such local law or ordinance.

§ 498. Delegation of authority. The governing body of a municipality may delegate to an officer or officers thereof designated by it for that purpose any of the authority granted to it hereby in relation to the issuance, amendment and cancellation of licenses, the conduct of investigations and hearings, the supervision of the operation of the games and the collection and transmission of fees.

§ 498-a. Powers and duties of mayors or managers of certain cities. Notwithstanding any other provision of this article, whenever the charter of any city, or any special or local law, provides that the mayor or manager of such city is the chief law enforcement officer thereof, then and in that event such mayor or manager, as the case may be, shall have, exercise and perform all the powers and duties otherwise prescribed by this article to be exercised and performed by the governing body of such city except those prescribed by section four hundred seventy-eight hereof, and in any such case, the term "governing body of a municipality" as used in this article shall be deemed to mean and include the mayor or manager of any such city.

§ 499. Severability. If any provision of this article or the application thereof to any municipality, person or circumstances shall be adjudged unconstitutional by any court of competent jurisdiction, the remainder of this article or the application thereof to other municipalities, persons and circumstances shall not be affected thereby, and the legislature hereby declares that it would have enacted this article without the invalid provision or application, as the case may be, had such invalidity been apparent.

ARTICLE 15

URBAN RENEWAL

§ 500. Short title. This chapter shall be known and may be cited and referred to as the "urban renewal law."

§ 501. Policy and purposes of article. There exist in many municipalities within this state residential, non-residential, commercial, industrial or vacant areas, and combinations thereof, which are slum or blighted, or which are becoming slum or blighted areas because of substandard, insanitary, deteriorated or deteriorating conditions, factors, and characteristics, with or without tangible physical blight. The existence of such areas constitutes a serious and growing menace, is injurious to the public safety, health, morals and welfare, contributes increasingly to the spread of crime, juvenile delinquency and disease, necessitates excessive and disproportionate expenditures of public funds for all forms of public service and constitutes a negative influence on adjacent properties impairing their economic soundness and stability, thereby threatening the source of public revenues.

In order to protect and promote the safety, health, morals and welfare of the people of the state and to promote the sound growth and development of our municipalities, it is necessary to correct such substandard, insanitary, blighted, deteriorated or deteriorating conditions, factors and characteristics by the clearance, replanning, reconstruction, redevelopment, rehabilitation, restoration or conservation of such areas, the undertaking of public and private improvement programs related thereto and the encouragement of participation in these programs by private enterprise.

It is necessary for the accomplishment of such purposes to grant municipalities of this state the rights and powers provided in this article. The use of such rights and powers to correct such conditions, factors and characteristics and to eliminate or prevent the development and spread of deterioration and blight through the clearance, replanning, reconstruction, rehabilitation, conservation or renewal of such areas, for residential, commercial, industrial, community, public and other uses is a public use and public purpose essential to the public interest, and for which public funds may be expended.

§ 502. Definitions. As used in this article and article fifteen-A of this chapter, the following terms shall mean:

1. "Governing body." (a) In a city, the board of aldermen, common

council, commission or other body vested by its charter or other law with jurisdiction to enact ordinances or local laws, except that in a city having a population of one million or more the term "governing body" shall, as to such city, mean the council or mayor, as appropriate, who shall act pursuant to this article in accordance with the powers vested in them by the charter of such city, or by other law; (b) in a town, the town board; (c) in a village, the board of trustees.

2. "Municipality." A city, town or village.

3. "Urban renewal." A program established, conducted and planned by a municipality for the redevelopment, through clearance, replanning, reconstruction, rehabilitation, and concentrated code enforcement, or a combination of these and other methods, of substandard and insanitary areas of such municipalities, and for recreational and other facilities incidental or appurtenant thereto, pursuant to and in accordance with article eighteen of the constitution and this article, including those programs authorized by and to effectuate the purposes of title one of the housing act of nineteen hundred forty-nine and section three hundred fourteen of title three of the housing act of nineteen hundred fifty-four, whether such programs and contracts pursuant thereto were in process on or before June sixteenth, nineteen hundred sixty-eight and all federal laws amendatory and supplementary thereto. The terms "clearance, replanning, reconstruction and rehabilitation" shall include renewal, redevelopment, conservation, restoration or improvement or any combination thereof as well as relocation activities and the testing and reporting of methods and techniques for the arrest, prevention and elimination of slums and blight; the term "program" may mean or include and be interchangeable with the term "project."

4. "Substandard or insanitary area." The term "substandard or insanitary area" shall mean and be interchangeable with a slum, blighted, deteriorated or deteriorating area, or an area which has a blighting influence on the surrounding area, whether residential, non-residential, commercial, industrial, vacant, or land in highways, railway and subway tracks, bridge and tunnel approaches and entrances, or other similar facilities, over which air rights and easements or

other rights of user necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influence, or any combination thereof and may include land, buildings or improvements, or air rights and concomitant easements or other rights of user necessary for the use and development of such air rights, not in themselves substandard or insanitary, the inclusion of which is deemed necessary for the effective undertaking of one or more urban renewal programs.

5. "Agency." The officer, board, commission, department, or other agency of the municipality designated by the governing body, or as otherwise provided by law, to carry out the functions vested in the agency under this article or delegated to the agency by the governing body in order to carry out the purpose and provisions of this article. The term "agency" shall include a corporate governmental agency established pursuant to article fifteen-A of this chapter.

6. "Comprehensive community plan." The term "comprehensive community plan" shall mean and be interchangeable with "master plan" or "general plan."

7. "Urban renewal plan." A plan for an urban renewal project, which shall conform to the comprehensive community plan for the development of the municipality as a whole and which shall be consistent with local objectives. Such urban renewal plan shall include but shall not be limited to: a statement of proposed land uses; proposed land acquisition, demolition and removal of structures; proposed acquisition of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights; proposed methods or techniques of urban renewal; proposed public, semi-public, private or community facilities or utilities; a statement as to proposed new codes and ordinances and amendments to existing codes and ordinances as are required or necessary to effectuate the plan; proposed program of code enforcement; a proposed time schedule for the effectuation of such plan, and such additional statements or documentation as the agency may deem appropriate.

8. "Commission." The planning commission or other analogous body or, if there be none, the board of estimate or other governing body of the municipality.

9. "Urban renewal area." An area designated by the governing body, or by the commission where so authorized to act by the governing body, pursuant to section five hundred four of this article as appropriate for urban renewal, except that in municipalities having a population of one million or more, such designation shall be made only after a public hearing held by the governing body or the commission, as the case may be.

10. "State capital grant." A capital grant or subsidy paid to a municipality or an agency established pursuant to the provisions of article fifteen-A of this chapter with monies appropriated therefor from the general fund of the state and not to be applied to the payment of principal and interest on any state loan made or contracted to be made pursuant to this article.

11. "Commissioner." The commissioner of housing and community renewal of the state of New York.

§ 503. Powers of municipalities. Every municipality is hereby authorized to plan and undertake one or more urban renewal projects and shall have the powers necessary or convenient to carry out and effectuate such project or projects and the purposes and provisions of this article, including but not limited to the following powers:

(a) Cooperate with the federal government and apply for and accept advances, loans, grants, subsidies, contributions and any other form of financial assistance from the federal government, or from the state, county or other public body, or from any sources public or private, for the purposes of this article; and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project, or with respect to any other program authorized under the housing act of nineteen hundred forty-nine, and all other federal laws amendatory and supplemental thereto, such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this article. Such conditions may include but shall not be limited to (1) provisions requiring payment of not less than certain minimum salaries and wages to architects, engineers, technicians, laborers, mechanics and other personnel; (2) provisions prohibiting rebates and kick backs; and (3) provisions requiring contractors and subcontractors to furnish reports and other data to the secretary of labor;

(b) Provide local grants-in-aid, as provided under such federal laws, in the form of appropriations, cash, municipal services and facilities, or any other form;

(c) Borrow money and issue bonds or other obligations for the acquisition of property in the same manner as for the acquisition of property for other public purposes or as otherwise provided in article two of the local finance law;

(d) Provide for demolition and clearance of property, improvement of property, or development and use of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights and air right sites, including the remedying of unsuitable topographical, subsoil or other physical conditions which impede development within the urban renewal area, and construction of foundations and platforms as well as other necessary site work by the municipality or by the person, firm or corporation to whom such property, air rights and easements or air rights site, is sold or leased, provided, however, that any such work upon or affecting railroad property, right-of-way or facilities shall be subject to the approval of and joint supervision by the railroad company or companies affected. No work upon or affecting railroad property, right-of-way or facilities shall be progressed without the approval of the railroad company or companies, and in connection with all such projects upon or affecting railroad property, right-of-way or facilities appropriate standards for safety of operations, ventilation and lighting shall be subject to the approval of the railroad company or companies affected. In the event that such demolition, clearance, improvement or development is done by the municipality or funded by the municipality, the cost thereof may be financed in the same manner as acquisition costs. Any municipality with a population of one million or more persons may provide a loan for the purpose of carrying out such demolition, clearance, improvement or development and use to the person, firm or corporation to whom such property, air rights, easements or air rights site is sold or leased. Such loans shall be made upon terms and conditions approved by the agency, for a term not to exceed thirty years;

(e) Develop, test and report methods and techniques and carry out demonstration and other activities in relation to or in connection with one or more programs of urban renewal or other programs relating to the arrest and prevention of conditions of deterioration or blight. In carrying out such demonstration and other activities a municipality may itself reconstruct, repair, rehabilitate or otherwise improve such real property or may sell, lease or otherwise dispose of such real property, for the effectuation of such activities or purposes by the purchaser or lessee thereof, pursuant to the provisions of section five hundred seven of this article;

(f) prepare or cause to be prepared a general neighborhood renewal plan for an area consisting of an urban renewal area or areas, together with any adjoining areas having specially related problems, and which is of such size that urban renewal activities may have to be initiated in stages;

(g) prepare or cause to be prepared a community-wide plan or program for urban renewal which shall conform to the comprehensive community plan for the development of the municipality as a whole.

(h) for the purpose of preserving the integrity of an urban renewal plan, to require, for a maximum period of three years after approval of an urban renewal plan pursuant to section five hundred five of this article, the consent of the agency to the issuance of a building construction or alteration permit or certificate of occupancy for a structure or use within the urban renewal area or within that part or portion of such area for which a plan has been so approved (except for construction, alteration or use which is necessary for the immediate protection of public health or safety). Such consent shall be based upon a determination by the agency that the proposed construction, alteration or use is not inconsistent with the plan.

(i) notwithstanding anything to the contrary contained elsewhere in this chapter, or in any general, special or local law, in addition to any other powers of a municipality, to appropriate the necessary funds for and authorize the payment of the actual reasonable moving and related expenses as well as supplemental and additional payments to be paid to individuals, families, business concerns or non-profit organizations displaced by reason of urban renewal or other federally-aided activities, so that disproportionate injuries are not suffered as a result of such programs, in accordance with federal law, rules and regulations, as may be imposed by any contract for financial assistance between the municipality and federal government, in connection with an urban renewal project or other authorized program, pursuant to such conditions as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this article.

§ 503-a. Cooperation with agencies. For the purpose of aiding an agency established pursuant to the provisions of article fifteen-A of this chapter a municipality may:

1. Delegate to such agency such of its powers enumerated under section five hundred three of this article as it may deem appropriate, necessary or desirable to effectuate the purposes and provisions of this article and as are not inconsistent with the powers reserved to the governing body or the commission under this article or the powers granted to such agencies in article fifteen-A of this chapter.

2. Enter into agreements with such agency respecting action to be taken by the municipality to assist such agency in carrying out and effectuating the purposes and provisions of this article and of article fifteen-A of this chapter. Such agreements may extend over any period of time necessary to carry out and effectuate such purposes and provisions, notwithstanding any provision or rule of law to the contrary.

3. Appropriate and expend money and guarantee the principal of and interest on, or only the interest on, indebtedness contracted by such agency for the purpose of aiding such agency in the carrying out and

effectuating of any urban renewal program within such municipality. Any obligations issued for such object or purpose shall be authorized and issued in the manner provided and subject to the provisions of the local finance law. Such obligations or guarantees shall be deemed to be issued or made for the purpose of effectuating an urban renewal program and the period of probable usefulness of said object or purpose shall be as set forth in subdivision forty-one-a of section 11.00 of the local finance law.

Any guarantee by a municipality of indebtedness contracted by such agency shall be authorized by a resolution of the finance board of the municipality (as defined in the local finance law), which resolution shall be adopted by at least a two-thirds vote of the total voting strength of the finance board and shall prescribe the manner in which such guarantee shall be evidenced. If the authorization of the issuance of obligations for such object or purpose by the municipality is required by law to be subject to a permissive or mandatory referendum, then the authorization of the guarantee of indebtedness contracted by such agency for such object or purpose shall also be subject to such a referendum. Such referendum shall be governed by the provisions of the local finance law applicable to such permissive or mandatory referendum in such municipality.

4. For the purpose of aiding such agency in carrying out and effectuating the purposes and provisions of this article and of article fifteen-A of this chapter, with or without consideration as it may determine, (a) dedicate, sell, convey, lease, grant or otherwise transfer any of its right, title and interest in any property, real or personal, to such agency, or grant easements, licenses or privileges therein to such agency; (b) make advances, loans, grants, subsidies, contributions and any other form of financial assistance to such agency; (c) incur the entire expense of any public improvements or facilities necessary or desirable under the urban renewal plan; (d) dedicate, close, vacate, pave, install, grade and plan, streets, roads, sidewalks or other public ways and places; (e) plan, replan, zone or rezone any area of the municipality or make variances to building codes or regulations; and (f) cause administrative, police, sanitation, fire

protection or other municipal services to be furnished to the agency.

5. Do all other things necessary or convenient to carry out the above powers and to insure the expeditious undertaking and completion of an urban renewal program, or part thereof, by such agency.

§ 503-b. Transfer of projects. Notwithstanding any provision of this article, or of any general, special or local law or charter to the contrary, a municipality may, upon the establishment of a municipal urban renewal agency pursuant to the provisions of article fifteen-A of this chapter, convey, assign, grant or otherwise transfer all of its right, title and interest in any urban renewal program, or part thereof, and any right, title and interest in or to any real or personal property, contract, claim or other interest acquired or held by it in connection with such program, or part thereof, to such agency, with or without consideration, as it may determine.

§ 504. Site designation. An area shall be designated by the governing body, or by the commission where so authorized to act by the governing body, on its own initiative or on petition of the owners in fee of not less than fifty-one per cent of the land (excluding publicly owned land) or upon recommendation of the agency, upon a finding that such area is appropriate for urban renewal as defined in subdivision three of section five hundred two of this article. Such designation may be accompanied by a recommendation of the commission as to the predominant reuse and such other planning criteria as it may deem appropriate for the general renewal of the area.

§ 504-a. Abandoned dwellings and mortgage foreclosures in Nassau, Suffolk or Westchester county. 1. Following site designation, pursuant to section five hundred four of this article, a municipality or an urban renewal or community development agency in Nassau, Suffolk or Westchester county may certify a one, two or three family dwelling as abandoned. Upon such certification, an action to foreclose any mortgage on such dwelling may be commenced by. Process in such action shall be served pursuant to subdivision four upon natural persons who are record owners.

2. Said certification of abandonment may be made if such municipality or agency finds that: (a) all or a part of the subject property lies within an area that has been designated by the governing body as in need of urban renewal, pursuant to such section five hundred four; (b) the subject property has been vacant for sixty consecutive days; and, (c) in the opinion of the certifying municipality or agency the subject property has become a danger to life, public health or public safety and/or has, because of its physical condition and appearance, caused a blighting influence to surrounding properties and is adversely affecting neighborhood property values.

3. Said premises shall be deemed vacant within the meaning of paragraph (b) of subdivision two of this section if three or more of the following conditions exist: (a) termination of service by the lighting company, which termination has lasted for fifteen days; or (b) termination of telephone service by the telephone company, which termination has lasted for fifteen days; or (c) failure to maintain the premises in reasonably good repair; or (d) information from the neighbors that the premises have been vacant for sixty days or more; or (e) accumulation of mail at the premises; or (f) blatant evidence of vandalism; or (g) lack of furnishings inside the premises.

4. Upon said certification of abandonment, the certifying municipality or agency may file or record in the office of the clerk of each county in which all or a part of the subject property is situated, without fee, a certification containing such findings and the facts upon which it is based, describing the property and providing that an action to foreclose any mortgage on said property, may be commenced by filing of the summons and verified complaint with personal service to be made either as provided in subdivisions one through four of section three hundred eight of the civil practice law and rules, or, with respect to natural persons who are record owners, by publishing, without the necessity for a court order, of a copy of the summons together with notice to the defendant, a

brief statement of the nature of the action and the relief sought, the sum of money for which judgment may be taken in case of default, and a brief description of the property, at least once in each of three successive weeks in a newspaper in the English language of general circulation in the municipality wherein all or a part of the property lies and by mailing a copy of the summons and verified complaint to the last known address of the record owner or owners of the premises, certified mail, return receipt requested and by tacking a copy of the summons and verified complaint, to the front door of the premises. Service shall be deemed complete twenty days after the last date of publication, date of mailing or date of posting, whichever occurs last.

5. All other parties to the lawsuit, other than record owners, shall be served with the summons and verified complaint as presently provided in the CPLR.

§ 505. Urban renewal plan and approval thereof. 1. Following the designation of an area pursuant to section five hundred four of this article, the agency shall prepare or cause to be prepared an urban renewal plan for such area in its entirety or, where the designated area is of such scope that the agency deems it necessary or advisable to have the urban renewal activities to be undertaken therein carried out in stages, an urban renewal plan for a part or portion of such designated area.

2. The urban renewal plan for the designated area, or for a part or portion of such area, shall be submitted to the commission which shall certify, after a public hearing held on due notice, whether such plan complies with the provisions of subdivision seven of section five hundred two of this article and conforms to the finding made pursuant to section five hundred four of this article. The commission shall submit its report to the governing body, not later than ten weeks from the date of referral of the plan to it, certifying its unqualified approval, its disapproval, or its qualified approval with recommendations for modifications therein.

3. After a public hearing, held on due notice after the report is received or due from the commission, the governing body may:

(a) if the commission shall have certified its unqualified approval, approve the plan by a majority vote;

(b) if the commission shall have certified its disapproval or shall have failed to make its report within ten weeks from the date such plan was submitted to it by the agency, nevertheless approve the plan, but only by a three-fourths vote;

(c) if the commission shall have certified its qualified approval together with recommendations for modifications, approve the plan together with the modifications recommended by the commission by a majority vote, or approve the plan without such modifications but only by a three-fourths vote.

4. Upon approving the urban renewal plan for the designated area, or for a part or portion of such area, with or without modifications recommended by the commission, the governing body shall by resolution find that:

(a) The area is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality.

(b) The financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the plan.

(c) The plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program.

(d) The plan conforms to a comprehensive community plan for the development of the municipality as a whole.

(e) There is a feasible method for the relocation of families and individuals displaced from the urban renewal area into decent, safe and sanitary dwellings, which are or will be provided in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment.

Upon approving an urban renewal plan for a part or portion of a designated area, the governing body shall, in addition to the foregoing, also find that the undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of such designated area.

5. In a city having a population of one million or more, any action of the council approving an urban renewal plan shall be filed with the mayor within five days of such action for approval or disapproval.

§ 506. Acquisition of property. 1. (a) A municipality, acting through its governing body, may acquire by purchase, gift, devise, lease, condemnation or otherwise, in accordance with the provisions of the appropriate general, special or local law applicable to the acquisition of real property by such municipality, real property or any interest therein, including but not limited to air rights, and easements or other rights of user necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influences of an area or areas consisting principally of land in streets, alleys, highways, and other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities which have a blighting influence on the surrounding area, necessary for or incidental to a program of urban renewal for residential, commercial, industrial, public, semi-public, community or other uses or combinations of such uses in accordance with an urban renewal plan for a designated area, or for a part or portion of such area, provided, however, that the acquisition of any air rights over railroad tracks, rights of way or facilities and easements or other rights of user necessary for the use and development of such air rights are to be subject to the provision of section fifty-one-a of the railroad law. The acquisition of real property within a designated urban renewal area shall in every case be deemed to be and constitute a continuous rather than separate takings.

(b) Property so acquired by a municipality shall be exempt from taxation until sold, leased for a term not exceeding ninety-nine years or otherwise disposed of in accordance with the provisions of this article of this chapter; provided however, that any such municipality shall have the power and authority, with respect to such property, to pay or transfer, out of funds available to it for the effectuating of such urban renewal program, annual sums in lieu of taxes to any taxing jurisdiction providing services to the urban renewal area, or to the part or portion thereof within such taxing jurisdiction, in order that no such taxing jurisdiction shall suffer an inequitable loss of revenue by virtue of such urban renewal program; provided, further, that the amount so paid or transferred for any year with respect to any such property shall not exceed the lesser of (1) the sum last levied for the benefit of such taxing jurisdiction as an annual tax on such property prior to the time of its acquisition for urban renewal purposes or (2) such amount as shall be approved by the commissioner, pursuant to such rules, regulations, limitations and conditions as he may prescribe, as an eligible and proper charge against such urban renewal program. Upon the sale, lease or disposition of such property to any person, firm or corporation not entitled to an exemption from taxation or entitled to only a partial tax exemption such property shall immediately become subject to taxation in whole or in part, as the case may be, and shall be taxed pro rata for the unexpired portion of the taxable year.

As used in this paragraph, the term "taxing jurisdiction" means any municipal corporation or district corporation, including any school district or any special district, having the power to levy or collect taxes and benefit assessments upon real property, or in whose behalf such taxes or benefit assessments may be levied or collected.

c. Notwithstanding any other provisions of this article, a municipality may acquire by purchase, gift, devise, lease, condemnation or otherwise, upon recommendation of the agency and in accordance with the appropriate provisions of any general, special or local law or charter applicable to the acquisition of real property by such municipality, such real property or any interest therein, within an area designated pursuant to this article as appropriate for urban renewal, as it may deem ultimately necessary or proper to effectuate the purposes of this article although temporarily not required for such purposes, provided that the early acquisition of such property is approved as follows:

(1) In a municipality where there is a planning commission, the agency shall submit the proposal for early acquisition to the commission for its approval. Such planning commission shall, not later than ten weeks from the date of the referral of the proposal to it, after a public hearing held on due notice, submit its report to the governing body certifying its unqualified consent, its disapproval, or its qualified consent with recommendations for modifications of the proposal.

After public hearing held on due notice after the report is received or due from the planning commission, the governing body may:

(i) if the commission shall have certified its unqualified consent, approve the proposal by a majority vote:

(ii) if the commission shall have certified its disapproval or shall have failed to make its report within ten weeks from the date such proposal was submitted to it by the agency, nevertheless approve the proposal, but only by a three-fourths vote:

(iii) if the commission shall have certified its qualified consent together with recommendations for modifications of the proposal, approve the proposal together with the modifications recommended by the commission by a majority vote, or approve the proposal without such modifications but only by a three-fourths vote.

(2) In a municipality where there is no planning commission, the agency shall submit the proposal to the governing body which, after public hearing held on due notice, may either approve or disapprove the proposal.

§ 507. Disposition of property. 1. In addition to employing any other lawful method of utilizing or disposing of any real property, and appurtenances thereto or any interest therein owned by a municipality or acquired by it pursuant to section five hundred six of this article, a municipality may sell, lease for a term not exceeding ninety-nine years, or otherwise dispose of any such real property and appurtenances thereto, to any person, firm or corporation at the highest marketable price or rental at public auction or by sealed bids pursuant to the provisions of any general, special or local laws applicable to the sale or disposition of real property by said municipality.

2. Notwithstanding anything to the contrary contained in this article and notwithstanding the provisions of any general, special or local law applicable to the sale of real property by a municipality, such real property and appurtenances thereto may be sold, leased for a term not exceeding ninety-nine years or otherwise disposed of for the effectuation of any of the purposes of the urban renewal program in accordance with the urban renewal plan:

(a) to any limited profit housing company organized pursuant to the provisions of article two of the private housing finance law without public auction or sealed bids;

(b) to any limited dividend housing company organized pursuant to article four of the private housing finance law or redevolpment company organized pursuant to article five of the private housing finance law, without public auction or sealed bids provided that notice of such sale, lease or other disposition is published and a public hearing is held before the governing body not less than ten days after such publication;

(c) to any person, firm or corporation designated by the agency and approved by the governing body as a qualified and eligible sponsor in accordance with established rules and procedures prescribed by the agency, provided that (1) the agency has published, in at least one newspaper of general circulation in the municipality at least ten days prior to such sale, lease or other disposition, a notice which shall include a statement of the identity of the proposed sponsor and of his proposed use or reuse of the urban renewal area or of the applicable portion thereof; such notice shall be in such form and manner as may be prescribed by the agency and, in the case of projects aided by a state loan, periodic subsidy or capital grant or in which application has been made for such loan, subsidy or grant, as approved by the commissioner; (2) such proposed sponsor agrees to pay the minimum price or rental fixed by the agency for such real property; (3) such proposed sponsor matches any bid higher than the said minimum price or rental, and (4) such sale, lease or other disposition shall require effectuation of the purpose thereof within a definite and reasonable period of time. In the event that such qualified and eligible sponsor does not agree to pay the minimum price or rental fixed by the agency or fails to match any higher bid than such minimum price or rental, a municipality may, in its sole discretion and only if consistent with the urban renewal plan, sell or lease for a term not exceeding ninety-nine years any such real property and appurtenances thereto, to any person, firm or corporation, the property acquired from such person, firm or corporation or substantially equivalent property within the urban renewal area, provided that such former owner (1) agrees to pay the said minimum price or rental and (2) matches any higher bid than said minimum price or rental, and

(d) to any person, firm or corporation designated by the agency as a qualified and eligible sponsor pursuant to the provisions of clause (1) of subsection (c) of this subdivision without public auction or sealed bids, provided that (1) the price or rental to be paid by such sponsor for such property and all other essential terms and conditions of such sale, lease or other disposition shall be included in the notice published by the agency pursuant to the said clause (1) of subsection (c) of this subdivision, (2) that such sale, lease or other disposition be approved by the governing body after a public hearing held not less than ten days after the publication of such notice, and (3) such sale, lease or other disposition shall, in the case of projects aided by a state loan, periodic subsidy or capital grant or in which application has been made for such loan, subsidy or grant, be approved by the commissioner.

(e) for the effectuation of any of the purposes of the urban renewal program and in accordance with the urban renewal plan, a municipality may grant, sell, convey or lease, without public hearing or public letting, to a public utility subject to the jurisdiction of the public service commission, for construction and maintenance of public utility systems, and the conduct and operation thereof, for such length of time as it may deem advisable, franchises, easements or rights of ways, in, over, below, along or across any lands acquired by the municipality pursuant to this article, upon such terms and conditions, for such consideration and subject to such restrictions as in the judgment of its governing body shall seem proper, provided, the governing body shall first determine that the use and enjoyment for such purposes of such lands is not inconsistent with the purposes and provisions of the urban renewal plan.

3. Any deed, lease or instrument by which real property and appurtenances thereto, or air rights and concomitant easements or other rights of user necessary for the use and development of such air rights over streets, alleys, highways or other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities, or air rights sites and necessary sitework, the foundations and platforms constructed or to be constructed in connection therewith, or any interest therein is conveyed or disposed of pursuant to this section shall contain provisions requiring the purchaser, lessee or grantee to replan, clear, rehabilitate, restore, renew, conserve, improve, reconstruct or redevelop such property in accordance with the urban renewal plan as approved by the governing body and within a definite and reasonable period of time subject to the terms of the contract relating thereto between the municipality and the sponsor, and provisions insuring the use of such real property for purposes consistent with such urban renewal plan.

4. (a) Leases authorized by this section may contain provisions subordinating the fee interest of a municipality to a sponsor for purposes of pledging or assigning such fee interest to the primary leasehold mortgagee of said lease, provided that the amount to which the fee is subordinated shall not exceed the lessee's cost of completing its obligation to replan, clear, rehabilitate, restore, renew, conserve, improve, reconstruct or redevelop such property in accordance with the lease provisions.

(b) A municipality may execute such instruments as may be required to implement the provisions of this subdivision.

(c) Leases and such other instruments as may be required shall contain provisions stating that (1) the municipality shall assume no liability for any debt underlying the pledge or assignment of the fee interest; (2) the municipality, at its option, may satisfy any obligation for which the fee interest is assigned or pledged; and (3) no foreclosure action shall be maintained against such subordinated fee interest until the obligation of the sponsor to replan, clear, rehabilitate, restore, renew, conserve, improve, reconstruct or redevelop such property has been completed in accordance with the lease provisions.

(d) A municipality shall not subordinate its fee interest, as authorized by this subdivision, to any leasehold mortgagee if the municipal fee interest is to be assigned or pledged to another governmental agency, public authority or public benefit corporation created and organized for the purpose of providing primary or secondary financial assistance for commercial, industrial or business development.

5. In a city having a population of one million or more, the governing body may, as part of its review of the land use impact and implications of a disposition of property for residential use proposed to be made pursuant to this section, incorporate into its approval any or all of the following: (i) the number of residential units; (ii) whether such units are home ownership units, rental units or condominium or cooperative units; (iii) the estimated initial rents or selling prices for such units; (iv) income restrictions, if any, on renters or purchasers of such units; and (v) the basis on which the consideration for the sale or lease of the property is to be determined; provided, however, that this subdivision shall not apply to the extent an approved urban renewal plan incorporates such items.

§ 508. State loans. 1. The commissioner may, in the name of the state, make or contract to make loans to a municipality to assist such municipality to establish and carry out one or more programs of urban renewal. No such loan shall be made where the municipality has contracted with the federal government for a capital grant prior to the thirtieth of April, nineteen hundred fifty-nine; provided, however, that such a loan may be made with respect to that part of any program which has been added, or with respect to which the federal capital grant has been increased, pursuant to a contract or contract amendment entered into with the federal government after such date. All such loan contracts shall be subject to approval by the state comptroller, and by the attorney general as to form. Any such loan shall be in such amount, not exceeding one-half of the local grants-in-aid which the municipality has agreed to make under the provisions of the contract for federal aid, as the commissioner, in his discretion, may deem necessary to assist the municipality in discharging its obligations in connection with the urban renewal program for which the loan shall be made. No municipality shall receive any such loan until (a) the urban renewal plan has been approved by the governing body, (b) the program set forth in such plan has been certified as eligible for federal assistance by the housing and home finance agency of the federal government, and (c) the governing body and the comptroller of the municipality, or in a municipality having no comptroller, the chief financial officer of such municipality, have attached their separate approvals to the loan contract. The commissioner may make temporary advances to such municipality in anticipation of any such loan, and no such temporary advance shall be deemed to constitute part of such loan unless such temporary advance has been made out of the proceeds of definitive urban renewal bonds sold by the state pursuant to section sixty of the state finance law.

2. Loans shall be made at the rate of interest paid or to be paid by the state for the funds loaned to the municipality, plus a proportionate share of the actual direct cost of the borrowing as certified by the state comptroller. Each such loan shall be repaid in equal annual installments over or within a period not to exceed twenty-five years. Each installment shall equal the amount payable by the state for moneys borrowed for the loan and shall be paid by the municipality not later than five days before each such payment by the state is required.

3. Should the municipality fail to make payment of interest or principal upon any due date, the state comptroller may deduct and retain from any moneys otherwise payable by the state to such municipality, the amount of such interest and principal and credit such municipality with the amount of such deduction.

4. All or any part of the sum which the commissioner has contracted to lend to the municipality may, with the consent of the commissioner, be borrowed by the municipality from sources other than the state under such terms and conditions as the commissioner shall approve, but such borrowing shall not constitute a waiver or surrender of the rights of the municipality under its loan contract made with the commissioner.

§ 509. Periodic subsidies. 1. The commissioner may, in the name of the state, make or contract to make periodic subsidies to a municipality to assist such municipality in carrying out one or more programs of urban renewal, subject to the limitations contained in the first paragraph of section seventy-three of the public housing law, in this section and in any other law applicable thereto. Such subsidies shall be applied by the municipality only for the purpose of paying the principal and interest on the state loan for the urban renewal program or on loans from other sources pursuant to subdivision three of this section.

2. The periodic subsidy for each program of urban renewal shall be payable to the municipality on an annual basis over the period of the state loan for the urban renewal program, commencing on the date provided for in the loan contract made with the commissioner, in a total amount determined by the commissioner but no greater than the sum due to the state for principal and interest on the state loan for such program. The amount of such payments need not be uniform and portions of the periodic subsidy payable for any one year may be paid from time to time as required.

3. Where all or any part of the sum which the commissioner has contracted to lend to the municipality is borrowed by the municipality from sources other than the state, the periodic subsidy contracted for pursuant to subdivision one of this section may be used by the municipality for the payment of such loans obtained from such sources for the program to which such periodic subsidies relate, provided the terms and conditions of such loans have been approved by the commissioner. Such periodic subsidies shall also be payable to the municipality on an annual basis over a fixed period of years not exceeding the probable life of such program, in a total amount determined by the commissioner but no greater than the sum due to such lenders for principal and interest on such loan, commencing on the date provided for in the loan contract made with the commissioner. Notwithstanding any other provision of any general or special law, the contract for such loan from sources other than the state shall provide that upon any date when an installment of principal shall become due and payable the municipality may anticipate any installment which would otherwise become due and payable thereafter.

4. The faith of the state is pledged to the payment of all periodic subsidies contracted for by the commissioner. Such periodic subsidies shall be paid upon the audit and warrant of the state comptroller upon vouchers approved by the commissioner.

§ 510. State capital grants. 1. In lieu of making or contracting to make a loan or periodic subsidy, or both, pursuant to sections five hundred eight and five hundred nine of this article, the commissioner may in the name of the state,

(a) in the case of municipalities which have contracted with the federal government for a capital grant (or for a loan and grant) subsequent to the thirty-first day of December, nineteen hundred sixty, make or contract to make, within appropriations therefor, a state capital grant to such municipality to assist in carrying out one or more programs of urban renewal; provided, however, that such state capital grant may be made with respect to that part of any program which has been added, or with respect to which the federal capital grant, or loan and grant, has been increased, pursuant to a contract or contract amendment entered into with the federal government, after such date;

(b) in the case of municipalities which have not made application to or entered into a contract with the federal government for advances, loans or grant, with respect to a specific urban renewal project, make or contract to make a state capital grant, within appropriations therefor, to such municipality to assist in meeting the cost of surveys and plans for such project and the administrative and other related expenditures to be incurred in undertaking and completing such project.

All contracts for such state capital grants shall be subject to approval by the state comptroller, and by the attorney general as to form. The commissioner may make advances or progress payments on account of any state capital grant contracted to be made pursuant to this section and such advances or payments shall not constitute periodic subsidies.

2. Any such state capital grant shall be in such amount, within

appropriations therefor, as the commissioner, in his discretion, may deem necessary to assist the municipality in discharging its obligations in connection with the program for which the grant shall be made; provided, however, that no such grant shall exceed one-half of the net cost of such program to the municipality, exclusive of any federal aid or assistance, as such net costs shall be certified by the municipality and approved by the commissioner. If the municipality has not applied to or entered into a contract with the federal government for advances, loans or grants for a specific project, such grant shall not in any event exceed five hundred thousand dollars ($500,000).

3. No municipality shall receive any such state capital grant until (a) the urban renewal plan has been approved by the governing body, (b) the program set forth in such plan has been certified as eligible for federal assistance by the appropriate federal agency, or the governing body has found that such federal financial assistance is not necessary for the undertaking and successful completion of the program set forth in such plan, and (c) the governing body and the comptroller, or in a municipality having no comptroller, the chief financial officer, have attached their separate approvals to the grant contract. The commissioner may make temporary advances to such municipality in anticipation of any such grant.

4. Notwithstanding anything contained in this section or in section five hundred thirteen of this article to the contrary, the commissioner may in the name of the state, within appropriations heretofore or hereafter made for state capital grants to assist in carrying out one or more local urban renewal programs, make or contract to make advances of funds to municipalities, in anticipation of any such state capital grant, to assist such municipalities in preparing preliminary economic and physical plans for relocation housing, regulated by law or contract as to rents, for persons and families to be displaced by the urban renewal program whose housing needs cannot be met by the unaided operations of private enterprise. Upon completion such plans shall be filed with the commissioner.

No such contract or advance shall be made (a) before an urban renewal area, to whose residents such relocation housing relates, has been designated pursuant to section five hundred four of this article; (b) unless the governing body has certified that the preparation of preliminary plans for such relocation housing is necessary to the making of a finding, pursuant to section five hundred five of this article, as to the existence of a feasible method of relocation; and (c) in excess of the lowest of the following amounts:

(i) the actual cost of preparation of such preliminary plans;

(ii) one-half of one per cent of the estimated construction cost of the proposed relocation housing;

(iii) twenty-five thousand dollars;

and every such advance shall be repaid out of any state capital grant which may become payable to the municipality for the undertaking of the urban renewal project involved.

5. (a) Notwithstanding anything contained in this article to the contrary, the commissioner may in the name of the state, within appropriations heretofore or hereafter made for state capital grants to assist in carrying out one or more local urban renewal programs, make or contract to make state capital grants to municipalities to assist in financing the cost of the preparation and completion of one or more community renewal programs.

A community renewal program may include, without being limited to (1) the identification of slum areas or blighted, deteriorated, or deteriorating areas in the community, (2) the measurement of the nature and degree of blight and blighting factors within such areas, (3) determination of the financial, relocation, and other resources needed and available to renew such areas, (4) the identification of potential project areas and, where feasible, types of urban renewal action contemplated within such areas, and (5) scheduling or programming of urban renewal activities.

(b) Any such state capital grant shall be in such amount, within appropriations therefor, as the commissioner, in his discretion, may deem necessary to assist the municipality in discharging its obligations in connection with the community renewal program for which the state capital grant shall be made; provided, however, that no such state capital grant shall exceed one-half of the cost to the municipality of undertaking and completing such program, exclusive of any federal or state aid or assistance therefor, as such cost shall be certified by the municipality and approved by the commissioner.

(c) No municipality shall receive any such state capital grant until (1) the community renewal program has been approved by the governing body, (2) such program has been certified as eligible for federal assistance by the appropriate federal agency, and (3) the governing body and the comptroller, or in a municipality having no comptroller, the chief financial officer, have attached their separate approvals to the state grant contract.

(d) All contracts for such state capital grants shall be subject to approval by the state comptroller, and by the attorney general as to form. The commissioner may make advances or progress payments on account of any such state capital grant contract to be made pursuant to this section.

6. (a) Notwithstanding anything to the contrary contained in this section or elsewhere in this chapter, or in any general, special or local law, except as hereinafter provided, the commissioner may, in the name of the state, include in determining the net cost of an urban renewal project for the purpose of computing the amount of state financial assistance to a municipality, those expenditures made by a private voluntary hospital and/or by a private college or private university, within, adjacent to, or in the immediate vicinity of such project which are recognized as non-cash grant-in-aid credits under the provisions of section one hundred twelve of title one of the federal housing act of nineteen hundred forty-nine, as amended and supplemented; provided, however, that such computation shall not apply to any urban renewal project for which a contract has been executed with the federal government for a capital grant (or for a loan and grant) prior to the first day of July, nineteen hundred sixty-six.

(b) Not more than fifteen per centum of the amount appropriated by the state or otherwise available to the commissioner in any year for urban renewal assistance to municipalities and agencies pursuant to this section and section five hundred fifty-seven of this chapter shall be available for the purposes of paragraph (a) of this subdivision.

(c) In no instance shall the amount of state assistance to a municipality under this subdivision exceed the net project cost, excluding the amount of the non-cash grant-in-aid credits for expenditures made by a private voluntary hospital and/or by a private college or private university allowed in accordance with the provisions of section one hundred twelve of title I of the federal housing act of nineteen hundred forty-nine as amended and supplemented, less any federal capital grant, or loan and grant, for such project; nor shall the aggregate amount of state assistance for any such urban renewal project, including section one hundred twelve grant-in-aid credits as provided by this subdivision, exceed one-half of the total local grant-in-aid requirements necessary to complete such project.

(d) No such section one hundred twelve non-cash grant-in-aid credits shall be included in determining the net cost of an urban renewal project for the purpose of computing the amount of state financial assistance to a municipality unless such expenditures were made in conformity with a plan or undertaking for the clearance, replanning and reconstruction or rehabilitation of a substandard or insanitary area or areas.

(e) Such plan or undertaking, for the clearance, replanning and reconstruction or rehabilitation of a substandard insanitary area adjacent to or in the immediate vicinity of an urban renewal project shall conform to the comprehensive community plan for the development of the community as a whole. Every such plan or undertaking shall be submitted to the commission, if any, for approval. The commission after considering the plan or undertaking may: issue a report of unqualified approval; or issue a report of conditional or qualified approval; or issue a report disapproving same. The plan or undertaking shall be submitted, together with the report of the commission, to the local legislative body for its approval. If the commission shall have issued a report of unqualified approval, the plan or undertaking may be approved in accordance with the report of the commission by a majority vote of the local legislative body. If the commission shall have issued a report disapproving same, or shall have issued a report of conditional or unqualified approval, or shall have failed to make its report within four weeks of the submission of the plan or undertaking to the commission, the local legislative body may, nevertheless, approve the plan or undertaking but only by a three-fourths vote.

§ 511. Authority of municipality; other terms of contract. 1. Any municipality is authorized to enter into agreement with the state to receive such loans, periodic subsidies and state capital grants to assist such municipality to establish and carry out one or more programs of urban renewal.

2. In the case of a loan, the loan contract shall provide that upon any date when an installment of principal shall become due and payable the municipality may anticipate any installment which would otherwise become due and payable thereafter.

3. In every contract for a loan and periodic subsidy or for a capital grant by the state, the acts constituting a substantial breach of the provisions set forth therein shall be defined in such terms as the commissioner shall deem to be in the public interest and as are consistent with the provisions of this article and the purposes of the program for which such aid is sought. In any loan contract, the commissioner shall retain the right, among other rights and remedies, in the event of such substantial breach, to declare any unpaid balance to be due forthwith and to reduce or terminate any periodic subsidies payable under the contract.

4. Every such contract may contain such other terms, covenants and conditions as shall be agreed upon and as are consistent with the provisions of this article and the purposes of the urban renewal program.

§ 512. Approval of program by commissioner. No contract for a state loan and periodic subsidy or for a state capital grant shall be executed until the program for which such aid is sought has been approved by the commissioner.

§ 513. Findings by the commissioner. 1. No loan, subsidy or grant shall be made by the state for an urban renewal program unless the commissioner shall find that:

(a) the municipality or agency, as the case may be, has entered into a contract to receive capital grants, or loans and grants, from the federal government under which the municipality is obligated to make local grants-in-aid, or the governing body has found that such federal financial assistance is not necessary for the undertaking and successful completion of the program;

(b) in the case of a state loan, the state loan for which application is made will not exceed one-half of such local grants-in-aid;

(c) in the case of a state capital grant, the state capital grant for which application is made will not exceed one-half of the municipality's share of the net project cost, or, if the municipality has not applied to or entered into a contract with the federal government for advances, loans or grants for a specific project, such grant shall not in any event exceed five hundred thousand dollars ($500,000);

(d) adequate provision has been made in a relocation program to provide housing for the persons and families to be displaced by the urban renewal program;

(e) such program is in conformity with a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of substandard and insanitary areas and for recreational and other facilities incidental or appurtenant thereto, and

(f) the estimated funds available to the municipality or agency, as the case may be, including any federal loans and grants for the urban renewal program, the local grants-in-aid and the state loan or capital grant will be sufficient to cover all probable costs of the program.

2. Such findings shall be conclusive evidence of the facts therein contained except upon proof of fraud or willful misfeasance by the commissioner.

§ 514. Filing of proposed plans. The municipality or agency, as the case may be, shall file with the commissioner a copy of any proposed urban renewal program assisted by state loans, periodic subsidies or capital grants, embodying the plans, layout, estimated cost and proposed method of financing. Any change made in an urban renewal program assisted by state loans, periodic subsidies or capital grants shall be filed with the commissioner. From time to time prior to completion, and with reasonable promptness after any urban renewal program assisted by state loans, periodic subsidies or capital grants shall have been completed, upon request of the commissioner, the municipality or agency shall file with the commissioner a detailed statement of the cost thereof.

Upon receipt of a copy of a proposed urban renewal program, or any proposed change therein, the commissioner may transmit his criticism and suggestions to the municipality or agency, as the case may be. No change in an urban renewal program assisted by state loans, periodic subsidies or capital grants may be made by a municipality or agency without the approval of the commissioner.

§ 515. Periodic reports. The municipality or agency, as the case may be, shall file with the commissioner periodic reports covering its operations and activities in connection with one or more programs of urban renewal, in such form and from time to time as the commissioner shall prescribe.

§ 516. Intervention by commissioner. In any action or proceeding affecting any urban renewal program, the commissioner shall be given prompt notice thereof, and he shall take such steps in such action or proceeding as may be necessary or desirable to protect the public interest. If, in the opinion of the commissioner, it is necessary or desirable in the public interest that he intervene in any such action or proceeding he shall be permitted to do so as a matter of right. Whenever in connection with an urban renewal program, under any instrument or law, a notice in writing is required to be served upon the municipality before the institution of any action or proceeding, a copy of such notice shall be served upon the commissioner at least five days before commencement of the action or proceeding.

§ 517. Disqualification of commissioner, officers and employees. Neither the commissioner, nor any officer or employee in the division of housing shall acquire or hold any interest, direct or indirect, in such state-aided urban renewal program or in any property then or thereafter included or planned to be included in such state-aided urban renewal program, nor shall he retain any interest, direct or indirect, in any property acquired prior to his appointment or employment which is later included, or to his knowledge planned to be included, in such state-aided urban renewal program, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with such state-aided urban renewal program. If the commissioner, or any officer or employee in the division of housing, owns or controls an interest, direct or indirect, in any property included in any such state-aided urban renewal program, or in any contract or proposed contract for materials or services to be furnished or used in connection with such state-aided urban renewal program, he shall disclose such interest and the date of acquisition thereof in writing to the governor and the commissioner, and such disclosure shall be entered in a special record of the division of housing kept for such purpose.

§ 518. Rules and regulations of commissioner. The commissioner shall have the power to make, promulgate, modify, amend and repeal rules and regulations to effectuate his powers and duties under this article. No such rule or regulation shall be effective until it is filed in the office of the department of state.

§ 519. Division of housing as agent of smaller municipalities. For all of the purposes of section one hundred one-b of the housing act of nineteen hundred forty-nine and all federal laws amendatory and supplementary thereto, the division of housing of the state of New York is hereby designated as the local agency established by the state and operating on a state-wide basis in behalf of smaller municipalities undertaking or proposing to undertake a federal program of urban renewal. Designation of the division of housing as such agency shall be subject to approval by resolution or ordinance of the governing body of the municipality in whose behalf the designation is made. The term "smaller municipalities" as used in this section shall be deemed to apply to cities and villages with a population of less than twenty-five thousand and to towns with a population, excluding the incorporated areas thereof, of less than thirty thousand.

§ 520. Construction. This article shall be construed liberally to effect the purposes hereof and the enumeration of specific powers in this act shall not operate to restrict the meaning of any general grant of power contained in this chapter or to exclude other powers comprehended in such general grant. In construing this chapter consideration shall be given to its purposes and intent, among others, of consolidating, clarifying and simplifying the respective provisions of the chapters repealed as hereinafter specified in section five hundred twenty-five hereof and of authorizing municipalities to undertake one or more programs of urban renewal with respect to the clearance, replanning, reconstruction, rehabilitation, redevelopment, conservation, restoration or improvement of substandard, insanitary, slum, blighted, deteriorated or deteriorating residential, non-residential, improved or vacant areas, or the remedying of unsuitable topographical, subsoil or other physical conditions which tend to impede the development of such areas, for residential, commercial, industrial, community, public and other uses and to apply for and accept federal or state loans, subsidies or grants in connection therewith. Insofar as the provisions of this article are inconsistent with the provisions of any other general, special or local law, the provisions of this article shall be controlling.

§ 521. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 522. Pending actions or proceedings. This act or anything contained therein shall not affect or abate any acts, actions, proceedings, civil or criminal, pending at the time this act shall take effect brought by, for or against, the state, the division of housing or any municipality or in pursuance of the provisions of the laws repealed by this act, but all such acts, actions or proceedings may be continued, prosecuted, conducted and completed as if such laws were not repealed but continued to be fully effective.

§ 523. Saving clause. 1. Any urban renewal program commenced or undertaken prior to the effective date of this article, in accordance with and pursuant to, any provision of the general municipal law, or other law in force immediately prior to the effective date of this article, shall in no manner be impaired or affected by the enactment of this article or the repeal of the applicable sections of the general municipal law. As to such urban renewal programs so commenced or undertaken, the provisions of any such law may be deemed continued thereunder until the completion of such program or programs. Nothing herein contained, however, shall prevent a municipality, having so commenced or undertaken an urban renewal program prior to the effective date of this article, from exercising any of the rights or powers granted in this article in conjunction with or substitution of the rights and powers of such municipality under any law in force immediately prior to the effective date of this article, until the completion of such program.

2. Any provision in any law, rule, regulation, resolution, contract or other document relating to any right, power or duty of the state or of a municipality and which applied at the time the state or municipality exercised such power or right or performed such duty shall continue to apply notwithstanding any provision to the contrary of this article.

3. An act of the legislature of the year nineteen hundred sixty-one which in form amends or repeals or purports to amend or repeal any provision or provisions of section seventy-two-k, seventy-two-l, seventy-two-m, seventy-two-n, or seventy-two-o of the general municipal law as in force at the time this act shall take effect shall be deemed and construed as an amendment or repeal, as the case may be, of the corresponding provision or provisions of such sections or law, as contained in this article.

4. An act of the legislature of the year nineteen hundred sixty-one, which adds or purports to add a new section, subdivision or other provision of law to sections seventy-two-k, seventy-two-l, seventy-two-m, seventy-two-n or seventy-two-o of the general municipal law as in force at the time this act shall take effect shall be deemed and construed as having been added to this act and shall be given full effect according to its context as if the same had been added expressly and in terms to this act and shall be deemed and construed to have been inserted in this act in the appropriate position in regard to and as modifying the effect of the corresponding provision or provisions of this article.

5. Reference in any general, special or local law, county, city or village charter or other special form of government, ordinance, resolution, rule, regulation or document or in any act of the legislature of the year nineteen hundred sixty-one to sections seventy-two-k, seventy-two-l, seventy-two-m, seventy-two-n or seventy-two-o of the general municipal law as in force at the time this act shall take effect shall be deemed and construed to refer to the corresponding provision of this article and shall be given full effect according to its terms as thereof specifically referring to such corresponding section or other provision of this article.

§ 524. Validation. All proceedings, acts and things undertaken, performed or done by any municipality or the state division of housing pursuant to sections seventy-two-k, seventy-two-l, seventy-two-m, seventy-two-n and seventy-two-o of the general municipal law or done with reference thereto are hereby validated, ratified, confirmed, approved and declared legal in all respects, notwithstanding any want of statutory authority or any defect or irregularity in such acts or proceedings.

§ 525. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed, except as provided in section five hundred twenty-two.

ARTICLE XV-A

MUNICIPAL URBAN RENEWAL AGENCIES, ORGANIZATION AND POWERS

§ 550. Short title. This article may be cited as the "Urban Renewal Agency Act. "

§ 551. Policy and purposes of article. It is hereby declared to be the policy of this state to promote the expeditious undertaking, financing and completion of municipal urban renewal programs by the creation of municipal urban renewal agencies which are hereby declared to be governmental agencies and instrumentalities and to grant to such urban renewal agencies the rights and powers provided in this article. The use of such rights and powers is a public purpose essential to the public interest, and for which public funds may be expended.

§ 552. Definitions. As used or referred to in this article unless a different meaning clearly appears from the context:

1. "Agency" shall mean an urban renewal agency created pursuant to this article.

2. "Bonds" shall mean any bonds, notes, interim certificates, debentures, or other obligations issued by an agency pursuant to this article.

3. "Governing body", "Municipality", "Urban renewal", "Substandard or insanitary area", "Comprehensive community plan", "Urban renewal plan", "Commission", "Urban renewal area", "State capital grant" and "Commissioner" shall mean governing body, municipality, urban renewal, substandard or insanitary area, comprehensive community plan, urban renewal plan, commission, urban renewal area, state capital grant and commissioner, respectively, as defined in article fifteen of this chapter.

4. The term "mayor" shall mean the chief executive officer of a municipality.

§ 553. Organization of urban renewal agencies. 1. (a) Upon the establishment of a municipal urban renewal agency by special act of the legislature, the mayor of the city or village wherein such agency is established, or the town board of the town, shall file within six months after the effective date of the special act of the legislature establishing such agency or before the first day of July, nineteen hundred sixty-four, whichever date shall be later, in the office of the secretary of state, a certificate signed by him setting forth: (1) the effective date of the special act establishing the agency; (2) the name of the agency; (3) the names of the members and their terms of office, specifying which member is the chairman; and (4) facts establishing the need for the establishment of an agency in such city, town or village.

(b) Every such agency shall be perpetual in duration, except that if, at the expiration of ten years subsequent to the effective date of the special act, there shall be outstanding no bonds or other obligations theretofore issued by such agency or by the municipality for or on behalf of the agency, then the corporate existence of such agency shall thereupon terminate and it shall thereupon be deemed to be and shall be dissolved.

2. An agency shall be a corporate governmental agency, constituting a public benefit corporation. Except as otherwise provided by special act of the Legislature, an agency shall consist of not less than three nor more than five members who shall be appointed by the mayor of a city or village or the town board of a town and who shall serve at the pleasure of the appointing authority. A member shall continue to hold office until his successor is appointed and has qualified. The mayor of a city or village, or the town board of a town, shall designate the first chairman. Such members shall receive no compensation for their services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties.

3. A majority of the members of an agency shall constitute a quorum.

4. Any one or more of the members of an agency may be an official or an employee of the municipality. In the event that an official or an employee of the municipality shall be appointed as a member of the agency, acceptance or retention of such appointment shall not be deemed a forfeiture of his municipal office or employment, or incompatible therewith or affect his tenure or compensation in any way. The term of

office of a member of an agency who is an official or an employee of the municipality when appointed as a member thereof by special act of the legislature creating the municipal urban renewal agency shall terminate at the expiration of the term of his municipal office.

§ 554. Powers of an agency. Subject to the provisions of article fifteen of this chapter, an agency is authorized to plan and undertake one or more urban renewal projects and shall have the powers necessary or convenient to carry out and effectuate such project or projects and the purposes and provisions of this article and article fifteen of this chapter, including but not limited to the following powers: (1) to sue and be sued; (2) to have a seal and alter the same at pleasure; (3) to have perpetual succession; (4) to make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions; (5) to make and alter by-laws for its organization and internal management; (6) to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the eminent domain procedure law, or otherwise, real or personal property or any interest therein, including but not limited to air rights, and easements or other rights of user, necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influences over an area or areas consisting principally of land in streets, alleys, highways, and other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences, provided, however, that the acquisition of any air rights over railroad tracks, rights-of-way or facilities and easements or other rights of user necessary for the use and development of such air rights are to be subject to the provisions of section fifty-one-a of the railroad law; (7) to appoint officers, agents and employees, prescribe their duties, fix their compensation and delegate to one or more of such officers, agents or employees such powers or duties as it may deem proper; (8) with the consent of the municipality to use agents, employees, and facilities of the municipality, paying to the municipality its agreed proportion of the compensation or costs; (9) to insure or provide for the insurance of its property or operations as required by law and also against such other risks as it may deem advisable; (10) to invest any moneys held in reserve or sinking funds or any moneys not required for immediate use or disbursement at the discretion of the agency in obligations of the state or the United States government or obligations of which the principal and interest are guaranteed by the state or the United States government; (11) to cooperate with the federal government and apply for and accept advances, loans, grants, subsidies, contributions and any other form of financial assistance from the federal government, or from the state, county, municipality or other public body or from any sources public or private, for the purposes of this article and article fifteen of this chapter; and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; provided, however, that any application for a loan, subsidy or grant to the federal government or the state shall be subject to the prior approval of the governing body; and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project, or with respect to any other program authorized under the federal housing act of nineteen hundred forty-nine, and all other federal laws amendatory and supplemental thereto, such conditions imposed pursuant to federal laws as the agency may deem reasonable and appropriate and which are not inconsistent with the purposes of this article or article fifteen of this chapter. Such conditions may include but shall not be limited to (a) provisions requiring payments of not less than certain minimum salaries and wages to architects, engineers, technicians, laborers, mechanics and other personnel; (b) provisions prohibiting rebates and kickbacks; and (c) provisions requiring contractors and subcontractors to furnish reports and other data to the secretary of labor; (d) provisions requiring payment of actual reasonable moving and related expenses as well as supplemental and additional payments, to individuals, families, business concerns or non-profit organizations due to displacement, so that disproportionate injuries are not suffered as a result of such program, as may be required by and pursuant to a federal financial assistance contract. (12) to apply for and accept the local grants-in-aid required under such federal laws, in the form of appropriations, cash, municipal services and facilities, or any other form; (13) to borrow money and issue bonds or other obligations; (14) to provide for demolition and clearance of property, improvement of property, or development and use of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights and air rights sites, including the remedying of unsuitable topographical, subsoil or other physical conditions which impede development within the urban renewal area, and construction of foundations and platforms as well as other necessary sitework, by the agency or by the municipality or by the persons, firm or corporation to whom such property, air rights and easements or air rights site, is sold or leased, provided, however, that any such work upon or affecting railroad property, right-of-way or facilities shall be subject to the approval of and joint supervision by the railroad company or companies affected. No work upon or affecting railroad property, right-of-way or facilities shall be progressed without the approval of the railroad company or companies, and in connection with all such projects upon or affecting railroad property, right-of-way or facilities appropriate standards for safety of operations, ventilation and lighting shall be subject to the approval of the railroad company or companies affected; (15) to develop, test and report methods and techniques and carry out demonstration and other activities in relation to or in connection with one or more programs of urban renewal or other programs relating to the arrest and prevention of conditions of deterioration or blight. In carrying out such demonstration and other activities an agency may itself reconstruct, repair, rehabilitate or otherwise improve such real property or may sell, lease or otherwise dispose of real property, for the effectuation of such activities or purposes by the purchaser or lessee thereof, pursuant to the provisions of section five hundred fifty-six of this article; (16) to prepare or cause to be prepared a general neighborhood renewal plan for an area consisting of an urban renewal area or areas, together with any adjoining areas having specially related problems, and which is of such size that urban renewal activities may have to be initiated in stages; (17) to prepare or cause to be prepared a community-wide plan or program for urban renewal which shall conform to the comprehensive community plan for the development of the municipality as a whole; (18) to conduct examinations and investigations, hear testimony and take proof, under oath at public or private hearings on any material matters. (19) to convey, assign, grant or otherwise transfer all of its right, title and interest in any urban renewal program, or part thereof, or any right, title or interest in or to any real or personal property, contract, claim or other interest acquired or held by it in connection with such program, or part thereof, with or without consideration, to the municipality, subject to the prior approval of the governing body, upon such terms and conditions as may be reasonable and appropriate to effectuate such transfer not inconsistent with the purposes of this article or article fifteen of this chapter or any contract for financial assistance from the federal government, or from the state or other public body, for any of the purposes of such articles or either of them.

§ 554-a. Agency contracts. Except as otherwise expressly provided by an act of the legislature, provisions of state and local law applicable to the letting of public works and purchase contracts by the municipality for which an agency is established shall apply to the same degree and extent to such agency.

§ 555. Acquisition of property. 1. (a) Real property or any interest therein, including but not limited to air rights, and easements or other rights of user necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influences over an area or areas consisting principally of land in streets, alleys, highways, and other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities which have a blighting influence on the surrounding area necessary for or incidental to any urban renewal program or part thereof in accordance with an urban renewal plan may be acquired by an agency by gift, grant, devise, purchase, condemnation or otherwise and by a municipality for and on behalf of an agency by condemnation. Property may be acquired by condemnation by an agency or by a municipality for an agency pursuant to the condemnation law or pursuant to the laws relating to the condemnation of land by the municipality for which the agency is acting or the municipality, as the case may be.

(b) Property so acquired by an agency, or by a municipality in behalf of an agency, shall be exempt from taxation until sold, leased for a term not exceeding ninety-nine years or otherwise disposed of in accordance with the provisions of this article or article fifteen of this chapter; provided, however, that any such agency shall have the power and authority, with respect to such property, to pay, out of funds available to it for the effectuating of such urban renewal program, annual sums in lieu of taxes to any taxing jurisdiction providing services to the urban renewal area, or to the part or portion thereof within such taxing jurisdiction, in order that no such taxing jurisdiction shall suffer an inequitable loss of revenue by virtue of such urban renewal program; provided, further, that the amount so paid for any year with respect to any such property shall not exceed the lesser of (1) the sum last levied for the benefit of such taxing jurisdiction as an annual tax on such property prior to the time of its acquisition for urban renewal purposes or (2) such amount as shall be approved by the commissioner, pursuant to such rules, regulation, limitations and conditions as he may prescribe, as an eligible and proper charge against such urban renewal program. Upon the sale, lease or disposition of such property to any person, firm or corporation not entitled to an exemption from taxation or entitled to only a partial tax exemption such property shall immediately become subject to taxation in whole or in part, as the case may be, and shall be taxed pro rata for the unexpired portion of the taxable year.

As used in this paragraph, the term "taxing jurisdiction" means any municipal corporation or district corporation including any school district or any special district, having the power to levy or collect taxes and benefit assessments upon real property, or in whose behalf such taxes or benefit assessments may be levied or collected.

(c) Notwithstanding any other provisions of this article, an agency may acquire by purchase, gift, devise, condemnation or otherwise, in accordance with the appropriate provisions of any general, special or local law or charter applicable to the acquisition of real property by such agency, such real property or any interest therein, within an area designated pursuant to article fifteen of this chapter as appropriate for urban renewal, as it may deem ultimately necessary or proper to effectuate the purposes of this article although temporarily not required for such purposes, provided that the early acquisition of such property is approved as follows:

(1) In a municipality where there is a planning commission, the agency shall submit the proposal for early acquisition to the commission for its approval. Such planning commission shall, not later than ten weeks from the date of the referral of the proposal to it, after a public hearing held on due notice, submit its report to the governing body certifying its unqualified consent, its disapproval, or its qualified consent with recommendations for modifications of the proposal.

After public hearing held on due notice after the report is received or due from the planning commission, the governing body may:

(i) if the commission shall have certified its unqualified consent, by majority vote authorize the agency to proceed with the acquisition;

(ii) if the commission shall have certified its disapproval or shall have failed to make its report within ten weeks from the date such proposal was submitted to it, nevertheless authorize the agency to proceed with the acquisition, but only by a three-fourths vote;

(iii) if the commission shall have certified its qualified consent together with recommendations for modifications of the proposal, authorize the agency to proceed with the acquisition in accordance with the modifications recommended by the commission, by majority vote, or authorize such acquisition without such modifications but only by a three-fourths vote.

(2) In a municipality where there is no planning commission, the agency shall submit the proposal to the governing body which after public hearing held on due notice, may either approve or disapprove the proposal.

§ 556. Disposition of property. 1. An agency may sell, lease for a term not exceeding ninety-nine years, or otherwise dispose of any real property and appurtenances thereto or any interest therein acquired by it pursuant to section five hundred fifty-five of this article, to any person, firm or corporation at the highest marketable price or rental at public auction or by sealed bids.

2. Notwithstanding the provisions of subdivision one of this section, such real property and appurtenances thereto may be sold, leased for a term of not exceeding ninety-nine years or otherwise disposed of for the effectuation of any of the purposes of an urban renewal program in accordance with the urban renewal plan pursuant to the provisions of subdivision two of section five hundred seven of article fifteen of this chapter.

3. Any deed, lease or instrument by which real property and appurtenances thereto, or air rights and concomitant easements or other rights of user necessary for the use and development of such air rights over streets, alleys, highways or other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities, or air rights sites and necessary sitework, the foundations and platforms constructed or to be constructed in connection therewith, or any interest therein is conveyed or disposed of pursuant to this section shall contain provisions requiring the purchaser, lessee or grantee to replan, clear, rehabilitate, restore, renew, conserve, improve, reconstruct or redevelop such property in accordance with the urban renewal plan, as approved by the governing body, and within a definite and reasonable period of time, subject to the terms of the contract relating thereto between the agency and the sponsor and provisions insuring the use of such real property for purposes consistent with such urban renewal plan.

4. Notwithstanding anything to the contrary in this article or article fifteen of this chapter and notwithstanding any provision of any general, special or local law, such real property and appurtenances thereto may be sold, leased for a term not exceeding ninety-nine years, exchanged with or otherwise disposed of, for the effectuation of any of the purposes of the urban renewal program in accordance with the urban renewal plan, to any municipal corporation, school district, fire district, housing authority, the state of New York, or the government of the United States and any agency or department thereof, for a valuable

consideration and upon such terms and conditions as shall be approved by the governing body of the municipality, without public auction or sealed bids or public notice.

§ 557. State capital grants. 1. The commissioner may in the name of the state, (a) in the case of agencies which have contracted with the federal government for a capital grant (or for a loan and grant) make or contract to make, within appropriations therefor, a state capital grant to such agency to assist in carrying out one or more programs of urban renewal;

(b) in the case of agencies which have not made application to or entered into a contract with the federal government for advances, loans or grants with respect to a specific urban renewal project, make or contract to make a state capital grant, within appropriations therefor, to such agency to assist in meeting the cost of surveys and plans for such project and the administrative and other related expenditures to be incurred in undertaking and completing such project.

All contracts for such state capital grants shall be subject to approval by the state comptroller, and by the attorney general as to form. The commissioner may make advances or progress payments on account of any state capital grant contracted to be made pursuant to this section and such advances or payments shall not constitute periodic subsidies.

2. Any such state capital grant shall be in such amount, within appropriations therefor, as the commissioner, in his discretion, may deem necessary to assist the agency in discharging its obligations in connection with the programs for which the grant shall be made; provided, however, that no such grant shall exceed one-half of the net cost of such program to the agency, exclusive of any federal aid or assistance, as such net cost shall be certified by the agency and approved by the commissioner. If the agency has not applied to or entered into a contract with the federal government for advances, loans or grants for a specific project, such grant shall not in any event exceed five hundred thousand dollars ($500,000).

3. No agency shall receive any such state capital grant until (a) the urban renewal plan has been approved by the governing body, (b) the program set forth in such plan has been certified as eligible for federal assistance by the appropriate federal agency, or the governing body has found that such federal financial assistance is not necessary for the undertaking and successful completion of the program set forth in such plan, and (c) the governing body has attached its approval to the grant contract. The commissioner may make temporary advances to such agency in anticipation of any such grant.

4. Notwithstanding anything contained in this section to the contrary, the commissioner may in the name of the state, within appropriations heretofore or hereafter made for state capital grants to assist in carrying out one or more local urban renewal programs, make or contract to make advances of funds to agencies, in anticipation of any such state capital grant, to assist such agencies in preparing preliminary economic and physical plans for relocation housing, regulated by law or contract as to rents, for persons and families to be displaced by the urban renewal program whose housing needs cannot be met by the unaided operations of private enterprise. Upon completion such plans shall be filed with the commissioner.

No such contract or advance shall be made (a) before an urban renewal area, to whose residents such relocation housing relates, has been designated pursuant to section five hundred four of this article; (b) unless the governing body has certified that the preparation of preliminary plans for such relocation housing is necessary to the making of a finding, pursuant to section five hundred five of this article, as to the existence of a feasible method of relocation; and (c) in excess of the lowest of the following amounts:

(i) the actual cost of preparation of such preliminary plans;

(ii) one-half of one per cent of the estimated construction cost of the proposed relocation housing;

(iii) twenty-five thousand dollars;

and every such advance shall be repaid out of any state capital grant which may become payable to the agency for the undertaking of the urban renewal project involved.

5. Notwithstanding anything contained in this article or article fifteen of this chapter to the contrary, the commissioner may in the name of the state, within appropriations heretofore or hereafter made for state capital grants to assist in carrying out one or more local urban renewal programs make or contract to make state capital grants to such agencies to assist in financing the cost of the preparation and completion of one or more community renewal programs.

Any such state capital grant shall be in such amount, within appropriations therefor, as the commissioner, in his discretion, may deem necessary to assist the agency in discharging its obligations in connection with the program for which the state grant shall be made; provided, however, that no such state capital grant shall exceed one-half of the cost to the agency of undertaking and completing such program, exclusive of any federal or state aid or assistance therefor, as such cost shall be certified by the agency and approved by the commissioner.

No agency shall receive any such state grant until (a) the community renewal program has been approved by the governing body, (b) the program has been certified as eligible for federal assistance by the appropriate federal agency, and (c) the governing body has attached its approval to the state capital grant contract.

All contracts for such state capital grants shall be subject to approval by the state comptroller, and by the attorney general as to form. The commissioner may make advances or progress payments on account of any such state capital grant contract to be made pursuant to this section.

6. (a) Notwithstanding anything to the contrary contained in this section or elsewhere in this chapter, or in any general, special or local law, except as hereinafter provided, the commissioner may, in the name of the state, include in determining the net cost of an urban renewal project for the purpose of computing the amount of state

financial assistance to an agency, those expenditures made by a private voluntary hospital and/or by a private college or private university, within, adjacent to, or in the immediate vicinity of such project which are recognized as non-cash grant-in-aid credits under the provisions of section one hundred twelve of title one of the federal housing act of nineteen hundred forty-nine, as amended and supplemented; provided, however, that such computation shall not apply to any urban renewal project for which a contract has been executed with the federal government for a capital grant (or for a loan and grant) prior to the first day of July, nineteen hundred sixty-six.

(b) Not more than fifteen per centum of the amount appropriated by the state or otherwise available to the commissioner in any year for urban renewal assistance to municipalities and agencies pursuant to this section and section five hundred ten of this chapter shall be available for the purposes of paragraph (a) of this subdivision.

(c) In no instance shall the amount of state assistance to an agency under this subdivision exceed the net project cost, excluding the amount of the non-cash grant-in-aid credits for expenditures made by a private voluntary hospital and/or by a private college or private university allowed in accordance with the provisions of section one hundred twelve of title I of the federal housing act of nineteen hundred forty-nine as amended and supplemented, less any federal capital grant, or loan and grant, for such project; nor shall the aggregate amount of state assistance for any such urban renewal project, including section one hundred twelve grant-in-aid credits as provided by this subdivision, exceed one-half of the total local grant-in-aid requirements necessary to complete such project.

(d) No such section one hundred twelve non-cash grant-in-aid credits shall be included in determining the net cost of an urban renewal project for the purpose of computing the amount of state financial assistance to an agency unless such expenditures were made in conformity with a plan or undertaking for the clearance, replanning and reconstruction or rehabilitation of a substandard or insanitary area or areas.

(e) Such plan or undertaking, for the clearance, replanning and reconstruction or rehabilitation of a substandard insanitary area adjacent to or in the immediate vicinity of an urban renewal project shall conform to the comprehensive community plan for the development of the community as a whole. Every such plan or undertaking shall be submitted to the commission, if any, for approval. The commission after considering the plan or undertaking may: issue a report of unqualified approval; or issue a report of conditional or qualified approval; or issue a report disapproving same. The plan or undertaking shall be submitted, together with the report of the commission, to the local legislative body for its approval. If the commission shall have issued a report of unqualified approval, the plan or undertaking may be approved in accordance with the report of the commission by a majority vote of the local legislative body. If the commission shall have issued a report disapproving same, or shall have issued a report of conditional or unqualified approval, or shall have failed to make its report within four weeks of the submission of the plan or undertaking to the commission, the local legislative body may, nevertheless, approve the plan or undertaking but only by a three-fourths vote.

§ 558. Authority of agency; other terms and contracts. 1. An agency is authorized to enter into agreement with the state to receive such state capital grants to assist such agency to establish and carry out one or more programs of urban renewal.

2. In every contract for a capital grant by the state, the acts constituting a substantial breach of the provisions set forth therein shall be defined in such terms as the commissioner shall deem to be in the public interest and as are consistent with the provisions of this article and the purposes of the program for which such aid is sought.

3. Every such contract may contain such other terms, covenants and conditions as shall be agreed upon and as are consistent with the provisions of this article and the purposes of the urban renewal program.

§ 559. Bonds of an agency. 1. (a) An agency shall have power and is hereby authorized from time to time to issue its negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary to provide sufficient funds for achieving its corporate purposes.

(b) An agency shall have power, from time to time, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any other purpose. The refunding bonds shall be sold and the proceeds applied to the purchase, redemption or payment of the bonds to be refunded.

2. Except as may otherwise be expressly provided by the agency, every issue of its notes and bonds shall be general obligations of the agency payable out of any revenues or moneys of the agency, subject only to any agreements with the holders of particular notes or bonds pledging any particular receipts or revenues, provided, however, that the payment of such bonds and notes, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban renewal program or part thereof, or by a mortgage of any such urban renewal program, or part thereof, title to which is in the agency, or that payment of such bonds and notes, both as to principal and interest, or only as to interest, may be guaranteed by the municipality.

3. Bonds and notes of an agency shall be authorized by its resolution, shall bear such date or dates, mature at such time or times, in the case of any such note, or any renewals thereof, not exceeding seven years from the date of issue of such original note, and in the case of any such bond not exceeding fifty years from the date of issue, as such resolution or resolutions shall provide. The notes and bonds shall bear interest at such rate or rates, be in such denomination or denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places and be subject to such terms of redemption with or without premium, and be secured in such manner, as such resolution or resolutions may provide. The bonds and notes may be sold by the agency at public or private sale, at such price or prices as

the agency may determine.

4. Bonds and notes of an agency are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including saving and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them, provided that such bonds and notes (1) are secured by an agreement between the agency and the federal government in which the agency agrees to borrow from the federal government and the federal government agrees to lend to the agency, prior to the maturity of such bonds or notes, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or notes) will suffice to pay the principal on such bonds or notes with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or notes at their maturity, or (2) are guaranteed by the municipality as to principal and interest. Such bonds and notes are also hereby made securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities, governments, and public corporations of this state, for any purpose for which the deposit of bonds or other obligations of this state is now or may be hereafter authorized or required.

5. In case any of the members or officers of an agency whose signatures appear on the bonds or coupons shall cease to be such members or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until such delivery.

6. In connection with the issuance of bonds or the incurring of an obligation and to secure the payment of such bonds or other obligations, an agency, in addition to its other powers, may:

(a) pledge, covenant to pledge, or covenant against pledging, all or any part of the rents, fees, revenues, subsidies, grants or contributions to which its right then exists or may thereafter come into existence; covenant against permitting or suffering any lien thereon; it is the intention hereof that any pledge of revenues or other monies made by an agency shall be valid and binding from the time when the pledge has been made, that revenues or other monies so pledged and thereafter received by an agency shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the agency, irrespective of whether such parties have notice thereof;

(b) mortgage, covenant to mortgage or covenant against mortgaging, all or any part of its property, real or personal, then owned or thereafter acquired; covenant against permitting or suffering any lien thereon;

(c) covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or part thereof;

(d) covenant as to the use of any or all of its properties, real or personal;

(e) create or authorize the creation of special funds segregating (1) the proceeds of any loans, grants, subsidies or contributions; (2) all the rents, fees and revenues of any project or projects; (3) any monies held for the payment of the principal of and interest on its bonds; and (4) any monies held for any reserves or contingencies; and covenant as to the use and disposal of the monies held in such funds.

(f) covenant as to any other matters of like or different character, which in any way affect the security or the protection of the bonds.

7. Neither the members of an agency nor any person executing the notes or bonds of an agency shall be liable personally on such notes or bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

§ 560. Exemption from taxation of property and income. The property of an agency and its income and operations shall be exempt from taxation.

§ 561. Exemption from taxation of bonds. Bonds, mortgages, notes and other obligations of an agency are declared to be issued for a public purpose and to be public instrumentalities and together with interest thereon, shall be exempt from taxation.

§ 561-a. Accounts, reports and audits. 1. The accounting records of an agency shall be maintained in accordance with a system prescribed by the state comptroller.

2. Within sixty days after the close of the fiscal year, an agency shall submit an annual report of its financial condition to the commissioner and to the state comptroller. The report shall be in such form as the comptroller shall require. The commissioner or the comptroller may require additional information from the agency or any officer thereof at any time.

3. The state comptroller, or his legally authorized representative, is hereby authorized and empowered from time to time to examine the books and accounts of an agency including its receipts, disbursements, contracts, reserve funds, sinking funds, investments and any other matters relating to its finances or financial standing. Such an examination shall be conducted by the comptroller at least once in every five years; the comptroller is authorized, however, to accept from an agency, in lieu of such an examination, an external examination of its books and accounts made at the request of the agency.

§ 561-b. Fiscal year. The fiscal year of an agency shall begin on the same day and end on the same day of the calendar month on which the fiscal year of the municipality wherein such agency is established shall begin and end.

§ 562. Powers additional and supplemental. The powers conferred by this article shall be in addition and supplemental to existing powers relating to the effectuating of an urban renewal program, and this article shall not be construed as repealing any of the provisions of any other law, general or special. Nothing in this article shall be deemed to relieve any agency or municipality from complying with the provisions of article fifteen of this chapter as they relate to the designation of an urban renewal area or the approval of an urban renewal plan.

§ 563. Separability clause. If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE XV-B

MUNICIPAL URBAN RENEWAL AGENCIES, CREATED

23. City of Tonawanda community development agency (§ 592).
24. Niagara Falls urban renewal agency (§§ 593--593-a).
26. Lockport urban renewal agency (§ 595).
28. Mount Vernon urban renewal agency (§ 598).
32-A. Middletown community development agency (§ 601-a).
34. Rome urban renewal agency (§ 603)
36. Yonkers community development agency (§ 605).
37. Port Chester community development agency (§ 606).
39. Ithaca urban renewal agency (§ 608).
41. Amsterdam urban renewal agency (§ 610).
47. Utica urban renewal agency (§ 616).
50. Glens Falls urban renewal agency (§ 619).
51. Freeport community development agency (§ 620).
54. Albany community development agency (§ 623).
55. Poughkeepsie urban renewal agency (§ 624).
56. Village of Fairport urban renewal agency (§ 625).
58. City of Fulton community development agency (§ 627).
59. Olean urban renewal agency (§ 628).
60. Elmira urban renewal agency (§ 629).
64. Town of Islip community development agency (§ 633).
65. Jamestown urban renewal agency (§ 634).
71. City of Buffalo urban renewal agency (§ 639).
72. City of Hudson community development and planning agency (§ 640).
79. City of Corning urban renewal agency (§ 647).
86. Huntington community development agency (§ 654).
86*. Town of North Hempstead community development agency (§ 654*).
87. Town of Erwin urban renewal agency (§ 655).
91. Village of Elmira Heights urban renewal agency (§ 659).
100. Schenectady urban renewal agency (§ 668).
101. Village of Rockville Centre community development agency (§ 669).
112. Village of St. Johnsville urban renewal agency (§ 680).
114. Village of Patchogue community development agency (§ 680-b).
116. Town of Riverhead community development agency (§ 680-c).

117. Town of Haverstraw urban renewal agency. (§ 680-d).
* § 680-D*.Village of Victor urban renewal agency.
* NB Added without title

TITLE 1

SYRACUSE URBAN RENEWAL AGENCY

Section 570. Syracuse urban renewal agency.

§ 570. Syracuse urban renewal agency. An urban renewal agency, to be known as the Syracuse urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of three members consisting of the mayor, the president of the common council and the commissioner of finance of the city of Syracuse and its secretary shall be the commissioner of urban improvement of such city. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 3

BINGHAMTON URBAN RENEWAL AGENCY

Section 572. Binghamton urban renewal agency.

§ 572. Binghamton urban renewal agency. A municipal urban renewal agency, to be known as the Binghamton urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New

York. It shall constitute a body corporate and politic, be perpetual in duration and consist of seven members including the mayor, the comptroller, the corporation counsel, city engineer, commissioner of public works and two members of the council of the city of Binghamton, provided however, that not more than one of such council members shall be of the same political party. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 5

MECHANICVILLE URBAN RENEWAL AGENCY

§ 574. Mechanicville urban renewal agency. A municipal urban renewal agency, to be known as the Mechanicville urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of three members, the mayor, commissioner of public safety and the commissioner of public finance. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 6

LITTLE FALLS URBAN RENEWAL AGENCY

Section 575. Little Falls urban renewal agency.

§ 575. Little Falls urban renewal agency. A municipal urban renewal agency, to be known as the Little Falls urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of not less than three and not more than five members including the mayor. The additional members shall be appointed by the mayor with the concurring approval of the city council. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 11-A

GLEN COVE COMMUNITY DEVELOPMENT AGENCY

Section 580-a. Glen Cove community development agency.

§ 580-a. Glen Cove community development agency. A municipal community development agency, to be known as the Glen Cove community development agency, is hereby established for the accomplishment of any and all of the purposes specified in articles fifteen and fifteen-A of this chapter, and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration. It shall consist of the mayor, who shall be the chairman, and six other members to be appointed by the mayor (no more than two of whom may be members of the common council of the city of Glen Cove excluding the mayor) subject to the approval of the common council of the city of Glen Cove. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal urban renewal agencies. It shall be organized in a manner prescribed by and subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operation and activities shall in all respects be governed by the provisions of such article.

TITLE 12

ROCHESTER URBAN RENEWAL AGENCY

§ 581. Rochester urban renewal agency. A municipal urban renewal agency, to be known as the Rochester urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of the nine council members of the city of Rochester, including the mayor who shall be chair. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal urban renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 14

WHITE PLAINS URBAN RENEWAL AGENCY

§ 583. White Plains urban renewal agency. 1. A municipal urban renewal agency, to be known as the White Plains urban renewal agency, is hereby established for the accomplishment of any or all of the objects or purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. Such agency shall constitute a body corporate and politic, and shall consist of five members. The members of such agency shall be appointed by the mayor of such city who may appoint himself as one of such members. Such agency shall be perpetual in duration, except that in the event that the certificate to be executed and filed by such mayor pursuant to subdivision one of section five hundred fifty-three of this chapter is not filed and approved by the state commissioner of housing and community renewal prior to July first, nineteen hundred sixty-five, then the corporate existence of such agency shall thereupon terminate and such agency shall thereupon be deemed to be and shall be dissolved.

2. Such agency shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal urban renewal agencies, and shall be organized in the manner prescribed by and shall be subject to the provisions of such article. Such agency, its members, officers and employees and its operations and activities, shall, in all respects, be governed by the provisions of articles fifteen and fifteen-A of this chapter.

TITLE 15
PORT JERVIS COMMUNITY DEVELOPMENT AGENCY

§ 584. Port Jervis community development agency. A municipal urban renewal agency, to be known as the Port Jervis community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of not less than three and not more than seven members. Three of the members, who shall be residents of Port Jervis, shall be appointed by the mayor to serve for one, two and three year terms, respectively. Of the remaining members, two shall be selected from the majority of the city council to serve at its pleasure, and two shall be selected from the minority of the city council to serve at its pleasure. The agency shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

§ 585-a. Incorporated village of Hempstead community development agency. 1. A community development agency to be known as the incorporated village of Hempstead community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of not less than three and not more than five members including the mayor. The additional members shall be appointed by the mayor with the concurring approval of the village board. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respect be governed by the provisions of such article.

2. Notwithstanding any inconsistent provision of law unless the context clearly requires otherwise, any reference in any other law, general, special or local, ordinance or resolution to the incorporated village of Hempstead urban renewal agency shall be deemed a reference to the incorporated village of Hempstead community development agency. All acts, proceedings, rights and remedies of the incorporated village of Hempstead urban renewal agency, created by chapter two hundred sixty-six of the laws of nineteen hundred sixty-four effective or occurring prior to the effective date of this section shall be and remain valid and preserved and shall in no manner be lost, impaired or affected by reason

of the provisions of this section.

TITLE 17

OSSINING URBAN RENEWAL AGENCY

TITLE 20

GLOVERSVILLE COMMUNITY DEVELOPMENT AGENCY

§ 589. Gloversville community development agency. A municipal community development agency, to be known as the Gloversville community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of five members to be appointed by the mayor subject to the approval of the common council, one of which members may be the mayor of the city of Gloversville and one of which members may be a member of the common council of the city of Gloversville. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal urban renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 22

VILLAGE OF SPRING VALLEY URBAN RENEWAL AGENCY

§ 591. Village of Spring Valley urban renewal agency. An urban renewal agency, to be known as the village of Spring Valley urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of five members, including the mayor, who shall be the chairman. The additional members shall be appointed by the mayor. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 23

CITY OF TONAWANDA COMMUNITY DEVELOPMENT AGENCY

§ 592. City of Tonawanda community development agency. An urban renewal agency, to be known as the city of Tonawanda community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, and be perpetual in duration. It shall consist of the mayor, who shall be the chairman and six other members to be appointed by the chairman. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 24

NIAGARA FALLS URBAN RENEWAL AGENCY

§ 593. Niagara Falls urban renewal agency. A municipal urban renewal agency, to be known as the Niagara Falls urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, shall be perpetual in duration, and shall consist of the mayor and all of the council members of the city of Niagara Falls, together with four members to be appointed by the mayor with the concurring approval of the city council. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and of its operations and activities shall in all respects be governed by the provisions of such article.

§ 593-a. Pledge of tax revenues for payment of certain bonds of the Niagara Falls urban renewal agency. (a) As security for the payment of any issue of bonds to be issued by the Niagara Falls urban renewal agency to finance land acquisition and clearance, site improvements and parking construction in connection with the East Falls Street Redevelopment Project and/or bond anticipation notes issued in anticipation thereof, the city council of the city of Niagara Falls is hereby authorized to enact a local law pledging the total proceeds consisting of net collections of all sales and compensating use taxes received by the city of Niagara Falls from taxes authorized pursuant to section twelve hundred ten of the tax law and proceeds payable to the city pursuant to section twelve hundred sixty-two of the tax law, or any successor statutes thereto and directing the state comptroller to pay over such proceeds to the Niagara Falls sales tax fund pursuant to the provisions of section ninety-two-t of the state finance law, or to the trustee for the holders of such bonds pursuant to the certificate issued by such trustee pursuant to subdivision (d) of this section. The lien of such pledge shall be valid and binding upon the city and agency and their respective successors and assigns as against all parties having claims of any kind in tort, contract or otherwise against the city or the agency irrespective of whether such parties have notice thereof. The lien of such pledge shall inure to the benefit of the agency and its successors and assigns including any owners of such bonds and notes to whom such proceeds are pledged. The agency shall not issue any bonds or notes in connection with such project in an amount in excess of thirty-five million dollars, plus a principal amount of bonds or notes:

(i) to fund any debt service reserve fund,

(ii) to provide capitalized interest,

(iii) to provide for original issue discount, and

(iv) to provide for the payment of fees and other charges and expenses, including underwriters' discount, related to the issuance of such bonds or notes, or related to the provision of any applicable bond or note facilities, excluding refunding bonds.

Provided, however, that upon any refunding or repayment of such bonds or notes the total aggregate principal amount of outstanding bonds and notes may be greater than thirty-five million dollars ($35,000,000) only if the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds so to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds and of the aggregate debt service of the bonds so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds from the payment dates thereof to the date of issue of the refunding or repayment bonds and to the price bid including estimated accrued interest or proceeds received by the agency including estimated accrued interest from the sale thereof.

Such local law shall be subject to the following limitations and conditions:

(i) Any such local law shall become effective on the date of issue of any bonds and/or bond anticipation notes the payment of which is secured by the proceeds of such sales and compensating use taxes;

(ii) Any such local law shall be made subject to such terms and conditions, not inconsistent with this section, as may be determined necessary or appropriate by such city council and agency, subject, however, to any rights of holders of previously issued bonds and/or bond anticipation notes secured by such tax proceeds and shall be deemed to be in effect only while bonds and/or bond anticipation notes which are so secured are outstanding and may provide that it shall not be repealed, rescinded or revoked or amended in a manner which is prejudicial to the interests of said holders while such obligations shall be outstanding;

(iii) Enactment of such local law shall be conditioned upon the execution of an agreement between the city of Niagara Falls and the county of Niagara whereby such county agrees to pay such city's share of the proceeds of taxes payable to such city pursuant to section twelve hundred sixty-two of the tax law to the state comptroller for so long as bonds or notes issued pursuant to this section remain outstanding;

(iv) Any such local law shall not be enacted unless such city council shall have determined that such local law is necessary and in the public interest; and

(v) Notwithstanding any of the foregoing to the contrary, the aforesaid pledge shall be deemed executory only to the extent of moneys appropriated and made available therefor by the city.

(b) The state does hereby covenant and agree with the owners of each issue of bonds and/or bond anticipation notes of the agency secured by a pledge of proceeds of such sales and compensating use taxes that the state will not repeal, rescind or revoke the provisions of this section or section ninety-two-t of the state finance law or modify the same as to limit, impair, or impede the rights hereby vested in the city and/or the agency or in any way limit, impair, or impede the rights and remedies of owners of said bonds and/or bond anticipation notes, until such bonds and/or bond anticipation notes, together with the interest thereon, and all costs and expenses in connection with any action or proceeding by or on behalf of such owners, are fully paid or otherwise discharged or defeased; provided that (i) nothing in this section shall be deemed or construed as giving or pledging the credit of the state to the payment of said bonds and/or bond anticipation notes; and (ii) this pledge shall be subject to the reserved right of the state to alter the base, rate, method of taxation and exemptions from taxation or the method of distribution of the taxes which may be imposed pursuant to section twelve hundred ten and section twelve hundred sixty-two of the tax law, or any successor law thereto. The city and the agency are authorized to include this covenant and agreement of the state in any sale of such bonds and/or bond anticipation notes.

(c) The agency shall provide in any sale of bonds and/or bond anticipation notes which are secured by proceeds of sales and compensating use taxes as provided herein that the proceeds of the taxes which would otherwise be received by the city pursuant to section twelve hundred ten of the tax law or proceeds payable to the city pursuant to section twelve hundred sixty-two of the tax law, or any successor statutes thereto, shall, upon the occurrence of events described in subdivision two of section ninety-two-t of the state finance law, be paid by the state comptroller into the Niagara Falls sales tax fund for disposition as provided in such section. The state comptroller is hereby authorized and directed to pay such moneys to such fund, and to make such arrangements as are deemed appropriate to facilitate such payments, including, but not limited to the electronic transfer thereof.

(d) Upon delivery of any issue of bonds or notes secured by the proceeds of sales and compensating use taxes as herein authorized, the chair of the agency shall file with the state comptroller and the county treasurer a certificate setting forth with respect to such issue the name and address of the trustee for the holders thereof. Upon the appointment of a successor trustee with respect to any issue of bonds or notes secured as provided herein, a supplemental certificate shall be filed with the state comptroller and the county treasurer prior to the effective date of such appointment. Such trustee shall on or before November first annually certify to the state comptroller and to the city council the amount required for the ensuing city fiscal year for payment of debt service on bonds or notes issued pursuant to this section and to restore any deficiencies in any reserve funds established in connection with the issuance of such bonds or notes.

(e) Pursuant to an appropriation by the city council of the amount certified pursuant to subdivision (d) of this section, the state comptroller shall pay such amount to the trustee out of proceeds of the taxes pledged pursuant to this section. Any such proceeds in excess of such certified amount shall be paid by the state comptroller to the city of Niagara Falls. In the event that the amount to be paid by the state comptroller is less than the amount certified pursuant to subdivision (d) of this section, the comptroller shall pay such difference to the trustee for the bondholders out of the first monies available for the next succeeding payments of (i) state aid apportioned to the city of Niagara Falls as per capita aid for the support of local government pursuant to section fifty-four of this chapter or (ii) such other aid or assistance payable by the state to the city and not otherwise allocated as shall supersede or supplement such state per capita aid, including federal monies apportioned to the city by the state, after giving written notice to the chief fiscal officer of the city of Niagara Falls. Any amount so paid over shall be deducted from the corresponding apportionment of such per capita state aid otherwise payable to the city of Niagara Falls, and shall not obligate the state to make nor entitle the city to receive any additional apportionment or payment of per capita state aid. Nothing herein shall affect the reserved right of the state to amend such section fifty-four or otherwise reduce or eliminate such per capita aid and such other aid or assistance.

(f) The state comptroller may conclusively rely upon the information set forth or included by reference in any certificate filed therewith pursuant to this section or section ninety-two-t of the state finance law, and shall not be liable to the owner of any bond or note of the agency on account of any reasonable action taken based upon such information. The county treasurer may conclusively rely upon the information set forth in any certificate filed therewith pursuant to this section or section ninety-two-t of the state finance law, and shall not be liable to the owner of any bond or note of the agency on account of any reasonable action taken based upon such information.

(g) During the period that any local law enacted pursuant to this section shall be in force, the city shall not issue revenue anticipation notes in anticipation of the receipt of taxes authorized pursuant to section twelve hundred ten of the tax law, which taxes are described in subdivisions (b), (d), (e) and/or (f) of section eleven hundred five of the tax law, and, in the event that the city issues revenue anticipation notes in anticipation of the collection or receipt of any other categories of sales taxes used as security to the bondholders pursuant to the provisions of this section, when determining the total amount of revenue anticipation notes which may be issued, in addition to the amounts described in subparagraph (b) of subdivision three of paragraph (d) of section 25.00 of the local finance law or the amounts described in the unnumbered paragraph following such subparagraph (b), as the case may be, there shall also be deducted an amount equal to the debt service on the bonds or notes of the agency so secured thereafter remaining to be paid during the fiscal year of the city with respect to which such revenue anticipation notes are issued.

TITLE 26

LOCKPORT URBAN RENEWAL AGENCY

§ 595. Lockport urban renewal agency. An urban renewal agency, to be known as the Lockport urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, and be perpetual in duration and consist of seven members, including the mayor. Four of the members shall be appointed by the mayor from the common council with the concurring approval of the common council. Two of the members shall not be members of the common council, and they shall be appointed by the mayor, with the concurring approval of the common council. It shall have the power and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 28

MOUNT VERNON URBAN RENEWAL AGENCY

Section 598. Mount Vernon urban renewal agency.

§ 598. Mount Vernon urban renewal agency. A municipal urban renewal agency to be known as the Mount Vernon urban renewal agency is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration, and consist of five members, consisting of the mayor, president of the common council, comptroller, corporation counsel of the city of Mount Vernon, New York and one other person who shall be appointed by and serve at the pleasure of the mayor. It shall have all the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal urban renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter, and the agency, its members, officers, and employees, and its operations and activities, shall in all respects be governed by the provisions of such article.

TITLE 32-A

MIDDLETOWN COMMUNITY DEVELOPMENT AGENCY

Section 601-a. Middletown community development agency.

§ 601-a. Middletown community development agency. A community development agency, to be known as the Middletown community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of the members of the city council and the mayor who shall be the chairman. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal urban renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers, and employees and its operations and activities shall in all respects be governed by the provisions of such article.

*TITLE 36

YONKERS COMMUNITY DEVELOPMENT AGENCY

Section 605. Yonkers community development agency.

* Section enacted as unconsolidated law and inserted into article 15-B of the general municipal law by chapter 266 of the laws of 1964 Section 20.

§ 605. Yonkers community development agency. A municipal urban renewal agency, to be known as the Yonkers community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of seven members: the mayor of the city of Yonkers who shall be its chairman, the city council president, the planning director of the city, the corporation counsel of the city, the city comptroller and two residents of the city who are neither city officials nor city employees and who shall be appointed by the mayor with the advice and consent of the city council. The two residents of the city who are first appointed shall be designated to serve for terms of two and four years, respectively, from the date of their appointment. Thereafter their term of office shall be four years. An appointed member shall continue to hold office until his successor is appointed and has qualified. The agency shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall otherwise be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 39
ITHACA URBAN RENEWAL AGENCY

§ 608. Ithaca urban renewal agency. A municipal urban renewal agency, to be known as the Ithaca urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, shall be perpetual in duration, and shall consist of five members including the mayor. Appointments shall be made by the mayor with the approval of a majority of members of the common council and they shall serve at the pleasure of the mayor. A member shall continue to hold office until his successor is appointed and has qualified. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 41
AMSTERDAM URBAN RENEWAL AGENCY

§ 610. Amsterdam urban renewal agency. An urban renewal agency, to be known as the Amsterdam urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. 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 article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 47

UTICA URBAN RENEWAL AGENCY

§ 616. Utica urban renewal agency. An urban renewal agency, to be known as the Utica urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of the chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body, corporate and politic, be perpetual in duration and consist of seven members, including the mayor, who shall be chair, the city engineer, the chair of the city planning board, all of whose terms shall expire with the term of the mayor, two citizen electors, appointed by and to serve at the pleasure of the mayor and two members of the common council, appointed by the council, who shall not be of the same political party and each of whom shall serve until the expiration of their term of office as council member. The treasurer of the agency shall be the comptroller who shall not be a member of the agency. It shall have the powers and duties now or hereafter covered by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be covered by the provisions of such article.

TITLE 50

GLENS FALLS URBAN RENEWAL AGENCY

Section 619. Glens Falls urban renewal agency.

§ 619. Glens Falls urban renewal agency. A municipal urban renewal agency, to be known as the Glens Falls urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-a of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of not less than three and not more than five members including the mayor. The additional members shall be appointed by the mayor with the concurring approval of the city council. It shall have the powers and duties now or hereafter conferred by article fifteen-a of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and subject to the provisions of article fifteen-a of this chapter and the agency, its members, officers and employees and activities shall in all respects be governed by the provisions of such article.

TITLE 51

FREEPORT COMMUNITY DEVELOPMENT AGENCY

Section 620. Freeport community development agency.

§ 620. Freeport community development agency. A community development agency, to be known as the Freeport community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of five members, including the mayor, who shall be its chairman, and who shall appoint the other four members of such community development agency. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 54

ALBANY COMMUNITY DEVELOPMENT AGENCY

§ 623. Albany community development agency. A community development agency, to be known as the Albany community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body, corporate and politic, be perpetual in duration and consist, notwithstanding any inconsistent provision of section five hundred fifty-three of this chapter, of seven members, including the mayor, who shall be chairman, the chief fiscal officer, the corporation counsel, the president of the common council, or other presiding officer thereof, the director of community development who shall also serve as secretary of said agency, the clerk of the city, and the director of the office of equal employment opportunity for the city of Albany, all of whose terms shall expire with the term of the mayor. It shall have the powers and duties now or hereafter covered by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be covered by the provisions of such article.

TITLE 55

POUGHKEEPSIE URBAN RENEWAL AGENCY

Section 624. Poughkeepsie urban renewal agency.

§ 624. Poughkeepsie urban renewal agency. A municipal urban renewal agency, to be known as the Poughkeepsie urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of the aldermen of the city of Poughkeepsie and the mayor who shall be the chairman. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 56

VILLAGE OF FAIRPORT URBAN RENEWAL AGENCY

Section 625. Village of Fairport urban renewal agency.

§ 625. Village of Fairport urban renewal agency. An urban renewal agency, to be known as the village of Fairport urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. 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 article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-a of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 58

CITY OF FULTON

COMMUNITY DEVELOPMENT AGENCY

Section 627. City of Fulton community development agency.

§ 627. City of Fulton community development agency. A community development agency, to be known as the city of Fulton community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, and be perpetual in duration and its members shall be the mayor and the aldermen of the city of Fulton. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 59

OLEAN URBAN RENEWAL AGENCY

Section 628. Olean urban renewal agency.

§ 628. Olean urban renewal agency. An urban renewal agency, to be known as the Olean urban renewal agency, is hereby established for the accomplishment of all the purposes specified in article fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of seven members. The members shall be the mayor of the city and six members who shall be appointed by the mayor, two of whom shall be members of the common council. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agencies, its members, officers and employees, and its operations and activities, shall in all respects be governed by the provisions of such article.

TITLE 60

ELMIRA URBAN RENEWAL AGENCY

Section 629. Elmira urban renewal agency.

§ 629. Elmira urban renewal agency. An urban renewal agency, to be known as the Elmira urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of the mayor, the six council members and the city manager in an ex-officio capacity. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be covered by the provisions of such article.

TITLE 64

TOWN OF ISLIP COMMUNITY DEVELOPMENT AGENCY

Section 633. Town of Islip community development agency.

§ 633. Town of Islip community development agency. An urban renewal agency, to be known as the Town of Islip community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. 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 articles fifteen and fifteen-A of this chapter upon municipal renewal 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 Islip, 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 articles fifteen and fifteen-A of this chapter. Its members shall be appointed by the governing body of the Town of Islip. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of articles fifteen and fifteen-A of this chapter.

Notwithstanding any other provisions of this section or any other law, rule or regulation to the contrary, on July first, nineteen hundred eighty-one, new members of the agency shall be appointed or old members shall be reappointed, and they shall be appointed for fixed terms. One shall hold office for the term of one year, one for the term of two years, and one for the term of three years. If a fourth member shall be appointed on such date, his term of office shall be four years. If a fifth member shall be appointed on such date, his term of office shall be five years. The successors to all such members shall be appointed for a term of five years from the expiration of the terms of their predecessors.

TITLE 65

JAMESTOWN URBAN RENEWAL AGENCY

Section 634. Jamestown urban renewal agency.

§ 634. Jamestown urban renewal agency. An urban renewal agency, to be known as the Jamestown urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body, corporate and politic, be perpetual in duration and consist of five members, including the mayor, who shall be chairman, the chief fiscal officer, the president of the common council, or other presiding officer thereof, and two other persons to be appointed by the mayor and approved by a majority of the common council, one of whom shall be a member of the city planning commission and who shall also serve as secretary of said agency, all of whose terms shall expire with the term of the mayor. It shall have the powers and duties now or hereafter covered by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be covered by the provisions of such article.

TITLE 71

CITY OF BUFFALO URBAN RENEWAL AGENCY

Section 639. City of Buffalo urban renewal agency.

§ 639. City of Buffalo urban renewal agency. An urban renewal agency, to be known as the city of Buffalo urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, and be perpetual in duration and it shall be composed of the mayor of the city of Buffalo and eight other members, of whom one shall be the president of the common council of the city of Buffalo, one shall be the chairman of the urban renewal committee of the common council of the city of Buffalo, one shall be the minority leader of the common council of the city of Buffalo, one shall be the corporation counsel of the city of Buffalo, one shall be the commissioner of urban renewal of the city of Buffalo, one shall be the commissioner of administration and finance of the city of Buffalo and the remaining two shall be residents of the city of Buffalo appointed by the mayor, whose terms of office shall expire with that of the mayor. In the event there be no minority leader of the common council of the city of Buffalo, such vacancy on the city of Buffalo urban renewal agency shall be filled by appointment of the common council. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 72

CITY OF HUDSON COMMUNITY DEVELOPMENT AND PLANNING AGENCY

§ 640. City of Hudson community development and planning agency. An urban renewal agency, to be known as the city of Hudson community development and planning agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, and be perpetual in duration and shall consist of five members, including the mayor, majority leader of the common council, minority leader of the common council, chairman of planning commission and chairman of the housing authority. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 86

HUNTINGTON COMMUNITY DEVELOPMENT AGENCY

Section 654. Huntington community development agency.

*** § 654. Huntington community development agency.** A community development agency, to be known as the Huntington community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of five members, including the supervisor, who shall be its chair, and the four town council members, or their respective successors in office. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

* NB There are 2 § 654's

* TITLE 86

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

Section 654*2. Town of North Hempstead community development agency.

* NB There are 2 Title 86's

*** § 654. Town of North Hempstead community development agency.** A community development agency, to be known as the town of North Hempstead community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the power and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

* NB There are 2 § 654's

TITLE 87

TOWN OF ERWIN URBAN RENEWAL AGENCY

§ 655. Town of Erwin urban renewal agency. An urban renewal agency, to be known as the town of Erwin urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of five members who shall be the town board of the town of Erwin. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 91

VILLAGE OF ELMIRA HEIGHTS URBAN RENEWAL AGENCY

Section 659. Village of Elmira Heights urban renewal agency.

§ 659. Village of Elmira Heights urban renewal agency. An urban renewal agency, to be known as the village of Elmira Heights urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. 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 article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 100

SCHENECTADY URBAN RENEWAL AGENCY

Section 668. Schenectady urban renewal agency.

§ 668. Schenectady urban renewal agency. An urban renewal agency, to be known as the Schenectady urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic and be perpetual in duration and consist of the members of the city council and mayor who shall be chairman. The mayor shall be its administrative head and executive secretary. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal urban renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of the general municipal law and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 101

VILLAGE OF ROCKVILLE CENTRE COMMUNITY DEVELOPMENT AGENCY

§ 669. Village of Rockville Centre community development agency. A community development agency, to be known as the Rockville Centre community development agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of the general municipal law, and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic and be perpetual in duration. It shall consist of five members including the village mayor, who shall be its chairman, and the four village trustees. It shall have the powers and duties now or hereafter conferred by article fifteen-A of the general municipal law upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of the general municipal law, and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 112

VILLAGE OF ST. JOHNSVILLE URBAN RENEWAL AGENCY

§ 680. Village of St. Johnsville urban renewal agency. An urban renewal agency, to be known as the village of St. Johnsville urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of five members appointed by the village board. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

TITLE 114

VILLAGE OF PATCHOGUE COMMUNITY DEVELOPMENT AGENCY

§ 680-b. Village of Patchogue community development agency. For the benefit of the village of Patchogue and the inhabitants thereof, a community development agency, to be known as the VILLAGE OF PATCHOGUE COMMUNITY DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-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 articles fifteen and fifteen-A of this chapter upon community 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 village of Patchogue, 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 articles fifteen and fifteen-A of this chapter. Its members shall be appointed by the governing body of the village of Patchogue. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of articles fifteen and fifteen-A of this chapter.

TITLE 116

TOWN OF RIVERHEAD COMMUNITY
DEVELOPMENT AGENCY

Section 680-c. Town of Riverhead community development agency.

§ 680-c. Town of Riverhead community development agency. For the benefit of the town of Riverhead and the inhabitants thereof, a community development agency, to be known as the TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-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 articles fifteen and fifteen-A of this chapter upon community 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 Riverhead, 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 articles fifteen and fifteen-A of this chapter. Its members shall consist of the supervisor of the town of Riverhead, who shall be its chair and the four council members of the town of Riverhead. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of articles fifteen and fifteen-A of this chapter.

TITLE 117

TOWN OF HAVERSTRAW
URBAN RENEWAL AGENCY

Section 680-d. Town of Haverstraw urban renewal agency.

* **§ 680-d. Town of Haverstraw urban renewal agency.** An urban renewal agency, to be known as the Town of Haverstraw urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of five members, who shall be appointed by the town board. Each member shall serve a term of five years. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

* NB There are 2 § 680-d's

* **§ 680-d. Village of Victor urban renewal agency.** A municipal urban renewal agency, to be known as the village of Victor urban renewal agency, is hereby established for the accomplishment of any or all of the purposes specified in articles fifteen and fifteen-A of this chapter and in accordance with article eighteen of the constitution of the state of New York. It shall constitute a body corporate and politic, and shall be perpetual in duration and consist of five members, no more than two of whom may be members of the board of trustees to be appointed by a majority of the members of the board of trustees, who shall hold office at the pleasure of the board of trustees. It shall have the powers and duties now or hereafter conferred by article fifteen-A of this chapter upon municipal renewal agencies. It shall be organized in the manner prescribed by and be subject to the provisions of article fifteen-A of this chapter and the agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of such article.

* NB There are 2 § 680-d's

ARTICLE 15-C

GRIEVANCE PROCEDURE FOR MUNICIPAL EMPLOYEES

§ 681. Declaration of policy. In order to establish a more harmonious and cooperative relationship between government and its public employees, it is hereby declared to be the purpose of this article to provide by law for the settlement of certain differences between public employees and their employers through procedures under which employees may present grievances, free from coercion, interference, restraint, discrimination or reprisal. The provisions of this article shall be liberally construed for the accomplishment of this purpose.

§ 682. Definitions. As used herein, the following terms shall have the following meanings:

1. "Government" or "employer" shall mean any county, city, town, village, school district or other political subdivision in this state having one hundred or more full-time employees, except the city of New York.

2. "Public employee" or "employee" shall mean any person directly employed and compensated by a government, except persons employed in the legislative or judicial branch thereof.

3. "Supervisor" shall mean any person, regardless of title, who is assigned to exercise any level of supervisory responsibility over public employees.

4. "Grievance" shall mean any claimed violation, misinterpretation or inequitable application of the existing laws, rules, procedures,

regulations, administrative orders or work rules of a government or a department or agency thereof, which relate to or involve employee health or safety, physical facilities, materials or equipment furnished to employees or supervision of employees; provided, however, that such term shall not include any matter involving an employee's rate of compensation, retirement benefits, disciplinary proceeding or any matter which is otherwise reviewable pursuant to law or any rule or regulation having the force and effect of law.

§ 683. Basic standards and principles. 1. Every public employee shall have the right to present his grievances to his employer in accordance with the provisions of this article, free from interference, coercion, restraint, discrimination or reprisal, and the grievance procedure established under this article shall provide the right to be represented at all stages thereof.

2. It shall be a fundamental responsibility of supervisors at all levels, commensurate with the authority delegated to them by their superiors, promptly to consider and take appropriate action upon grievances presented to them by employees under their supervision. To such extent as is practicable, appropriate authority shall be delegated to such supervisors to enable them to carry out the purposes of this article.

3. It shall be the responsibility of the head of each department or agency of government to take such steps as may be necessary to give effect to the provisions of this article.

§ 683-a. Presentation of grievance. Every public school teacher shall have the right to present his grievance to his employer in accordance with the provisions of this article, free from interference, coercion, restraint, discrimination or reprisal, and the grievance procedure established under this article shall provide the right to be represented at all stages thereof and the representative shall be designated by the public school teacher at the time he presents his grievance or at a subsequent date.

§ 684. Grievances; procedural requirements; appeals. 1. Each government which, on or before October first, nineteen hundred sixty-three, has not established and does not thereafter maintain a two stage grievance procedure for all its employees shall, acting through the chief executive officer of each government establish and administer a basic grievance procedure for the employees of such government in accordance with the provisions of this section and section six hundred three of this article. Such basic grievance procedure shall provide for at least two procedural stages and an appellate stage for the settlement of grievances as set forth in this section.

2. The first procedural stage shall consist of the employee's presentation of his grievance to his immediate supervisor who shall, to such extent as he may deem appropriate, consult with his superiors. The discussion and resolution of grievances at the first stage shall be on an oral and informal basis. If such grievance is not satisfactorily resolved at the first stage such employee may proceed to the second stage.

3. The second procedural stage shall consist of a request by the aggrieved employee for a review and determination of his grievance by the head of the department or agency of government concerned, or his designee. In such case the aggrieved employee and his immediate supervisor shall each submit to the head of the department or agency concerned, or his designee, a written statement setting forth the specific nature of the grievance and the facts relating thereto. Thereupon such head of the department or agency concerned or his designee shall, at the request of the employee, hold an informal hearing at which the employee, and in accordance with the provisions of the grievance procedure his representative, may appear and present oral and written statements or arguments. The final determination of the second stage of such grievance proceeding shall be made by the head of the department or agency concerned, or his designee.

4. The chief executive officer of each government shall appoint one or more public employee grievance boards, consisting of three members each, who shall serve at his pleasure. The jurisdiction of each such board shall be limited to grievances of the employees of such government.

5. Any public employee may appeal to his public employee grievance board from a determination by the head of his department or agency or his designee, made in accordance with the provisions of this article. Such employee shall be granted a hearing before the board on such appeal, and the grievance procedure established under this article shall give such employee the right to be represented in such appeal.

6. Any such hearing may be conducted by any one or more members of the board, designated by the board to act on its behalf; provided, however, that if less than the full board presides at such a hearing, the member or members thereof conducting such hearing shall render a report thereon to the full board and the full board shall thereupon make its report.

7. The report of the board shall contain a statement of the board's findings of fact, conclusions and advisory recommendations. The board shall send a copy of its report to each employee involved, his representative, if any, the head of the department or agency involved and to the chief executive officer of such government.

8. The formal procedures established hereunder shall specify time limitations for the processing of grievances at each stage in order to insure the prompt consideration and determination of employee grievances.

9. Notwithstanding any provision of this article, any county, city, town, village, school district or other political subdivision in this state having less than one hundred employees may establish a grievance procedure under which its employees may present grievances, free from coercion, interference, restraint, discrimination or reprisal.

§ 685. Filing of grievance procedure. Each government shall file with the clerk thereof and with the state civil service commission, on or before November first, nineteen hundred sixty-three, a copy of the grievance procedure established by such government; all subsequent amendments or revisions thereof shall also be filed with the clerk and the state civil service commission within fifteen days after adoption. All procedures so filed shall be open to public inspection. Neither the failure of the government to file a copy of the grievance procedure or any subsequent amendments nor the failure to do so timely shall affect the validity of such grievance procedure or any amendments thereto.

ARTICLE 16
URBAN DEVELOPMENT ACTION AREA ACT

§ 690. Short title. This article shall be known and may be cited and referred to as the "urban development action area act".

§ 691. Policy and purposes of article. There exist in many municipalities within this state municipally-owned areas which were acquired pursuant to the urban renewal powers delineated in article fifteen of this chapter or through condemnation for projects now abandoned or as a direct result of previous landowners' failure to meet in full their real estate tax or other obligations or through proceedings relating to abandoned multiple dwellings or which consist of municipal facilities no longer needed for public purposes. These areas are residential, non-residential, commercial, industrial, municipal facilities or vacant areas, and combinations thereof, which are slum or blighted, or which are becoming slum or blighted areas because of substandard, insanitary, deteriorated or deteriorating conditions, factors, and characteristics, with or without tangible physical blight. The existence of such areas constitutes a serious and growing menace, is injurious to the public safety, health, morals and welfare, contributes increasingly to the spread of crime, juvenile delinquency and disease, necessitates excessive and disproportionate expenditures of public funds for all forms of public service and maintenance and constitutes a negative influence on adjacent properties impairing their economic soundness and stability, thereby threatening the source of public revenues.

In order to protect and promote the safety, health, morals and welfare of the people of the state and to promote the sound growth and development of our municipalities, it is necessary to provide incentives for the correction of such substandard, insanitary, blighted, deteriorated or deteriorating conditions, factors, and characteristics by the clearance, replanning, reconstruction, redevelopment, rehabilitation, restoration or conservation of such areas, the undertaking of public and private improvement programs related thereto and the encouragement and participation in these programs by private enterprise.

Moreover in order to assure that each segment of our society, particularly enterprises experienced in the construction of one to four family residential structures and business enterprises which are controlled by members of minorities, is accorded a real and proper ability to participate in projects to be undertaken pursuant to this article, it must be the public policy of each municipality operating pursuant to the provisions hereof to take such initiatives as are appropriate to effect such participation.

It is necessary for the accomplishment of such purposes to grant municipalities of this state the rights and powers provided in this article. The use of such rights and powers to correct such conditions, factors and characteristics and to eliminate or prevent the development and spread of deterioration and blight through the clearance, replanning, reconstruction, rehabilitation, conservation or renewal of such areas, for residential, commercial, industrial, community, public and other uses is a public use and public purpose essential to the public interest, and for which public funds may be expended.

§ 692. Definitions. As used in this article the following terms shall mean:

1. "Governing body". The local legislative body.

2. "Municipality". A city having a population of one hundred thousand or more and the town of Huntington.

3. " Eligible area". Real property, title to which is held by a municipality. Provided, however, that in a city of one million or more, property that the city conveys by deed made pursuant to a judgment of foreclosure in an in rem tax lien foreclosure proceeding, or property whose conveyance is caused by, or the result of, the city's foreclosure of a tax lien thereon, including property to which title has not vested in the city, which is then acquired by a third party, shall also be deemed an eligible area under this article. Provided further, however, that in a city of one million or more, property that has been acquired by the federal government as the result of the foreclosure of a mortgage loan insured or held by the federal government shall also be deemed an eligible area under this article. Provided further, however, that real property consisting of two contiguous acres or more of wooded land which exists as substantially undeveloped at the time this article becomes effective shall not be included as an eligible area for purposes of this

article.

4. "Agency". The officer, board, commission, department, or other agency of the municipality designated by the governing body, or as otherwise provided by law, to carry out the functions vested in the agency under this article or delegated to the agency by the governing body in order to carry out the purpose and provisions of this article, except that in a city having a population of one million or more, the term "agency" shall mean a department of housing preservation and development.

5. "Urban development action area". An area designated by the governing body, or by the commission where so authorized to act by the governing body, pursuant to section six hundred ninety-three of this article as appropriate for urban development, at least sixty percent of which constitutes an eligible area.

6. "Urban development action area project". A project which shall be consistent with the policy and purposes stated in section six hundred ninety-one of this article, and located in an urban development action area, unless the area designation requirement is waived pursuant to section six hundred ninety-three of this article. The project summary for an urban development action area project shall include but shall not be limited to: a statement of proposed land uses; proposed public, semi-public, private or community facilities or utilities; a statement as to proposed new codes and ordinances and amendments to existing codes and ordinances as are required or necessary to effectuate the project; a proposed time schedule for the effectuation of such project, and such additional statements or documentation as the agency may deem appropriate.

7. "Commission". The local commission or board charged with the planning of land use within the municipality or other analogous body or, if there be none, the board of estimate or other governing body of the municipality.

§ 693. Area designation. An urban development action area shall by resolution be designated by the governing body, or by the commission where so authorized to act by the governing body, on its own initiative or upon recommendation of the agency, provided at least sixty percent of such area is an eligible area. Any such designation shall be in conformance with the standards and procedures required for all land use determinations pursuant to general, special or local law or charter. Provided, however, that if a proposed urban development action area project is to be developed on an eligible area and consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings or, until June thirtieth, two thousand twenty-seven, for up to six urban development action area projects in any calendar year, the construction of up to ninety dwelling units financed by the federal government and restricted to occupancy by the elderly or by persons with disabilities without any change in land use permitted by local zoning, the governing body, or the commission where so authorized to act by the governing body, may waive the area designation requirement.

§ 694. Urban development action area project and approval thereof. 1. Following or in conjunction with the designation of an area or the waiver of an area designation pursuant to section six hundred ninety-three of this article, the agency shall prepare or cause to be prepared, with provisions which, where appropriate, are expressly designed to encourage and stimulate businesses experienced in the development of one to four family low-rise residential structures or minority or women-owned business enterprises in proposed projects, a project summary for a proposed urban development action area project.

2. A proposal for an urban development action area or for a part or portion of such area, shall be submitted to the commission which shall certify, after a public hearing held on due notice, its unqualified approval, its disapproval, or its qualified approval with recommendations for modifications therein. The commission shall forward its certification to the governing body.

3. Following receipt of the commission's certification after a public hearing held on due notice, the governing body may:

(a) if the commission shall have certified its unqualified approval, approve the area designation by a majority vote;

(b) if the commission shall have certified its disapproval nevertheless approve the area designation, but only by a three-fourths vote;

(c) if the commission shall have certified its qualified approval together with recommendations for modifications, approve the area designation together with the modifications recommended by the commission by a majority vote, or approve the area designation without such modifications but only by a three-fourths vote.

4. In order to approve the proposal for an urban development action area the governing body must by resolution first find that: (a) the present status of the area tends to impair or arrest the sound growth and development of the municipality;

(b) the financial aid in the form of tax incentives, if any, to be provided by the municipality pursuant to section six hundred ninety-six of this article, is necessary to enable the project to be undertaken; and

(c) the area designation is consistent with the policy and purposes stated in section six hundred ninety-one of this article.

5. Any approval of an urban development action area project shall be in conformance with the standards and procedures required for all land use determinations pursuant to general, special or local law or charter. In a city having a population of one million or more, the governing body may require that the agency incorporate into the project any or all of the following: (i) the proposed number of residential units; (ii) whether such units are home ownership units, rental units or condominium or cooperative units; (iii) a best estimate of the initial rents or selling prices for such units; (iv) the proposed income restrictions, if any, on renters or purchasers of such units; and (v) the basis on which the consideration for the sale or lease of the property is to be determined. Provided, however, that if the proposed urban development action area project consists solely of the rehabilitation or

conservation of existing private or multiple dwellings or the construction of one to four unit dwellings or, until June thirtieth, two thousand twenty-seven, for up to six urban development action area projects in any calendar year, the construction of up to ninety dwelling units financed by the federal government and restricted to occupancy by the elderly or by persons with disabilities without any change in land use permitted by local zoning, the governing body, or the commission where so authorized to act by the governing body, may waive any such standards and procedures required by local law or charter.

§ 695. Disposition of property. 1. In addition to employing any other lawful method of utilizing or disposing of an eligible area, a municipality may sell, lease for a term not exceeding ninety-nine years, or otherwise dispose of any such real property and appurtenances thereto, to any person, firm or corporation at the highest marketable price or rental at public auction or by sealed bids pursuant to the provisions of any general, special or local laws applicable to the sale or disposition of real property by such municipality.

2. Notwithstanding any provision to the contrary contained in this article or any other law, general, special or local, applicable to the sale of real property by a municipality, such real property and appurtenances thereto may be sold, leased for a term not exceeding ninety-nine years or otherwise disposed of for the effectuation of any of the purposes of this article to:

(a) any person, firm or corporation designated by the agency and approved by the governing body or, in a city having a population of one million or more, by the mayor, as a qualified and eligible sponsor in accordance with established rules and procedures prescribed by the agency, provided that: (i) the agency has published, in at least one newspaper of general circulation in the municipality at least ten days prior to such sale, lease or other disposition, a notice which shall include a project summary of the proposed urban development action area project and such notice shall be in the form and manner prescribed by the agency; (ii) such proposed sponsor agrees to pay the minimum price or rental fixed by the agency for such real property; (iii) such proposed sponsor matches any bid higher than such minimum price or rental; and (iv) such sale, lease or other disposition requires effectuation of the urban development action area project within a definite and reasonable period of time; or

(b) any person, firm or corporation designated by the agency as a qualified and eligible sponsor in accordance with established rules and procedures prescribed by the agency without public auction or sealed bids, provided that (i) the price or rental to be paid by such sponsor for such property and all other essential terms and conditions of such sale, lease or other disposition shall be included in the notice published by the agency pursuant to subparagraph (i) of paragraph (a) of this subdivision, (ii) such sale, lease or other disposition requires the effectuation of an urban development action area project with a definite and reasonable period of time, and (iii) that such sale, lease or other disposition be approved by the governing body or, in any city having a population of one million or more, by the mayor, after a public hearing held not less than ten days after the publication of such notice.

3. A municipality may not transfer pursuant to this article any interest in any eligible area to any person, firm or corporation constituting (i) any former owner in fee of all or part of the real property in which such interest is sought to be transferred or of any other real property which was acquired by the municipality through real property tax or other lien enforcement proceedings; (ii) any spouse of such a former owner; (iii) any business entity substantially controlled by such a former owner; or (iv) any successor in interest to such a former owner, except a purchaser from such successor in interest in good faith and for value. The municipality shall require an affidavit from each person, firm or corporation to whom it proposes to sell or lease an interest in any such eligible area certifying that the proposed sale or lease does not violate the provisions of this subdivision. Any deed, lease, or instrument which transfers an interest in any such eligible area in violation of this subdivision shall be voidable by the municipality, provided that a subsequent bona fide holder of an interest in the real property, whether as purchaser, lessee, or mortgagee shall not be affected by this subdivision three.

4. Any lease of real property and appurtenances thereto for a period in excess of one year including any renewals or options to renew or for a total rental may be made only upon a written appraisal of the market value thereof verified by an appraiser with at least five years experience appraising real property, made within a period of sixty days prior to the authorization to enter into such lease given by the governing body or, in any city having a population of one million or more, by the mayor, and filed in the office of that body or officer and made available for public examination and copying at least thirty days before such authorization. Any sale of real property and appurtenances thereto shall be made only upon a written appraisal of the value thereof by an appraiser with at least five years experience appraising real property, made within six months prior to the authorization of such sale or other disposition by the governing body or, in any city having a population of one million or more, by the mayor, and filed in the office of that body or officer and made available for public examination and copying at least thirty days before such authorization.

5. Any deed, lease or instrument by which real property and appurtenances thereto, or air rights and concomitant easements or other rights of users necessary for the use and development of such air rights over streets, alleys, highways or other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities, or air rights sites and necessary sitework, the foundations and platforms constructed or to be constructed in connection therewith, or any interest therein is conveyed or disposed of pursuant to this section shall contain provisions requiring the purchaser, lessee or grantee to replan, clear, rehabilitate, restore, renew, conserve, improve, reconstruct or redevelop such property in accordance with the urban development action area project as approved by the governing body and within a definite and reasonable period of time subject to the terms of the contract or lease or deed relating thereto between the municipality and the sponsor, and shall contain provisions insuring the use of such real property for purposes consistent with such urban development action area project.

6. (a) Leases authorized by this section may contain provisions subordinating the fee interest of a municipality to a sponsor for purposes of pledging or assigning such fee interest to the primary leasehold mortgagee of such lease, provided that the amount to which the fee is subordinated shall not exceed the lessee's cost of completing its obligation to replan, clear, rehabilitate, restore, renew, conserve, improve, reconstruct or redevelop such property in accordance with the lease provisions.

(b) A municipality may execute such instruments as may be required to implement the provisions of this subdivision.

(c) Leases and such other instruments as may be required shall contain provisions stating that: (i) the municipality shall assume no liability for any debt underlying the pledge or assignment of the fee interest; (ii) the municipality, at its option, may satisfy any obligation for which the fee interest is assigned or pledged; and (iii) no foreclosure action shall be maintained against such subordinated fee interest until the obligation of the sponsor to replan, clear, rehabilitate, restore, renew, conserve, improve, reconstruct or redevelop such property has been completed in accordance with the lease provisions.

(d) Notwithstanding any standards or procedures established for land disposition by general, special or local law or charter, if an urban development action area project is to be developed on an eligible area and consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings or, until June thirtieth, two thousand twenty-seven, for up to six urban development action area projects in any calendar year, the construction of up to ninety dwelling units financed by the federal government and restricted to occupancy by the elderly or by persons with disabilities without any change in land use permitted by local zoning, a municipality may dispose of the real property constituting such urban development action project to any person, firm, or corporation qualified pursuant to this subdivision by resolution of its governing body or, in any city having a population of one million or more, by action of the mayor, provided that such disposition is in accordance with the requirements of this subdivision. Disposition of real property acquired by condemnation shall be in accordance with the requirements of section four hundred six of the eminent domain procedure law, if applicable.

7. In a city having a population of one million or more, within one hundred fifty days following receipt of a written submission from the agency requesting waiver of designation of an urban development action area and approval of an urban development action area project, the governing body shall (i) approve or disapprove by resolution the requested waiver of designation of an urban development action area pursuant to section six hundred ninety-three of this article, and (ii) approve or disapprove by resolution the proposed urban development action area project pursuant to section six hundred ninety-four of this article. If the governing body fails to take such action within one hundred fifty days following receipt of such written submission from the agency, then (i) the waiver of designation of an urban development action area requested by the agency shall be deemed approved pursuant to section six hundred ninety-three of this article, and (ii) the urban development action area project proposed by the agency shall be deemed approved pursuant to section six hundred ninety-four of this article.

§ 696. Tax incentives. Upon the consent of the governing body of any municipality in which an urban development action area project is or is to be located, the real property of a project may be exempted from local and municipal taxes, other than assessments for local improvements and land value, to the extent of all or part of the value of the improvement included in such project, for a period of twenty years from the first date on which taxes otherwise would become due in the absence of the exemption, during the last ten years of which the exemption shall be decreased in equal annual or biennial decrements according to a formula established by the governing body at the time it gives its consent to the tax exemption, pursuant to this section. If the project consists of new construction, the land value for purposes of determining exemptions permitted by this section shall be the lesser of the assessed valuation immediately prior to commencement of construction or the assessed valuation of the land appearing on the assessment roll in the first year after completion of construction. Such exemption may only be made available where the urban development action area project includes the construction of a new structure or the renovation, rehabilitation or conversion of an existing structure where the cost of such renovation, rehabilitation or construction is at least equal to one hundred percent of the assessed value of such structure as determined in the tax year immediately preceding the governing body's grant of tax exemption to such project. Any lease of real property and appurtenances thereto for a period not exceeding twenty years shall require payments to the municipality in lieu of taxes. Such additional payments shall be required to be in equal annual or biennial escalating amounts over the life of any lease for a period not exceeding twenty years so as to ensure that payments in lieu of taxes made during the final year of such lease shall be equal to all local and municipal taxes. All renewals of any lease shall include provision for payment of rental and in lieu of tax payments greater than or equal to those required during the final year of the original lease. Any lease of real property and appurtenances thereto for a period in excess of twenty years but not exceeding ninety-nine years shall require payments in lieu of taxes. Such payments shall commence in the tenth year of such lease and increase in equal annual or biennial amounts until the twentieth year so that such payments commencing in the twenty-first year and continuing until the conclusion of the lease shall be equal to all local and municipal taxes.

*** § 696-a. Loans.** 1. a. Notwithstanding the provisions of any general, special or local law, an agency is hereby authorized to make or contract to make grants or loans to the owner of any property that is part of an urban development action area project for the purpose of (i) rehabilitation of an existing private or multiple dwelling or construction of a new private or multiple dwelling, (ii) providing site improvements, incidental or appurtenant to such rehabilitation or such construction, within the urban development action area in which the urban development action area project is located, including, but not limited to, water and sewer facilities, sidewalks, landscaping, parks and open space, social, recreational, communal and other non-residential facilities and the outfitting thereof, the curing of problems caused by abnormal site conditions, excavation and construction of footings and foundations and other improvements associated with the provision of infrastructure, or (iii) providing for other costs of construction for the development of private and multiple dwelling housing accommodations.

b. In the case of a grant made under this section for the rehabilitation of an existing multiple dwelling intended to be converted to a condominium or cooperative form of ownership or for the development of one to four unit housing accommodations or a condominium or cooperative housing corporation, such grant shall require a regulatory agreement with the agency limiting profits.

c. Any loan made in accordance with this section shall be secured by a note and mortgage upon the property improved, other than any such property title to which is held by the municipality or, in the case of a condominium, a note and mortgage upon each of the condominium units aided by such loan, or in the case of a cooperative housing corporation, a note and mortgage upon the economic interest in such corporation of each tenant-shareholder aided by such loan, or upon the property improved, other than any such property title to which is held by the municipality, or upon both such economic interest or property; provided, however, that all or part of any such loan may be unsecured if necessary to satisfy the requirements of any participating lender, and, provided further, that the lien created by the note and mortgage may be recorded in an equal or subordinate position, or subsequently made equal or subordinate, to a lien recorded by any participating lender against such property. Such loan shall be repaid over such period as the agency shall determine.

d. Such note and mortgage may provide that the loan shall automatically be reduced to zero over a period of up to thirty years of continuous compliance by the owner with a regulatory agreement with the agency limiting profits and rentals charged or requiring owner occupancy. Notwithstanding such provision as contained in the note and mortgage, the loan shall be reduced to zero only if, prior to or simultaneously with delivery of such note and mortgage, the agency made a written determination that such reduction would be necessary to ensure the continued affordability or economic viability of the housing accommodations assisted by such loan. Such written determination shall document the basis upon which the loan was determined to be eligible for evaporation.

e. In the case of a grant or loan made under this section for the purpose of providing rental housing for persons of low income as defined in section two of the private housing finance law, such loan or grant shall require a regulatory agreement with the agency limiting profits and rentals charged.

f. The repayment of any loan made in accordance with this section shall be made in such manner as may be provided in such note and mortgage in connection with such loan, and may authorize the owner, with the consent of the agency, to prepay the principal of the loan subject to such terms and conditions as therein provided. Such note and mortgage may contain such other terms and conditions not inconsistent with the provisions of this article as the agency may deem necessary or desirable to carrying out the purposes and provisions of this article including, but not limited to, provisions concerning the repayment of the loan, the interest, if any, thereon, and other charges in connection therewith.

g. For purposes of this article, (i) the term "mortgage" shall include any pledge or assignment of shares or assignment of a proprietary lease in a cooperative housing corporation where such pledge or assignment is intended as security for the performance of an obligation and which imposes a lien on or affects title to such shares or such proprietary lease; and (ii) the term "owner" shall mean an individual, partnership, corporation or other entity, including a non-profit company, a mutual company, or a housing development fund company, having record or beneficial title in fee simple to real property or the lessee thereof under a lease having a term of at least forty-nine years.

2. Notwithstanding the provisions of, or any regulation promulgated pursuant to, the emergency housing rent control law, the local emergency housing rent control act, the emergency tenant protection act of nineteen seventy-four, and/or any local law enacted pursuant thereto, upon completion of the rehabilitation of any building used primarily for residential purposes, which is aided by a loan made by a municipality pursuant to subdivision one of this section in a jurisdiction in which

rents are regulated pursuant to any of the above laws or acts, the agency shall establish the initial rent for each rental dwelling unit within the building. All dwelling units within such building subsequent to establishment of initial rents by the agency shall be subject to the emergency housing rent control law, the local emergency housing rent control act, the emergency tenant protection act of nineteen seventy-four, and/or any local law enacted pursuant thereto, if applicable in the municipality, but only if such laws and/or acts would otherwise apply to such dwelling units. The tenants in occupancy of such dwelling units in such a building that are regulated pursuant to such laws and/or acts shall be offered a choice of a one-year or two-year lease at the initial rent established by the agency, notwithstanding any contrary provisions of, or regulations adopted pursuant to, such laws and/or acts. The agency shall cause all tenants in occupancy of each dwelling unit affected by this subdivision to be notified of and have an opportunity to comment upon the contemplated rehabilitation. Such notification shall advise such tenants of the approximate expected rent increase and the subsequent availability of a one- or two-year lease. Such notification and opportunity to comment shall be provided prior to commencement of the rehabilitation and again after its completion before establishment of the initial rents.

3. The agency shall use its best efforts to ensure that actions undertaken pursuant to subdivision two of this section are structured so as to minimize the likelihood of any involuntary economic displacement of tenants who reside in multiple dwellings which are the subject of such actions, provided, however, that if temporary physical displacement is required as a direct result of rehabilitation work which is performed in a multiple dwelling which is aided by a loan made by a municipality pursuant to subdivision one of this section, suitable temporary relocation arrangements shall be provided.

* NB Effective until July 1, 2027

* § 696-a. Loans. Notwithstanding the provisions of any general, special or local law, an agency is hereby authorized to make or contract to make grants or loans to the owner of any property that is part of an urban development action area project for the purpose of: (i) rehabilitation of an existing private or multiple dwelling or

construction of a new private or multiple dwelling, (ii) providing site improvements, incidental or appurtenant to such rehabilitation or such construction, within the urban development action area in which the urban development action area project is located, including, but not limited to, water and sewer facilities, sidewalks, landscaping, parks and open space, social, recreational, communal and other non-residential facilities and the outfitting thereof, the curing of problems caused by abnormal site conditions, excavation and construction of footings and foundations and other improvements associated with the provision of infrastructure, or (iii) providing for other costs of construction for the development of private and multiple dwelling housing accommodations. In the case of a grant made under this section for the rehabilitation of an existing multiple dwelling intended to be converted to a condominium or cooperative form of ownership or for the development of one to four unit housing accommodations or a condominium or cooperative housing corporation, such grant shall require a regulatory agreement with the agency limiting profits. Any loan made in accordance with this section shall be secured by a note and mortgage upon the property improved, other than any such property title to which is held by the municipality, or, in the case of a condominium, a note and mortgage upon each of the condominium units aided by such loan, or in the case of a cooperative housing corporation, a note and mortgage upon the economic interest in such corporation of each tenant-shareholder aided by such loan, or upon the property improved, other than any such property title to which is held by the municipality, or upon both such economic interest or property; provided, however, that all or part of any such loan may be unsecured if necessary to satisfy the requirements of any participating lender. Such loan shall be repaid over such period as the agency shall determine. In the case of a loan for rehabilitation of an existing multiple dwelling intended to be converted to a condominium or cooperative form of ownership or a loan for the provision of infrastructure or for the provision of other costs of construction for the development of one to four unit housing accommodations or a condominium or cooperative housing corporation, such note and mortgage may provide that the loan shall automatically be reduced to zero over a period of owner-occupancy of the housing accommodations assisted by such loan. In the case of a grant or loan made under this section for the purpose of providing rental housing for persons of low income as defined in section two of the private housing finance law, such loan or grant shall require a regulatory agreement with the agency limiting profits and rentals charged. In the case of a loan made under this section for the purpose of providing rental housing for persons of low income as defined in section two of the private housing finance law, such note and mortgage may provide that the loan shall automatically be reduced to zero over a period of up to thirty years of compliance by the owner with a regulatory agreement with the agency limiting profits and rentals charged. The repayment of any loan made in accordance with this section shall be made in such manner as may be provided in such note and mortgage in connection with such loan, and may authorize the owner, with the consent of the agency, to prepay the principal of the loan subject to such terms and conditions as therein provided. Such note and mortgage may contain such other terms and conditions not inconsistent with the provisions of this article as the agency may deem necessary or desirable to carrying out the purposes and provisions of this article including, but not limited to, provisions concerning the repayment of the loan, the interest, if any, thereon, and other charges in connection therewith. For purposes of this article, (1) the term "mortgage" shall include any pledge or assignment of shares or assignment of a proprietary lease in a cooperative housing corporation where such pledge or assignment is intended as security for the performance of an obligation and which imposes a lien on or affects title to such shares or such proprietary lease; and (2) the term "owner" shall mean an individual, partnership, corporation or other entity, including a non-profit company, a mutual company, or a housing development fund company, having record or beneficial title in fee simple to real property or the lessee thereof under a lease having a term of at least forty-nine years.

* NB Effective July 1, 2027

§ 696-b. Condemnation. Notwithstanding any inconsistent provision of any general, special or local law, a municipality shall be authorized to exercise its power of eminent domain pursuant to the eminent domain procedure law for the purpose of condemning any interest of a third party in real property which may continue subsequent to the vesting of title of real property in the municipality pursuant to a foreclosure of a tax lien, whether or not title to such real property remains with the municipality at the time of the commencement of any proceeding brought pursuant to such law.

§ 696-c. Site preparation. A municipality shall be authorized to undertake site preparation for each eligible area prior to its disposition. Such site preparation may include, but need not be limited to, demolition, site clearance and the curing of problems caused by abnormal site conditions.

§ 696-d. Neighborhood improvement projects. 1. As used in this section the term "neighborhood improvement project" shall mean any non-residential use permitted by local zoning.

2. Notwithstanding the provisions of any general, special or local law, the agency in a city having a population of one million or more is hereby authorized to make or contract to make mortgage loans or to participate with another lender in the making of mortgage loans for the development of any neighborhood improvement project that such agency determines to be an improvement associated with the construction or rehabilitation of private or multiple dwellings. Real property assisted with a loan pursuant to this section shall be located: (i) in an urban development action area; (ii) in proximity to an urban development action area; or (iii) in proximity to an urban development action area project for which the area designation requirement was waived pursuant to section six hundred ninety-three of this article.

3. Any loan made in accordance with this section shall be secured by a note and mortgage upon the property improved. Such note and mortgage shall specify the term and manner of repayment of such loan, and may authorize the owner, with the consent of such agency, to prepay the principal of the loan subject to such terms and conditions as therein provided. Such note and mortgage may contain such other terms and conditions not inconsistent with the provisions of this article as such

agency may deem necessary or desirable to carrying out the purposes and provisions of this article, including, but not limited to: provisions concerning the repayment of the loan, the interest, if any, thereon, and other charges in connection therewith.

4. After June thirtieth, two thousand twelve, authorization to make or contract to make loans or to participate in the making of loans pursuant to the provisions of this section and subdivision forty-one-d of paragraph a of section 11.00 of the local finance law shall be restricted to loans made only within targeted commercial corridors designated by the agency prior to June thirtieth, two thousand ten.

§ 696-e. Charges. A municipality, or an agency, making a loan or grant pursuant to this article, may require the payment of charges by an owner in consideration for the financing, regulation, supervision and audit of such loan, or for regulation, supervision and audit of such grant. Such charges shall be paid into the treasury of the municipality requiring the charges and shall be paid and deposited in the general fund of any such municipality.

§ 696-f. Servicing. An agency may make provision in a note and loan agreement or by separate agreement for the performance of loan or grant servicing functions, including, but not limited to, functions related to lending or providing a grant for construction, as may generally be performed by an institutional lender. Such agency may act in such capacity or appoint or consent to the appointment of a financial institution or other qualified entity, as determined by such agency, to act in such capacity on behalf of such agency. Such agency may pay a reasonable and customary fee to such financial institution or other qualified entity appointed by such agency, or to whose appointment such agency provided consent, for the performance of such loan or grant servicing functions.

§ 697. Application of article. The provisions of this article shall be applicable in any municipality wherein the local legislative body has adopted a resolution providing therefor, provided however, that at any time subsequent to the adoption of such a resolution the local legislative body may adopt a further resolution providing that the provisions of this article will no longer be applicable in the municipality and thereafter this article shall cease to be of force or effect therein. Upon adoption of a resolution providing for the application of this article in any municipality by the local legislative body, a copy of such resolution shall be filed within thirty days with the commissioner of the state division of housing and community renewal. The commissioner shall prescribe rules and regulations requiring subsequently timely notice of all area designations and approved projects therein. Rules and regulations prescribed by the commissioner shall be limited exclusively to procedures, content and format for timely notification. The commissioner shall thereupon report to the legislature annually, commencing on January one, nineteen hundred eighty concerning all municipal applications of the provisions of this article. For purposes of this section the term "local legislative body" in any city having a population of one million or more means a city council of any such city.

§ 698. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE 16-A

LONG ISLAND WORKFORCE HOUSING ACT

program.

§ 699. Short title. This article shall be known and may be cited as the "Long Island workforce housing act".

§ 699-a. Definitions. As used in this article:

1. "Affordable workforce housing" means housing for individuals and families at or below one hundred thirty percent of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development. For the purposes of this article, the affordable workforce housing units shall be of consistent design to those of the rest of the development.

2. "Density bonus" means a density increase of at least ten percent over the otherwise maximum allowable residential density or floor area ratio if part of a mixed-use development under the applicable zoning ordinance and comprehensive plan as of the date of the application by the applicant to the local government. All density calculations resulting in fractional units shall be rounded up to the nearest whole number. The granting of a density bonus shall not require, in and of itself, a comprehensive plan amendment, zoning change or other discretionary local approval. The density bonus shall not be included as part of the calculation which determines the number of affordable units that constitute ten percent of the total.

3. "Local government", for the purposes of this article, means any village, city or town within the county of Nassau or Suffolk acting pursuant to the provisions of this article.

§ 699-b. Long Island workforce housing program. 1. When a local government approves a subdivision plat or site plan for five or more residential units or a mixed-use development that incorporates five or more residential units, except as otherwise provided in subdivision two of this section, the applicant shall receive a density bonus or other incentive pursuant to a written agreement between the applicant and the local government and such local government shall require of the applicant:

(a) the set aside of at least ten percent of such units for affordable workforce housing on site; or

(b) the provision of other land and the construction of the required affordable workforce housing units that are not part of the applicant's current subdivision plat or site plan but are to be provided on another site within the same local government; or

(c) the payment of a fee equal to two times the median income for a family of four for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development, for each additional unit which results, or would have resulted, from the density bonus or, when such fee exceeds the appraised value of each lot resulting from such density bonus, then such fee shall be equal to the appraised value of the lot or lots, or the equivalent thereof, for each additional unit created by the density bonus. All fees collected by the local government as provided in this section shall, at the sole discretion of the local government, be:

(i) deposited in a single trust fund under the control of the local government to be kept in trust and separate and apart from all other monies of such local government, for the specific purpose of constructing affordable workforce housing, acquiring land for the purpose of providing affordable workforce housing or rehabilitating structures for the purpose of providing affordable workforce housing. Pending expenditures from such trust fund, monies therein may be invested in the manner provided by law. Any interest earned or capital gain realized on the monies so deposited shall accrue to and become part of such trust fund; or

(ii) paid to another local government within the county within which the local government paying such monies is located, pursuant to an intermunicipal agreement, to be kept in trust and separate and apart from all other monies of such other local government, for the specific purpose of constructing affordable workforce housing, acquiring land for the purpose of providing affordable workforce housing or rehabilitating structures for the purpose of providing affordable workforce housing within such other local government. Pending expenditures from such trust fund, monies therein may be invested in the manner provided by law. Any interest earned or capital gain realized on the monies so deposited shall accrue to and become part of such trust fund; or

(iii) paid into a single trust fund under the control of the Long Island Housing Partnership to be kept in trust and separate and apart from all other monies of such partnership, fifty percent of which shall be used for the specific purpose of constructing affordable workforce housing, acquiring land for the purpose of providing affordable workforce housing or rehabilitating structures for the purpose of providing affordable workforce housing within the county within which the local government paying such monies is located. The remaining fifty percent of such funds shall be used to provide downpayment assistance to eligible homebuyers who qualify for the existing employer assistance housing benefit program administered by such partnership. The downpayment assistance funds shall be secured by a note and mortgage on the property purchased with such funds and shall be fully repaid to the fund by the recipient upon the sale or refinancing of the aforementioned property.

2. The provisions of this article shall not apply when an applicant elects a lesser percentage than the maximum allowable residential density, or floor area ratio if part of a mixed-use development, under the applicable zoning ordinance and comprehensive plan in effect as of the date of the application by the applicant to the local government.

3. Local governments shall ensure that all affordable housing units created pursuant to this article remain affordable. Subsequent purchasers of such units shall have at the time of purchase, pursuant to the definition of "affordable workforce housing", an income at or below one hundred thirty percent of the median income for the Nassau-Suffolk primary statistical area as defined by the federal Department of Housing and Urban Development.

4. Within six months of the establishment of a trust fund as set forth in subparagraphs (i) and (ii) of paragraph (c) of subdivision one of this section, the local government shall issue guidelines and policies

which shall govern the expenditure of trust fund monies. Any monies that are not expended by the local government three years from the date of such monies being collected shall be paid into a single trust fund under the control of the Long Island Housing Partnership, as set forth in subparagraph (iii) of paragraph (c) of subdivision one of this section.

5. A local government may enter into intermunicipal agreements with any local government within the same county to meet the purposes of this article.

§ 699-c. Mortgage counseling for the Long Island workforce housing program. Persons purchasing affordable workforce housing created pursuant to this article, or who receive downpayment assistance pursuant to this article, must attend homebuyer education and mortgage counseling provided free of charge through the Long Island Housing Partnership.

ARTICLE 17
MUNICIPAL ANNEXATION LAW

§ 700. Short title. This article shall be known as the "municipal annexation law."

§ 701. Definitions. As used in this article the following terms shall mean or include:

1. "Annexation." An alteration of the boundaries of a county, city, town or village which has the effect of adding territory to it. Such term shall not include the creation or dissolution of a county, city, town or village, or the consolidation of two or more counties, two or more cities, two or more towns or two or more villages, respectively, or the diminution of the area of a village pursuant to section 18-1804 of the village law.

2. "Governing board." The board of supervisors, board of aldermen, common council, council, commission, town board, board of trustees or other elective board or body of a local government now or hereafter vested by state statute, charter or other law with jurisdiction to initiate and enact ordinances or local laws, whether or not such ordinances or local laws require the approval of any other official or body to become effective.

3. "Local government." A city, a town, a village, or a county not wholly included within a city where a boundary of the county would be affected by a proposed annexation of territory.

§ 702. Legislative intent. It is the intention of the legislature by the enactment of this article to provide a municipal annexation law pursuant to the provisions of the bill of rights for local governments in subdivision (d) of section one of article nine of the constitution, which provisions specify basic prerequisites to the annexation of territory from one local government to another including (1) the consent of the people, if any, of a territory proposed to be annexed and (2) the consent of the governing board of each local government, the area of which is affected, upon the basis of its determination that the annexation is in the over-all public interest, and which provisions require the legislature to provide, where such consent of a governing board is not granted, for adjudication and determination, on the law and the facts, in a proceeding initiated in the supreme court, of the issue of whether the annexation is in the over-all public interest.

§ 703. Petition by residents or property owners to initiate annexation of territory. 1. Territory in one or more local governments adjoining one or more other local governments may be annexed to the latter pursuant to the provisions of this article. A petition for such annexation, describing the territory, stating the approximate number of inhabitants thereof, and signed (1) by at least twenty per centum of the persons residing therein, if any, qualified to vote for officers of the city or town in which such territory is situated or, if such territory is situated in a village, for officers of such village, or (2) by the owners of a majority in assessed valuation of the real property in such territory assessed upon the last preceding assessment roll of, or utilized by, the local government or governments in which it is situated, may be presented to the governing board or boards of the affected local government or governments in which such territory is situated and a certified copy or copies thereof to the governing board or boards of the local government or governments to which it is proposed to annex such territory.

2. The petition must also be authenticated as to all the signatures upon each separate sheet by appending at the bottom of such sheet an affidavit of a witness as to the subscription thereof, substantially as follows:

State of New York)
) ss.:
County of)

.... (name of witness) being duly sworn, says: I reside at .... in the .... of .... (fill in residence) in the state of New York; I know each of the persons whose names are subscribed to the above sheet having .... (fill in number) signatures; and each of them subscribed the same in my presence.

....
(Signature of witness.)

Sworn to before me this ....
day of .... , 19....
....
(Official title of officer)

3. If the petition is signed by the owners of a majority in assessed valuation of the real property in such territory assessed upon the last preceding assessment roll of, or utilized by, the local government or governments in which the territory is situated, there must be attached to the petition a certificate of an assessor responsible for the preparation of such assessment roll certifying to such facts. If signed by at least twenty per centum of the qualified resident electors, as defined in subdivision one of this section, there must be attached to the petition a certificate of the board of elections of the county containing such territory, certifying to such facts.

§ 703-a. Resolution by governing boards of municipalities to initiate annexation of territory. Except for territory proposed to be annexed which is entirely uninhabited or territory in an agricultural district, or outside of such district but eligible for an agricultural assessment, pursuant to article twenty-five-AA of the agriculture and markets law, the governing boards of two or more municipalities which have mutually agreed to study the annexation of territory, may, by joint resolution, propose the annexation of such territory, pursuant to the provisions of this article.

§ 704. Notice of hearing on petition or joint resolution to initiate annexation of territory. 1. In the event it is proposed to annex territory, the governing board or boards of the local government or governments to which it is proposed to annex such territory and the governing board or boards of the affected local government or governments in which such territory is situated shall, within twenty days after receipt of a petition or adoption of a joint resolution to initiate annexation, respectively cause a notice to be published once in its or their official newspapers, or, if there be no official newspaper, in a newspaper published in the county and having general circulation within the area of such local government or governments, as the case may be. The governing board of each affected local government in which such territory is situated also shall cause a copy of such notice to be mailed to each person or corporation owning real property in such territory as shown by the last preceding assessment roll and to all persons residing in such territory qualified to vote for officers of the city, town or village, as the case may be, in which such territory is situated as their names appear upon the register of voters for the last preceding general election. Where the territory to be annexed is situated wholly or partly within a village, the governing board of such village and the governing board of a town or towns in which such territory is wholly or partly situated may provide by agreement for joint publication and mailing of such notice. Failure to mail such notice or failure of any addressee to receive the same shall not in any manner affect the validity of the petition or joint resolution to initiate annexation of territory or of any proceedings taken thereon provided that the municipalities that adopted a joint resolution to initiate annexation have demonstrated a good faith attempt to mail such notice to each person or corporation owning real property as required by this section. Such notice shall state that a petition for the annexation of territory or a joint resolution to initiate annexation of territory to the local government or governments (naming it or them and briefly describing the territory proposed to be annexed thereto) has been proposed, that at a specified place in one of such local governments on a specified day not less than twenty days nor more than forty days after the publication and mailing of such notice, which place and date shall be specified therein, a joint hearing will be had upon such petition or joint resolution to initiate annexation by such governing boards. Each of such governing boards shall cause a copy of such notice to be mailed not less than ten days prior to the date of such joint hearing to the school authorities of any school district in which all or part of the territory proposed to be annexed is situated and, where it is proposed to annex territory to a city, to the school authorities of any school district (a) adjoining the territory proposed to be annexed and (b) located wholly or partly within such city. Each of such governing boards shall also cause a copy of such notice to be posted on the website of the local government, if one exists.

2. In a case where it is proposed to annex territory in a town or towns to another local government or governments, the town board or boards in which such territory is situated shall cause a copy of such notice to be mailed not less than ten days prior to the date of such joint hearing to the board of commissioners or other governing body of each fire district or other district corporation, public benefit corporation, and town improvement district operated by a separate board of commissioners, situated wholly or partly in the territory to be annexed.

3. In the event that any affected local government shall fail to publish and mail such notice as required by subdivision one of this section or in the event that the town board of a town shall fail to cause copies thereof to be mailed as required by subdivision two of this section, the governing board or boards of any other affected local government or governments, if it or they deem it to be desirable, may, during an additional twenty days following the forty day period now provided in subdivision one of this section, amend and republish its or

their notices and, on behalf of such local government, town board, or both, publish and mail such notices.

§ 705. Hearing. 1. Such governing boards shall meet at the time and place specified in such notice or amended and republished notice. The members of the participating boards shall agree on the selection of one of their members to preside at such meeting and in the event no such agreement is reached, he shall be chosen by lot. Such governing boards shall hear any testimony and receive evidence and information which may be presented concerning the petition and the question of whether the annexation is in the over-all public interest, including but not limited to testimony, evidence and information concerning the following:

a. That a person signing the petition is not qualified therefor, or

b. With respect to a petition, other than one purporting to be signed by owners of a majority of the assessed valuation of real property, that the persons signing such petition do not constitute twenty per centum of the persons residing within such territory qualified to vote for officers of the city, town or village, as the case may be, in which the territory is situated, or

c. With respect to a petition, other than one purporting to be signed by at least twenty per centum of persons qualified to vote for local officers, that the persons signing such petition do not represent the owners of a majority in assessed valuation of the real property in such territory assessed upon the last preceding assessment roll of, or utilized by, the local government or governments in which the territory is situated, or

d. That the petition does not otherwise substantially comply in form or content with the provisions of this article, or

e. That the proposed annexation is or is not in the over-all public interest (1) of the territory proposed to be annexed, or (2) of the local government or governments to which the territory is proposed to be annexed, or (3) of the remaining area of the local government or governments in which such territory is situated, or (4) of any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district, situated wholly or partly in the territory proposed to be annexed.

2. Objections based on any of the grounds set forth in paragraphs a, b, c or d of subdivision one of this section shall, in addition to the presentation of any oral testimony thereon, be submitted in writing and placed on file with the boards holding such hearing and made a part of the record thereof. Any oral testimony presented at such hearing relating to the grounds set forth in paragraph e of subdivision one of this section shall be reduced to writing and shall be a part of the record of such hearing. The hearing may be adjourned, but must be concluded within ten days after the date fixed in the notice. The cost of providing such record shall be shared by the affected local governments equally or on the basis of any equitable method or formula agreed upon by their governing boards.

3. In the event that the governing board of an affected local government does not participate in such hearing, the governing board or boards of the other affected local government or governments shall have power to conduct such hearing without the participation of such former governing board.

§ 706. Annexation of uninhabited territory belonging to a city or a village. 1. Village-owned territory. If a village is the owner of uninhabited territory adjoining the village, such territory may be annexed to the village if the town board of the town in which such territory is situated, by a concurring vote of a majority of its members, consents thereto on the basis of its determination that such annexation is in the over-all public interest; provided, however, that if all or any portion of such uninhabited territory is located in whole or in part in another village in the town, the governing board of such other village by a concurring of a majority of its members shall also consent thereto on the basis of its determination that such annexation is in the over all public interest. Upon the filing of such consent or consents, as the case may be, with, the board of trustees of the village which owns such uninhabited territory, the board of trustees of such village may make a written order determining to annex such territory without the presentation of a petition as prescribed in section seven hundred four of this article and without the holding of the hearing provided in section seven hundred five of this article.

2. City-owned territory. If a city is the owner of uninhabited territory adjoining the city, such territory may be annexed to the city if the town board of the town in which such territory is situated, by a concurring vote of a majority of its members, consents thereto on the basis of its determination that such annexation is in the over-all public interest; provided, however, that if all or any portion of such uninhabited territory is located in whole or in part in a village in such town, the governing board of such village, by a concurring vote of a majority of its members, shall also consent thereto on the basis of its determination that such annexation is in the over-all public interest. The town board shall, prior to granting its consent give thirty days written notice of the meeting of the town board at which the question of such annexation will be discussed to any school district, fire district or other district corporation, public benefit corporation, and town improvement district operated by a separate board of commissioners, situated wholly or partly in the territory to be annexed and which would be affected by such annexation. Any such district or corporation may appear at such meeting or adjournment thereof and present objections to such annexation. Upon the filing of such consent or consents, as the case may be, with the governing board of the city, the governing board of such city may make a written order determining to annex such territory without the presentation of a petition as prescribed in section seven hundred four of this article and without the holding of the hearing provided in section seven hundred five of this article.

3. Except as otherwise provided in this section, all the provisions of this article, including but not limited to those requiring the adoption

of a local law as provided in section seven hundred fourteen of this article, shall be applicable to and govern the proceedings to be followed in effectuating any such annexation.

§ 707. Disposition of property in area proposed to be annexed. 1. Except as may be provided in an agreement among the affected local governments, as authorized by subdivision two of this section concerning the retention, division, regulation, land use or other disposition of real and personal property and rights in real and personal property of any affected local government or governments or any special or improvement district in the territory proposed to be annexed, all real or personal property and rights in real and personal property, including, but not limited to, land use, streets, avenues, roads, highways, bridges, overpasses, underpasses, culverts, sidewalks, street lighting fixtures, and conduits, pipes, drains, either above or below the ground surface, and appurtenances and appurtenant rights in relation thereto, owned by any of such local governments (other than the one to which such territory is annexed) shall become the property of the county, city, village, or town (where the territory is not annexed to a village or villages in the town), to which such territory is annexed as of the date of such annexation, but the ownership of any real and personal property or rights in real and personal property of, or acquired for, special or improvement districts in such territory shall remain unaffected.

2. At any time prior to their determinations as provided by section seven hundred eleven of this article, the governing boards of the affected local governments, or their designated representatives, shall have power to agree on the retention, division, regulation, land use or other disposition, either with or without consideration, of real or personal property and rights in real or personal property of any such affected local government or of any special or improvement districts in which the territory proposed to be annexed is situated. Any such agreement shall be in writing and shall be executed by such governing boards, or their designated representatives, covering the matters agreed upon. Such agreement may provide for the execution of any deeds or

instruments affecting the retention, division, regulation, land use or other disposition of such property, either with or without consideration. Any such agreement shall be followed in the local law to be adopted pursuant to section seven hundred fourteen of this article.

§ 708. Assumption of debt. 1. Except as may be provided in an agreement among any of the affected local governments as authorized by subdivision two of this section concerning the apportionment of any indebtedness and any contract or other liabilities, and interest thereon, any such indebtedness or liabilities, or interest, in the event of such annexation, shall be a charge upon and shall be paid by a local government to which the territory is annexed, as the same shall become due and payable, to the other affected local government in the same proportion to the whole of any such indebtedness or any such liability as the full valuation of the taxable real property of the territory to be annexed bears to the full valuation of the taxable real property of the local government in which the territory was situated prior to the annexation. Any such proportions shall be computed as of the date of the annexation. In the case of an annexation of territory of a town by a village located in the same town, any such apportionment of town indebtedness and contract or other liabilities shall not include any indebtedness or contract or other liabilities of the town in relation to which the debt service or payments thereon would, in the first instance, be required to be raised in some manner other than by taxes, special ad valorem levies, or assessments, on real property located in whole or in part inside such territory to be annexed. Full valuation of taxable real property shall mean the valuation derived by dividing the assessed valuation of the real property concerned, as shown by the last completed assessment roll of, or utilized by, the local government in which it is situated prior to such annexation by the equalization rate established by the authorized state officer or agency for such roll.

2. At any time prior to the making of their final determinations as provided by section seven hundred eleven of this article, the governing boards of the affected local governments, or their designated representatives, shall have power to agree as to the proportions, if

any, of the various types of indebtedness and contract or other liabilities, and interest thereon, if any, which the local government to which territory is proposed to be annexed will assume and agree to pay in the event of such annexation. Such proportions may be based on the full valuations of taxable real property, or on the basis of services which will continue to be rendered or will cease to be rendered, or on the basis of benefits to be received or conferred or will cease to be received or conferred, or on any other equitable basis, and may provide how such costs shall be raised, levied and collected. Such agreement shall be followed in the local law to be adopted pursuant to section seven hundred fourteen of this article.

3. Notwithstanding the foregoing provisions of this section, a local government to which territory is annexed shall not be required to pay any portion of any indebtedness or contract or other liabilities, and of any interest thereon, which it has agreed to assume or will be required to assume pursuant to the provisions of this section, if the indebtedness or such liabilities have been contracted or incurred in relation to a revenue-producing public improvement or service which is not located in such territory and such revenues, after providing for all costs of operation, maintenance and repairs thereof, required in any fiscal year are not used, or credited as between such local governments, to pay the interest on and amortization of, or payment of such indebtedness or liabilities contracted for such public improvement or service, but to the extent that any such revenues are so used or credited, and are not sufficient to provide in full for any such debt service, then the local government to which the territory is annexed shall pay its proportionate amount of such deficiency.

4. The provisions of any agreement made and executed pursuant to subdivision two of this section shall not affect the contract liability of the area of any affected local government under any obligation or contract entered into prior to the effective date of the annexation, but any such agreement may provide that as to any such contract liability, the local government annexing such territory shall not be compelled to pay any portion of the debt service thereon except in the event of default in the payment thereof, or interest thereon, by the local

government in which such territory was located prior to such annexation.

5. The terms "indebtedness" and "contract or other liabilities", as used in this section, shall not include any indebtedness (a) evidenced by tax anticipation notes, revenue anticipation notes or budget notes, or (b) evidenced by serial bonds or capital notes having a maximum maturity of less than three years which were issued or are to be issued to finance an object or purpose other than a capital improvement, or other than the acquisition of equipment, for which a period of probable usefulness is provided in paragraph a of section 11.00 of the local finance law.

§ 709. Annexation by a city of territory in fire, fire protection, or fire alarm districts; assumption of indebtedness; property rights. 1. If an annexation of territory by a city includes the entire area of a fire district, the city, as of the date of such annexation, shall become the owner of all of the property and property rights of the fire district and shall assume all of the indebtedness and contract or other liabilities of the fire district, and shall furnish fire protection, and other emergency service which would require the services of firefighters, in the area so annexed in the same manner as in other similar areas of the city.

2. If an annexation of territory by a city includes only a part of the area of a fire district, the indebtedness and any contract or other liabilities, and interest thereon, shall be a charge upon and shall be paid by the city, as the same shall become due and payable, to the fire district in the same proportion to the whole of any such indebtedness or any such liability as the full valuation of the taxable real property of the territory which is annexed bears to the full valuation of the taxable real property of the fire district prior to the annexation. Such full valuation shall be determined in the manner provided in subdivision twenty-one-a of section 2.00 of the local finance law. If the fire district owns any real property or rights in real property in the territory which is annexed, the city may purchase any such property, including any personal property used in connection therewith, from the

fire district for a fair and reasonable price to be agreed upon by the governing boards of the city and the fire district and the board of commissioners of the fire district shall have power to execute any necessary instruments in relation thereto. Any such sale shall not be subject to approval at a fire district election. If such real property is a firehouse owned by the fire district, the city shall be required to purchase such real property and any rights in real property appurtenant thereto from the fire district. If the governing boards of the city and the fire district cannot agree on a fair and reasonable price therefor, the city shall proceed to acquire such real property and any such rights by condemnation in the same manner as if the property was owned by an individual. The city shall furnish fire protection, and other emergency service which would require the services of firefighters, in the area so annexed in the same manner as in other similar areas of the city.

3. If an annexation of territory of a city includes the entire area of a fire protection district or of a fire alarm district, the city shall furnish fire protection, and other emergency service which would require the services of firefighters, in the area so annexed in the same manner as in other similar areas of the city.

4. If an annexation of territory to a city includes only a part of the area of a fire district, a fire protection district or a fire alarm district, the governing boards of the city, the fire district and of the town, as the case may be, shall provide for the carrying out and fulfillment of any contract for the furnishing of fire protection to the area of such fire district, fire protection district or fire alarm district which is outside the city.

§ 710. Disposition of taxes and other charges against property in annexed territory. 1. All unpaid or delinquent taxes levied or charges made against or on account of any territory annexed pursuant to this article and existing at the time such annexation takes effect, shall be due and payable and collected in all respects the same as if such territory had not been annexed.

2. Any other taxes levied or other charges made against or on account of any territory annexed pursuant to this article for the fiscal year in which an annexation shall take effect shall be apportioned. The affected local governments may agree to any fair and equitable basis on which such apportionment shall be computed, and such agreement may be incorporated into the agreement, if any, executed pursuant to section seven hundred seven or seven hundred eight of this article.

3. Any taxes levied or other charges made against or on account of any territory annexed pursuant to this article for a fiscal year commencing after the date such annexation takes effect shall be due and payable to and collected by the annexing local government.

§ 711. Determination after hearing. 1. Within ninety days after the hearing held pursuant to section seven hundred five of this article is concluded, the governing board of each affected local government shall determine by a majority vote of its total voting strength whether the petition or joint resolution to initiate annexation complies with the provisions of this article and whether, on the basis of considerations including but not limited to those relating to the effects upon (a) the territory proposed to be annexed, (b) the local government or governments to which the territory is proposed to be annexed, (c) the remaining area of the local government or governments in which the territory is situated and (d) any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district, situated wholly or partly in such territory, it is in the over-all public interest to approve such proposed annexation.

2. a. At such time, each such governing board shall adopt a resolution which shall include findings with respect to compliance of the petition or joint resolution to initiate annexation, with the provisions of this article and with respect to the effect of such proposed annexation on the over-all public interest. In the case of a governing board which has executed any agreement described in subdivision two of section seven hundred seven or subdivision two of section seven hundred eight of this

article relating to the assumption of indebtedness or other liabilities or the disposition of property rights in the event of annexation, its findings with respect to the effect of such annexation on the over-all public interest shall be based on and include the terms and conditions of such agreement to the extent applicable. Where no agreement as described herein governs the assumption of indebtedness or other liabilities or the disposition of property, such findings shall be based on and include provisions concerning such assumption or disposition prescribed in subdivision one of section seven hundred seven or subdivision one of section seven hundred eight of this article, as the case may be.

b. Each such board shall thereupon make and sign a written order accordingly containing its determination and file copies thereof, together with copies of the agreement, if any, the petition or joint resolution to initiate annexation, the notice, the written objections, if any, and testimony and minutes of proceedings taken and kept on the hearing, in the offices of the clerks of all the affected local governments. In the event that the governing board of an affected local government does not make, sign and file a written order as required by this section, such governing board shall be deemed to have approved the proposed annexation as of the expiration of the ninety-day period provided in subdivision one of this section.

3. A determination of a governing board of an affected local government concerning a matter described in paragraphs a, b, c or d of subdivision one of section seven hundred five of this article shall be subject to judicial review as provided in article seventy-eight of the civil practice law and rules except that it must be instituted as therein provided within thirty days after the filing of such order as required by subdivision two of this section.

4. If the governing boards of all the affected local governments shall determine either that it is or that it is not in the over-all public interest to approve the proposed annexation, such determination shall be final and conclusive.

5. If any of such governing boards, but not all, shall determine that it is not in the over-all public interest to approve the proposed annexation, certified copies of the respective orders of such boards, in addition to being filed as provided in subdivision two of this section, shall also be filed in the office of the county clerk of each county in which the territory proposed to be annexed is situated.

§ 712. Adjudication and determination in the supreme court. 1. In the event that one or more but not all of the governing boards of the affected local governments shall determine that it is not in the over-all public interest to approve the proposed annexation, the governing board of any other affected local government may apply to the appellate division of the supreme court for adjudication and determination, on the law and facts, of the issue of whether the proposed annexation is in the over-all public interest.

2. A proceeding brought under this section shall be a special proceeding and, except as otherwise provided herein, shall be governed by the provisions of article four of the civil practice law and rules. Such proceeding shall be brought in the judicial district embracing any county in which all or part of the territory proposed to be annexed is located, within thirty days after the filing in the office of the county clerk of the order by which such determination was made.

3. The appellate division may stay or transfer and consolidate with the proceeding brought pursuant to subdivision one of this section any other proceeding brought against one of the parties pursuant to the provisions of article seventy-eight of the civil practice law and rules concerning a matter described in paragraphs a, b, c or d of subdivision one of section seven hundred five of this article and pending in any court.

4. Notwithstanding the provisions of section four hundred one of the civil practice law and rules or any other general or special law, after a proceeding is commenced pursuant to subdivision one of this section, intervention in such proceeding shall be allowed the following parties

as a matter of right provided they shall have appeared formally at the hearing held pursuant to section seven hundred five of this article:

a. Any school district, fire district or other district corporation, public benefit corporation (where a majority of the governing board of such public benefit corporation is appointed by an officer or board of one or more of the affected local governments), or town or county improvement district, situated wholly or partly in the territory proposed to be annexed.

b. Any owner of taxable property located in the territory proposed to be annexed.

5. In the event of default in appearance of all necessary respondents and failure to intervene on the part of any party described in subdivision four of this section no triable issue of fact shall be deemed to have been raised, and the court may make a summary determination upon the pleadings and record.

6. The court, by order of reference, shall designate three referees, one of whom shall be either a justice of the supreme court or a retired justice of the supreme court or any judge temporarily assigned to the supreme court, to hear and report to the court after a trial conducted in the same manner as a court trying an issue without a jury. The provisions of article forty-four of the civil practice law and rules applicable to trial by the court shall apply to a reference pursuant to this section.

7. In order that the issues in such proceeding may be determined in advance so far as practicable and that the parties may be encouraged to stipulate and agree on questions of law and fact which may not be in dispute, a pre-trial conference shall be held by one or more of the referees so designated. At such pre-trial conference, upon such terms as in his or their discretion may seem proper, the referee or referees holding such pre-trial conference may:

a. Direct pre-trial disclosure of evidence and discovery and inspection of books, records and documents;

b. Permit the taking of depositions for use at the trial;

c. Limit or restrict the number of experts to be heard as witnesses;

d. Clarify and define the issues to be tried.

8. Before the case is finally submitted to the referees the parties shall be given an opportunity to submit requests for proposed findings of fact.

9. The referees shall file their report setting forth findings of fact and conclusions of law within thirty days after the matter is finally submitted. The referees' findings on the issue of whether the annexation is in the over-all public interest may be based on provisions for the adjustment of indebtedness and liabilities or disposition of property prescribed in subdivision one of section seven hundred seven and subdivision one of section seven hundred eight of this article for cases where no agreement governing such adjustments or disposition shall have been executed, or such findings may be based on alternative adjustments as recommended in the report and which might have been agreed upon pursuant to the other provisions of such sections. Unless otherwise stipulated, a transcript of the testimony together with the exhibits or copies thereof shall be filed with the report.

10. Upon receipt of the referees' report, the appellate division shall, after hearing oral argument on the report of the referees, make its own adjudication and determination, on the law and the facts, on all questions presented to the referees and substitute its judgment for that of any of the governing boards of the local governments as made in their respective determinations and enter its judgment on the issue of whether the annexation is in the over-all public interest and on any question of compliance with procedural provisions of this article where such questions are before it. Such determinations shall also include directions of the court, if any, as to the manner in which indebtedness or other liabilities shall be assumed and property shall be disposed of

subject to the provisions of sections seven hundred seven and seven hundred eight of this article.

11. Costs shall not be allowed against any governing board of a local government in a proceeding brought under subdivision one of this section to review a determination of a governing board unless such local government fails to respond to the petition filed in such proceeding.

12. A final judgment pursuant to this section or an order of a governing board of a local government determining that a proposed annexation is not in the over-all public interest shall not be a bar to the filing of a new petition for the same annexation.

§ 713. Election in event of approval. 1. Not later than ninety days after the entry of a final judgment of a court or the filing in the offices of the clerks of the affected local governments of orders of the governing boards of such affected local governments approving a proposed annexation, the governing board of each city, town and village in which such territory is situated shall call a special election to be conducted in the manner hereinafter provided to determine whether the proposed annexation should be approved, provided, however, that the governing board of a town shall call such election only with respect to territory outside any village situated therein. All persons residing in such territory proposed to be annexed, or residing outside of the territory proposed to be annexed but residing on a parcel of land where a portion of such parcel is within such territory proposed to be annexed, and qualified to vote for officers of the city, town or village, as the case may be, in which such territory is situated shall be entitled to vote. The proposition to be voted upon shall state "Shall the territory generally described below be annexed to the .... (name of local government or governments)?" Below such question the territory proposed to be annexed shall be briefly described. Except as otherwise provided herein, such election shall be conducted in the manner provided by law for the conduct of special elections in the city, town or village, as the case may be, in which such territory is situated.

2. If such proposition is approved by a majority of the qualified persons voting thereon, the petition or joint resolution, together with a certificate of election which shall set forth or have annexed thereto a description of the territory to be annexed, shall, within twenty days after such election be filed by the governing board or boards of the city, town or village, as the case may be, in the office of the clerk of such local government or governments and in the office of the clerk or clerks of the local government or governments to which such territory is to be annexed.

3. If such proposition is not approved the certificate of election setting forth the results of such election shall, within ten days after such election, be filed by such governing board or boards in the office of the clerk or clerks of the local government or governments to which such territory was proposed to be annexed.

§ 714. Annexation after election approving proposition. 1. Upon the filing of the certificate or certificates of election approving the proposition together with the notice of entry of a final judgment of a court or of the approving orders of the governing boards of the affected local governments, the governing board or boards of the local government or governments to which such territory is to be annexed shall forthwith by local law, and without any hearing thereon, annex to such local government the territory described in the petition. In the case of a municipality consisting of wards, councilmanic districts or other subdivisions from which representation on any elective board or body is selected, such local law shall designate the wards, councilmanic districts or other such subdivisions within which the territory so annexed shall be included, which local law shall be adopted without referendum notwithstanding any inconsistent general, special or local law.

2. A local law annexing territory to a local government pursuant to this section shall specify the date on which such annexation shall become effective, giving due regard to the taxable status dates of all the local governments to which and from which such territory is so

annexed and to the fiscal years of such local governments for which taxes, special ad valorem levies or special assessments are imposed. Such date shall be no earlier than the date of filing such local law in the office of the secretary of state.

§ 715. Effect on certain school districts in which territory is situated. 1. In the case of an annexation to a city having one hundred twenty-five thousand or more inhabitants according to the latest federal census, or to any other city having a city school district which is coterminous with such city, the commissioner of education shall, by order, annex to the city school district of any such city the territory so annexed to the city. Such annexation to a city school district shall be effective on an appropriate date which shall be fixed by the commissioner, and he shall in such order, alter the boundaries of such city school district to make the same conform with the plan of the annexation to such city, provided the territory proposed to be annexed to the city is actually annexed thereto.

2. In the case of an annexation to a city other than those described in subdivision one of this section, the school authorities of a school district in which territory proposed to be annexed is situated and which district is not wholly or partly situated in the city, but where the proposed annexation would have the effect of bringing such school district wholly or partly into such city, may petition the commissioner of education requesting an alteration of boundaries, between such school district and the city school district or another school district wholly or partly within such city, by which alteration the area in question would be transferred from the school district under the jurisdiction of such school authorities to such city school district or other school district wholly or partly within the city. With the consent of such city school district or other school district wholly or partly within the city, the commissioner of education, shall, by order, annex such territory to such city school district or other district effective on an appropriate date which shall be fixed by him, provided the territory proposed to be annexed to the city is actually annexed thereto.

3. If an annexation of territory by a city having one hundred twenty-five thousand or more inhabitants according to the latest federal census, or by any other city having a city school district which is coterminous with such city, includes the entire area of a school district, the city school district as of the effective date of annexation to such city school district, pursuant to the order of the commissioner of education, shall become the owner of all of the property and property rights of such school district included in such territory and shall assume all of the indebtedness and contract all other liabilities of such school district.

4. If an annexation of territory by a city having one hundred twenty-five thousand or more inhabitants according to the latest federal census, or any other city having a city school district which is coterminous with such city, includes only a part of the area of a school district, the indebtedness and any contract or other liabilities and interest thereon shall be a charge upon and shall be paid by the city in the case of an annexation of territory by a city having one hundred twenty-five thousand inhabitants, and by the city school district in other cases, as the same shall become due and payable, to such school district partially included in such territory, in the same proportion to the whole of any such indebtedness or any such liability as the full valuation of the taxable real property of the territory which is annexed bears to the full valuation of the taxable real property of the school district in which such territory was situated prior to the annexation. Such computation shall be made as of the day prior to the date of such annexation. Full valuation of taxable real property shall mean the valuation derived by dividing the assessed valuation of the real property concerned, as shown by the last completed assessment roll of, or utilized by, the school district in which it is situated prior to such annexation by the equalization rate established by the authorized state officer or agency for such roll. If such school district wholly or partially included in the territory which is annexed owns any real property or rights in real property in such territory, any such city or city school district, as the case may be, may purchase any such property, including any personal property used in connection therewith, from such school district for a fair and reasonable price to be agreed

upon by the respective school boards and the school authorities shall have power to execute any necessary instrument in relation thereto. If such real property is a school building owned by the school district, the city or the city school district, as the case may be, shall be required to purchase such real property and any rights in real property appurtenant thereto from the school district. If the authorities of the respective school districts cannot agree on a fair and reasonable price therefor, the city or city school district, as the case may be, shall proceed to acquire such real property and any such rights by condemnation in the same manner as if the property was owned by an individual.

§ 716. Restrictions and prohibitions. Notwithstanding any other provision of this article or of any other law:

1. An annexation shall not affect the boundaries of any congressional district, senate district or assembly district.

2. The date on which any such annexation shall take effect shall be such that it will not deprive a qualified elector of his right to vote at the general election to be held on the first Tuesday next succeeding the first Monday in November of the year in which the annexation is to become effective.

3. A county shall not annex territory situated in another county unless the territory so annexed shall on the same date be annexed to either a city situated in whole or in part, or to a town situated in the county to which the territory is annexed.

4. A city shall not annex territory situated in a county other than a county in which such city is situated unless the territory so annexed shall on the same date be annexed to the county, or one of the counties, in which such city is situated.

5. A town shall not annex territory situated in a county other than the county in which such town is situated unless the territory so

annexed shall on the same date be annexed to the county in which such town is situated.

6. A village shall not annex territory of a city unless the territory so annexed shall on the same date be annexed to the town, or to one or more of the towns, in which the village is situated.

7. A village may annex territory of another village, but such annexation shall not result in any change of the boundaries of any county or town. This provision shall not be deemed to prevent any such annexation simultaneously with an annexation of the same territory by a county and the town or towns in which the village to which such territory is to be annexed is situated in whole or in part or, when the territory so annexed is situated in the same county as such village, with an annexation of the same territory by the town or towns in which such village is situated in whole or in part.

8. A town may annex territory of a city, but such annexation shall not result in any change of the boundaries of a village. This provision shall not be deemed to prevent any such annexation by a town simultaneously with an annexation of the same territory by a county and by a village or villages situated in whole or in part in such town or with an annexation by a village or villages situated in whole or in part in such town.

9. A town may annex territory of another town, but such annexation shall not result in any change in the boundaries of a village. This provision shall not be deemed to prevent any such annexation by a town simultaneously with an annexation of the same territory by a village or villages situated in whole or in part in either or both of such towns.

10. An annexation by a county shall not increase the area of any county improvement district in such county. If a county annexes territory in another county and such territory includes in whole or in part the area of a county improvement district situated in the other county, the area of the county improvement district located in the territory annexed shall cease to be a part of such district when such

annexation becomes effective.

11. If a city annexes territory of a town and such territory includes in whole or in part the area of any fire district, fire protection district or fire alarm district or of any town special district or of any town improvement district, the area of any such district located in the territory annexed shall cease to be a part of such district when such annexation becomes effective.

12. If a village annexes territory of the town in which it is situated or of another village located in such town or in another town, any such annexation shall not affect the boundaries of any town special or improvement district in such town or the boundaries of any fire district, fire protection district or fire alarm district.

13. If a town annexes territory of another town, such annexation shall not affect the boundaries of any fire district, fire protection district or fire alarm district, but the territory so annexed shall cease to be a part of any town special or improvement district in such other town when the annexation becomes effective.

§ 717. Boundaries and map of local government to which territory is annexed. 1. Within a reasonable time after an annexation pursuant to this article, the governing board of a local government to which territory has been so annexed shall cause (a) a survey to be made of the annexed territory, (b) the boundaries of the same to be marked with monuments, and (c) a map to be made of such local government including the annexed territory. In cooperation with the local government or governments in which such territory was situated prior to such annexation, it shall also cause a partial map to be made of such local government or governments, which map shall be sufficient to show the exclusion of such territory from such local government or governments. Copies of such maps shall be filed in the office of the clerk of the local government, in the office of the clerk of each county in which the affected local governments are situated and in the office of the secretary of state.

§ 718. Construction. 1. References in other laws, etc. With respect to annexation proceedings commenced on or after January first, nineteen hundred sixty-four, reference in any general, special or local law, county, city or village charter, ordinance, resolution, rule, regulation or document to any provision of the general city law, village law, town law, county law, or other law repealed by this chapter, in force at the time this chapter shall take effect, shall be deemed and construed to refer to the corresponding provision of this article to the extent consistent with the provisions of this article.

2. Pending actions and proceedings. No action or proceeding pending at the time when this chapter shall take effect shall be affected by any provision of this chapter, but the same may be prosecuted, defended or enforced as if this chapter had not been enacted.

3. Existing rights and remedies preserved. No existing right or remedy of any character shall be lost, impaired or affected by reason of this article, nor shall the validity of any action taken by any public official under the law in force immediately prior to the time this article shall take effect be affected by the enactment of this article.

4. Severability. If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

5. Article controlling. The provisions of this article shall be controlling notwithstanding any inconsistent act of the legislature to the contrary.

§ 719. Schedule of laws repealed. Of the laws enumerated in the schedule hereto annexed and subject to the provisions of this article, that portion specified in the last column is hereby repealed.

SCHEDULE OF LAWS REPEALED

Laws of	Chapter	Section
1909	64	348
1912	124	All
1915	257	All
1927	49	All
1927	650	3, part amending Village Law § 56 re part re extension of village boundaries
1927	650	44, part amending Village Law § 348
1928	334	All
1931	368	All, part re extension of village boundaries
1932	209	All
1933	404	All
1934	135	All, part re extension of village boundaries
1934	265	All
1935	521	1, part re extension of village boundaries
1937	476	All
1937	631	All
1943	710	part 1, § 2700, part re extension of village boundaries
1948	692	All
1950	691	229, part re alteration of town boundaries
1950	778	All, part re alteration of town boundaries
1951	658	All
1953	466	All
1954	351	All
1958	489	2, part re extension of village boundaries
1961	919	All
1962	974	All
1962	1009	4

ARTICLE 17-A

CONSOLIDATION AND DISSOLUTION OF LOCAL GOVERNMENT

TITLE 1

DEFINITIONS

§ 750. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Component local government entity" shall mean a local government entity that, as a result of successful consolidation proceedings, is combined into a consolidated local government entity.

2. "Consolidation" shall mean either (a) the combination of two or more local government entities resulting in the termination of the existence of each of the entities to be consolidated and the creation of a new entity which assumes jurisdiction over all of the terminated entities, or (b) the combination of two or more local government entities resulting in the termination of the existence of all but one of the entities which shall absorb the terminated entity or entities.

3. "Consolidated local government entity" shall mean a local government entity resulting from successful consolidation proceedings conducted pursuant to this article.

4. "Contiguous" shall mean when a portion of a town or village abuts the boundary of another town or village, including a town or village separated from the exact boundary of another town or village by a street, road, railroad, highway, river or other natural or artificial

stream or body of water.

5. "Dissolution" shall mean the termination of the existence of a local government entity.

6. "Dissolution plan" shall mean a written document that contains terms and information regarding the dissolution of a local government entity and that has been finalized and approved by such entity's governing body pursuant to this article.

7. "Elector" shall mean a registered voter of this state registered to vote in the local government entity subject to consolidation or dissolution proceedings conducted pursuant to this article.

8. "Elector initiated consolidation plan" shall mean a written document that contains terms and information regarding the consolidation of two or more local government entities, a majority of whose electors have voted to consolidate, and that has been finalized and approved by the governing body or bodies of such entities or a judicial hearing officer pursuant to this article.

9. "Elector initiated dissolution plan" shall mean a written document that contains terms and information regarding the dissolution of a local government entity, a majority of whose electors have voted to dissolve, that has been finalized and approved by such entity's governing body or a judicial hearing officer pursuant to this article.

10. "Governing body" shall mean the body in which the general legislative, governmental and/or public powers of a local government entity are vested and by authority of which the official business of such entity is conducted.

11. "Initiative" shall mean the filing of the petition containing a proposal for a referendum to be placed on the ballot for an election.

12. "Joint consolidation agreement" shall mean a written document that contains terms and information regarding the consolidation of two or

more local government entities and that has been finalized and approved by the governing body or bodies of such entities pursuant to this article.

13. "Local government entity" or "entity" shall mean a town, village, district, special improvement district or other improvement district, including, but not limited to, special districts created pursuant to articles eleven, twelve, twelve-A or thirteen of the town law, library districts, and other districts created by law; provided, however, that a local government entity shall not include school districts, city districts or special purpose districts created by counties under county law.

14. "Proposed dissolution plan" shall mean a written document that contains terms and information regarding the dissolution of a local government entity, and that has been proposed, but not yet finalized and approved, by such entity's governing body pursuant to this article.

15. "Proposed elector initiated consolidation plan" shall mean a written document that contains terms and information regarding the consolidation of two or more local government entities, a majority of whose respective electors have voted to consolidate such entities, that has been proposed, but not yet finalized and approved, by the governing body or bodies of such entities pursuant to this article.

16. "Proposed elector initiated dissolution plan" shall mean a written document that contains terms and information regarding the dissolution of a local government entity, a majority of whose electors have voted to dissolve such entity, and that has been proposed, but not yet finalized and approved, by such entity's governing body pursuant to this article.

17. "Proposed joint consolidation agreement" shall mean a written document that contains terms and information regarding the consolidation of two or more local government entities and that has been proposed, but not yet finalized and approved, by such entities' governing body or bodies pursuant to this article.

18. "Referendum" shall mean a vote seeking approval by a majority of electors of a local government entity or entities voting on a question of consolidation or dissolution placed on the ballot by initiative.

TITLE 2

CONSOLIDATION OF LOCAL GOVERNMENT ENTITIES

§ 751. Commencing the proceeding. 1. Two or more local government entities, whether within the same county or different counties, may be consolidated into a single local government entity if each of the local government entities is contiguous to at least one of the other consolidating local government entities and if together the local government entities would form a consolidated local government entity of a kind or class that is authorized under the laws of the state of New York. The requirement that local government entities be contiguous to consolidate does not apply to entities other than towns and villages.

2. Consolidation proceedings may be commenced by either:
(a) a joint resolution by the governing body or bodies of the local government entities to be consolidated endorsing a proposed joint consolidation agreement; or
(b) elector initiative.

§ 752. Proposed joint consolidation agreement. 1. The governing body or bodies of two or more local government entities may, by joint resolution, endorse a proposed joint consolidation agreement for the purpose of commencing consolidation proceedings under this article.

2. The proposed joint consolidation agreement shall specify:
(a) the name of each local government entity to be consolidated;
(b) the name of the proposed consolidated local government entity, which name shall be such as to distinguish it from the name of any other like unit of government in the state of New York (except the name of any one of the entities to be consolidated);
(c) the rights, duties and obligations of the proposed consolidated local government entity;
(d) the territorial boundaries of the proposed consolidated local government entity;
(e) the type and/or class of the proposed consolidated local government entity;
(f) the governmental organization of the proposed consolidated local government entity insofar as it concerns elected and appointed officials and public employees, along with a transitional plan and schedule for

elections and appointments of officials;

(g) a fiscal estimate of the cost of and savings which may be realized from consolidation;

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

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

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

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

(l) the effective date of the proposed consolidation; and

(m) the time and place or places for the public hearing or hearings on such proposed joint consolidation agreement pursuant to section seven hundred fifty-four of this title.

§ 753. Publication of proposed joint consolidation agreement. No later than five business days after commencement of consolidation proceedings pursuant to section seven hundred fifty-two of this title, the governing body or bodies of the local government entities to be consolidated shall:

1. cause a copy of the proposed joint consolidation agreement, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within each entity;

2. cause the proposed joint consolidation agreement, along with a descriptive summary thereof and a reference to the public place or places within each entity where a copy thereof may be examined, to be displayed on a website maintained by each entity or otherwise on a website maintained by the village, town and/or county in which the

entities are located; and

3. arrange to be published a descriptive summary of the proposed joint consolidation agreement and a reference to the public place or places within the entities where a copy thereof may be examined, at least once each week for four successive weeks, in a newspaper having a general circulation within each entity.

§ 754. Public hearings on proposed joint consolidation agreement. 1. The governing body or bodies of the local government entities to be consolidated shall set a time and place or places for one or more public hearings on the proposed joint consolidation agreement. The hearing or hearings shall be held no less than thirty-five days and no more than ninety days after commencement of consolidation proceedings pursuant to section seven hundred fifty-two of this title. The hearing or hearings may be held jointly or separately by the governing body or bodies of the entities. Any interested person shall be given a reasonable opportunity to be heard on any aspect of the proposed consolidation.

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 each local government entity to be consolidated and displayed on a website maintained by each entity or otherwise on a website maintained by the village, town and/or county in which the entities are located. The notice of the hearing or hearings shall provide a descriptive summary of the proposed joint consolidation agreement and a reference to the public place or places within the entities where a copy of such agreement may be examined.

3. After completion of the final hearing, the governing body or bodies of the local government entities to be consolidated may amend the proposed joint consolidation agreement, provided that the amended version complies with the provisions of subdivision two of section seven hundred fifty-two of this title and is publicized pursuant to subdivision four of this section, and/or approve a final version of the joint consolidation agreement, or decline to proceed further with

consolidation proceedings. Any approval by the entities' governing body or bodies of the final version of the joint consolidation agreement must occur within one hundred eighty days of such final hearing.

4. No later than five business days after amending the proposed joint consolidation agreement, the governing body or bodies of the local government entities to be consolidated shall:

(a) cause a copy of the amended version of the proposed joint consolidation agreement, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within each entity; and

(b) cause the amended version of the proposed joint consolidation agreement, along with a descriptive summary thereof and a reference to the public place or places within each such entity where a copy thereof may be examined, to be displayed on a website maintained by each entity or otherwise on a website maintained by the village, town and/or county in which the entities are located.

§ 755. Referendum resolution for consolidation of towns or villages. 1. If a joint consolidation agreement calls for the consolidation of two or more towns, two or more villages or one or more towns and villages, then contemporaneous with the final approval of the joint consolidation agreement pursuant to subdivision three of section seven hundred fifty-four of this title, the governing body or bodies of the local government entities to be consolidated shall enact a resolution calling for a referendum on the proposed consolidation by the electors in each of the entities.

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

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

(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 referendum and to provide for the conduct thereof and the canvass of the returns thereupon.

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

§ 756. Effective date of joint consolidation agreement. Local government entities consolidated pursuant to a joint consolidation agreement shall continue to be governed as before consolidation until the effective date of the consolidation specified in the joint consolidation agreement; provided, however, that no joint consolidation agreement consolidating two or more towns, two or more villages or one or more towns and villages shall take effect unless approved by a majority of electors in each such town and/or village at a referendum called through a resolution enacted pursuant to section seven hundred fifty-five of this title.

§ 757. Initiative of electors seeking consolidation. 1. The electors of two or more local government entities may commence a consolidation 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 clerk of the town in which the entities or the greater portion of their territory are located, except that if one or more of the entities to be consolidated is a village the original petition of electors from the village shall be filed with the clerk of the village. 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 five thousand electors, whichever is less, in each local government entity to be consolidated; provided, however, that where the local government entity to be consolidated contains five hundred or fewer electors, the petition shall contain the signatures of at least twenty percent of the number of electors. No signature on a petition is valid unless it is the original signature of an elector.

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

PETITION FOR LOCAL GOVERNMENT CONSOLIDATION

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 and legal voters of (insert type and name of local government entities proposed to be consolidated), for their approval or rejection at a referendum held for that purpose, a proposal to consolidate (insert type and name of local government entity) with (insert type and name of local government entity or entities).

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 consolidation 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 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 laws 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 or bodies of the local government entities to be consolidated shall, no later than thirty days thereafter, enact a resolution in accordance with subdivision two of section seven hundred fifty-five of this title calling for a referendum on the proposed consolidation by the electors in each of the entities and set a date for such referendum.

§ 758. Conduct of referendum. 1. A referendum required by sections seven hundred fifty-five or seven hundred fifty-seven of this title shall be placed before the electors of each of the local government entities to be consolidated at a special election to be held not less than sixty or more than ninety days after the enactment of a resolution calling for such referendum, provided, however, that in cases where a town or village general election falls within such period, the question may be considered during a town or village general election.

2. The referendum may be held in each local government entity on the same day, or on different days, however, not more than twenty days apart.

3. Notice of the referendum shall be given to the electors of each local government entity to be consolidated by publication in a newspaper having a general circulation within the boundaries of each entity 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 resolution and joint consolidation agreement or petition for consolidation, as the case may be;

(b) a statement as to where may be examined a copy of the resolution and joint consolidation agreement or petition for consolidation, as the case may be;

(c) the names of the local government entities to be consolidated and a description of their territory;

(d) with respect to a resolution calling for a referendum under section seven hundred fifty-five of this title only, the name of the proposed consolidated local government entity;

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

(f) 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.

4. The referendum question placed before the electors of each local government entity to be consolidated shall be in a form reading substantially as follows:

"Shall (insert type and name of local government entity) be consolidated with (insert type and name of local government entity or entities)?

YES ____

NO ____"

5. In any referendum held pursuant to this title, each local government entity to be consolidated shall bear only the costs of holding such referendum in its respective entity and shall not be required to bear the costs of a referendum held in any other entity.

6. In any referendum held pursuant to this title, and except as otherwise specified herein, the referendum shall be conducted in the same manner as other municipal elections or referendums for the local government entities to be consolidated.

§ 759. Canvassing of vote; moratorium on further referendum. 1. In any referendum held pursuant to this title, 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 local government entities to be consolidated.

2. Consolidation shall not take effect unless a majority of the electors voting in each local government entity to be consolidated vote in favor of consolidation. If in any one of the entities such a majority vote does not result, the referendum shall fail and consolidation shall not take effect.

3. If consolidation is approved by a majority of the electors voting in each local government entity to be consolidated, certificates of such result shall be immediately filed with the secretary of state and with the clerks of the entities and county in which any part of the entities is situated.

4. If the referendum shall fail, the consolidation process specified by this title shall not be initiated for the same purpose 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 sixty-three of this title.

§ 760. Duty to approve proposed elector initiated consolidation plan. 1. In the case of a proposed consolidation of local government entities properly initiated by petition of electors pursuant to section seven hundred fifty-seven of this title, if a majority of the electors voting in a referendum held in each of the local government entities to be consolidated vote in favor of consolidation, the entities' governing body or bodies shall meet within thirty days after certification of the favorable vote and, within one hundred eighty days of such meeting, prepare and approve by resolution a proposed elector initiated consolidation plan.

2. The proposed elector initiated consolidation plan shall include:
(a) the name of each local government entity to be consolidated;
(b) the name of what will be the consolidated local government entity,

which name shall be such as to distinguish it from the name of any other like unit of government in the state of New York (except the name of any one of the entities to be consolidated);

(c) the rights, duties and obligations of the consolidated local government entity;

(d) the territorial boundaries of the consolidated local government entity;

(e) the type and/or class of the consolidated local government entity;

(f) the governmental organization of the consolidated local government entity insofar as it concerns elected and appointed officials and public employees, along with a transitional plan and schedule for elections and appointments of officials;

(g) a fiscal estimate of the cost of and savings which may be realized from consolidation;

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

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

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

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

(l) the effective date of the consolidation; and

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

§ 761. Publication of proposed elector initiated consolidation plan. No later than five business days after approving a proposed elector initiated consolidation plan pursuant to section seven hundred sixty of this title, the governing body or bodies of the local government entities to be consolidated shall:

1. cause a copy of the proposed elector initiated consolidation 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 each entity;

2. cause the proposed elector initiated consolidation plan, along with a descriptive summary thereof and a reference to the public place or places within each entity where a copy thereof may be examined, to be displayed on a website maintained by each entity or otherwise on a website maintained by the village, town and/or county in which the entities are located; and

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

§ 762. Public hearings on proposed elector initiated consolidation plan. 1. The governing body or bodies of the local government entities to be consolidated shall set a time and place or places for one or more public hearings on the proposed elector initiated consolidation 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 consolidation plan is approved pursuant to section seven hundred sixty of this title. The hearing or hearings may be held jointly or separately by the governing body or bodies of the entities. Any interested person shall be given a reasonable opportunity to be heard on any aspect of the proposed consolidation.

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 each local government entity to be consolidated and displayed on a website maintained by each entity or otherwise on a website maintained by the village, town and/or

county in which the entities are located. The notice of the hearing or hearings shall provide a descriptive summary of the proposed elector initiated consolidation plan and a reference to the public place or places within the entities where a copy of such agreement may be examined.

3. After completion of the final hearing, the governing body or bodies of the local government entities to be consolidated may amend the proposed elector initiated consolidation plan, provided that the amended version complies with the provisions of subdivision two of section seven hundred sixty of this title and is publicized pursuant to subdivision four of this section. The entities' governing body or bodies must approve a final version of the elector initiated consolidation plan within sixty days of such final hearing.

4. No later than five business days after amending the proposed elector initiated consolidation plan, the governing body or bodies of the local government entities to be consolidated shall:

(a) cause a copy of the amended version of the proposed elector initiated consolidation 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 each entity; and

(b) cause the amended version of the proposed elector initiated consolidation plan, along with a descriptive summary thereof and a reference to the public place or places within each entity where a copy thereof may be examined, to be displayed on a website maintained by each entity or otherwise on a website maintained by the village, town and/or county in which the entities are located.

§ 763. Effective date of elector initiated consolidation plan; permissive referendum. 1. Local government entities consolidated pursuant to an elector initiated consolidated plan shall continue to be governed as before consolidation until the effective date of the consolidation specified in such 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 sixty-two or subdivision four of section seven hundred sixty-four of this title.

2. Notwithstanding subdivision one of this section, the elector initiated consolidation plan shall not take effect if, no later than forty-five days after final approval thereof pursuant to subdivision three of section seven hundred sixty-two or subdivision four of section seven hundred sixty-four of this title, electors of a local government entity to be consolidated pursuant to such plan 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 consolidation plan shall take effect, with the clerk of the town in which the entity or the greater portion of its territory is located, except that if the entity is a village the original petition of electors from the village shall be filed with the clerk of the village; and

(b) thereafter less than a majority of the electors in the entity 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 fifty-seven of this title, shall contain the signatures of at least twenty-five percent of the number of electors or fifteen thousand electors, whichever is less, in the local government entity to be consolidated, 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 dissolution 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 body of the local government entity to which such petition applies shall within thirty days enact a resolution calling for a referendum by the electors of such entity on the question whether to approve the elector initiated consolidation plan and set a date for such referendum in accordance with subdivision five of this section.

5. The referendum on the question whether the elector initiated consolidation 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 resolution pursuant to subdivision four of this section, provided, however, that in cases where a town or village general election falls within such period, the referendum question may be considered during a town or village general election.

6. Notice of the referendum shall be given to the electors of the local government entity to which the petition applies by publication in a newspaper having a general circulation within the boundaries of the entity 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 resolution and elector initiated consolidation plan;

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

(c) the time and place or places at which the referendum 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 referendum 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 local government entity to which the petition applies in a form reading substantially as follows:

"The voters of the (insert type and name of each local government entity to which the consolidation plan applies) having previously voted to consolidate, shall the elector initiated consolidation plan take effect?

YES ____

NO _____"

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

§ 764. Court-ordered consolidation; mediation; judicial hearing officer. 1. If the governing body or bodies of local government entities with a duty to prepare and approve a proposed elector initiated consolidation plan pursuant to section seven hundred sixty of this title fail to prepare and approve such plan or are otherwise unable or unwilling to accomplish and complete the consolidation pursuant to the provisions of this title, then any five electors who signed the petition seeking consolidation may commence a special proceeding against the entities pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the consolidated local government entity or the greater portion of its territory will be located, to compel compliance with the provisions of this article.

2. If the court finds that the governing body or bodies attempted in good faith to prepare and approve a proposed elector initiated consolidation plan but were nevertheless unsuccessful, then the court may refer such matter to mediation pursuant to law, with costs of such mediation to be borne by the entities in such proportion as the court shall determine based on appropriate factors including population and the good faith efforts of the respective entities. If the governing body or bodies thereupon prepare and approve a proposed elector initiated consolidation plan conforming to the requirements of subdivision two of section seven hundred sixty of this title, then the provisions of

sections seven hundred sixty-one, seven hundred sixty-two and seven hundred sixty-three of this title shall apply as if the governing body or bodies had proposed such plan without the benefit of court-ordered mediation.

3. In all other cases, if the petitioners in such special proceeding shall substantially prevail, then the court shall issue an injunction ordering the governing body or bodies of the local government entities to comply with the applicable provisions of this article. If the governing body or bodies shall violate the injunction, then the court shall appoint a judicial hearing officer pursuant to article forty-three of the civil practice law and rules to hear and determine an elector initiated consolidation plan for the entities that complies with the provisions of subdivision two of section seven hundred sixty of this title.

4. The final determination of the judicial hearing officer shall constitute final approval of the elector initiated consolidation plan and provide such plan takes effect forty five days after the filing of such determination with the clerk of the court, unless a petition for a permissive referendum is properly filed pursuant to section seven hundred sixty-three of this title.

5. 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 three of this section, shall be borne by the local government entities proportionately, at the rate provided for in article twenty-two of the judiciary law and regulations promulgated pursuant thereto based on appropriate factors, including, but not limited to, population and the court's findings regarding the good faith efforts of the respective entities.

§ 765. General effect of consolidation. 1. On and after the effective date of a consolidation, the consolidating local government entities shall be treated and considered for all purposes as one local government entity, under the name and on the terms and conditions set forth in the joint consolidation agreement or the elector initiated consolidation plan, as the case may be.

2. All rights, privileges and franchises of each component local government entity and all assets, real and personal property, books, records, papers, seals and equipment, as well as other things in action, belonging to each component local government entity shall be deemed as transferred to and vested in the consolidated local government entity without further act or deed.

3. All property, rights-of-way and other interests shall be as effectually the property of the consolidated local government entity as they were of the component local government entities prior to their consolidation. The title to real estate, either by deed or otherwise, under the laws of the state of New York vested in any of the component local government entities shall not be deemed to revert or be in any way impaired by reason of the consolidation.

4. The consolidated local government entity shall in all respects be subject to all the obligations and liabilities imposed and shall possess all the rights, powers, and privileges vested by law in other similar entities.

5. Upon the effective date of the consolidation, the joint consolidation agreement or the elector initiated consolidation plan, as the case may be, shall be subordinate in all respects to the contract rights of all holders of any securities or obligations of the local government entities outstanding at the effective date of the consolidation.

6. If a joint consolidation agreement or elector initiated consolidation plan provides for the dissolution of a local justice court, 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 dissolving justice court is located. The designated justice court judge shall have authority to execute and

complete all unfinished business.

§ 766. Election and appointment of officials. New officials of the consolidated local government entity required to be elected shall take office on the first Monday of January following the election designated in the joint consolidation agreement or elector initiated consolidation plan, as the case may be. At such election, the necessary officials of the consolidated local government entity shall be elected in accordance with the terms of the general law affecting entities of the kind or class of the consolidated local government entity. Except as otherwise specified in the joint consolidation agreement or elector initiated consolidation plan, all appointive officials of the consolidated local government entity thereafter shall be appointed by the individual or entity upon whom the power to appoint such officials is conferred by the terms of the general law affecting entities of the kind or class of the consolidated local government entity. Successors in office for such elected or appointed positions shall thereafter be elected or appointed at the time, in the manner and for the terms provided by the general law affecting entities of the kind or class of the consolidated local government entity.

§ 767. Effect of transition on employees. Except as otherwise provided by law and except for those officials and employees protected by tenure of office, civil service provisions or collective bargaining agreement, upon the effective date of consolidation, all appointive offices and positions then existing in all component local government entities involved in the consolidation shall be subject to the terms of the joint consolidation agreement or elector initiated consolidation plan, as the case may be. Such agreement or plan may provide for instances in which there is duplication of positions and for other matters such as varying length of employee contracts, different civil service regulations in the constituent entities and differing ranks and position classifications for similar positions.

§ 768. Debts, liabilities and obligations. 1. All valid and lawful debts and liabilities existing against a consolidated local government entity, or which may thereafter arise or accrue against the consolidated local government entity, which but for consolidation would be valid and lawful debts or liabilities against one or more of the component local government entities, shall be deemed and taken to be like debts against or liabilities of the consolidated local government entity and shall accordingly be defrayed and answered to by it to the same extent, and no further than, the component local government entities would have been bound if no consolidation had taken place.

2. The rights of creditors and all liens upon the property of any of the component local government entities of a consolidation shall be preserved unimpaired. The respective component entities shall be deemed to continue in existence to preserve such rights and liens, and all debts, liabilities and duties of any of the component entities shall thenceforth attach to the consolidated local government entity and be enforced against it to the same extent as if such debts, liabilities and duties had been incurred or contracted by the consolidated local government entity.

3. All bonds, contracts and obligations of the component entities which exist as legal obligations shall be deemed like obligations of the consolidated local government entity, and all such obligations as are authorized or required to be issued or entered into shall be issued or entered into by and in the name of the consolidated local government entity.

§ 769. Effect on existing laws; transition period. Subject to the provisions of the joint consolidation agreement or elector initiated consolidation plan, as the case may be, pertaining to the common administration and uniform enforcement of laws in the consolidated local government entity, all local laws, ordinances, rules or regulations of the component local government entities in effect on the effective date of consolidation shall remain in full force and effect within the respective areas of the component local government entities that existed prior to consolidation, insofar as the local laws, ordinances, rules or regulations are not repugnant to law, until repealed or amended. As soon as practicable but not later than two years after the effective date of consolidation, the governing body of the consolidated local government entity shall adopt new local laws, ordinances, rules and regulations as necessary to redress conflicts and otherwise redress ambiguities arising among the then-existing laws, ordinances, rules or regulations for the common administration and uniform governance of the consolidated local government entity.

§ 770. Effect on actions and proceedings. 1. Suits may be brought and maintained against a consolidated local government entity in any of the courts of the state in the same manner as against any other local government entity.

2. In any action or proceeding pending on the effective date of consolidation to which any component local government entity is a party, the consolidated local government entity may be substituted in its place and the action or proceeding may be prosecuted to judgment as if consolidation had not taken place.

§ 771. Registration of electors. No new registration of electors shall be necessary in case of consolidation, but all elector registrations of the component local government entities shall be transferred to the proper registration books of the consolidated local government entity, and new registrations shall be made as provided by law as if no consolidation had taken place.

§ 772. Determination of rights. If any right, title, interest or claim shall arise out of any consolidation or by reason thereof that is not determinable by reference to the provisions of this article, by the joint consolidation agreement or elector initiated consolidation plan, as the case may be, or otherwise under the laws of this state, then the governing body of the consolidated local government entity may provide therefore in a manner conforming to law.

TITLE 3

DISSOLUTION OF LOCAL GOVERNMENT ENTITIES

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

2. Dissolution proceedings may be commenced by:

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

(b) elector initiative.

§ 774. Proposed dissolution plan. 1. The governing body of a local government entity may, by resolution, endorse a proposed dissolution plan for the purpose of commencing dissolution proceedings under this article.

2. The proposed dissolution plan shall specify:

(a) the name of the local government entity to be dissolved;

(b) the territorial boundaries of the entity;

(c) the type and/or class of the entity;

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

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

(f) the entity'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 entity'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 town or towns in which the entity is situated in order to carry out the dissolution;

(i) the manner and means by which the residents of the entity will continue to be furnished municipal services following the entity's dissolution;

(j) terms for the disposition of the entity's assets and the disposition of its 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 entity shall remain in effect after the effective date of the dissolution or shall remain in effect for a period of time other than as provided by section seven hundred eighty-nine of this title;

(l) the effective date of the proposed dissolution;

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

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

§ 775. Publication of proposed dissolution plan. No later than five business days after commencement of dissolution proceedings pursuant to section seven hundred seventy-four of this title, the governing body of the local government entity to be dissolved shall:

1. cause a copy of the proposed dissolution 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 entity;

2. cause the proposed dissolution plan, along with a descriptive summary thereof and a reference to the public place or places within the entity where a copy thereof may be examined, to be displayed on a website maintained by the entity or otherwise on a website maintained by the village, town and/or county in which the entity is located;

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

4. in the case of a proposed dissolution of a village, the governing body of the village shall cause the proposed dissolution plan to be mailed by certified or registered mail to the supervisor of the town or towns in which the village is situated.

§ 776. Public hearings on proposed dissolution plan. 1. The governing body of the local government entity to be dissolved shall set a time and place or places for one or more public hearings on the proposed dissolution plan. The hearing or hearings shall be held no less than thirty-five days and no more than ninety days after commencement of dissolution proceedings pursuant to section seven hundred seventy-four of this title. Any interested person shall be given a reasonable opportunity to be heard on any aspect of the proposed dissolution.

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 local government entity to be dissolved and displayed on a website maintained by the entity or otherwise on a website maintained by the village, town and/or county in which the entity is located. The notice of the hearing or hearings shall provide a descriptive summary of the proposed dissolution plan and a reference to the public place or places within the entity where a copy of such plan may be examined.

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

4. No later than five business days after amending the proposed dissolution plan, the governing body of the entity to be dissolved shall:

(a) cause a copy of the amended version of the proposed dissolution 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 entity; and

(b) cause the amended version of the proposed dissolution plan, along with a descriptive summary thereof and a reference to the public place or places within the entity where a copy thereof may be examined, to be displayed on a website maintained by the entity or otherwise on a website maintained by the village, town and/or county in which the entity is located.

§ 777. Referendum resolution for dissolution of villages. 1. If a dissolution plan calls for the dissolution of a village, then contemporaneous with the final approval of the dissolution plan pursuant to subdivision three of section seven hundred seventy-six of this title, the governing body of the village shall enact a resolution calling for a referendum on the proposed dissolution by the electors in the village.

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

(a) provide (i) the name of the village to be dissolved; and (ii) the date for the referendum, in accordance with subdivision one of section seven hundred eighty of this title;

(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 referendum and to provide for the conduct thereof and the canvass of the returns thereupon.

3. The resolution calling for the referendum on the proposed dissolution shall have attached to it the final approved version of the dissolution plan.

§ 778. Effective date of dissolution plan. A local government entity dissolved pursuant to a dissolution plan shall continue to be governed as before dissolution until the effective date of the dissolution specified in the dissolution plan; provided, however, that no dissolution plan for a village shall take effect unless approved by a majority of electors of the village at a referendum called through a resolution enacted pursuant to section seven hundred seventy-seven of this title.

§ 779. Initiative of electors seeking dissolution. 1. The electors of a local government entity may commence a dissolution 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 clerk of the town in which the entity or the greater portion of its territory is located, except that if the entity is a village the original petition of electors from the village shall be filed with the clerk of the village. 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 five thousand electors, whichever is less, in the local government entity to be dissolved; provided, however, that where the local government entity to be dissolved contains five hundred or fewer electors, the petition shall contain the signatures of at least twenty percent of the number of electors. 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 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).

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 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 local government entity to be dissolved shall, no later than thirty days thereafter, enact a resolution in accordance with subdivision two of section seven hundred seventy-seven of this title calling for a referendum on the proposed dissolution by the electors in the entity and set a date for such referendum.

§ 780. Conduct of referendum. 1. A referendum on a proposed dissolution required by sections seven hundred seventy-seven or seven hundred seventy-nine of this title shall be placed before the electors in the local government entity to be dissolved at a special election to be held not less than sixty or more than ninety days after the enactment of a resolution calling for the referendum, provided, however, that in cases where a town or village general election falls within such period, the referendum question may be considered during a town or village general election.

2. Notice of the referendum shall be given to the electors of the local government entity to be dissolved by publication in a newspaper having a general circulation within the boundaries of the entity 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 resolution and dissolution plan or petition for dissolution, as the case may be;

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

(c) the name of the local government entity to be dissolved and a statement fully describing its 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 local government entity to be dissolved shall be in a form reading substantially as follows:

"Shall (insert type and name of local government entity) be dissolved?

YES ____

NO ____"

4. In any referendum held pursuant to this title, the local government entity to be dissolved shall bear the costs associated with the conduct of such referendum.

5. In any referendum held pursuant to this title, and except as otherwise specified herein, the referendum shall be conducted in the same manner as other municipal elections or referendums for the local government entity affected by the proposed dissolution.

§ 781. Canvassing of vote; moratorium on further referendum. 1. In any referendum held pursuant to this title, 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 local government entity affected by the proposed dissolution.

2. Dissolution shall not take effect unless a majority of the electors voting in the local government entity in which the referendum is held vote in favor of dissolution. If such a majority vote does not result, the referendum shall fail and dissolution shall not take effect.

3. If dissolution is approved by a majority of the electors voting in the local government entity in which the referendum is held, certificates of such result immediately shall be filed with the secretary of state and with the clerks of the local government entity or entities and county in which is situated any part of the entity to be dissolved.

4. If the referendum shall fail, the dissolution process specified by this title shall not be initiated for the local government entity 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 eighty-five of this title.

§ 782. Duty to approve proposed elector initiated dissolution plan. 1. In the case of a proposed dissolution of a local government entity properly initiated by petition of electors pursuant to section seven hundred seventy-nine of this title, if a majority of the electors voting at a referendum vote in favor of dissolution, the entity's governing body 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 dissolution plan.

2. The proposed elector initiated dissolution plan shall specify:
(a) the name of the local government entity to be dissolved;
(b) the territorial boundaries of the entity;
(c) the type and/or class of the entity;
(d) a fiscal estimate of the cost of dissolution;
(e) any plan for the transfer or elimination of public employees;
(f) the entity'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 entity'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 town or towns in which the entity is situated in order to carry out the dissolution;

(i) the manner and means by which the residents of the entity will continue to be furnished municipal services following the entity's dissolution;

(j) terms for the disposition of the entity's assets and the disposition of its 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 entity shall remain in effect after the effective date of the dissolution or shall remain in effect for a period of time other than as provided by section seven hundred eighty-nine of this title;

(l) the effective date of the dissolution;

(m) the time and place or places for a public hearing or hearings on such proposed dissolution plan pursuant to section seven hundred eighty-four of this title; and

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

§ 783. Publication of proposed elector initiated dissolution plan. No later than five business days after approving an elector initiated dissolution plan pursuant to section seven hundred eighty-two of this title, the governing body of the local government entity to be dissolved shall:

1. cause a copy of the proposed elector initiated dissolution 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 entity;

2. cause the proposed elector initiated dissolution plan, along with a descriptive summary thereof and a reference to the public place or

places within the entity where a copy thereof may be examined, to be displayed on a website maintained by the entity or otherwise on a website maintained by the village, town and/or county in which the entity is located; and

3. arrange to be published a descriptive summary of the proposed elector initiated dissolution plan and a reference to the public place or places within the entity 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 entity; and

4. in the case of a proposed dissolution of a village, the governing body of the village shall cause the proposed elector initiated dissolution plan to be mailed by certified or registered mail to the supervisor of the town or towns in which the village is situated.

§ 784. Public hearings on proposed elector initiated dissolution plan. 1. The governing body of the local government entity to be dissolved shall set a time and place or places for one or more public hearings on the proposed elector initiated dissolution 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 dissolution plan is approved pursuant to section seven hundred eighty-two of this title. Any interested person shall be given a reasonable opportunity to be heard on any aspect of the proposed dissolution.

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 local government entity to be dissolved and displayed on a website maintained by the entity or otherwise on a website maintained by the village, town and/or county in which the entity is located. The notice of the hearing or hearings shall provide a descriptive summary of the proposed elector initiated dissolution plan, and a reference to the public place or places within the entity where a copy of such plan may be examined.

3. After completion of the final hearing, the governing body of the local government entity to be dissolved may amend the proposed elector initiated dissolution plan, provided that the amended version complies with the provisions of subdivision two of section seven hundred eighty-two of this title and is publicized pursuant to subdivision four of this section. The governing body must approve a final version of the elector initiated dissolution plan within sixty days of such final hearing.

4. No later than five business days after amending the proposed elector initiated dissolution plan, the governing body of the local government entity to be dissolved shall:

(a) cause a copy of the amended version of the proposed elector initiated dissolution 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 entity; and

(b) cause the amended version of the proposed elector initiated dissolution plan, along with a descriptive summary thereof and a reference to the public place or places within the entity where a copy thereof may be examined, to be displayed on a website maintained by the entity or otherwise on a website maintained by the village, town and/or county in which the entity is located.

§ 785. Effective date of elector initiated dissolution plan; permissive referendum. 1. A local government entity dissolved pursuant to an elector initiated dissolution plan shall continue to be governed as before dissolution until the effective date of the dissolution specified in the elector initiated dissolution 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 eighty-four or subdivision three of section seven hundred eighty-six of this title.

2. Notwithstanding subdivision one of this section, the elector initiated dissolution 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 eighty-four or subdivision

three of section seven hundred eighty-six of this title, electors of the local government entity to be dissolved 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 dissolution plan shall take effect, with the clerk of the town in which the entity or the greater portion of its territory is located, except that if the entity is a village the original petition of electors from the village shall be filed with the clerk of the village; 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 seventy-nine of this title, shall contain the signatures of at least twenty-five percent of the number of electors or fifteen thousand electors, whichever is less, in the local government entity to be dissolved, 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 dissolution 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 body of the local government entity to be dissolved shall within thirty days enact a resolution calling for a referendum by the electors on the question whether the elector initiated dissolution plan shall take effect and set a date for such referendum in accordance with subdivision five of this section.

5. The referendum on the question whether the elector initiated dissolution 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 resolution pursuant to subdivision four of this section, provided, however, that in cases where a town or village general election falls within such period, the referendum question may be considered during a town or village general election.

6. Notice of the referendum shall be given to the electors of the local government entity to be dissolved by publication in a newspaper having a general circulation within the boundaries of the entity 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 resolution and elector initiated dissolution plan;

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

(c) the time and place or places at which the referendum 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 referendum 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 local government entity to be dissolved in a form reading substantially as follows:

"The voters of the (insert type and name of local government entity to be dissolved) having previously voted to dissolve, shall the elector initiated dissolution plan take effect?

YES ____

NO ____"

8. The elector initiated dissolution plan shall not take effect unless a majority of the electors voting in the local government entity to which the petition applies votes in favor of dissolution. If such a

majority vote does not result, the referendum shall fail and dissolution shall not take effect.

§ 786. Court-ordered dissolution; judicial hearing officer. 1. If the governing body of a local government entity with a duty to prepare and approve a proposed elector initiated dissolution plan pursuant to section seven hundred eighty-two of this title fails to prepare and approve such plan or is otherwise unable or unwilling to accomplish and complete the dissolution pursuant to the provisions of this article, then any five electors who signed the petition seeking dissolution may commence a special proceeding against the entity pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the entity 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 dissolution plan for the entity that complies with the provisions of subdivision two of section seven hundred eighty-two of this title.

3. The final determination of the judicial hearing officer shall constitute the final approval of the elector initiated dissolution 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 eighty-five of this title.

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 local government entity at the rate

provided for in article twenty-two of the judiciary law and regulations promulgated pursuant thereto.

§ 787. Winding down the affairs of a dissolved local government entity. 1. Upon the successful completion of dissolution proceedings pursuant to this title, the governing body of the dissolving local government entity shall wind down the affairs thereof, dispose of its property as provided by law, make provisions for the payment of all indebtedness thereof and for the performance of its contracts and obligations, and, if applicable and appropriate under law, levy taxes and assessments as necessary to accomplish the dissolution.

2. In furtherance of its duty to wind down the affairs of the local government entity, the governing body shall cause notice to be given, in the same manner as notice for a proposed dissolution plan pursuant to section seven hundred seventy-five of this title, requiring all claims against the dissolving local government entity, 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 entity at the time of the effective date of the dissolution may appear and defend against any claim so filed, or the governing body may in its discretion appoint some person for that purpose.

§ 788. Effect on actions and proceedings; disposition of records, books and papers. 1. Except as otherwise provided for in this title, no action for or against the local government entity to be dissolved shall abate, nor shall any claim for or against it be affected by reason of its dissolution.

2. Upon the dissolution of a local government entity, all its records, books and papers shall be deposited with the town clerk of the town in which the principal portion of such entity is situated, and they shall thereupon become a part of the records of the town.

3. Upon the dissolution of a local justice court, 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 dissolving justice court is located. The designated justice court judge shall have authority to execute and complete all unfinished business.

§ 789. Effect on existing laws of village. 1. Except as otherwise provided in the dissolution plan or elector initiated dissolution plan, as the case may be, all local laws, ordinances, rules and regulations of a village in effect on the date of the dissolution of such village, including but not limited to zoning ordinances, shall remain in effect for a period of two years following dissolution, as if same had been duly adopted by the town board and shall be enforced by the town within the limits of the dissolved village, except that the town board 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 town.

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

§ 790. Debts, liabilities and obligations. The outstanding debts, liabilities and obligations of the dissolved local government entity shall be assumed by the town in which the dissolved entity was situated and shall be a charge upon the taxable property within the limits of the dissolved entity, collected in the same manner as town taxes. The town board shall have all powers with respect to the debts, liabilities and obligations as the governing body of the dissolved entity possessed prior to its dissolution, including the power to issue town bonds to redeem bond anticipation notes issued by the dissolved entity.

TITLE 4

MISCELLANEOUS PROVISIONS

§ 791. Liability of officials and employees. In the absence of fraud, gross negligence or willful misfeasance, no officer or employee of a local government entity shall be held personally liable upon any claim arising from the consolidation or dissolution of a local government entity pursuant to this article or any circumstances connected with such consolidation or dissolution.

§ 792. Supersession. This article shall supersede and replace all other state and local laws relating to the procedures and requirements for the consolidation and dissolution of local government entities to the extent such laws are not consistent with this article, provided, however, that the provisions of any other state or local law now in effect or hereafter enacted that are less restrictive or burdensome than those provided in this chapter shall govern during the period in which such provisions are in effect. A state or local law that imposes procedures and requirements for consolidation and dissolution not addressed by this article is deemed inconsistent.

§ 793. Separability. If any title, 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 part directly involved in the controversy wherein such judgment shall have been rendered.

ARTICLE 18

CONFLICTS OF INTEREST OF MUNICIPAL OFFICERS AND EMPLOYEES

§ 800. Definitions. When used in this article and unless otherwise expressly stated or unless the context otherwise requires:

1. "Chief fiscal officer" means a comptroller, commissioner of finance, director of finance or other officer possessing similar powers and duties, except that in a school district the term shall not mean a member of the board of education or a trustee thereof.

2. "Contract" means any claim, account or demand against or agreement with a municipality, express or implied, and shall include the designation of a depository of public funds and the designation of a

newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance, or other proceeding where such publication is required or authorized by law.

3. "Interest" means a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this article a municipal officer or employee shall be deemed to have an interest in the contract of (a) his spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves, (b) a firm, partnership or association of which such officer or employee is a member or employee, (c) a corporation of which such officer or employee is an officer, director or employee and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

4. "Municipality" means a county, city, town, village, school district, consolidated health district, county vocational education and extension board, public library, board of cooperative educational services, urban renewal agency, a joint water works system established pursuant to chapter six hundred fifty-four of the laws of nineteen hundred twenty-seven, or a town or county improvement district, district corporation, or other district or a joint service established for the purpose of carrying on, performing or financing one or more improvements or services intended to benefit the health, welfare, safety or convenience of the inhabitants of such governmental units or to benefit the real property within such units, an industrial development agency but shall have no application to a city having a population of one million or more or to a county, school district, or other public agency or facility therein.

5. "Municipal officer or employee" means an officer or employee of a municipality, whether paid or unpaid, including members of any administrative board, commission or other agency thereof and in the case of a county, shall be deemed to also include any officer or employee paid from county funds. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or

civil defense volunteer, except a fire chief or assistant fire chief.

6. "Treasurer" means a county treasurer, city treasurer, town supervisor, village treasurer, school district treasurer, fire district treasurer, improvement district treasurer, president of a board of health of a consolidated health district, county vocational educational and extension board treasurer, treasurer of a board of cooperative educational services, public general hospital treasurer, or other officer possessing similar powers and duties.

§ 801. Conflicts of interest prohibited. Except as provided in section eight hundred two of this chapter, (1) no municipal officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has any of the powers or duties set forth above and (2) no chief fiscal officer, treasurer, or his deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which he is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

§ 802. Exceptions. The provisions of section eight hundred one of this chapter shall not apply to:

1. a. The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of funds of a municipality except when the chief fiscal officer, treasurer, or his deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company

outside the municipality would be required because of the foregoing restriction, a bank or trust company within the municipality may nevertheless be so designated;

b. A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract;

c. The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law;

d. The purchase by a municipality of real property or an interest therein, provided the purchase and the consideration therefor is approved by order of the supreme court upon petition of the governing board;

e. The acquisition of real property or an interest therein, through condemnation proceedings according to law;

f. A contract with a membership corporation or other voluntary non-profit corporation or association including, but not limited to, rural electric cooperatives. For purposes of this paragraph, the term "rural electric cooperative" shall have the same meaning as the term "cooperative" as defined in subdivision (a) of section two of the rural electric cooperative law;

g. The sale of bonds and notes pursuant to section 60.10 of the local finance law;

h. A contract in which a municipal officer or employee has an interest if such contract was entered into prior to the time he was elected or appointed as such officer or employee, but this paragraph shall in no event authorize a renewal of any such contract;

i. Employment of a duly licensed physician as school physician for a school district upon authorization by a two-thirds vote of the board of education of such school district, notwithstanding the fact that such physician shall have an interest, as defined in section eight hundred one of this chapter, in such employment.

j. Purchases or public work by a municipality, other than a county, located wholly or partly within a county with a population of two hundred thousand or less pursuant to a contract in which a member of the governing body or board has a prohibited interest, where:

(1) the member of the governing body or board is elected and serves without salary;

(2) the purchases, in the aggregate, are less than five thousand dollars in one fiscal year and the governing body or board has followed its procurement policies and procedures adopted in accordance with the provisions of section one hundred four-b of this chapter and the procurement process indicates that the contract is with the lowest dollar offer;

(3) the contract for the purchases or public work is approved by resolution of the body or board by the affirmative vote of each member of the body or board except the interested member who shall abstain.

2. a. A contract with a corporation in which a municipal officer or employee has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;

b. A contract for the furnishing of public utility services when the rates or charges therefor are fixed or regulated by the public service commission;

c. A contract for the payment of a reasonable rental of a room or rooms owned or leased by an officer or employee when the same are used in the performance of his official duties and are so designated as an office or chamber;

d. A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the office;

e. A contract in which a municipal officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty dollars.

f. A contract with a member of a private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract.

§ 803. Disclosure of interest. 1. Any municipal officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the municipality of which he or she is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to his or her immediate supervisor and to the governing body thereof as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body.

2. Notwithstanding the provisions of subdivision one of this section, disclosure shall not be required in the case of an interest in a contract described in subdivision two of section eight hundred two hereof.

§ 804. Contracts void. Any contract willfully entered into by or with a municipality in which there is an interest prohibited by this article shall be null, void and wholly unenforceable.

§ 804-a. Certain interests prohibited. No member of the governing board, of a municipality shall have any interest in the development or operation of any real property located within Nassau County and developed or operated by any membership corporation originally formed for purposes among which are the following:

1. to plan for, advise, recommend, promote and in all ways encourage, alone or in concert with public officials and bodies and interested local associations, the development and establishment of any lands in Nassau County publically owned with particular emphasis on industrial, business, commercial, residential and public uses, the augmention of public revenues and furtherance of the public interest of the citizens of Nassau County;

2. to conduct studies to ascertain the needs of Nassau County as pertains to such publically owned lands and supporting facilities and in Nassau County generally for the purpose of aiding the County of Nassau in attracting new business, commerce and industry to it and in encouraging the development and retention of business, commerce and industry;

3. to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities and instruct or train individuals to improve or develop their capabilities for such jobs;

4. to implement and engage itself in plans of development of such publically owned lands and other areas in connection with private companies and citizens and with public bodies and officials, and to participate in such operations, leaseholds, loans, ownerships with respect to land, buildings or public facilities or interest therein as may be lawful and desirable to effectuate its corporate purposes and the best interests of the people of Nassau County.

§ 805. Violations. Any municipal officer or employee who willfully and knowingly violates the foregoing provisions of this article shall be guilty of a misdemeanor.

§ 805-a. Certain action prohibited. 1. No municipal officer or employee shall: a. directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part;

b. disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests;

c. receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee; or

d. receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

2. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate this section

may be fined, suspended or removed from office or employment in the manner provided by law.

§ 805-b. Solemnization of marriages. Notwithstanding any statute, law or rule to the contrary, no public officer listed in section eleven of the domestic relations law shall be prohibited from accepting any fee or compensation having a value of one hundred dollars or less, whether in the form of money, property, services or entertainment, for the solemnization of a marriage by such public officer at a time and place other than the public officer's normal public place of business, during normal hours of business. For the purpose of this section, a town or village judge's normal hours of business shall mean those hours only which are officially scheduled by the court for the performing of the judicial function.

§ 806. Code of ethics. 1. (a) The governing body of each county, city, town, village, school district and fire district shall and the governing body of any other municipality may by local law, ordinance or resolution adopt a code of ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them. Notwithstanding any other provision of this article to the contrary, a fire district code of ethics shall also apply to the volunteer members of the fire district fire department. Codes of ethics shall provide standards for officers and employees with respect to disclosure of interest in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and such other standards relating to the conduct of officers and employees as may be deemed advisable. Such codes may regulate or prescribe conduct which is not expressly prohibited by this article but may not authorize conduct otherwise prohibited. Such codes may provide for the prohibition of conduct or disclosure of information and the classification of employees or officers.

(b) Effective on and after January first, nineteen hundred ninety-one, such codes of political subdivisions, as defined in section eight hundred ten of this article, may contain provisions which require the filing of completed annual statements of financial disclosure with the appropriate body, as defined in section eight hundred ten of this article. Nothing herein shall be construed to restrict any political subdivision or any other municipality from requiring such a filing prior to January first, nineteen hundred ninety-one. Other than as required by subdivision two of section eight hundred eleven of this article, the governing body of any such political subdivision or other municipality may at any time subsequent to the effective date of this paragraph, adopt a local law, ordinance or resolution pursuant to subdivision one of section eight hundred eleven of this article and any such political subdivision or municipality, acting by its governing body, may take such other action as is authorized in such subdivision. Any political subdivision or other municipality to which all of the provisions of section eight hundred twelve of this article apply may elect to remove itself from the ambit of all (but not some) provisions of such section in the manner authorized in subdivision three of such section eight hundred twelve. In such event any such political subdivision or municipality shall be subject to certain conditions and limitations set forth in paragraphs (a), (b) and (c) of such subdivision three which shall include, but not be limited to, the promulgation of a form of an annual statement of financial disclosure described in subdivision one of such section eight hundred eleven.

2. The chief executive officer of a municipality adopting a code of ethics shall cause a copy thereof to be distributed to every officer and employee of his municipality. The fire district commissioners shall cause a copy of the fire district's code of ethics to be posted publicly and conspicuously in each building under such district's control. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

§ 807. Posting of statute. The chief executive officer of each municipality shall cause a copy of sections eight hundred through eight hundred nine of this article to be kept posted in each public building under the jurisdiction of his or her municipality in a place conspicuous to its officers and employees. Failure to post any such copy shall have no effect on the duty of compliance with this article, nor with the enforcement of the provisions thereof.

§ 808. Boards of ethics. 1. The governing body of any county may establish a county board of ethics and appropriate moneys for maintenance and personal services in connection therewith. The members of such board of ethics shall be appointed by such governing body except in the case of a county operating under an optional or alternative form of county government or county charter, in which case the members shall be appointed by the county executive or county manager, as the case may be, subject to confirmation by such governing body. Such board of ethics shall consist of at least three members, a majority of whom shall not be officers or employees of such county or municipalities wholly or partially located in such county and at least one of whom shall be an elected or appointed officer or employee of the county or a municipality located within such county. The members of such board shall receive no salary or compensation for their services as members of such board and shall serve at the pleasure of the appointing authority.

2. The board shall render advisory opinions to officers and employees of municipalities wholly or partly within the county with respect to this article and any code of ethics adopted pursuant hereto. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the board may prescribe and shall have the advice of counsel employed by the board, or if none, the county attorney. In addition, it may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon the request of the governing body of any municipality in the county.

3. The governing body of any municipality other than a county may establish a local board of ethics and, where such governing body is so authorized, appropriate moneys for maintenance and personal services in connection therewith. A local board shall have all the powers and duties

of and shall be governed by the same conditions as a county board of ethics, except that it shall act only with respect to officers and employees of the municipality that has established such board or of its agencies. The members of a local board shall be appointed by such person or body as may be designated by the governing body of the municipality to serve at the pleasure of the appointing authority and such board shall consist of at least three members, a majority of whom are not otherwise officers or employees of such municipality. Such board shall include at least one member who is an elected or appointed municipal officer or employee.

4. The county board of ethics shall not act with respect to the officers and employees of any municipality located within such county or agency thereof, where such municipality has established its own board of ethics, except that the local board may at its option refer matters to the county board.

5. A board of ethics of a political subdivision (as defined in section eight hundred ten of this article) and of any other municipality, which is required by local law, ordinance or resolution to be, or which pursuant to legal authority, in practice is, the repository for completed annual statements of financial disclosure shall file a statement with the clerk of its municipality, that it is the authorized repository for completed annual statements of financial disclosure.

§ 809. Disclosure in certain applications. 1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

(a) is the applicant, or

(b) is an officer, director, partner or employee of the applicant, or

(c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or

(d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four of section two of the election law.

4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

§ 810. Additional definitions. As used in sections eight hundred eleven and eight hundred twelve of this article:

1. The term "political subdivision" shall mean a county, city, town or village having a population of fifty thousand or more and shall include a city with a population of one million or more.

2. The term "local elected official" shall mean an elected official of the political subdivision, except judges or justices of the unified

court system.

3. The term "local officer or employee" shall mean the heads (other than local elected officials) of any agency, department, division, council, board, commission, or bureau of a political subdivision and their deputies and assistants, and the officers and employees of such agencies, departments, divisions, boards, bureaus, commissions or councils who hold policy-making positions, as annually determined by the appointing authority and set forth in a written instrument which shall be filed with the appropriate body during the month of February; except that the term "local officer or employee" shall not mean a judge, justice, officer or employee of the unified court system. Members, officers, and employees of each industrial development agency and authority established by this chapter or created by the public authorities law shall be deemed officers or employees of the county, city, village, or town for whose benefit such agency or authority is established or created.

4. The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the governor, or the state university of New York or the city university of New York, including all their constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the state.

5. The term "spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to: (a) a judicial order, decree or judgment, or (b) a legally binding separation agreement.

6. The term "local political party official" shall mean:

(a) any chairman of a county committee elected pursuant to section 2-112 of the election law, or his or her successor in office, who received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more;

(b) that person (usually designated by the rules of a county committee as the "county leader" or "chairman of the executive committee") by whatever title designated, who pursuant to the rules of a county committee or in actual practice, possesses or performs any or all of the following duties or roles, provided that such person received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more:

(i) the principal political, executive and administrative officer of the county committee;

(ii) the power of general management over the affairs of the county committee;

(iii) the power to exercise the powers of the chairman of the county committee as provided for in the rules of the county committee;

(iv) the power to preside at all meetings of the county executive committee, if such a committee is created by the rules of the county committee or exists de facto, or any other committee or subcommittee of the county committee vested by such rules with or having de facto the power of general management over the affairs of the county committee at times when the county committee is not in actual session;

(v) the power to call a meeting of the county committee or of any committee or subcommittee vested with the rights, powers, duties or privileges of the county committee pursuant to the rules of the county committee, for the purpose of filling an office at a special election in accordance with section 6-114 of the election law, for the purpose of filling a vacancy in accordance with section 6-116 of such law or for the purpose of filling a vacancy or vacancies in the county committee which exist by reason of an increase in the number of election districts within the county occasioned by a change of the boundaries of one or more election districts, taking effect after the election of its members, or for the purpose of determining the districts that the elected members shall represent until the next election at which such members of such committee are elected; provided, however, that in no event shall such power encompass the power of a chairperson of an assembly district committee or other district committee smaller than a county and created by the rules of the county committee, to call a meeting of such district committee for such purpose;

(vi) the power to direct the treasurer of the party to expend funds of the county committee; or

(vii) the power to procure from one or more bank accounts of the county committee the necessary funds to defray the expenses of the county committee; and

(c) the city, town or village chairman or leader of a city, town or village committee of a party as the term party is defined in section 1-104 of the election law, but only with respect to a city, town or village having a population of fifty thousand or more, and only if such chairman or leader received compensation or expenses, or both, from constituted committee or political committee funds, or both, during the reporting period aggregating thirty thousand dollars or more. The term chairman or leader is intended to refer to the person who performs the functions and duties of the chief official of a party in the city, town or village by whatever title designated.

The terms "constituted committee" and "political committee", as used in this subdivision six, shall have the same meanings as those contained in section 14-100 of the election law.

7. The term "relative" shall mean such individual's spouse, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

8. The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under age eighteen, unmarried and living in the household of the reporting individual.

9. The term "appropriate body" or "appropriate bodies" shall mean the board of ethics for the political subdivision.

10. The term "regulatory agency" shall have the same meaning as ascribed to such term by subdivision one of section seventy-three of the

public officers law.

11. The term "ministerial matter" shall have the same meaning as ascribed to such term by subdivision one of section seventy-three of the public officers law.

12. The term "local agency" shall mean:
(a) any county, city, town, village, school district or district corporation, or any agency, department, division, board, commission or bureau thereof; and
(b) any public benefit corporation or public authority not included in the definition of a state agency.

§ 811. Promulgation of form of annual statement of financial disclosure; authority of governing body with respect to persons subject thereto. 1. (a) The governing body of each political subdivision may, not later than January first, nineteen hundred ninety-one, and the governing body of any other municipality may at any time subsequent to the effective date of this section, adopt a local law, ordinance, or resolution: (i) wherein it promulgates a form of annual statement of financial disclosure which is designed to assure disclosure by municipal officers and employees, which for the purposes of this section, the definition for which shall be modified so as to also include a city with a population of one million or more, and (in the case of a political subdivision or any other county, city, town or village) which is designed to assure disclosure by local elected officials and/or by local political party officials of such financial information as is determined necessary by the governing body, or (ii) wherein it resolves to continue the use of an authorized form of annual statement of financial disclosure in use on the date such local law, ordinance or resolution is adopted. In either event, such local law, ordinance or resolution if and when adopted shall specify by name of office or by title or classification those municipal officers and employees and (in the case of a political subdivision or any other county, city, town or village) those local elected officials and/or those local political party officials which shall be required to complete and file such annual statement.

(a-1) In a city with a population of one million or more, such local law, ordinance or resolution shall require, on two or more types of forms for annual statements of financial disclosure, disclosure of information that could reveal potential conflicts of interest as defined by chapter sixty-eight of the New York city charter.

(i) The disclosure required by such law, ordinance or resolution of such city shall, at a minimum, include information about any non-city employment or interests that may give rise to a conflict of interest, including, but not limited to, interests of the filer and his or her spouse or registered domestic partner, and unemancipated children, in: (A) real property located in such city, and (B) positions or business dealings with, financial interests in, or gifts from, any persons or firms or entities engaged in business dealings with such city.

(ii) In any such city, local elected officials and compensated local officers and employees, as defined in subdivisions two and three, respectively, of section eight hundred ten of this article, shall, at a minimum, disclose in addition to the information required by subparagraph (i) of this paragraph: (A) interests in a firm where the value of the interest is ten thousand dollars or more; (B) where the official, officer, or employee holds a policy-making position with such city, membership in the national or state committee of a political party or service as assembly district leader of a political party or service as the chair or as an officer of the county committee or county executive committee of a political party; (C) the names and positions of any spouse or registered domestic partner, child, stepchild, brother, sister, parent or stepparent holding a position with any such city; (D) each volunteer office or position held by the filer or his or her spouse or registered domestic partner with any not-for-profit organization engaged in business dealings with such city, except where the person volunteers only in a non-policymaking, non-administrative capacity; and (E) agreements between the filer and any person or firm or entity engaged in business dealings with such city for future payment to or employment of the filer.

(iii) For purposes of this paragraph, the term "firm" shall have the same meaning as set forth in subdivision eleven of section twenty-six hundred one of the New York city charter.

(b) The governing body of a political subdivision or any other county, city, town or village, which requires the completion and filing of either of such forms of annual statements of financial disclosure by local or municipal officers and employees and/or by local elected officials shall have the power, if it so chooses, to require the completion and filing of such annual statements of financial disclosure by local political party officials as if such officials were officers or employees of such county, city, town or village, provided however, that a person who is subject to the filing requirements of both subdivision two of section seventy-three-a of the public officers law and of this subdivision may satisfy the requirements of this subdivision by filing a copy of the statement filed pursuant to section seventy-three-a of the public officers law with the appropriate body, as defined in section eight hundred ten of this article, on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by this subdivision.

(c) The governing body of a political subdivision or any other county, city, town or village which requires any local or municipal officer or employee or any local elected official or any local political party official to complete and file either of such annual statements of financial disclosure shall have, possess, exercise and enjoy all the rights, powers and privileges attendant thereto which are necessary and proper to the enforcement of such requirement, including but not limited to, the promulgation of rules and regulations pursuant to local law, ordinance or resolution, which rules or regulations may provide for the public availability of items of information to be contained on such form of statement of financial disclosure, the determination of penalties for violation of such rules or regulations, and such other powers as are warranted under the circumstances existing in its county, city, town or village.

(d) The local law, ordinance or resolution, if and when adopted, shall provide for the annual filing of completed statements with the board of ethics of the political subdivision or other municipality and shall contain the procedure for filing such statements and the date by which such filing shall be required. If the board of ethics is designated as the appropriate body, then such local law, ordinance or resolution shall confer upon the board appropriate authority to enforce such filing requirement, including the authority to promulgate rules and regulations. Any such local law, ordinance or resolution shall authorize exceptions with respect to complying with timely filing of such disclosure statements due to justifiable cause or undue hardship. The appropriate body shall prescribe rules and regulations related to such exceptions with respect to extensions and additional periods of time within which to file such statement including the imposition of a time limitation upon such extensions.

(e) Nothing herein shall be construed to prohibit a political subdivision or other municipality from promulgating the form of annual financial disclosure statement set forth in section eight hundred twelve of this article. Promulgation of the same form of annual financial disclosure statement set forth in section eight hundred twelve of this article shall not be deemed an automatic election to be subject to the provisions of such section.

2. In the event that a political subdivision fails by January first, nineteen hundred ninety-one to promulgate, or fails by such date to elect to continue using, a form of annual statement of financial disclosure in the manner authorized in subdivision one of this section then the provisions of section eight hundred twelve of this article shall apply on and after such date to any such political subdivision subject to the provisions of subdivision three of such section eight hundred twelve.

§ 812. Financial disclosure for local elected officials and certain officers and employees of counties, cities, towns and villages.

1. (a) Any political subdivision or other county, city, town or village to which all of the provisions of this section are made applicable, whether as the result of the provisions contained in subdivision two of section eight hundred eleven of this article or as a result of an election to be subject to the provisions of this section as permitted by subdivision two of this section, shall require (i) each of its local elected officials and local officers and employees, (ii) each local political party official and (iii) each candidate for local

elected official with respect to such political subdivision, to file an annual statement of financial disclosure containing the information and in the form set forth in subdivision five of this section except that disclosure requirements for assessors who are not covered by this article shall be governed by the requirements of section three hundred thirty-six of the real property tax law. Such statement shall be filed on or before the fifteenth day of May with respect to the preceding calendar year, except that:

(i) a person who is subject to the reporting requirements of this subdivision and who timely filed with the internal revenue service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year shall be required to file such financial disclosure statement on or before May fifteenth but may, without being subjected to any civil penalty on account of a deficient statement, indicate with respect to any item of the disclosure statement that information with respect thereto is lacking but will be supplied in a supplementary statement of financial disclosure, which shall be filed on or before the seventh day after the expiration of the period of such automatic extension of time within which to file such individual income tax return, provided that failure to file or to timely file such supplementary statement of financial disclosure or the filing of an incomplete or deficient supplementary statement of financial disclosure shall be subject to the notice and penalty provisions of this section respecting annual statements of financial disclosure as if such supplementary statement were an annual statement;

(ii) candidates for local elected official who file designating petitions for nomination at a primary election shall file such statement within seven days after the last day allowed by law for the filing of designating petitions naming them as candidates for the next succeeding primary election;

(iii) candidates for independent nomination for local elected official who have not been designated by a party to receive a nomination shall file such statement within seven days after the last day allowed by law for the filing of independent nominating petitions naming them as candidates for local elected official in the next succeeding general or special or village election; and

(iv) candidates for local elected official who receive the nomination of a party for a special election or who receive the nomination of a party other than at a primary election (whether or not for an uncontested office) shall file such statement within seven days after the date of the meeting of the party committee at which they are nominated.

(b) As used in this subdivision, the terms "party", "committee" (when used in conjuction with the term "party"), "designation", "primary", "primary election", "nomination", "independent nomination", "ballot" and "uncontested office" shall have the same meanings as those contained in section 1-104 of the election law.

(c) Such statement shall be filed with the appropriate body, as defined in section eight hundred ten of this article.

(d) The appropriate body, as defined in section eight hundred ten of this article, shall obtain from the "board of elections", as such term is defined in section 1-104 of the election law, lists of all candidates for local elected official, and from such lists, shall determine and publish lists of those candidates who have not, within ten days after the required date for filing such statement, filed the statement required by this subdivision.

(e) Local political party officials and any person required to file such statement who commences employment after May fifteenth of any year shall file such statement within thirty days after commencing employment or of taking the position of local political party official, as the case may be.

(f) A person who is subject to the filing requirements of both subdivision two of section seventy-three-a of the public officers law and of this subdivision may satisfy the requirements of this subdivision by filing a copy of the statement filed pursuant to section seventy-three-a of the public officers law with the appropriate body, as defined in section eight hundred ten of this article, on or before the filing deadline provided in such section seventy-three-a, notwithstanding the filing deadline otherwise imposed by this subdivision.

(g) A person who is subject to the filing requirements of this subdivision from more than one political subdivision within the same county may satisfy the requirements of this subdivision by filing only one annual statement of financial disclosure with the appropriate body (as is required in that county) for the county in which such political subdivisions are located or if such political subdivisions cross one or more county boundary lines, then such single filing may be made for any of the counties in which one of such political subdivisions is located provided, however, that the appropriate bodies (as required by such other counties) are notified of the name of the county of such compliance by the person who is subjected to the filing requirements of this subdivision, within the time limit for filing specified in this subdivision.

(h) A local elected official who is simultaneously a candidate for local elected official shall satisfy the filing deadline requirements of this subdivision by complying only with the deadline applicable to one who holds such local elected office.

(i) A candidate whose name will appear on both a party designating petition and on an independent nominating petition for the same office or who will be listed on the election ballot for the same office more than once shall satisfy the filing deadline requirements of this subdivision by complying with the earliest applicable deadline only.

2. The governing body of a county, city, town or village having a population of less than fifty thousand may by local law or ordinance elect to be subject to the provisions of this section. In such event, any such city, county, town or village shall be deemed to be a political subdivision under this section.

3. Any political subdivision or other county, city, town or village to which all of the provisions of this section are made applicable, whether as a result of the provisions contained in subdivision two of section eight hundred eleven of this article or as a result of an election to be subject to the provisions of this section as permitted by subdivision two of this section, may elect to remove itself from the ambit of all (but not some) provisions of this section (other than this subdivision) by adopting a local law, ordinance or resolution specifically referring to the authority conferred by this subdivision. Provided, however, that the terms of such local law, ordinance or resolution shall be subject to the following conditions and limitations:

(a) Such local law, ordinance or resolution must provide for the promulgation of a form of an annual statement of financial disclosure described in subdivision one of section eight hundred eleven of this article for use with respect to information the governing body requires to be reported for the calendar year next succeeding the year in which such local law, ordinance or resolution is adopted and for use with respect to information required to be reported for subsequent calendar years; and shall provide for the filing of completed statements with the board of ethics of the political subdivision or other municipality.

(b) Such removal shall not be effective with respect to the annual financial disclosure statement for the calendar year in which the local law, ordinance or resolution is adopted (the filing of which statement is due on May fifteenth of the next succeeding year with certain exceptions), nor shall such removal be effective with respect to any required annual financial disclosure statement for the immediately preceding calendar year (the filing of which statement is due on May fifteenth (with certain exceptions) of the calendar year in which such local law, ordinance or resolution is adopted), nor shall such removal be effective with respect to any other preceding year but such removal shall apply first to the statement which would have been due on May fifteenth (with certain exceptions) of the second year next succeeding the year in which such local law, ordinance or resolution is adopted, and such removal shall apply thereafter to subsequent statements otherwise due pursuant to this section.

(c) Such removal shall not affect the power to impose, or the imposition of, a penalty for failure to file, or for false filing, of any required annual financial disclosure statement.

(d) The local law, ordinance or resolution referred to in paragraph (a) of this subdivision or any other such local law, ordinance or resolution so adopted may make provision for any other right, power or privilege granted by subdivision one of such section eight hundred eleven.

4. Nothing contained in this section shall be construed as precluding the governing body of a political subdivision from requiring additional and/or more detailed items of financial disclosure than are set forth in subdivision five hereinbelow.

5. The annual statement of financial disclosure shall contain the information and shall be in the form set forth hereinbelow:

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR

(Insert Name of Political Subdivision) - (For calendar year ________)

1. Name ____

2. (a) Title of Position ____

   (b) Department, Agency or other Governmental Entity _________________

   (c) Address of Present Office ______________________________________

   (d) Office Telephone Number ____

3. (a) Marital Status ______________. If married, please give spouse's full name including maiden name where applicable.

   ____ .

   (b) List the names of all unemancipated children.

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Answer each of the following questions completely, with respect to calendar year _________, unless another period or date is otherwise specified. If additional space is needed, attach additional pages.

Whenever a "value" or "amount" is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A - under $5,000; Category B - $5,000 to under $20,000; Category C - $20,000 to under $60,000; Category D - $60,000 to under $100,000; Category E - $100,000 to under $250,000; and Category F - $250,000 or over. A reporting individual shall indicate the Category by letter only.

For the purposes of this statement, anywhere the term "local agency" shall appear such term shall mean a local agency, as defined in section eight hundred ten of the general municipal law, of the political subdivision for which this financial disclosure statement has been filed.

4. (a) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by

the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York or (insert name of political subdivision). If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Organization	State or Local Agency

(b) List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the spouse or unemancipated child of the reporting individual, with any firm, corporation, association, partnership, or other organization other than the State of New York. If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Organization	State or Local Agency

5. (a) List the name, address and description of any occupation, employment, trade, business or profession engaged in by the reporting individual. If such activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency,

or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

(b) If the spouse or unemancipated child of the reporting individual was engaged in any occupation, employment, trade, business or profession which activity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name, address and description of such occupation, employment, trade, business or profession and the name of any such agency.

Position	Name & Address of Organization	Description	State or Local Agency

6. List any interest, in excess of $1,000, excluding bonds and notes, held by the reporting individual, such individual's spouse or unemancipated child, or partnership of which any such person is a member, or corporation, ten per centum or more of the stock of which is owned or controlled by any such person, whether vested or contingent, in any contract made or executed by a state or local agency and include the name of the entity which holds such interest and the relationship of the reporting individual or such individual's

spouse or such child to such entity and the interest in such contract. Do not list any interest in any such contract on which final payment has been made and all obligations under the contract except from guarantees and warranties have been performed, provided, however, that such an interest must be listed if there has been an ongoing dispute during the calendar year for which this statement is filed with respect to any such guarantees or warranties. Do not list any interest in a contract made or executed by a state agency after public notice and pursuant to a process for competitive bidding or a process for competitive requests for proposals.

Self, Spouse or Child	Entity Which Held Interest in Contract	Relationship to Entity and Interest in Contract	Contracting State or Local Agency	Category of Value of Contract

7. List any position the reporting individual held as an officer of any political party or political organization, as a member of any political party committee, or as a political party district leader. The term "party" shall have the same meaning as "party" in the election law. The term "political organization" means any party or independent body as defined in the election law or any organization that is affiliated with or a subsidiary of a party or independent body.

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8. (a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with

a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the name of the individual clients, customers or patients.

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(b) List the name, principal address and general description or the nature of the business activity of any entity in which the reporting individual or such individual's spouse had an investment in excess of $1,000 excluding investments in securities and interests in real property.

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9. List each source of gifts, excluding campaign contributions, in excess of $1,000, received during the reporting period for which this statement is filed by the reporting individual or such individual's spouse or unemancipated child from the same donor, excluding gifts from a relative. Include the name and address of the donor. The term "gifts" does not include reimbursements, which term is defined in item 10. Indicate the value and nature of each such gift.

Self, Spouse or Child	Name of Donor	Address	Nature of Gift	Category of Value of Gift

10. Identify and briefly describe the source of any reimbursements for expenditures, excluding campaign expenditures and expenditures in

connection with official duties reimbursed by the political subdivision for which this statement has been filed, in excess of $1,000 from each such source. For purposes of this item, the term "reimbursements" shall mean any travel-related expenses provided by nongovernmental sources and for activities related to the reporting individual's official duties such as, speaking engagements, conferences, or factfinding events. The term "reimbursements" does not include gifts reported under item 9.

Source	Description

11. List the identity and value, if reasonably ascertainable, of each interest in a trust, estate or other beneficial interest, including retirement plans other than retirement plans of the state of New York or the city of New York, and deferred compensation plans established in accordance with the internal revenue code, in which the reporting individual held a beneficial interest in excess of $1,000 at any time during the preceding year. Do not report interests in a trust, estate or other beneficial interest established by or for, or the estate of, a relative.

Identity	Category of Value*

* The value of such interest shall be reported only if reasonably ascertainable.

12. (a) Describe the terms of, and the parties to, any contract, promise, or other agreement between the reporting individual and any person, firm, or corporation with respect to the employment of such

individual after leaving office or position (other than a leave of absence).

(b) Describe the parties to and the terms of any agreement providing for continuation of payments or benefits to the reporting individual in excess of $1,000 from a prior employer other than the political subdivision for which this statement is filed. (This includes interests in or contributions to a pension fund, profit-sharing plan, or life or health insurance; buy-out agreements; severance payments; etc.)

13. List below the nature and amount of any income in excess of $1,000 from each source for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. Nature of income includes, but is not limited to, salary for government employment, income from other compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Self/ Spouse	Source	Nature	Category of Amount

14. List the sources of any deferred income in excess of $1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported in item 11 hereinabove. Deferred income derived from the practice of a profession shall be listed in the aggregate and shall identify as the source, the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients.

Source	Category of Amount

15. List each assignment of income in excess of $1000, and each transfer other than to a relative during the reporting period for which this statement is filed for less than fair consideration of an interest in a trust, estate or other beneficial interest, securities or real property, by the reporting individual, in excess of $1000, which would otherwise be required to be reported herein and is not or has not been so reported.

Item Assigned or Transferred	Assigned or Transferred to	Category of Value

16. List below the type and market value of securities held by the reporting individual or such individual's spouse from each issuing entity in excess of $1,000 at the close of the taxable year last occurring prior to the date of filing, including the name of the issuing entity exclusive of securities held by the reporting individual issued by a professional corporation. Whenever an interest in securities exists through a beneficial interest in a trust, the securities held in such trust shall be listed only if the reporting individual has knowledge thereof except where the reporting individual or the reporting individual's spouse has transferred assets to such trust for his or her benefit in which event such securities shall be listed unless they are not ascertainable by the reporting individual because the trustee is under an obligation or has been instructed in writing not to disclose the contents of the trust to the reporting individual. Securities of which the reporting individual or the reporting individual's spouse is the owner of record but in which such individual or the reporting individual's spouse has no beneficial interest shall not be listed. Indicate percentage of ownership if the reporting person or the reporting person's spouse holds more than five percent of the stock of a corporation in which the stock is publicly traded or more than ten percent of the stock of a corporation in which the stock is not publicly traded. Also list securities owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. For the purpose of this item the term "securities" shall mean bonds, mortgages, notes, obligations, warrants and stocks of any class, investment interests in limited or general partnerships and certificates of deposits and such other evidences of indebtedness and certificates of interest as are usually referred to as securities. The market value for such securities shall be reported only if reasonably ascertainable and shall not be reported if the security is an interest in a general partnership that was listed in item 8 (a) or if the security is

corporate stock, not publicly traded, in a trade or business of a reporting individual or a reporting individual's spouse.

Self/ Spouse	Issuing Entity	Type of Security	Category of Market Value as of the close of the taxable year last occurring prior to the filing of this statement	Percentage of corporate stock owned or controlled

17. List below the location, size, general nature, acquisition date, market value and percentage of ownership of any real property in which any vested or contingent interest in excess of $1,000 is held by the reporting individual or the reporting individual's spouse. Also list real property owned for investment purposes by a corporation more than fifty percent of the stock of which is owned or controlled by the reporting individual or such individual's spouse. Do not list any real property which is the primary or secondary personal residence of the reporting individual or the reporting individual's spouse, except where there is a co-owner who is other than a relative.

Self/ Spouse/ Other Party	Location	Size	General Nature	Acquisition Date	Category of Market Value	Percentage of Ownership

18. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of

the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in excess of $1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 16 hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported.

Name of Debtor	Type of Obligation, Date Due, and Nature of Collateral, if any	Category of Amount
____________	____________	____________
____________	____________	____________
____________	____________	____________
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19. List below all liabilities of the reporting individual and such individual's spouse, in excess of $5,000 as of the date of filing of this statement, other than liabilities to a relative. Do not list liabilities incurred by, or guarantees made by, the reporting individual or such individual's spouse or by any proprietorship, partnership or corporation in which the reporting individual or such individual's spouse has an interest, when incurred or made in the ordinary course of the trade, business or professional practice of the reporting individual or such individual's spouse. Include the name of the creditor and any collateral pledged by such individual to secure payment of any such liability. A reporting individual shall not list any obligation to pay maintenance in connection with a matrimonial action, alimony or child support payments. Revolving charge account information shall only be set forth if liability thereon is in excess of $5,000 at the time of filing. Any loan issued in the ordinary course of business by a financial institution to finance educational costs, the cost of home purchase or improvements for a primary or secondary residence, or purchase of a personally owned motor vehicle, household furniture or appliances shall be excluded. If any such reportable liability has been guaranteed by any third person, list the liability and name the

guarantor.

Name of Creditor or Guarantor	Type of Liability and Collateral, if any	Category of Amount

The requirements of law relating to the reporting of financial interests are in the public interest and no adverse inference of unethical or illegal conduct or behavior will be drawn merely from compliance with these requirements.

_______________________________________   ______________________
(Signature of Reporting Individual)   Date (month/day/year)

6. A reporting individual who knowingly and wilfully fails to file an annual statement of financial disclosure or who knowingly and wilfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be assessed a civil penalty in an amount not to exceed ten thousand dollars. Assessment of a civil penalty hereunder shall be made by the appropriate body, as such term is defined in section eight hundred ten of this article. For a violation of this subdivision, other than for conduct which constitutes a violation of subdivision twelve of section seventy-three of the public officers law, the board of ethics of the political subdivision or other municipality may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the appointing authority may impose disciplinary action as otherwise provided by law. Each appropriate body,

as such term is defined in section eight hundred ten of this article, shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in article three of the state administrative procedure act but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the appropriate body, pursuant to article seventy-eight of the civil practice law and rules.

ARTICLE 18-A

INDUSTRIAL DEVELOPMENT

TITLE 1--AGENCIES, ORGANIZATION AND POWERS

§ 850. Short title. This chapter may be cited as the "New York State Industrial Development Agency Act."

§ 852. Policy and purposes of article. It is hereby declared to be the policy of this state to promote the economic welfare, recreation opportunities and prosperity of its inhabitants and to actively promote, attract, encourage and develop recreation, economically sound commerce and industry and economically sound projects identified and called for to implement a state heritage area management plan as provided in title G of the parks, recreation and historic preservation law through governmental action for the purpose of preventing unemployment and economic deterioration by the creation of industrial development agencies which are hereby declared to be governmental agencies and instrumentalities and to grant to such industrial development agencies the rights and powers provided in this article.

It is hereby further declared to be the policy of this state to protect and promote the health of the inhabitants of this state by the conservation, protection and improvement of the natural and cultural or historic resources and environment and to control land, sewer, water, air, noise or general environmental pollution derived from the operation of industrial, manufacturing, warehousing, commercial, recreation, horse racing facilities, railroad facilities, automobile racing facilities and research facilities and to grant such industrial development agencies the rights and powers provided by this article with respect to industrial pollution control facilities.

It is hereby further declared to be the policy of this state to protect and promote the health of the inhabitants of this state and to increase trade through promoting the development of facilities to provide recreation for the citizens of the state and to attract tourists from other states and to promote the development of renewable energy projects to support the state's renewable energy goals as may be established or amended from time to time.

The use of all such rights and powers is a public purpose essential to the public interest, and for which public funds may be expended.

§ 854. Definitions. As used in this act, unless the context otherwise requires:

(1) "Agency"--shall mean an Industrial Development Agency created pursuant to this act.

(2) "Bonds"--shall mean the bonds, notes, interim certificates and other obligations issued by the agency pursuant to this act.

(3) "Municipality"--shall mean any county, city, village, town or Indian reservation in the state.

(4) "Project" - shall mean any land, any building or other improvement, and all real and personal properties located within the state of New York and within or outside or partially within and partially outside the municipality for whose benefit the agency was

created, including, but not limited to, machinery, equipment and other facilities deemed necessary or desirable in connection therewith, or incidental thereto, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial, renewable energy or industrial purposes or other economically sound purposes identified and called for to implement a state designated urban cultural park management plan as provided in title G of the parks, recreation and historic preservation law and which may include or mean an industrial pollution control facility, a recreation facility, educational or cultural facility, a horse racing facility, a railroad facility, a renewable energy project or an automobile racing facility, provided, however, no agency shall use its funds or provide financial assistance in respect of any project wholly or partially outside the municipality for whose benefit the agency was created without the prior consent thereto by the governing body or bodies of all the other municipalities in which a part or parts of the project is, or is to be, located, and such portion of the project located outside such municipality for whose benefit the agency was created shall be contiguous with the portion of the project inside such municipality.

(5) "Governing body"--shall mean the board or body in which the general legislative powers of the municipality are vested.

(6) "Mortgage"--shall mean a mortgage or other security device.

(7) "Revenues"--shall mean all rents, revenues, fees, charges and other sources of income derived by the agency from the leasing, sale or other disposition of a project or projects.

(8) "Industrial pollution control facility"--shall mean any equipment, improvement, structure or facility or any land and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property deemed necessary therewith, which if within any city are not of a character or nature then or formerly furnished or supplied by the city, having to do with or the end purpose of which is the control, abatement or prevention of land, sewer, water, air, noise or general environmental pollution deriving from the operation of industrial, manufacturing, warehousing, commercial, recreation and research facilities, including, but not limited to any air pollution control facility, noise abatement facility, water

management facility, waste water collecting system, waste water treatment works, sewage treatment works system, sewage treatment system or solid waste disposal facility or site.

(9) "Recreation facility"--shall mean any facility for the use of the general public as spectators or participants in recreation activities, including but not limited to skiing, golfing, swimming, tennis, ice skating or ice hockey facilities, together with all buildings, structures, machinery, equipment, facilities and appurtenances thereto which the agency may deem necessary, useful or desirable in connection with the construction, improvement or operation of any such facility, including overnight accommodations and other facilities incidental thereto and facilities that may permit the use of recreation facilities by the general public as participants in recreation activities, but shall not include facilities for automobile or horse racing or other similar activities.

(10) "Horse racing facility"--shall mean any facility for the use of the general public for purpose of conducting pari-mutuel wagering, licensed by the state gaming commission, as of January first, nineteen hundred seventy-seven, except non-profit racing associations, including buildings, structures, machinery, equipments, facilities and appurtenances thereto, the construction, reconstruction, acquisition and/or improvement of which shall have been approved by the state gaming commission, and that the agency may deem necessary, useful or desirable in connection with the construction, improvement or operation of such racing facility.

(11) "Railroad facility"--shall mean, but shall not be limited to, railroad rights-of-way, beds, bridges, viaducts, tracks, switches and rolling stock and any other attendant structure, equipment, facility or property necessary or appropriate to railroading conducted in conjunction with industrial, commerical, manufacturing, recreational or warehousing operations; provided, however, that (i) no agency shall itself operate a railroad facility for freight or passenger service, but may lease or otherwise make such facility available to an operator, subject to an agreement for the maintenance and operation of such facility for freight or passenger service, provided that passenger service does not constitute the primary purpose of the railroad facility; (ii) prior to undertaking any project involving acquisition,

construction, reconstruction, improvement, maintenance, equipping or furnishing of a railroad facility, an agency shall submit its plans for the proposed project to the commissioner of transportation; the commissioner shall, within sixty days of his receipt of the proposal, submit an analysis of the financial and operational feasibility of the proposed project, along with any recommendations for modification for improving the project's viability, to the agency, the governor, the commissioner of commerce, the temporary president of the senate, the speaker of the assembly and the governing body of the municipality in which the agency is located; and (iii) no agency shall enter into any contract for the acquisition, construction, reconstruction, improvement, maintenance, equipping or furnishing of a railroad facility until fifteen days after the submission of the analysis and recommendations of the commissioner of transportation, or seventy-five days after submission of the agency's plan to the commissioner, whichever is earlier.

(12) "Educational or cultural facility"--shall mean any facility identified and called for to implement a state designated heritage area management plan as provided in title G of the parks, recreation and historic preservation law that is open to the public at large as participants in educational and cultural activities including but not limited to theaters, museums, exhibitions and festival and interpretive facilities, together with buildings, structures, machinery, equipment, facilities and appurtenances thereto which the agency may deem necessary, useful or desirable in connection with the construction, improvement or operation of any such facility, including overnight accommodations and other facilities incidental thereto and facilities that may permit the use of educational or cultural facilities by the general public.

(14) "Financial assistance" - shall mean the proceeds of bonds issued by an agency, straight-leases, or exemptions from taxation claimed by a project occupant as a result of an agency taking title, possession or control (by lease, license or otherwise) to the property or equipment of such project occupant or of such project occupant acting as an agent of an agency.

(15) "Straight-lease transaction" - shall mean a transaction in which an agency takes title, possession or control (by lease, license or

otherwise) to the property or equipment of a project occupant, entitling such property or equipment to be exempt from taxation according to the provisions of section eight hundred seventy-four of this article, and no financial assistance in the form of the proceeds of bonds issued by the agency is provided to the project occupant.

(16) "Affected tax jurisdiction" - shall mean any municipality or school district, in which a project is located, which will fail to receive real property tax payments, or other tax payments which would otherwise be due, except for the tax exempt status of an agency involved in a project.

(17) "Payments in lieu of taxes" - shall mean any payment made to an agency, or affected tax jurisdiction equal to the amount, or a portion of, real property taxes, or other taxes, which would have been levied by or on behalf of an affected tax jurisdiction if the project was not tax exempt by reason of agency involvement.

(18) "Highly distressed area" - shall mean (a) a census tract or tracts or block numbering areas or areas or such census tract or block numbering area contiguous thereto which, according to the most recent census data available, has:

(i) a poverty rate of at least twenty percent for the year to which the data relates or at least twenty percent of households receiving public assistance; and

(ii) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relates; or

(b) a city, town, village or county within a city with a population of one million or more for which: (i) the ratio of the full value property wealth, as determined by the comptroller for the year nineteen hundred ninety, per resident to the statewide average full value property wealth per resident; and (ii) the ratio of the income per resident; as shown in the nineteen hundred ninety census to the statewide average income per resident; are each fifty-five percent or less of the statewide average; or

(c) an area which was designated an empire zone pursuant to article eighteen-B of this chapter.

(19) "Continuing care retirement community" - shall mean any facility that has been granted a certificate of authority pursuant to article forty-six or forty-six-A of the public health law and is established to

provide, pursuant to continuing care retirement contracts approved pursuant to article forty-six of the public health law, or fee-for-service continuing care contracts approved pursuant to article forty-six-A of the public health law, a comprehensive, cohesive living arrangement for the elderly, and certified by the commissioner of health, that (i) has been approved for the issuance of industrial development agency bonds by the continuing care retirement community council pursuant to section forty-six hundred four-a of the public health law except that paragraphs b and g of subdivision two of section forty-six hundred four-a of the public health law shall not apply to a continuing care retirement community granted a certificate of authority pursuant to article forty-six-A of the public health law and (ii) is a not-for-profit corporation as defined in section one hundred two of the not-for-profit corporation law that is (a) eligible for tax-exempt financing under section forty-six hundred four-a of the public health law and this chapter and (b) is exempt from taxation pursuant to section 501(c)(3) of the federal internal revenue code; except that "continuing care retirement community" shall not include a facility granted a certificate of authority upon application of a state or local government applicant.

(20) "Automobile racing facility" shall mean any closed-course motorsports complex and its ancillary grounds that has at least fifty thousand fixed seats for race patrons and hosts at least one NASCAR Sprint Cup series race and at least two other nationally recognized racing events each calendar year.

(21) "Renewable energy project" shall mean any project and associated real property on which the project is situated, that utilizes any system or equipment as set forth in section four hundred eighty-seven of the real property tax law or as defined pursuant to paragraph b of subdivision one of section sixty-six-p of the public service law as added by chapter one hundred six of the laws of two thousand nineteen.

§ 856. Organization of industrial development agencies. 1. (a) Upon the establishment of an industrial development agency by special act of the legislature, the governing body of the municipality for whose benefit such agency is established shall file within six months after the effective date of the special act of the legislature establishing such agency or before the first day of July, nineteen hundred sixty-nine, whichever date shall be later, in the office of the secretary of state, a certificate setting forth: (1) the date of passage of the special act establishing the agency; (2) the name of the agency; (3) the names of the members and their terms of office, specifying which member is the chairman; and (4) facts establishing the need for the establishment of an agency in such municipality.

(b) Every such agency shall be perpetual in duration, except that if (1) such certificate is not filed with the secretary of state within six months after the effective date of the special act of the legislature establishing such agency or before the first day of July, nineteen hundred sixty-nine, whichever date shall be later, or if (2) at the expiration of ten years subsequent to the effective date of the special act, there shall be outstanding no bonds or other obligations theretofore issued by such agency or by the municipality for or in behalf of the agency, then the corporate existence of such agency shall thereupon terminate and it shall thereupon be deemed to be and shall be dissolved.

(c) On or before March first of each year, the secretary of state shall prepare a list of agencies which failed to file a certificate in accordance with provisions of paragraph (a) of this subdivision within the preceding calendar year and transmit a copy of such list to the state comptroller and the commissioner of the department of economic development. On or before March first of each year the commissioner of the department of economic development shall prepare a list of agencies which have dissolved pursuant to paragraph (b) of this subdivision or have ceased to exist pursuant to section eight hundred eighty-two of this chapter and shall transmit a copy of such list to the state comptroller.

2. An agency shall be a corporate governmental agency, constituting a public benefit corporation. Except as otherwise provided by special act of the legislature, an agency shall consist of not less than three nor more than seven members who shall be appointed by the governing body of each municipality and who shall serve at the pleasure of the appointing authority. Such members may include representatives of local government,

school boards, organized labor and business. A member shall continue to hold office until his successor is appointed and has qualified. The governing body of each municipality shall designate the first chairman and file with the secretary of state a certificate of appointment or reappointment of any member. Such members shall receive no compensation for their services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties.

3. A majority of the members of an agency shall constitute a quorum.

4. Any one or more of the members of an agency may be an official or an employee of the municipality. In the event that an official or an employee of the municipality shall be appointed as a member of the agency, acceptance or retention of such appointment shall not be deemed a forfeiture of his municipal office or employment, or incompatible therewith or affect his tenure or compensation in any way. The term of office of a member of an agency who is an official or an employee of the municipality when appointed as a member thereof by special act of the legislature creating the industrial development agency shall terminate at the expiration of the term of his municipal office.

§ 857. Video recordings of open meetings and public hearings. The agency shall, to the extent practicable, stream all open meetings and public hearings on its website in real-time. The agency shall post video recordings of all open meetings and public hearings on its website within five business days of the meeting or hearing and shall maintain such recordings for a period of not less than five years.

§ 858. Purposes and powers of the agency. The purposes of the agency shall be to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, research, renewable energy and recreation facilities including industrial pollution control facilities, educational or cultural facilities, railroad facilities, horse racing facilities, automobile racing facilities, renewable energy projects and continuing care retirement communities, provided, however, that, of agencies governed by this article, only agencies created for the benefit of a county and the agency created for the benefit of the city of New York shall be authorized to provide financial assistance in any respect to a continuing care retirement community, and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the state of New York and to improve their recreation opportunities, prosperity and standard of living; and to carry out the aforesaid purposes, each agency shall have the following powers:

(1) To sue and be sued;

(2) To have a seal and alter the same at pleasure;

(3) To acquire, hold and dispose of personal property for its corporate purposes;

(4) To acquire by purchase, grant, lease, gift, pursuant to the provisions of the eminent domain procedure law, or otherwise and to use, real property or rights or easements therein necessary for its corporate purposes in compliance with the local zoning and planning regulations and shall take into consideration regional and local comprehensive land use plans and state designated heritage area management plans, and to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of any such property in such manner as the agency shall determine. In the case of railroad facilities, however, the phrase to use real property or rights or easements therein shall not be interpreted to include operation by the agency of rail service upon or in conjunction with such facilities.

(5) To make by-laws for the management and regulation of its affairs and, subject to agreements with its bondholders, for the regulation of the use of a project or projects.

(6) With the consent of the municipality, to use agents, employees and facilities of the municipality, paying the municipality its agreed proportion of the compensation or costs;

(7) To appoint officers, agents and employees, to prescribe their qualifications and to fix their compensation and to pay the same out of funds of the agency, provided, however, that an elected officer of the municipality may not serve as a compensated officer, agent or employee of the agency;

(8) (a) To appoint an attorney, who may be the counsel of the municipality, and to fix the attorney's compensation for services which shall be payable to the attorney, and to retain and employ private consultants for professional and technical assistance and advice;

(b) An attorney acting as bond counsel for a project must file with the agency a written statement in which the attorney identifies each party to the transaction which such attorney represents. If bond counsel provides any legal services to parties other than the agency the written statement must describe the nature of legal services provided by such bond counsel to all parties to the transaction, including the nature of the services provided to the agency.

(9) To make contracts and leases, and to execute all instruments necessary or convenient to or with any person, firm, partnership or corporation, either public or private; provided, however, that any extension of an existing contract, lease or other agreement entered into by an agency with respect to a project shall be guided by the provisions of this article;

(10) To acquire, construct, reconstruct, lease, improve, maintain, equip or furnish one or more projects;

(11) To accept gifts, grants, loans, or contributions from, and enter into contracts or other transactions with, the United States and the state or any agency of either of them, any municipality, any public or private corporation or any other legal entity, and to use any such gifts, grants, loans or contributions for any of its corporate purposes;

(12) To borrow money and to issue bonds and to provide for the rights of the holders thereof;

(13) To grant options to renew any lease with respect to any project or projects and to grant options to buy any project at such price as the agency may deem desirable;

(14) To designate the depositories of its money either within or without the state;

(15) To enter into agreements requiring payments in lieu of taxes. Such agreements shall be in writing and in addition to other terms shall contain: the amount due annually to each affected tax jurisdiction (or a formula by which the amount due can be calculated), the name and address of the person, office or agency to which payment shall be delivered, the date on which payment shall be made, and the date on which payment shall

be considered delinquent if not paid. Unless otherwise agreed by the affected tax jurisdictions, any such agreement shall provide that payments in lieu of taxes shall be allocated among affected tax jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the project not been tax exempt due to the status of the agency involved in the project. A copy of any such agreement shall be delivered to each affected tax jurisdiction within fifteen days of signing the agreement. In the absence of any such written agreement, payments in lieu of taxes made by an agency shall be allocated in the same proportions as they had been prior to January first, nineteen hundred ninety-three for so long as the agency's activities render a project non-taxable by affected tax jurisdictions. A notification of the expiration of such agreement shall be delivered to the affected tax jurisdiction two years prior to the expiration of such agreement and immediately upon early termination of an agreement;

(16) To establish and re-establish its fiscal year; and

(17) To do all things necessary or convenient to carry out its purposes and exercise the powers expressly given in this title.

§ 858-a. Compensation, procurement and investment. 1. The compensation of an officer or full-time employee of the agency (but not including part-time employees or consultants, including accountants, attorneys and bond counsel to the agency) shall not be contingent on the granting of financial assistance by an agency.

2. The provisions of section one hundred four-b of this chapter shall be applicable to the procurement of goods and services paid for by an agency for its own use and account.

3. The provisions of sections ten and eleven of this chapter shall be applicable to deposits and investments of funds for an agency's own use and account.

§ 858-b. Equal employment opportunities. 1. Each agency shall ensure that all employees and applicants for employment are afforded equal employment opportunity without discrimination.

2. Except as is otherwise provided by collective bargaining contracts or agreements, new employment opportunities created as a result of projects of the agency shall be listed with the New York state department of labor community services division, and with the administrative entity of the service delivery area created by the federal job training partnership act (P.L. No. 97-300) in which the project is located. Except as is otherwise provided by collective bargaining contracts or agreements, sponsors of projects shall agree, where practicable, to first consider persons eligible to participate in the federal job training partnership (P.L. No. 97-300) programs who shall be referred by administrative entities of service delivery areas created pursuant to such act or by the community services division of the department of labor for such such new employment opportunities.

§ 859. Financial records. 1. (a) Each agency shall maintain books and records in such form as may be prescribed by the state comptroller.

(b) Within ninety days following the close of its fiscal year, each agency or authority shall prepare a financial statement for that fiscal year in such form as may be prescribed by the state comptroller. Such statement shall be audited within such ninety day period by an independent certified public accountant in accordance with government accounting standards established by the United States general accounting office. The audited financial statement shall include supplemental schedules listing all straight-lease transactions and bonds and notes issued, outstanding or retired during the applicable accounting period whether or not such bonds, notes or transactions are considered obligations of the agency. For each issue of bonds or notes such schedules shall provide the name of each project financed with proceeds of each issue, and whether the project occupant is a not-for-profit corporation, the name and address of each owner of each project, the estimated amount of tax exemptions authorized for each project, the purpose for which each bond or note was issued, date of issue, interest rate at issuance and if variable the range of interest rates applicable, maturity date, federal tax status of each issue, and an estimate of the number of jobs created and retained by each project. For each straight-lease transaction, such schedules shall provide the name of each project, and whether the project occupant is a not-for-profit corporation, the name and address of each owner of each project, the estimated amount of tax exemptions authorized for each project, the purpose for which each transaction was made, the method of financial assistance utilized by the project, other than the tax exemptions claimed by the project and an estimate of the number of jobs created and retained by each project.

(c) Within thirty days after completion, a copy of the audited financial statement shall be transmitted to the commissioner of the department of economic development, the state comptroller and the governing body of the municipality for whose benefit the agency was created.

(d) An agency with no bonds or notes issued or outstanding and no projects during the applicable accounting period may apply to the state comptroller for a waiver of the required audited financial statement. Application shall be made on such form as the comptroller may prescribe.

(e) If an agency or authority shall fail to file or substantially complete, as determined by the state comptroller, the financial statement required by this section, the state comptroller shall provide notice to the agency or authority. The notice shall state the following:

(i) that the failure to file a financial statement as required is a violation of this section, or in the case of an insufficient financial statement, the manner in which the financial statement submitted is deficient;

(ii) that the agency or authority has thirty days to comply with this section or provide an adequate written explanation to the comptroller of the agency's or authority's reasons for the inability to comply; and

(iii) that the agency's or authority's failure to provide either the required financial statement or an adequate explanation will result in the notification of the chief executive officer of the municipality for whose benefit the agency or authority was created of the agency's noncompliance with this section. Where such agency or authority has failed to file the required statement, the comptroller shall additionally notify the agency or authority that continued failure to file the required statement may result in loss of the agency's or authority's authority to provide exemptions from state taxes.

(iv) If an agency or authority after thirty days has failed to file the required statement or the explanation in the manner required by subparagraph (i) of this paragraph, or provides an insufficient explanation, the comptroller shall notify the chief executive officer of the municipality for whose benefit the agency or authority was created and the agency of the agency's or authority's noncompliance with this section. Such notice from the state comptroller shall further delineate in what respect the agency or authority has failed to comply with this section. If the agency or authority has failed to file the required statement, the notice shall additionally state that continued failure to file the required statement may result in loss of the agency's or authority's authority to provide exemptions from state taxes.

(v) If, thirty days after notification of the chief executive officer of the municipality for whose benefit the agency or authority was created of the agency's or authority's noncompliance, the agency or authority fails to file the required statement, the comptroller shall notify the chief executive officer of the municipality for whose benefit that agency or authority was created and the agency or authority that if such report is not provided within sixty days, that the agency or authority will no longer be authorized to provide exemptions from state taxes.

(vi) If, sixty days after the notification required by subparagraph (v) of this paragraph, the comptroller has not received the required statement, the agency or authority shall not offer financial assistance which provides exemptions from state taxes until such financial statement is filed and the comptroller shall so notify the agency or authority and the chief executive officer of the municipality for whose benefit the agency was created. Provided, however, that nothing contained in this paragraph shall be deemed to modify the terms of any existing agreements.

(f) Within thirty days after completion, a copy of an audited financial statement which contains transactions of or bonds or notes of civic facilities as defined in paragraph (b) of subdivision thirteen of section eight hundred fifty-four of this article, shall be transmitted by the agency to the commissioner of health, the chair of the senate finance committee, the chair of the assembly ways and means committee, the chair of the senate health committee and the chair of the assembly health committee.

2. On or before September first of each year, the commissioner of the department of economic development shall prepare and submit to the governor, speaker of the assembly, majority leader of the senate, and the state comptroller, a report setting forth a summary of the significant trends in operations and financing by agencies and authorities; departures from acceptable practices by agencies and authorities; a compilation by type of the bonds and notes outstanding; a compilation of all outstanding straight-lease transactions; an estimate of the total number of jobs created and retained by agency or authority projects; and any other information which in the opinion of the commissioner bears upon the discharge of the statutory functions of agencies and authorities.

3. On or before April first, nineteen hundred ninety-six, the commissioner shall submit to the director of the division of the budget, the temporary president of the senate, the speaker of the assembly, the chairman of the senate finance committee, the chairman of the assembly ways and means committee, the chairman of the senate local government committee, the chairman of the senate committee on commerce, economic development and small business, the chairman of the assembly committee on commerce, industry and economic development, the chairman of the assembly local governments committee and the chairman of the assembly real property taxation committee an evaluation of the activities of industrial development agencies and authorities in the state prepared by an entity independent of the department. Such evaluation shall identify the effect of agencies and authorities on: (a) job creation and retention in the state, including the types of jobs created and retained; (b) the value of tax exemptions provided by such agencies and authorities; (c) the value of payments received in lieu of taxes received by municipalities and school districts as a result of projects sponsored by such entities; (d) a summary of the types of projects that received financial assistance; (e) a summary of the types of financial assistance provided by the agencies and authorities; (f) a summary of

criteria for evaluation of projects used by agencies and authorities; (g) a summary of tax exemption policies of agencies and authorities; and (h) such other factors as may be relevant to an assessment of the performance of such agencies and authorities in creating and retaining job opportunities for residents of the state. Such evaluation shall also assess the process by which agencies and authorities grant exemptions from state taxes and make recommendations for the most efficient and effective procedures for the use of such exemptions. Such evaluation shall further include any recommendations for changes in laws governing the operations of industrial development agencies and authorities which would enhance the creation and retention of jobs in the state.

§ 859-a. Additional prerequisites to the provisions of financial assistance. Prior to providing any financial assistance of more than one hundred thousand dollars to any project, the agency must comply with the following prerequisites:

1. The agency must adopt a resolution describing the project and the financial assistance that the agency is contemplating with respect to such project. Such assistance shall be consistent with the uniform tax exemption policy adopted by the agency pursuant to subdivision four of section eight hundred seventy-four of this chapter, unless the agency has followed the procedures for deviation from such policy specified in paragraph (b) of such subdivision.

1-a. The agency shall deliver a copy of the resolution adopted pursuant to subdivision one of this section by certified mail, return receipt requested or an electronic correspondence with a read-receipt, to the chief executive officer of each affected local taxing jurisdiction. When the affected local taxing jurisdiction is a school district, the agency shall deliver a copy of such resolution by certified mail, return receipt requested or an electronic correspondence with a read-receipt, to the district clerk and district superintendent of each affected school district.

2. The agency must hold a public hearing with respect to the project

and the proposed financial assistance being contemplated by the agency. Said public hearing shall be held in a city, town or village where the project proposes to locate. At said public hearing, interested parties shall be provided reasonable opportunity, both orally and in writing, to present their views with respect to the project.

3. The agency must give at least ten days published notice of said public hearing and shall, at the same time, provide notice of such hearing to the chief executive officer of each affected tax jurisdiction within which the project is located. The notice of hearing must state the time and place of the hearing, contain a general, functional description of the project, describe the prospective location of the project, identify the initial owner, operator or manager of the project and generally describe the financial assistance contemplated by the agency with respect to the project.

4. Each agency shall develop a standard application form, which shall be used by the agency to accept requests for financial assistance from all individuals, firms, companies, developers or other entities or organizations. The standard application form shall be submitted by or on behalf of the applicant, and subscribed and affirmed under the penalties of perjury by the applicant, or on behalf of the applicant by the chief executive officer or such other individual that is duly authorized to bind the applicant, as true, accurate and complete to the best of his or her knowledge. The standard application form shall include the following, and may include such other supplemental information as determined to be necessary and appropriate by the agency, including supporting documents and information provided by or on behalf of the applicant:

(a) the name and address of the project applicant;

(b) a description of the proposed project for which financial assistance is requested, including the type of project, proposed location and purpose of the project;

(c) the amount and type of financial assistance being requested, including the estimated value of each type of tax exemption sought to be claimed by reason of agency involvement in the project;

(d) a statement that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the agency or, if the project could be undertaken without financial assistance provided by the agency, a statement indicating why the project should be undertaken by the agency;

(e) an estimate of capital costs of the project, including all costs of real property and equipment acquisition and building construction or reconstruction, financed from private sector sources, an estimate of the percentage of project costs financed from public sector sources, and an estimate of both the amount to be invested by the applicant and the amount to be borrowed to finance the project.

(f) the projected number of full time equivalent jobs that would be retained and that would be created if the request for financial assistance is granted, the projected timeframe for the creation of new jobs, the estimated salary and fringe benefit averages or ranges for categories of the jobs that would be retained or created if the request for financial assistance is granted, and an estimate of the number of residents of the economic development region as established pursuant to section two hundred thirty of the economic development law or the labor market area as defined by the agency, in which the project is located that would fill such jobs. The labor market area defined by the agency for this purpose may include no more than six contiguous counties in the state, including the county in which the project is to be located;

(g) a statement to the effect that the provisions of subdivision one of section eight hundred sixty-two of this chapter will not be violated if financial assistance is provided for the proposed project;

(h) a statement that the owner, occupant or operator receiving financial assistance is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations; and

(i) a statement acknowledging that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of agency involvement in the project.

5. Each agency shall develop, and adopt by resolution, uniform criteria for the evaluation and selection for each category of projects

for which financial assistance will be provided. At a minimum, the criteria shall require that, for each project, the following must occur prior to the approval of the provision of financial assistance:

(a) an assessment by the agency of all material information included in connection with the application for financial assistance, as necessary to afford a reasonable basis for the decision by the agency to provide financial assistance for the project;

(b) a written cost-benefit analysis by the agency that identifies the extent to which a project will create or retain permanent, private sector jobs; the estimated value of any tax exemptions to be provided; the amount of private sector investment generated or likely to be generated by the proposed project; the contribution of the project to the state's renewable energy goals and emission reduction targets as set forth in the state energy plan adopted pursuant to section 6-104 of the energy law; the likelihood of accomplishing the proposed project in a timely fashion; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts; and any other public benefits that might occur as a result of the project;

(c) a statement by the applicant that the project, as of the date of the application, is in substantial compliance with all provisions of this article including, but not limited to, the provisions of this section and subdivision one of section eight hundred sixty-two of this chapter; and

(d) if the project involves the removal or abandonment of a facility or plant within the state, notification by the agency to the chief executive officer or officers of the municipality or municipalities in which the facility or plant was located.

6. Each agency shall develop a uniform agency project agreement that sets forth terms and conditions under which financial assistance shall be provided. The uniform agency project agreement shall be used by the agency and no financial assistance shall be provided in the absence of the execution of such an agreement. The uniform agency project agreement shall, at a minimum:

(a) describe the project and the financial assistance, including the amount and type, to be provided, and the agency purpose to be achieved;

(b) require each project owner, occupant or operator receiving financial benefits to provide annually a certified statement and documentation: (i) enumerating the full time equivalent jobs retained and the full time equivalent jobs created as a result of the financial assistance, by category, including full time equivalent independent contractors or employees of independent contractors that work at the project location, and (ii) indicating that the salary and fringe benefit averages or ranges for categories of jobs retained and jobs created that was provided in the application is still accurate and if it is not still accurate, providing a revised list of salary and fringe benefit averages or ranges for categories of jobs retained and jobs created.

(c) indicate the dates when PILOT payments are to be made and provide an estimate of the amounts for each affected tax jurisdiction of any payments in lieu of taxes that are included as part of the transaction, or formula or formulas by which those amounts may be calculated. In lieu of providing such information, a copy of an executed payment in lieu of tax agreement that contains the same information may be attached to the uniform agency project agreement;

(e) provide for the suspension or discontinuance of financial assistance, or for the modification of any payment in lieu of tax agreement to require increased payments, in accordance with policies developed by the agency pursuant to section eight hundred seventy-four of this title;

(f) provide for the return of all or a part of the financial assistance provided for the project, including all or part of the amount of any tax exemptions, which shall be redistributed to the appropriate affected tax jurisdiction, as provided for in policies developed by the agency pursuant to section eight hundred seventy-four of this title, unless agreed to otherwise by any local taxing jurisdiction or jurisdictions; and

(g) provide that the owner, occupant or operator receiving financial assistance shall certify, under penalty of perjury, that it is in substantial compliance with all local, state and federal tax, worker protection and environmental laws, rules and regulations.

7. Each agency shall establish a procedure for compliance with the notification requirements, including identification of the notification

method, under subdivision one-a of this section and paragraph (b) of subdivision four of section eight hundred seventy-four of this title.

§ 859-b. Special procedure for the provision of financial assistance to continuing care retirement communities. 1. Any applicant for financing of a continuing care retirement community shall present a completed application for a certificate of authority and documentation establishing the continuing care retirement community council's approval of that application, pursuant to article forty-six of the public health law.

2. If requested by the agency, the applicant shall present an analysis dealing with any of the issues identified in paragraph (a) of subdivision four of section eight hundred seventy-four of this article.

3. Applicants shall present the financial feasibility study, including a financial forecast and market study, and the analysis of economic costs and benefits required by article forty-six of the public health law.

4. Any information presented by the applicant pursuant to subdivisions one, two and three of this section shall be made available at the time required for published notice of the public hearing required by section eight hundred fifty-nine-a of this article. The agency shall make such information available during regular office hours in at least two locations, at least one of which shall be in the city, town or village within which the proposed project is located. Such notice shall include a statement indicating the location and times of availability of the information required by this section.

5. The industrial development agency may require the applicant to provide any additional information which it requires in order to meet the purposes of this article.

§ 860. Moneys of the agency. The agency shall have power to contract with the holders of any of its bonds or notes as to the custody, collection, securing, investment and payment of any moneys of the agency or any moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes and to carry out any such contract. Moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes and deposits of such moneys may be secured in the same manner as moneys of the agency, and all banks and trust companies are authorized to give such security for such deposits.

§ 861. Notification of budget. Each agency shall mail or deliver to the chief executive officer and the governing body of the municipality for whose benefit the agency was established and make available for public inspection and comment its proposed budget for the forthcoming fiscal year, no later than twenty business days before adoption. At such time, the agency shall file its proposed budget with the clerk of the municipality for whose benefit the agency was established. Such proposed budget shall contain detailed estimates in writing of the amount of revenues to be received and expenditures to be made during the forth coming fiscal year. Following its consideration of the comments received, the agency may revise its budget accordingly and shall file the revised budget with the clerk of the municipality.

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

(2) (a) Except as provided in paragraph (b) of this subdivision, no financial assistance of the agency shall be provided in respect of any project where facilities or property that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost. For the purposes of this article, "retail sales" shall mean: (i) sales by a registered vendor under article twenty-eight of the tax law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section eleven hundred one of the tax law; or (ii) sales of a service to such customers. Except, however, that tourism destination projects shall not be prohibited by this subdivision. For the purpose of this paragraph, "tourism destination" shall mean a location or facility which is likely to attract a significant number of visitors from outside the economic development region as established by section two hundred thirty of the economic development law, in which the project is located.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, financial assistance may, however, be provided to a project where facilities or property that are primarily used in making retail sales of goods or services to customers who personally visit such facilities to obtain such goods or services constitute more than one-third of the total project cost, where: (i) the predominant purpose of the project would be to make available goods or services which would not, but for the project, be reasonably accessible to the residents of the city, town, or village within which the proposed project would be located because of a lack of reasonably accessible retail trade facilities offering such goods or services; or (ii) the project is located in a highly distressed area.

(c) With respect to projects authorized pursuant to paragraph (b) of this subdivision, no project shall be approved unless the agency shall find after the public hearing required by section eight hundred fifty-nine-a of this title that undertaking the project will serve the public purposes of this article by preserving permanent, private sector jobs or increasing the overall number of permanent, private sector jobs in the state. Where the agency makes such a finding, prior to providing financial assistance to the project by the agency, the chief executive officer of the municipality for whose benefit the agency was created shall confirm the proposed action of the agency.

§ 862-a. Additional restrictions on funds of the agency in connection with continuing care retirement communities. No resolution authorizing the issuance of bonds, notes or other obligations of the agency, or for providing financial assistance in any respect, for any continuing care retirement community project shall be adopted unless and until the project has received a certificate of authorization pursuant to section forty-six hundred four-a of the public health law, and unless the project will serve the public purposes of this article by preserving permanent, private sector jobs or increasing the overall number of permanent, private sector jobs in the state.

§ 864. Bonds of the agency. (1) The agency shall have the power and is hereby authorized from time to time to issue negotiable bonds for any of its corporate purposes without limitation as to amount. The agency shall have power from time to time and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose hereinabove described. The refunding bonds may be exchanged for the bonds to be refunded, with such cash adjustments as may be agreed, or may be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded. Except as may otherwise be expressly provided by the agency, the bonds of every issue shall be special obligations of the agency payable solely from revenues derived from the leasing, sale or other disposition of a project, subject only to any agreements with the holders of particular bonds pledging any particular moneys or revenues. Whether or not the bonds are of such form and character as to be negotiable instruments under article eight of the uniform commercial code, the bonds shall be, and are hereby made, negotiable instruments within the meaning of and for all the purposes of the uniform commercial code, subject only to the provisions of the bonds for registration.

(2) The bonds shall be authorized by resolution of the agency and shall bear such date or dates, mature at such time or times, bear

interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, either within or without the state, and be subject to such terms of redemption as such resolution or resolutions may provide. The bonds may be sold at public or private sale at such price or prices as the agency shall determine.

(3) Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds thereby authorized, as to:

(a) pledging all or any part of the revenues derived from the leasing, sale or other disposition of a project or projects to secure the payment of the bonds, subject to such agreements with bondholders as may then exist;

(b) the rentals, fees, and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues;

(c) the setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(d) limitations on the right of the agency to restrict and regulate the use of a project;

(e) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or any issue of the bonds;

(f) the terms upon which additional bonds may be issued and secured; the refunding of outstanding or other bonds;

(g) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(h) vesting in a trustee or trustees such property, rights, powers and duties in trust as the agency may determine which may include any or all the rights, powers and duties of the trustees appointed by the bondholders and limiting or abrogating the right of the bondholders to appoint a trustee or limiting the rights, duties and powers of trustee;

(i) any other matters, of like or different character, which in any way affect the security or protection of the bonds.

§ 866. Notes of the agency. The agency shall have power from time to time to issue notes and from time to time to issue renewal notes (herein referred to as notes) maturing not later than five years from their respective original dates for any purpose or purposes for which bonds may be issued, whenever the agency shall determine that payment thereof can be made in full from any moneys or revenues which the agency expects to receive from any source. The agency may secure the notes in the same manner and with the same effect as herein provided for bonds. The notes shall be issued in the same manner as bonds. The agency shall have power to make contracts for the future sale from time to time of the notes, by which the purchasers shall be committed to purchase the notes from time to time on terms and conditions stated in such contracts, and the agency shall have power to pay such consideration as it shall deem proper for such commitments. In case of default on its notes or violation of any of the obligations of the agency to the noteholders, the noteholders shall have all the remedies provided herein for bondholders. Such notes shall be as fully negotiable as the bonds of the agency.

§ 868. Agreements of the municipality and state. The municipality is authorized to, and the state does hereby, pledge to and agree with the holders of the bonds or notes that neither the municipality nor the state, respectively, will limit or alter the rights, hereby vested in the agency to acquire, construct, reconstruct, improve, maintain, equip and furnish the project or projects, to establish and collect rentals, fees and other charges and to fulfill the terms of any agreements made with the holders of the bonds or notes nor in any way impair the rights and remedies of the bondholders or noteholders until the bonds or notes, together with interest thereon, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders or noteholders are fully met and discharged.

§ 870. State and municipality not liable on bonds or notes. The bonds or notes and other obligations of the authority shall not be a debt of the state or of the municipality, and neither the state nor the municipality shall be liable thereon, nor shall they be payable out of any funds other than those of the agency.

§ 872. Bonds and notes as legal investment. The bonds and notes are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, and all other persons whatsoever except as hereinafter provided, who are now or may hereafter be authorized to invest in bonds or notes or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. The bonds or notes are also hereby made securities which may be deposited with and shall be received by all public officers and bodies of this state and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

§ 874. Tax exemptions. (1) It is hereby determined that the creation of the agency and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state of New York and is a public purpose, and the agency shall be regarded as performing a governmental function in the exercise of the powers conferred upon it by this title and shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction or control or supervision or upon its activities. Provided, however, if the agency is located within a transportation district referenced in paragraph (a) of subdivision two of section two hundred fifty-three of the tax law, it shall not be exempt from the additional tax on each mortgage of real property situated within the state imposed by such paragraph.

(2) Any bonds or notes issued pursuant to this title, together with the income therefrom, as well as the property of the agency, shall be exempt from taxation, except for transfer and estate taxes.

(3) Payments in lieu of taxes received by the agency shall be remitted to each affected tax jurisdiction within thirty days of receipt.

(4) (a) The agency shall establish a uniform tax exemption policy, with input from affected tax jurisdictions, which shall be applicable to the provision of financial assistance pursuant to section eight hundred fifty-nine-a of this title and shall provide guidelines for the claiming of real property, mortgage recording, and sales tax exemptions. Such guidelines shall include, but not be limited to: period of exemption; percentage of exemption; types of projects for which exemptions can be claimed; procedures for payments in lieu of taxes and instances in which real property appraisals are to be performed as a part of an application for tax exemption; in addition, agencies shall in adopting such policy consider such issues as: the extent to which a project will create or retain permanent, private sector jobs; the estimated value of any tax exemptions to be provided; whether affected tax jurisdictions shall be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided; the impact of a proposed project on existing and proposed businesses and economic development projects in the vicinity; the amount of private sector investment generated or likely to be generated by the proposed project; the demonstrated public support for the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; the effect of the proposed project upon the environment; the extent to which the project will utilize, to the fullest extent practicable and economically feasible, resource conservation, energy efficiency, green technologies, and alternative and renewable energy measures; the extent to which the project will provide onsite child care services or otherwise facilitate new child care services; the extent to which the proposed project will require the provision of additional services, including, but not limited to additional educational, transportation, police, emergency medical or fire services; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts.

(b) The agency shall establish a procedure for deviation from the uniform tax exemption policy required pursuant to this subdivision. The agency shall set forth in writing the reasons for deviation from such policy, and shall further notify by certified mail, return receipt requested or an electronic correspondence with a read-receipt, the affected local taxing jurisdictions of the proposed deviation from such policy and the reasons therefor. When the affected local taxing jurisdiction is a school district, the agency shall notify by certified mail, return receipt requested or an electronic correspondence with a read-receipt, the district clerk and district superintendent of each affected school district.

(5) Payments in lieu of taxes which are delinquent under the agreement or which an agency fails to remit pursuant to subdivision three of this section, shall be subject to a late payment penalty of five percent of the amount due which shall be paid by the project occupant (where taxes are delinquent because of the occupant's failure to make the required payment) or the agency (because of the agency's failure to remit pursuant to subdivision three of this section) to the affected tax jurisdiction at the time the payment in lieu of taxes is paid. For each month, or part thereof, that the payment in lieu of taxes is delinquent beyond the first month, interest shall accrue to and be paid to the affected tax jurisdiction on the total amount due plus a late payment penalty in the amount of one percent per month until the payment is made.

(6) An affected tax jurisdiction which has not received a payment in lieu of taxes due to it under an agreement may commence legal action in any court of competent jurisdiction directly against any person, firm, corporation, organization or agency which is obligated to make payments in lieu of taxes under an agreement and has failed to do so. In such an action, the affected tax jurisdiction shall be entitled to recover the amount due, the late payment penalty, interest, expenses, costs and disbursements together with the reasonable attorneys' fees necessary to prosecute such action. Nothing herein shall be construed as providing an affected tax jurisdiction with the right to sue and recover from an agency which has not received payments in lieu of taxes from a project occupant.

(7) Any refinancing of a project shall be subject to the provisions of section eight hundred fifty-nine-a of this chapter, except where such

refinancing was previously approved pursuant to such section.

(8) Agents of an agency and project operators shall annually file a statement with the state department of taxation and finance, on a form and in such a manner as is prescribed by the commissioner of taxation and finance, of the value of all sales and use tax exemptions claimed by such agents or agents of such agents or project operators, including, but not limited to, consultants or subcontractors of such agents or project operators, under the authority granted pursuant to this section. The penalty for failure to file such statement shall be the removal of authority to act as an agent of an agency or a project operator.

(9) (a) Within thirty days of the date that the agency designates a project operator or other person to act as agent of the agency for purposes of providing financial assistance consisting of any sales and compensating use tax exemption to such person, the agency shall file a statement with the department of taxation and finance relating thereto, on a form and in such manner as is prescribed by the commissioner of taxation and finance, identifying each such agent so named by the agency, setting forth the taxpayer identification number of each such agent, giving a brief description of the property and/or services intended to be exempted from such taxes as a result of such appointment as agent, indicating the agency's rough estimate of the value of the property and/or services to which such appointment as agent relates, indicating the date when such designation as agent became effective and indicating the date upon which such designation as agent shall cease.

(b) Within thirty days of the date that the agency's designation described in paragraph (a) of this subdivision has been amended, terminated, been revoked, or become invalid or ineffective for any reason, the agency shall file a statement with the department of taxation and finance relating thereto, on a form and in such manner as is prescribed by the commissioner of taxation and finance, identifying each such agent so named by the agency in the original designation and setting forth the taxpayer identification number and other identifying information of each such agent, the date as of which the original designation was amended, terminated, revoked, or became invalid or ineffective and the reason therefor, together with a copy of the original designation.

(10) Each agency shall develop policies for the suspension or

discontinuance of financial assistance, or for the modification of any payment in lieu of tax agreement to require increased payments under circumstances as specified in the policy, which may include but shall not be limited to events of material violation of the terms and conditions of a project agreement.

(11) Each agency shall develop policies for the return of all or a part of the financial assistance provided for the project, including all or part of the amount of any tax exemptions, as specified in the policy, which may include but shall not be limited to material shortfalls in job creation and retention projections or material violations of the terms and conditions of project agreements. All such returned amounts of tax exemptions shall be redistributed to the appropriate affected tax jurisdiction, unless agreed to otherwise by any local taxing jurisdiction.

(12) Each agency shall at least annually assess the progress of each project for which bonds or notes remain outstanding or straight-lease transactions have not terminated, or which continue to receive financial assistance or are otherwise active, toward achieving the investment, job retention or creation, or other objectives of the project indicated in the project application. Such assessments shall be provided to board members.

§ 875. Special provisions applicable to state sales and compensating use taxes and certain types of facilities. 1. For purposes of this section: "state sales and use taxes" means sales and compensating use taxes and fees imposed by article twenty-eight or twenty-eight-A of the tax law but excluding such taxes imposed in a city by section eleven hundred seven or eleven hundred eight of such article twenty-eight. "IDA" means an industrial development agency established by this article or an industrial development authority created by the public authorities law. "Commissioner" means the commissioner of taxation and finance.

2. An IDA shall keep records of the amount of state and local sales and use tax exemption benefits provided to each project and each agent or project operator and shall make such records available to the commissioner upon request. Such IDA shall also, within thirty days of

providing financial assistance to a project that includes any amount of state sales and use tax exemption benefits, report to the commissioner the amount of such benefits for such project, the project to which they are being provided, together with such other information and such specificity and detail as the commissioner may prescribe. This report may be made in conjunction with the statement required by subdivision nine of section eight hundred seventy-four of this title or it may be made as a separate report, at the discretion of the commissioner. An IDA that fails to make such records available to the commissioner or to file such reports shall be prohibited from providing state sales and use tax exemption benefits for any project unless and until such IDA comes into compliance with all such requirements.

3. (a) An IDA shall include within its resolutions and project documents establishing any project or appointing an agent or project operator for any project the terms and conditions in this subdivision, and every agent, project operator or other person or entity that shall enjoy state sales and use tax exemption benefits provided by an IDA shall agree to such terms as a condition precedent to receiving or benefiting from such state sales and use exemptions benefits.

(b) The IDA shall recover, recapture, receive, or otherwise obtain from an agent, project operator or other person or entity state sales and use exemptions benefits taken or purported to be taken by any such person to which the person is not entitled or which are in excess of the amounts authorized or which are for property or services not authorized or taken in cases where such agent or project operator, or other person or entity failed to comply with a material term or condition to use property or services in the manner required by the person's agreement with the IDA. Such agent or project operator, or other person or entity shall cooperate with the IDA in its efforts to recover, recapture, receive, or otherwise obtain such state sales and use exemptions benefits and shall promptly pay over any such amounts to the IDA that it requests. The failure to pay over such amounts to the IDA shall be grounds for the commissioner to assess and determine state sales and use taxes due from the person under article twenty-eight of the tax law, together with any relevant penalties and interest due on such amounts.

(c) If an IDA recovers, recaptures, receives, or otherwise obtains, any amount of state sales and use tax exemption benefits from an agent, project operator or other person or entity, the IDA shall, within thirty days of coming into possession of such amount, remit it to the commissioner, together with such information and report that the commissioner deems necessary to administer payment over of such amount. An IDA shall join the commissioner as a party in any action or proceeding that the IDA commences to recover, recapture, obtain, or otherwise seek the return of, state sales and use tax exemption benefits from an agent, project operator or other person or entity.

(d) An IDA shall prepare an annual compliance report detailing its terms and conditions described in paragraph (a) of this subdivision and its activities and efforts to recover, recapture, receive, or otherwise obtain state sales and use exemptions benefits described in paragraph (b) of this subdivision, together with such other information as the commissioner and the commissioner of economic development may require. The report required by this subdivision shall be filed with the commissioner, the director of the division of the budget, the commissioner of economic development, the state comptroller, the governing body of the municipality for whose benefit the agency was created, and may be included with the annual financial statement required by paragraph (b) of subdivision one of section eight hundred fifty-nine of this title. Such report required by this subdivision shall be filed regardless of whether the IDA is required to file such financial statement described by such paragraph (b) of subdivision one of section eight hundred fifty-nine. The failure to file or substantially complete the report required by this subdivision shall be deemed to be the failure to file or substantially complete the statement required by such paragraph (b) of subdivision one of such section eight hundred fifty-nine, and the consequences shall be the same as provided in paragraph (e) of subdivision one of such section eight hundred fifty-nine.

(e) This subdivision shall apply to any amounts of state sales and use tax exemption benefits that an IDA recovers, recaptures, receives, or otherwise obtains, regardless of whether the IDA or the agent, project operator or other person or entity characterizes such benefits recovered, recaptured, received, or otherwise obtained, as a penalty or liquidated or contract damages or otherwise. The provisions of this subdivision shall also apply to any interest or penalty that the IDA imposes on any such amounts or that are imposed on such amounts by operation of law or by judicial order or otherwise. Any such amounts or payments that an IDA recovers, recaptures, receives, or otherwise obtains, together with any interest or penalties thereon, shall be deemed to be state sales and use taxes and the IDA shall receive any such amounts or payments, whether as a result of court action or otherwise, as trustee for and on account of the state.

4. The commissioner shall deposit and dispose of any amount of any payments or moneys received from or paid over by an IDA or from or by any person or entity, or received pursuant to an action or proceeding commenced by an IDA, together with any interest or penalties thereon, pursuant to subdivision three of this section, as state sales and use taxes in accord with the provisions of article twenty-eight of the tax law. The amount of any such payments or moneys, together with any interest or penalties thereon, shall be attributed to the taxes imposed by sections eleven hundred five and eleven hundred ten, on the one hand, and section eleven hundred nine of the tax law, on the other hand, or to any like taxes or fees imposed by such article, based on the proportion that the rates of such taxes or fees bear to each other, unless there is evidence to show that only one or the other of such taxes or fees was imposed or received or paid over.

5. The statement that an IDA is required by subdivision nine of section eight hundred seventy-four of this article to file with the commissioner shall not be considered an exemption or other certificate or document under article twenty-eight or twenty-nine of the tax law. The IDA shall not represent to any agent, project operator, or other person or entity that a copy of such statement may serve as a sales or use tax exemption certificate or document. No agent or project operator may tender a copy of such statement to any person required to collect sales or use taxes as the basis to make any purchase exempt from tax. No such person required to collect sales or use taxes may accept such a statement in lieu of collecting any tax required to be collected. The civil and criminal penalties for misuse of a copy of such statement as an exemption certificate or document or for failure to pay or collect

tax shall be as provided in the tax law. In addition, the use by an IDA or agent, project operator, or other person or entity of such statement, or the IDA's recommendation of the use or tendering of such statement, as such an exemption certificate or document shall be deemed to be, under articles twenty-eight and thirty-seven of the tax law, the issuance of a false or fraudulent exemption certificate or document with intent to evade tax.

6. The commissioner is hereby authorized to audit the records, actions, and proceedings of an IDA and of its agents and project operators to ensure that the IDA and its agents and project operators comply with all the requirements of this section. Any information the commissioner finds in the course of such audit may be used by the commissioner to assess and determine state and local taxes of the IDA's agent or project operator.

7. In addition to any other reporting or filing requirements an IDA has under this article or other law, an IDA shall also report and make available on the internet, without charge, copies of its resolutions and agreements appointing an agent or project operator or otherwise related to any project it establishes. It shall also provide, without charge, copies of all such reports and information to a person who asks for it in writing or in person. The IDA may, at the request of its agent or project operator delete from any such copies posted on the internet or provided to a person described in the prior sentence portions of its records that are specifically exempted from disclosure under article six of the public officers law.

8. In consultation with the commissioner of economic development, the commissioner of taxation and finance is hereby authorized to adopt rules and regulations and to issue publications and other guidance implementing the provisions of this section and of the other sections of this article relating to any state or local tax or fee, or exemption or exclusion therefrom, that the commissioner administers and that may be affected by any provision of this article, and any such rules and regulations of the commissioner shall have the same force and effect with respect to such taxes and fees, or amounts measured in respect of

them, as if they had been adopted by the commissioner pursuant to the authority of the tax law.

9. To the extent that a provision of this section conflicts with a provision of any other section of this article, the provisions of this section shall control.

§ 876. Tax contract by the state. The state covenants with the purchasers and with all subsequent holders and transferees of bonds or notes issued by the agency pursuant to this title, in consideration of the acceptance of and payment for the bonds or notes, that the bonds and notes of the agency issued pursuant to this title and the income therefrom, and all moneys, funds and revenues pledged to pay or secure the payment of such bonds or notes shall at all times be free from taxation except for estate taxes and taxes on transfers by or in contemplation of death.

§ 878. Remedies of bondholders and noteholders. (1) In the event that the agency shall default in the payment of principal or of interest on any issue of the bonds or notes after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the agency shall fail or refuse to comply with the provisions of this title, or shall default in any agreement made with the holders of any issue of the bonds or notes, the holders of twenty-five per centum in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purposes herein provided.

(2) Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such bonds or notes, then outstanding shall, in his or its own name:

(a) by suit, action or special proceeding enforce all rights of the bondholders or noteholders, including the right to require the agency to collect revenues adequate to carry out any agreement as to, or pledge of, such revenues, and to require the agency to carry out any other agreements with the holders of such bonds or notes and to perform its duties under this title;

(b) bring suit upon such bonds or notes;

(c) by action or special proceeding, require the authority to account as if it were the trustee of an express trust for the holders of such bonds or notes;

(d) by action or special proceeding, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds or notes;

(e) declare all such bonds or notes due and payable, and if all defaults shall be made good then with the consent of the holders of twenty-five per centum of the principal amount of such bonds or notes then outstanding, to annul such declaration and its consequences.

(3) The supreme court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders or noteholders. The venue of any such suit, action or proceeding shall be laid in the county in which the project or projects are located.

(4) Before declaring the principal of all such bonds due and payable, the trustee shall first give thirty days' notice in writing to the agency.

(5) Any such trustee, whether or not the issue of bonds represented by such trustee has been declared due and payable, shall be entitled as of right to the appointment of a receiver of any part or parts of a project, the revenues of which are pledged for the security of the bonds of such issue, and such receiver may enter and take possession of such part or parts of the project and, subject to any pledge or agreement with bondholders or noteholders, shall take possession of all moneys and other property derived from or applicable to the acquisition, construction, operation, maintenance and reconstruction of such part or parts of the project and proceed with the acquisition of any necessary real property in connection with the project that the agency has covenanted to construct, and with any construction which the agency is under obligation to do and to operate, maintain and reconstruct such part or parts of the project and collect and receive all revenues thereafter arising therefrom subject to any pledge thereof or agreement

with bondholders or noteholders relating thereto and perform the public duties and carry out the agreements and obligations of the agency under the direction of the court. In any suit, action or proceeding by the trustee, the fee, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any revenues derived from such project.

(6) Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.

§ 880. Actions against the agency. (1) In an action against the agency founded upon tort, the complaint shall contain an allegation that at least thirty days have elapsed since the demand, claim or claims upon which the action is founded were presented to a member of the agency and to its secretary or to its chief executive officer, and that the agency has neglected or refused to make an adjustment or payment thereof for thirty days after the presentment.

(2) In a case founded upon tort, a notice of claim shall be required as a condition precedent to the commencement of an action or special proceeding against the agency or an officer, appointee or employee thereof, and the provisions of section fifty-e of this chapter shall govern the giving of such notice. No action shall be commenced more than one year and ninety days after the cause of action therefor shall have accrued.

§ 882. Termination of the agency. Whenever all of the bonds or notes issued by the agency shall have been redeemed or cancelled, and all straight-lease transactions have been terminated, the agency shall cease to exist and all rights, titles, and interest and all obligations and liabilities thereof vested in or possessed by the agency shall thereupon vest in and be possessed by the municipality.

§ 883. Conflicts of interest. All members, officers, and employees of an agency or industrial development authority established by this chapter or created by the public authorities law shall be subject to the provisions of article eighteen of this chapter.

§ 884. Public bidding. The provisions of any law relating to the requirement of public bidding with respect to the construction of public facilities or projects shall not be applicable to the acquisition, construction, reconstruction, improvement, maintenance, equipping and furnishing of projects authorized by this act.

§ 886. Title not affected if in part unconstitutional or ineffective. If any section, clause or provision of this title shall be unconstitutional or be ineffective in whole or in part, to the extent that it is not unconstitutional or ineffective, it shall be valid and effective and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

§ 888. Inconsistent provisions in other acts superseded. Insofar as the provisions of this title are inconsistent with the provisions of any other act, general or special, or of any local laws of the municipality, the provisions of this title shall be controlling except in cases of inconsistency with the Indian law.

TITLE 2

MUNICIPAL INDUSTRIAL DEVELOPMENT AGENCIES

*** § 890. Wayne county industrial development agency.** For the benefit of the county of Wayne and the inhabitants thereof, an industrial development agency, to be known as the WAYNE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Wayne. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 890-a. City of Dunkirk industrial development agency.** For the benefit of the city of Dunkirk and the inhabitants thereof, an industrial development agency, to be known as the CITY OF DUNKIRK

INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Dunkirk, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Dunkirk. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 890-b. County of Cattaraugus industrial development agency.** 1. For the benefit of the county of Cattaraugus and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Cattaraugus. The agency, its members, officers and employees and its operations and activities shall, except as provided specifically herein, be governed by the provisions of title one of article eighteen-A of this chapter.

2. In addition to the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter, the agency shall have the power (i) to acquire, construct, own, maintain, and lease or sell to a railroad or private business corporation any interest in railroads operated wholly or partially within Cattaraugus county, including easements or rights of way, necessary switching apparatus, track, and other equipment necessary or convenient to the operation of such railroad, which will be used in conjunction with industrial, manufacturing, commercial or warehousing operations and (ii) to finance such facilities through the issuance of its bonds and notes, when in the judgment of the agency, such facilities will serve to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and research facilities including industrial pollution control facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the state and improve their prosperity and standard of living.

* NB Agency expires per §§ 856 and 882

*** § 890-c. Counties of Warren and Washington industrial development agency.** For the benefit of the counties of Warren and Washington and the inhabitants thereof, an industrial development agency, to be known as the COUNTIES OF WARREN AND WASHINGTON INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 counties of Warren and Washington, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing bodies of the counties of Warren and Washington. 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 article eighteen-A of this chapter, except that notwithstanding the provisions of subdivision two of section eight hundred fifty-six of article eighteen-A of this chapter, the counties of Warren and Washington industrial development agency shall consist of not less than six nor more than ten members who shall be appointed by the governing body of each municipality and who shall serve at the pleasure of the appointing authority.

* NB Agency expires per §§ 856 and 882

*** § 890-d. City of Port Jervis industrial development agency.** For the benefit of the City of Port Jervis and the inhabitants thereof, an industrial development agency, to be known as the CITY OF PORT JERVIS INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 CITY OF PORT JERVIS, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the City of Port Jervis. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 890-e. City of Salamanca industrial development agency.** For the benefit of the city of Salamanca and the inhabitants thereof, an industrial development agency, to be known as the CITY OF SALAMANCA INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies and provide 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 city of Salamanca, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Salamanca. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 890-h. County of Saratoga industrial development agency.** For the benefit of the county of Saratoga and the inhabitants thereof, an industrial development agency, to be known as the County of Saratoga INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Saratoga, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Saratoga. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 890-i. City of Amsterdam industrial development agency.** For the benefit of the city of Amsterdam and the inhabitants thereof, an industrial development agency, to be known as the CITY OF AMSTERDAM INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Amsterdam, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Amsterdam. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 890-j. City of Saratoga Springs industrial development agency.** For the benefit of the city of Saratoga Springs and the inhabitants thereof, an industrial development agency, to be known as the City of Saratoga Springs INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Saratoga Springs, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Saratoga Springs. 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 article eighteen-A of this chapter.

* NB Agency expired per § 856

*** § 891. Town of Wallkill industrial development agency.** For the benefit of the town of Wallkill in the county of Orange, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF WALLKILL INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Wallkill. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 891-a. Erie county industrial development agency.** 1. For the benefit of the county of Erie and the inhabitants thereof, an industrial development agency, to be known as the ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter, except that its members shall consist of the Erie county executive, the mayor of the city of Buffalo, the supervisor of the town of Tonawanda, the supervisor of the town of Cheektowaga, the supervisor of the town of Amherst, the chairman of the board of the Buffalo and Erie county private industry council incorporated, the chairman of the board of the greater Buffalo chamber of commerce, the management co-chairman of the Buffalo and Erie county labor management council, the president of the Buffalo AFL-CIO council, the president of the Buffalo Branch of the National Association for the Advancement of Colored People, the chairman of the economic development committee of the Erie county legislature, the president of the Buffalo common council, the chairman of the Niagara frontier transportation authority, the chairman of the board of the greater Buffalo development foundation incorporated, the president of the Erie county association of school boards, five members representing the business, labor and minority communities of Erie county appointed jointly by the county executive of Erie county and the chairman of the legislature of Erie county upon consultation with the hereinbefore mentioned members, and the members of the United States House of Representatives representing all or part of Erie county as ex officio, non-voting members. If the chairman of the board of the Buffalo and Erie county private industry council incorporated, greater Buffalo chamber of commerce or greater Buffalo development foundation incorporated, or the management co-chairman of the Buffalo and Erie county labor management council or the president of the Buffalo AFL-CIO council or the president of the Buffalo Branch of the National Association for the Advancement of Colored People or the chairman of the Niagara frontier transportation authority or the president of the Erie county association of school boards shall be unable to serve as a member of the agency by reason of a prohibited conflict of interest, then another officer or director designated by such organization shall serve in his or her place. The non-voting members shall not be considered for the purpose of quorum requirements. The first chairman of the agency and each subsequent chairman shall be elected by a majority vote of its members and such chairman shall be a person other than the holder of an elective public office. The agency, its members, officers and employees, and its operations and activities shall in all respects, except as provided specifically herein, be governed by the provisions of title one of article eighteen-A of this chapter. Notwithstanding any provision of law to the contrary, any member of the agency who is a director, officer or employee of a corporation which is a party to a proposed contract with the agency shall disclose his or her relation to the corporation in writing to the agency and shall abstain from voting and discussion in respect to such contract; and such contract shall not be prohibited by reason of his position as director, officer or employee of the corporation if he or she shall have made such disclosure and abstained from such voting and discussion, and if his or her remuneration will not be directly affected as a result of such contract and his or her duties as director, officer or employee of such corporation do not directly involve the procurement, preparation or performance of any part of such contract.

2. In addition to the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter, the agency shall have the power (i) to acquire, construct, own, maintain, and lease or sell to a railroad or private business corporation any interest in railroads operated within Erie county, including easements or rights of way, necessary switching apparatus, track, and other equipment necessary or convenient to the operation of such railroad, which will be used in conjunction with industrial, manufacturing, commercial or warehousing operations, (ii) to finance such facilities through the issuance of its bonds and notes, when in the judgment of the agency, such facilities will serve to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and

research facilities including industrial pollution control facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of this state and improve their prosperity and standard of living and (iii) to exercise all other corporate powers necessary or convenient to acquisition, construction, ownership, maintenance and lease or sale of any interest in railroads operated within Erie county which will serve to promote, develop, encourage and assist in acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial and research facilities including industrial pollution control facilities.

* NB Agency expires per §§ 856 and 882

*** § 891-e. Town of Shawangunk, Ulster county industrial development agency.** For the benefit of the town of Shawangunk, Ulster county, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF SHAWANGUNK, ULSTER COUNTY, INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Shawangunk, Ulster county, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Shawangunk, Ulster county. 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 article eighteen-A of this chapter.

* NB Agency expired per § 856

*** § 892. Town of Brookhaven industrial development agency.** 1. For the benefit of the town of Brookhaven, county of Suffolk, and the inhabitants thereof, an industrial development agency, to be known as the town of Brookhaven industrial development agency, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies and provide 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 Brookhaven, and such agency shall abide by the local zoning ordinances and planning regulations and shall take into consideration 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Brookhaven, county of Suffolk. 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 article eighteen-A of this chapter. To the extent that the foregoing provisions of this subdivision or of title one of this article are inconsistent with the provisions of subdivision two of this section, the provisions of such subdivision two shall be controlling.

2. The provisions of subparagraph two of paragraph (b) of subdivision one of section eight hundred fifty-six of this article shall not apply to the town of Brookhaven industrial development agency and the agency as created and constituted pursuant to the other provisions of this article is continued until otherwise altered or terminated pursuant to law.

* NB Agency expires per §§ 856 and 882

* NB There are 2 § 892's

*** § 892. Cayuga county industrial development agency.** For the benefit of the county of Cayuga and the inhabitants thereof, an industrial development agency, to be known as the CAYUGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Cayuga. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

* NB There are 2 § 892's

*** § 892-a. Schuyler county industrial development agency.** For the benefit of the county of Schuyler and the inhabitants thereof, an industrial development agency, to be known as the SCHUYLER COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Schuyler. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 892-d. Town of Malone county of Franklin industrial development agency.** For the benefit of the town of Malone, county of Franklin, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF MALONE COUNTY OF FRANKLIN INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Malone, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Malone. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 892-e. Jefferson county industrial development agency.** For the benefit of Jefferson county and the inhabitants thereof, an industrial development agency, to be known as the JEFFERSON COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies and provide 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 Jefferson county, 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 an manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of Jefferson county. 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 article eighteen-A of this chapter. Pursuant to the authorization provided for in subdivision twenty-four of section two hundred twenty-four of the county law, the agency may operate and maintain any foreign trade zone or zones established in such county.

* NB Agency expires per §§ 856 and 882

*** § 892-f. Ontario county industrial development agency.** For the benefit of the county of Ontario and the inhabitants thereof, an industrial development agency, to be known as the ONTARIO COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Ontario. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 892-g. Town of Corinth Industrial development agency.** For the benefit of the town of Corinth, Saratoga county and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF CORINTH INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Corinth, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Corinth. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

* NB There are 2 § 892-g's

*** § 892-g. County of Orleans industrial development agency.** For the benefit of the county of Orleans and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Orleans, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Orleans. 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 article eighteen-A of this chapter.

The original appointment of the members of the COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY is hereby ratified, validated and confirmed, notwithstanding any purported irregularities in said original appointment, and the continuous existence of the COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY since June twenty-fifth, nineteen hundred seventy-one and all acts and proceedings heretofore had and taken by the COUNTY OF ORLEANS INDUSTRIAL DEVELOPMENT AGENCY are hereby ratified, validated and confirmed.

* NB Agency expires per §§ 856 and 882
* NB There are 2 § 892-g's

*** § 893. Madison county industrial development agency.** For the benefit of the county of Madison and the inhabitants thereof, an industrial development agency, to be known as the MADISON COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Madison, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Madison. 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 article eighteen-A of this chapter.

* NB Agency expired per § 856

§ 893-a. Seneca county industrial development agency. For the benefit of the county of Seneca and the inhabitants thereof, an industrial development agency, to be known as the SENECA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Seneca, 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 article eighteen-A of this chapter; provided, however, that notwithstanding the provisions of subdivision two of section eight hundred fifty-six of this article requiring a municipal industrial development agency to consist of no more than seven members, the Seneca county legislature is hereby authorized to appoint nine members to the county of Seneca industrial development agency. Its members shall be appointed by the governing body of the county of Seneca. 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 article eighteen-A of this chapter.

*** § 893-b. Yates county industrial development agency.** For the benefit of the county of Yates and the inhabitants thereof, an industrial development agency, to be known as the YATES COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Yates, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Yates. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 893-c. Town of Addison industrial development agency.** For the benefit of the town of Addison and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF ADDISON INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Addison, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Addison. 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 article eighteen-A of this chapter.

* NB Agency expired per § 856

*** § 894-c. Town of Moreau industrial development agency.** For the benefit of the Town of Moreau and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF MOREAU INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Moreau, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Moreau. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 895. Onondaga county industrial development agency.** 1. For the benefit of the county of Onondaga and the inhabitants thereof, an industrial development agency, to be known as the ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Onondaga. The agency, its members, officers and employees, and its operations and activities, except as provided specifically herein, shall be governed by the provisions of title one of article eighteen-A of this chapter.

2. In addition to the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter, the agency shall have the power (i) to acquire, construct, own, maintain, and lease or sell to a railroad or private business corporation any interest including easements or rights of way, in one or more railroad supporting service facilities located in Onondaga county, including necessary switching apparatus, track, and other equipment necessary or convenient thereto, which will be used in conjunction with industrial, manufacturing, commercial or warehousing operations and (ii) to finance such facilities through the issuance of its bonds and notes, when in the judgment of the agency, such facilities will serve to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, and research facilities including industrial pollution control facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the state and improve their prosperity and standard of living.

* NB Agency expires per §§ 856 and 882

*** § 895-a. Broome county industrial development agency.** For the benefit of the county of Broome and the inhabitants thereof, an industrial development agency, to be known as the BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Broome. 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 article eighteen-A of this chapter. Notwithstanding any other provision of law to the contrary, the membership of the Broome county industrial development agency shall consist of not less than three nor more than nine members.

* NB Agency expires per §§ 856 and 882

*** § 895-b. Tompkins county industrial development agency.** For the benefit of the county of Tompkins and the inhabitants thereof, an industrial development agency, to be known as the TOMPKINS COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies and, provided however, 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 subject to the local zoning and planning regulations and shall take into consideration 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Tompkins. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 895-c. Fulton county industrial development agency.** For the benefit of the county of Fulton and the inhabitants thereof, an industrial development agency, to be known as the FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Fulton. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 895-d. Montgomery county industrial development agency.** For the benefit of the county of Montgomery and the inhabitants thereof, an industrial development agency, to be known as the MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Montgomery. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 895-e. Genesee county industrial development agency.** For the benefit of the county of Genesee and the inhabitants thereof, an industrial development agency, to be known as the GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Genesee. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 895-f. County of Clinton industrial development agency.** For the benefit of the county of Clinton and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF CLINTON INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 County of Clinton, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Clinton. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 895-h. County of Chautauqua industrial development agency.** 1. For the benefit of the county of Chautauqua and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of this article. 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 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, other than in furtherance of the power conferred by subdivision two of this section, shall be limited to the corporate limits of the county of Chautauqua 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. Its members shall consist of not less than three nor more than nine members as follows: the chairman of the committee of the governing body of the county of Chautauqua that has primary responsibility for dealing with the economic welfare of the county, who shall serve as an ex officio member with full voting powers; one member appointed by the governing body of the county of Chautauqua, subject to the approval or veto of the county executive and county legislative reconsideration as provided in the charter of such county; and up to seven members appointed by the county executive subject to confirmation by the governing body of the county of Chautauqua. The agency, its members, officers and employees and its operations and activities shall, except as provided specifically herein, be governed by the provisions of title one of this article.

2. In addition to the powers and duties now or hereafter conferred by title one of this article, the agency shall have the power (i) to acquire, construct, own, maintain, and lease or sell to a railroad or private business corporation any interest in railroads operated wholly or partially within Chautauqua county, including easements or rights-of-way, necessary switching apparatus, track, and other equipment necessary or convenient to the operation of such railroad, which will be used in conjunction with industrial, manufacturing, commercial or warehousing operations and (ii) to finance such facilities through the issuance of its bonds and notes, when in the judgment of the agency, such facilities will serve to promote, develop and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and research facilities including industrial pollution

control facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the state and improve their prosperity and standard of living. The powers conferred pursuant to this subdivision with respect to the acquisition of real property shall not include the acquisition of real property by condemnation. Notwithstanding the taxable status date set forth in section three hundred two of the real property tax law or any other provision of law to the contrary, if, prior to September fifteen, nineteen hundred ninety-five, the agency acquires ownership, jurisdiction, supervision or control of any portion of the railroad line known as the "Southern Tier Line," which is located between the New York-Pennsylvania state line in the county of Chautauqua and the city of Hornell, and complies with all other applicable provisions of law pertaining to the filing of an application for exemption, such property and the agency's activities with respect thereto shall be entitled to exemption from taxes or assessments as otherwise provided by law, except for nineteen hundred ninety-five--ninety-six school taxes levied prior to September fifteen, nineteen hundred ninety-five. The tax exemption conferred pursuant to this subdivision shall be subject to the prior consent of the affected tax jurisdictions that are located outside the county of Chautauqua, and shall not apply to special ad valorem levies and special assessments.

* NB Agency expires per §§ 856 and 882

*** § 895-i. Steuben county industrial development agency.** 1. For the benefit of the county of Steuben and the inhabitants thereof, an industrial development agency, to be known as the STEUBEN COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Steuben, and such agency shall take into consideration the 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Steuben. The agency, its members, officers and employees and its operations and activities shall, except as provided specifically herein, be governed by the provisions of title one of article eighteen-A of this chapter.

2. In addition to the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter, the agency shall have the power (i) to acquire, construct, own, maintain, and lease or sell to a railroad or private business corporation any interest in railroads operated within Steuben county, including easements or rights of way, necessary switching apparatus, track, and other equipment necessary or convenient to the operation of such railroad, which will be used in conjunction with industrial, manufacturing, commercial, recreational or warehousing operations and (ii) to finance such facilities through the issuance of its bonds and notes, when in the judgment of the agency, such facilities will serve to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, recreational and research facilities including industrial pollution control facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the state and improve their prosperity and standard of living.

* NB Agency expires per §§ 856 and 882

*** § 895-j. Greene county industrial development agency.** For the benefit of the county of Greene and the inhabitants thereof, an industrial development agency, to be known as the GREENE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Greene, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Greene. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 895-k. Livingston county industrial development agency.** For the benefit of the county of Livingston and the inhabitants thereof, an industrial development agency, to be known as the LIVINGSTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Livingston, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Livingston. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 895-l. Columbia county industrial development agency.** For the benefit of the county of Columbia and the inhabitants thereof, an industrial development agency, to be known as the COLUMBIA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Columbia, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Columbia. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 896. Chemung county industrial development agency.** For the benefit of the county of Chemung and the inhabitants thereof, an industrial development agency, to be known as the CHEMUNG COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Chemung. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 896-a. The city of Cohoes industrial development agency.** For the benefit of the city of Cohoes and the inhabitants thereof, an industrial development agency, to be known as the CITY OF COHOES INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Cohoes, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Cohoes. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 897. Town of Erwin industrial development agency.** For the benefit of the town of Erwin and the inhabitants thereof, an industrial development agency, to be known as the Town of Erwin Industrial Development Agency, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Erwin. The agency, its members, officers and employees, and its operations and actvities shall in all respects be governed by the provisions of title one of article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 897-a. The village of Sackets Harbor industrial development agency.** For the benefit of the village of Sackets Harbor and the inhabitants thereof, an industrial development agency, to be known as The Village of Sackets Harbor Industrial Development Agency, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 village of Sackets Harbor, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the village of Sackets Harbor. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 898. Herkimer county industrial development agency.** 1. For the benefit of the county of Herkimer and the inhabitants thereof, an industrial development agency, to be known as the HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Herkimer. 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 article eighteen-A of this chapter. To the extent that the foregoing provisions of this subdivision or of title one of this article are inconsistent with the provisions of subdivision two of this section, the provisions of such subdivision two shall be controlling.

2. Neither the provisions of subparagraph two of paragraph (b) of subdivision one of section eight hundred fifty-six nor of section eight hundred eighty-two of this article shall apply to the Herkimer county industrial development agency until after the expiration of fifteen years subsequent to the effective date of the special act creating the agency and such agency as created and constituted pursuant to the other provisions of this article shall be continued until otherwise altered or terminated pursuant to provisions of law applicable to such agency.

* NB Agency expires per §§ 856 and 882

*** § 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 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 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 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 898-b. Town of Islip industrial development agency.** For the benefit of the town of Islip and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF ISLIP INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Islip, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Islip. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 900-a. Village of Port Chester industrial development agency.** For the benefit of the the Village of Port Chester in the county of Westchester and the inhabitants thereof, an industrial development agency, to be known as the VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Village of Port Chester, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the Village of Port Chester. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 901. Oneida county industrial development agency.** For the benefit of the county of Oneida and the inhabitants thereof, an industrial development agency, to be known as the ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Oneida. 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 article

eighteen-A of this chapter.
* NB Agency expires per §§ 856 and 882

*** § 901-a. Town of Clarence, Erie county, industrial development agency.** For the benefit of the town of Clarence, Erie county, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF CLARENCE, ERIE COUNTY, INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Clarence, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Clarence. 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 article eighteen-A of this chapter.
* NB Agency expires per §§ 856 and 882

*** § 901-b. Wyoming county industrial development agency.** For the benefit of the county of Wyoming and the inhabitants thereof, an industrial development agency, to be known as the WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Wyoming, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Wyoming. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 902. Cortland county industrial development agency.** For the benefit of the county of Cortland and the inhabitants thereof, an industrial development agency, to be known as the CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Cortland, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Cortland. 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 article eighteen-A of this chapter.

* § 902. Cortland county industrial development agency. For the benefit of the county of Cortland and the inhabitants thereof, an industrial development agency, to be known as the CORTLAND COUNTY

INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Cortland. 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 article eighteen-A of this chapter.

* NB Not effective pursuant to § 856 of the general municipal law. No certificate filed with Sec. of State. (Added 356/1970)

* NB Agency expires per §§ 856 and 882

*** § 902-a. County of Lewis industrial development agency.** For the benefit of the county of Lewis and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF LEWIS INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Lewis 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Lewis. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 902-b. City of Hudson industrial development agency.** For the benefit of the city of Hudson and the inhabitants thereof, an industrial development agency, to be known as the CITY OF HUDSON INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Hudson, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Hudson. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 902-c. City of Mount Vernon industrial development agency.** (a) For the purposes of this section "governing body" as used in title one of article eighteen-A of this chapter shall mean the mayor of the city, and "city" shall mean the city of Mount Vernon.

(b) For the benefit of the city of Mount Vernon and the inhabitants thereof, an industrial development agency, to be known as the CITY OF MOUNT VERNON INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies, except that the agency's power of condemnation shall not be exercised without prior approval of the city council of the city, 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 city of Mount Vernon, 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 article eighteen-A of this chapter, except that the members shall be appointed by the mayor of said city and shall serve at the pleasure of the mayor. The mayor shall designate the first chairman. Except as otherwise provided in this section, 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 article eighteen-A of this chapter.

(c) The city shall have the power to make, or contract to make grants or loans, including but not limited to grants or loans of money, to the agency in such amounts, upon such terms and conditions and for such period or periods of time as in the judgment of the city and the agency are necessary or appropriate for the accomplishment of any of the purposes of the agency.

* NB Agency expires per §§ 856 and 882

*** § 903. City of Yonkers industrial development agency.** For the benefit of the city of Yonkers and the inhabitants thereof, an industrial development agency, to be known as the CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY, is established to accomplish any or all of the purposes specified in title one of this article. 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 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 city of Yonkers, 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. Six of such members shall be appointed by the mayor of the city of Yonkers and one such member shall be appointed by majority vote of the city council of the city of Yonkers. 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.

* NB Agency expires per §§ 856 and 882

*** § 903-a. City of Albany industrial development agency.** For the benefit of the city of Albany and the inhabitants thereof, an industrial development agency, to be known as the CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Albany, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Albany. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 903-b. Albany county industrial development agency.** For the benefit of the county of Albany and the inhabitants thereof, an industrial development agency, to be known as the ALBANY COUNTY

INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Albany, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Albany. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 903-c. City of Rensselaer industrial development agency.** For the benefit of the city of Rensselaer and the inhabitants thereof, an industrial development agency, to be known as the CITY OF RENSSELAER INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Rensselaer, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of

Rensselaer. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 903-d. Rensselaer county industrial development agency.** For the benefit of the county of Rensselaer and the inhabitants thereof, an industrial development agency, to be known as the RENSSELAER COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Rensselaer, 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 article eighteen-A of this chapter. Its members shall be appointed by the chief executive officer of the county of Rensselaer. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 903-e. City of Schenectady industrial development agency.** For the benefit of the city of Schenectady and the inhabitants thereof, an industrial development agency, be known as the CITY OF SCHENECTADY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Schenectady, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Schenectady. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 904-a. Town of Warwick industrial development agency.** For the benefit of the town of Warwick and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF WARWICK INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Warwick, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Warwick. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 905. Town of Hempstead industrial development agency.** 1. For the benefit of the town of Hempstead, county of Nassau, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies and provide 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 Hempstead, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Hempstead, county of Nassau. 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 article eighteen-A of this chapter.

2. Prior to the approval of any application for a payment in lieu of taxes (hereinafter referred to in this section as "PILOT") agreement by the agency for a project located in the village of Freeport or the village of Hempstead, the chief executive officer of the affected village shall be consulted. The agency shall also consult with the village governing body prior to any PILOT agreement being approved by the agency for a project located in the village of Freeport or the village of Hempstead. In addition, the agency shall obtain an impact analysis to determine the impact on the village of the project and the planned PILOT agreement. The applicant for such PILOT agreement shall bear the costs related to the required impact analysis. The agency and the village governing body shall jointly select a qualified entity to conduct the impact analysis. The membership of the agency, when reviewing applications and approving PILOT agreements for projects

located in the village of Freeport or the village of Hempstead, shall include at least one member of such village's governing body and at least three at large members drawn from a cross section of the village community.

3. The agency shall review any PILOT agreement for a project located in the village of Freeport or the village of Hempstead after the third year of entering into such PILOT agreement, and every third year thereafter, and adjust the PILOT agreement accordingly based on changes to the assessed value and tax rate of all other real properties located in such villages. The agency shall provide a written report to the village of Freeport and the village of Hempstead documenting any and all variances or changes to the projected revenues of such villages from any such PILOT agreement.

4. A PILOT agreement for a project located in the village of Freeport or the village of Hempstead shall not be renewed or renegotiated until a full audit has been completed of the accounts of the party obligated to make payments in lieu of taxes pursuant to the PILOT agreement with the agency. The agency and the village governing body shall jointly choose a qualified entity to conduct such audit. The party that is obligated to make payments in lieu of taxes pursuant to the PILOT agreement with the agency shall bear the costs of preparing such audit. The village of Freeport or the village of Hempstead may request from the office of the state comptroller an audit or review of the audit prior to the renewal or renegotiation of a PILOT agreement for a project located in the village of Freeport or the village of Hempstead.

* NB Agency expires per §§ 856 and 882

*** § 905-a. Schoharie county industrial development agency.** For the benefit of the county of Schoharie and the inhabitants thereof, an industrial development agency, to be known as the SCHOHARIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Schoharie, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Schoharie. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

§ 906. County of Sullivan industrial development agency. For the benefit of the county of Sullivan and the inhabitants thereof, an industrial development agency, to be known as the county of Sullivan industrial development agency, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Sullivan. 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 article eighteen-A of this chapter provided, however, that notwithstanding the provisions of subdivision two of section eight hundred fifty-six of this chapter requiring a municipal industrial development agency to consist of no more than seven members, the Sullivan county legislature is hereby authorized to appoint nine members to the county of Sullivan industrial development agency.

*** § 906-a. Allegany county industrial development agency.** 1. For the benefit of the county of Allegany and the inhabitants thereof, an industrial development agency, to be known as the ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of this article. 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 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, other than in furtherance of the power conferred by subdivision two of this section, shall be limited to the corporate limits of the county of Allegany, 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. Its members shall be appointed by the governing body of the county of Allegany. The agency, its members, officers and employees and its operations and activities shall, except as provided specifically herein, be governed by the provisions of title one of this article.

2. In addition to the powers and duties now or hereafter conferred by title one of this article, the agency shall have the power (i) to acquire, construct, own, maintain, and lease or sell to a railroad or private business corporation any interest in railroads operated wholly or partially within Allegany county, including easements or rights-of-way, necessary switching apparatus, track, and other equipment necessary or convenient to the operation of such railroad, which will be used in conjunction with industrial, manufacturing, commercial or warehousing operations and (ii) to finance such facilities through the issuance of its bonds and notes, when in the judgment of the agency, such facilities will serve to promote, develop and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and research facilities including industrial pollution

control facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the state and improve their prosperity and standard of living. The powers conferred pursuant to this subdivision with respect to the acquisition of real property shall not include the acquisition of real property by condemnation. Notwithstanding the taxable status date set forth in section three hundred two of the real property tax law or any other provision of law to the contrary, if, prior to September fifteen, nineteen hundred ninety-five, the agency acquires ownership, jurisdiction, supervision or control of any portion of the railroad line known as the "Southern Tier Line," which is located between the New York-Pennsylvania state line in the county of Chautauqua and the city of Hornell, and complies with all other applicable provisions of law pertaining to the filing of an application for exemption, such property and the agency's activities with respect thereto shall be entitled to exemption from taxes or assessments as otherwise provided by law, except for nineteen hundred ninety-five--ninety-six school taxes levied prior to September fifteen, nineteen hundred ninety-five. The tax exemption conferred pursuant to this subdivision shall be subject to the prior consent of the affected tax jurisdictions that are located outside the county of Allegany, and shall not apply to special ad valorem levies and special assessments.

* NB Agency expires per §§ 856 and 882

*** § 907-a. Town of Babylon industrial development agency.** For the benefit of the town of Babylon in the county of Suffolk, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF BABYLON INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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

Babylon, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the Town of Babylon. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 908. County of Delaware industrial development agency.** For the benefit of the county of Delaware and the inhabitants thereof, and industrial development agency, to be known as the COUNTY OF DELAWARE INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Delaware. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 908-b. City of New Rochelle industrial development agency.** For the benefit of the city of New Rochelle and the inhabitants thereof, an industrial development agency, to be known as the NEW ROCHELLE INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of New Rochelle, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of New Rochelle. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 909. County of Franklin industrial development agency.** For the benefit of the county of Franklin and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF FRANKLIN INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Franklin. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 909-a. Town of Guilderland industrial development agency.** For the benefit of the town of Guilderland and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF GUILDERLAND INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Guilderland, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Guilderland. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 909-b. Town of Bethlehem industrial development agency.** 1. For the benefit of the town of Bethlehem and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Bethlehem, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Bethlehem. 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 article eighteen-A of this chapter.

2. Notwithstanding the provisions of paragraph (b) of subdivision one of section eight hundred fifty-six or section eight hundred eighty-two of this chapter, the town of Bethlehem industrial development agency shall not dissolve or be terminated prior to June fifth, nineteen hundred ninety-three.

* NB Agency expires per §§ 856 and 882

*** § 910-a. County of Otsego industrial development agency.** For the benefit of the county of Otsego and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Otsego, 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 article eighteen-A of this chapter; provided that it shall consist of not less than three nor more than nine members. Its members shall be appointed by the governing body of the county of Otsego. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 910-b. Village of Fairport industrial development agency.** For the benefit of the village of Fairport and the inhabitants thereof, an industrial development agency, to be known as the VILLAGE OF FAIRPORT INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 village of Fairport, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the village of Fairport. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 910-c. Village of Coxsackie industrial development agency.** For the benefit of the village of Coxsackie and the inhabitants thereof, an industrial development agency, to be known as the VILLAGE OF COXSACKIE INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 village of Coxsackie, 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 or article eighteen-A of this chapter. Its members shall be appointed by the governing body of the village of Coxsackie. 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 article eighteen-A of this chapter.

* NB Agency expired per § 856

*** § 910-d. Village of Depew industrial development agency.** For the benefit of the village of Depew and the inhabitants thereof, an industrial development agency, to be known as the VILLAGE OF DEPEW INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 village of Depew, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the village of Depew. 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 article eighteen-A of this chapter.

* NB Agency expired per § 856

*** § 911. Town of Dunkirk industrial development agency.** For the benefit of the town of Dunkirk and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF DUNKIRK INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Dunkirk, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Dunkirk. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 911-a. Suffolk county industrial development agency.** 1. For the benefit of Suffolk county and the inhabitants thereof, an industrial development agency, to be known as the SUFFOLK COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Suffolk, and such agency shall be subject to the local town and village zoning and planning regulations and take into consideration 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Suffolk. The agency, its members, officers and employees and its operations and activities, except as provided specifically herein, shall in all respects be governed by the provisions of title one of article eighteen-A of this chapter.

2. In addition to the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter, the agency shall have the power (i) to acquire a lease-hold interest in, to reconstruct, construct additions to, own, maintain, equip and to lease or sell its interest in the sewer system or any part thereof for the collection, conveyance, treatment and disposal of sewage of the Southwest sewer district of the county of Suffolk, which may include any or all right, title and interest of the county of Suffolk, or of the Southwest sewer district of said county, in and to any land and rights in land, any buildings, structures and improvements now or at any time hereafter erected or constructed upon such land or rights in land, any fixtures attached thereto, and any personal property of any kind and description, whether the same is a structural or nonstructural component, and any alterations, replacements, additions or substitutions for any of the foregoing, and (ii) to finance the foregoing, or any part thereof, through the issuance of its bonds and notes.

3. Notwithstanding any inconsistent provision of law, all of the terms and conditions with respect to the bonds and notes authorized by subdivision two hereof, including but not limited to the fees to be paid for the preparation or servicing thereof, the financing agreements, resolutions or arrangements needed or required to carry out the provisions of such subdivision, and all indemnification agreements shall be subject to the prior approval of the state comptroller.

* NB Agency expires per §§ 856 and 882

*** § 911-b. County of Oswego industrial development agency.** For the benefit of the county of Oswego and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF OSWEGO INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Oswego, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Oswego. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 911-c. Town of Montgomery industrial development agency.** For the benefit of the Town of Montgomery and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF MONTGOMERY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Montgomery. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 911-d. Town of Colonie industrial development agency.** For the benefit of the town of Colonie and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF COLONIE INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Colonie, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans; provided, however, that in the event a project is, or is to be located partially outside the corporate limits of the town of Colonie, such agency may acquire real property without the corporate limits of the town of Colonie, whether by purchase, condemnation or otherwise, only after it has obtained the prior consent of the governing bodies of all the other municipal corporations in which a part or parts of the project is, or is to be located. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Colonie. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 912. Tioga county industrial development agency.** For the benefit of the county of Tioga and the inhabitants thereof, an industrial development agency, to be known as the TIOGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter or for the promotion and development of recreational facilities in the county of Tioga in order to promote and protect the health of the inhabitants and to increase trade and attract tourists. 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 article eighteen-A of this chapter upon industrial development agencies. Projects shall mean and include recreational facilities. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Tioga. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 912-a. County of Putnam industrial development agency.** For the benefit of the county of Putnam and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF PUTNAM INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Putnam, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Putnam. 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 article eighteen-A of this chapter.

* NB Agency expired per § 856

*** § 912-b. Orange county industrial development agency.** 1. For the benefit of the county of Orange and the inhabitants thereof, an industrial development agency, to be known as the ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of this article. 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 upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of this article. Its members shall be appointed by the governing body of the county of Orange. 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.

** 2. For purposes of this section:

(a) "financial assistance" shall mean any financial assistance offered by the Orange county industrial development agency for any project, including but not limited to, a payment in lieu of taxes agreement, an agreement to waive sales tax, or an agreement to waive mortgage recording taxes.

(b) "monitor" shall mean the independent monitor appointed by the state inspector general under paragraph (a) of subdivision three of this section.

(c) "funding corporation" shall mean the Orange County Funding Corporation, a local development corporation established pursuant to section fourteen hundred eleven of the not-for-profit corporation law.

** NB Repealed May 3, 2030

** 3. (a) In accordance with the powers of the office of the state inspector general established by subdivision eight of section fifty-four of the executive law, the state inspector general shall appoint an independent monitor to carry out the provisions of this section including but not limited to providing guidance and technical assistance related to the policies, practices, programs and decisions of the Orange county industrial development agency and the funding corporation, including but not limited to decisions, actions and policies related to contracts and financial assistance agreements. The state inspector general shall appoint such monitor within ninety days of the effective date of this subdivision or as soon thereafter as is practicable. After such appointment, the inspector general may only remove the monitor for violations of law.

(b) The reasonable and necessary expenses incurred by the monitor while performing their official duties shall be paid by the industrial development agency and the funding corporation, in such proportions as the state inspector general shall verify and determine are attributable to each entity's matters. The state inspector general shall determine and verify: (i) the reasonable and necessary expenses incurred by the monitor in the performance of duties under this section; (ii) any reasonable and necessary expenses and costs, including but not limited to attorneys' fees and litigation costs, incurred by the monitor or the office of the state inspector general in connection with the appointment, retention, administration, oversight, defense, indemnification, representation, enforcement or continuation of the monitor; and (iii) the proportion of such expenses and costs attributable to the industrial development agency and the funding corporation. The obligation to pay pursuant to this paragraph shall apply to all such expenses and costs incurred on and after the date the monitor was first appointed pursuant to paragraph (a) of this subdivision, whether or not previously invoiced, noticed or demanded. Not later than thirty days after the effective date of the chapter amending the laws of two thousand twenty-six that amended this paragraph, each such entity shall pay all unpaid amounts determined and verified by the state inspector general pursuant to this paragraph; provided, however, that if the state inspector general provides written notice of any additional amount due after such date, such amount shall be paid within thirty days after receipt of such notice. For each state fiscal year thereafter, each such entity shall pay any amount determined and verified by the state inspector general pursuant to this paragraph not later than thirty days after receipt of written notice from the state inspector general of the amount due. Notwithstanding any other provision of law to the contrary, if the industrial development agency or the funding corporation fails to pay any amount required to be paid pursuant to this paragraph by the applicable date required by this paragraph, any contract or financial assistance entered into or proposed to be entered into on or after such applicable date by such industrial development agency or funding corporation shall not be legally binding or effective and may not be reconsidered until the state inspector general certifies in writing that all amounts required to be paid by such agency or corporation pursuant to this paragraph, including all unpaid amounts incurred before the effective date of the chapter of the laws of two thousand twenty-six that amended this paragraph, have been paid in full; provided, however, that nothing in this sentence shall affect the validity of any contract or financial assistance entered into before such applicable date. Notice of any suspension of the industrial development agency or funding corporation's ability to enter contracts or provide financial assistance pursuant to this section shall be publicly posted both on the website of the state inspector general, and on the website or websites of the industrial development agency or funding corporation. Any action taken in violation of this paragraph shall be void and shall not be legally binding or effective. Notwithstanding any other provision of law, while acting within the scope of their authority, the monitor shall not be subject to any liability resulting from carrying out any of the powers expressly given in this section, and the monitor shall be entitled to defense and indemnification by the industrial development agency and the funding corporation.

(c) The monitor shall be entitled to attend all meetings of the industrial development agency and the funding corporation, including executive sessions; provided however, such monitor shall not be considered for purposes of establishing a quorum of the board, provided further that the monitor may be excused from executive sessions when proposed, pending or current litigation involving the monitor or the office of the state inspector general are being discussed. The industrial development agency shall cooperate with any monitor with access, within forty-eight hours of such request from the monitor, to any necessary documents and records of the industrial development agency including but not limited to databases and planning documents, financial assistance agreements, and contracts consistent with all applicable state and federal statutes. The monitor shall provide a copy of such request for any document or record to the industrial development agency board.

(d) The board shall provide the monitor with copies of any meeting agendas and all resolutions and motions on such agenda for each board meeting no later than seventy-two hours prior to such board meeting. If a proposed resolution or motion is for the purpose of approving a contract or any financial assistance for a project, the board clerk shall provide the monitor with copies of the proposed contract or financial assistance language at least seven days prior to such meeting.

(e) In the event the monitor is not provided with copies of proposed resolutions or motions seventy-two hours prior to a board meeting or in the case of a proposed motion or resolution for the purpose of approving a contract or financial assistance, seven days prior to the next board meeting, the monitor may, at their discretion, remove an item including board resolutions or motions, from consideration by the board at such meeting. Upon failure of the board to provide proposed resolutions or motions as required by this section, the monitor shall provide notice of failure to the board. An item removed from consideration by the monitor may not be reconsidered by the board until the next board meeting.

(f) The monitor shall have the power to review any modification to the industrial development agency's uniform tax exemption policy required by section eight hundred seventy-four of this article, contract or financial assistance proposed for consideration by the industrial development agency proposed by the board on or after the effective date of this subdivision; provided however, that all such proposed modifications to the industrial development agency's uniform tax exemption policy required by section eight hundred seventy-four of this article, contracts or agreements shall be provided by the industrial development agency board to the monitor at least seven days prior to adoption.

(i) At least seventy-two hours prior to adoption by the board, the monitor shall advise the board or employees of the industrial development agency, in writing, of the existence of violations of the industrial development agency's uniform tax exemption policy required by section eight hundred seventy-four of this article, actual or potential conflicts of interest, or violations of law arising from a proposed contract or financial assistance agreement that the industrial development agency shall consider before entering into any such contract or agreement.

(ii) The board shall document for its own records the existence and resolution of any actual or potential conflict of interest or other violation identified by the monitor.

(iii) No such contract or agreement may be voted on, approved or entered into by the industrial development agency unless such actual or potential conflict of interest or violation has been resolved to the satisfaction of the monitor, and unless the monitor has advised the board or employees, in writing, of their approval.

(iv) At least seventy-two hours prior to adoption by the board, the monitor shall advise the board or employees, in writing, of their disapproval of any changes to the industrial development agency's uniform tax exemption policy; provided additionally, that within thirty days after their appointment, the monitor shall advise such board or employees, in writing, of their disapproval of any changes to the industrial development agency's uniform tax exemption policy made by the board that were made on or after the effective date of this subdivision until such monitor's appointment. Any such change to the uniform tax exemption policy disapproved by the monitor shall not be effective, and shall not be reconsidered by the board for at least ten days or until the next board meeting; provided, however, that any change to the uniform tax exemption policy that was made by the board on or after the effective date of this subdivision until such monitor's appointment that is disapproved by the monitor shall not affect the validity of any prior agreement entered into prior to the monitor's appointment.

(v) At least seventy-two hours prior to adoption by the board, the monitor shall advise the board or employees, in writing, of their disapproval of any proposed contract or agreement with a project applying for financial assistance that would permit a deviation from the industrial development agency's uniform tax exemption policy required by section eight hundred seventy-four of this article. Any such proposed contract or financial assistance agreement that would permit a deviation from such policy shall not be effective, and may not be reconsidered by the board for at least ten days or until the next board meeting.

(vi) The monitor shall have seventy-two hours after any contract or financial assistance is approved to review such financial assistance or contract, and if a violation of policy related to the industrial development agency's uniform tax exemption policy required by section eight hundred seventy-four of this article, a conflict of interest, or a violation of law is identified during such time period, the monitor shall notify the industrial development agency in writing. Any such contract or financial assistance so identified by the monitor shall not be legally binding or effective, and may not be reconsidered by the board for at least ten days or until the next board meeting.

(g) The board, in consultation with the monitor, shall adopt a conflict of interest policy, or revise an existing conflict of interest policy, that complies with all existing applicable laws, rules and regulations, including article eighteen of this chapter. The conflict of interest policy shall include, but not be limited to:

(i) a definition of the circumstances that constitute a conflict of interest;

(ii) procedures for identifying, disclosing and resolving a conflict of interest to the board;

(iii) a requirement that the person with the conflict of interest not be present at or participate in board deliberations or votes on the matter giving rise to such conflict, provided that nothing in this paragraph shall prohibit the board from requesting that the person with the conflict of interest present information as background or answer questions at a board meeting prior to the commencement of deliberations or voting thereto;

(iv) a prohibition against any attempt by the person with the conflict to influence improperly the deliberation or voting on the matter giving rise to such conflict;

(v) compliance with all applicable state laws and regulations; and

(vi) a requirement that the existence and resolution of the conflict be documented in the board's records, including in the minutes of any meeting at which the conflict was discussed or voted upon.

(h) The monitor may advise the board and any industrial development agency officers, employees or agents to undergo any training as deemed necessary.

(i) (i) The funding corporation shall provide the monitor with copies of any meeting agendas and all proposed resolutions and motions to be considered by the board of directors no later than seventy-two hours prior to such meeting. If a proposed resolution or motion is for the purpose of authorizing or approving a contract, agreement, financing, issuance of bonds, notes or other obligations, property transaction, or project, the funding corporation shall provide the monitor with copies of the proposed transactional documents and material supporting documentation at least seven days prior to such meeting.

(ii) In the event the monitor is not provided with materials within the time periods required by this paragraph, the monitor may, in their discretion, remove an item from consideration by the board of directors at such meeting. An item removed from consideration by the monitor may not be reconsidered by the board of directors until the next meeting.

(iii) At least seventy-two hours prior to consideration by the board of directors, the monitor shall advise the funding corporation, in writing, of the existence of: (A) any actual or potential conflicts of interest; (B) any violations of the funding corporation's conflict of interest policy; (C) any violations of section seven hundred fifteen or section seven hundred fifteen-a of the not-for-profit corporation law; (D) any failure to comply with the funding corporation's certificate of incorporation; or (E) any other violations of law arising from a proposed transaction or project.

(iv) The board of directors shall document for its own records the existence and resolution of any actual or potential conflict of interest or other violation identified by the monitor.

(v) No such contract, agreement, financing, issuance, property transaction, or project may be voted on, approved, authorized, or entered into by the funding corporation unless such actual or potential conflict of interest or violation has been resolved to the satisfaction of the monitor and the monitor has advised the funding corporation, in writing, of the monitor's approval.

(vi) In determining whether to approve a proposed project or financing, the monitor may require the funding corporation to demonstrate that there is a commitment of funds sufficient to finance the acquisition and construction of the project, taking into consideration commitments of funds, projections of fees or other revenues, and security.

** NB Repealed May 3, 2030

** 4. The monitor shall undertake an enhanced review of the budget decisions and financial assistance agreements of the industrial development agency.

(a) The board shall annually submit the industrial development agency's proposed budget for the next succeeding fiscal year to the monitor no later than forty-five days prior to its adoption. The monitor shall review the budget to ensure that it, to the greatest extent possible, is consistent with purposes and necessary activities of the Orange county industrial development agency, and that it does not substantially conflict with the long term economic interests of Orange county and its constituents.

(b) The board shall provide quarterly reports to the monitor and annual reports to the state inspector general on the operational status of the industrial development agency. In addition, the monitor shall provide semi-annual reports to the state inspector general, the governor, the temporary president of the senate, and the speaker of the assembly on the fiscal and operational status of the industrial development agency. Such semi-annual report shall include a summary of all the contracts that the board entered into throughout the year. All reports shall be subject to review by the comptroller.

(c) The monitor shall advise the board in the development and revision of the industrial development agency's goals, implementation of its priorities and budgetary recommendations.

(d) The monitor may recommend, and the board may consider by vote of a resolution at the next scheduled meeting of the board, cost saving measures including, but not limited to, shared service agreements.

(e) Upon receiving a recommendation, in writing, from the monitor, the board shall consider such recommendation and, within forty-five days of receiving such recommendation, hold a vote on accepting such recommendation. Such recommendation shall only be rejected upon at least five members of the board voting to reject such recommendation. Such recommendations requiring such a vote shall include, but not be limited to, recommendations relating to contracts, budget decisions, and financial assistance agreements.

** NB Repealed May 3, 2030

** 5. The monitor shall, at their discretion, direct the board to recoup financial assistance, in full or in part, where the recipient of financial assistance failed to execute and complete the terms of a contract, agreement or understanding including, but not limited to, job creation goals and the development of promised facilities or operations.

** NB Repealed May 3, 2030

** 6. The Orange county funding corporation, established by Orange county resolution number one hundred twenty-five of the year two thousand ten is a local development corporation established pursuant to section fourteen hundred eleven of the not-for-profit corporation law. The funding corporation shall comply with the applicable provisions of subdivision three of this section, and the monitor shall have the powers set forth in paragraph (i) of subdivision three of this section with respect to the funding corporation.

** NB Repealed May 3, 2030

** 7. Notwithstanding any other provision of law to the contrary, the monitor may commence an action or special proceeding in any court of competent jurisdiction to enjoin unlawful acts or practices by the industrial development agency or the funding corporation and to compel compliance with this section, including the recovery of amounts due to the monitor for reasonable and necessary expenses and costs, including but not limited to attorneys' fees and litigation costs, authorized by this section.

** NB Repealed May 3, 2030

** 8. Nothing in this section shall be construed to abrogate the duties and responsibilities of the board consistent with applicable state law and regulations.

** NB Repealed May 3, 2030

* NB Agency expires per §§ 856 and 882

*** § 913. City of Newburgh industrial development agency.** For the benefit of the city of Newburgh and the inhabitants thereof, an industrial development agency, to be known as the CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall organize in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Newburgh. 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 article eighteen-A of this chapter. It shall be the successor in interest to the agency created by chapter three hundred four of the laws of nineteen hundred seventy-one.

* NB Agency expired per § 856

* NB There are 2 § 913's

*** § 913. City of Newburgh industrial development agency.** For the benefit of the City of Newburgh and the inhabitants thereof, an industrial development agency, to be known as the CITY OF NEWBURGH INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall organize in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Newburgh. 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 article eighteen-A of this chapter.

* NB There are 2 § 913's
* NB Expired July 22, 1982

*** § 914. St.** Lawrence county industrial development agency. 1. For the benefit of the county of St. Lawrence and the inhabitants thereof, an industrial development agency, to be known as the ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies and provide 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 county of St. Lawrence, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of St. Lawrence. The agency, its members, officers and employees and its operations and activities shall, except as provided specifically herein, be governed by the provisions of title one of article eighteen-A of this chapter.

2. In addition to the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter, the agency shall have the power (i) to acquire, construct, own, maintain, and lease or sell to a railroad or private business corporation any interest in railroads operated within St. Lawrence county, including easements or rights of way, necessary switching apparatus, track, and other equipment necessary or convenient to the operation of such railroad, which will be used in conjunction with industrial, manufacturing, commercial or warehousing operations and (ii) to finance such facilities through the issuance of its bonds and notes, when in the judgment of the agency, such facilities will serve to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and research facilities including industrial pollution control facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the state and improve their prosperity and standard of living.

* NB Agency expires per §§ 856 and 882

*** § 914-a. Essex county industrial development agency.** For the benefit of the county of Essex and the inhabitants thereof, an industrial development agency, to be known as the ESSEX COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Essex, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Essex. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

* NB There are 3 § 914-a's

*** § 914-a. Town of Amherst industrial development agency.** For the benefit of the town of Amherst in the county of Erie, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the power and duties now or hereafter conferred by title one of 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 Amherst, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Amherst. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

* NB There are 3 § 914-a's

*** § 914-a. County of Chenango industrial development agency.** For the benefit of the county of Chenango and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF CHENANGO INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Chenango, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Chenango. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

* NB There are 3 § 914-a's

*** § 916. County of Monroe industrial development agency.** For the benefit of the county of Monroe and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Monroe. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 916-a. The Niagara county industrial development agency.** 1. For the benefit of the county of Niagara and the inhabitants thereof, an industrial development agency, to be known as the NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies and provide 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 county of Niagara, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Niagara. The agency, its members, officers and employees and its operations and activities shall, except as provided specifically herein, be governed by the provisions of title one of article eighteen-A of this chapter.

2. In addition to the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter, the agency shall have the power (i) to acquire, construct, own, maintain, and lease or sell to a railroad or private business corporation any interest in railroads operated within Niagara county, including easements or rights of way, necessary switching apparatus, track, and other equipment necessary or convenient to the operation of such railroad, which will be used in conjunction with industrial, manufacturing, commercial or warehousing operations and (ii) to finance such facilities through the issuance of

its bonds and notes, when in the judgment of the agency, such facilities will serve to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, and research facilities including industrial pollution control facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the state and improve their prosperity and standard of living.

3. Notwithstanding the provisions of subdivision two of section eight hundred fifty-six of article eighteen-A of this chapter, the agency shall consist of not less than three nor more than nine members who shall be appointed by the governing body of the county of Niagara.

* NB Agency expires per §§ 856 and 882

*** § 917. City of Poughkeepsie industrial development agency.** For the benefit of the City of Poughkeepsie and the inhabitants thereof, an industrial development agency, to be known as the CITY OF POUGHKEEPSIE INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 City of Poughkeepsie, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the City of Poughkeepsie. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

* NB There are 2 § 917's

*** § 917. New York City Industrial Development Agency.** (a) Legislative intent. It is the policy and intent of the City of New York to promote the economic welfare of its inhabitants and to actively promote, attract, encourage and develop economically sound commerce and industry through governmental action for the purpose of preventing unemployment and economic deterioration by the creation of a New York City Industrial Development Agency. It is recognized that the viability and integrity of the residential communities in New York City should be protected and maintained so that no person be deprived of his place of residence by any condemnation for economic or industrial development undertaken pursuant to this article.

(b) For the purpose of this section "city" means the city of New York.

(b-1) For the purposes of this section, "rail freight facility" shall mean, but shall not be limited to, railroad rights-of-way, beds, bridges, viaducts, tracks, switches and any other attendant structure, facility, fixture or property necessary or appropriate for rail freight transportation conducted in conjunction with industrial, commercial, manufacturing, or warehousing operations solely for the purpose of providing or improving freight rail service between an industrial or commercial facility or group of such facilities in physical proximity to one another and a main line railroad track, freight yard or other means of connection to main line railroad facilities; provided, however, that (i) with respect to any rail freight facility project the New York City Industrial Development Agency shall be restricted solely to the provision of financial assistance for such rail freight facility; (ii) that the project may not include any main line track (except to the extent that the project may include replacement of the amount of main line track used for passenger and/or freight service required to provide a suitable connection), any passenger facilities of any kind, or any rights-of-way, bridges or viaducts used for any purpose other than the rail transportation of freight from the industrial, commercial, manufacturing or warehousing facility or facilities to be served by the rail service to the main line track or other freight facility, provided, however, that nothing herein shall prohibit the project from including bridges or viaducts with separate provision for pedestrian traffic when it is determined that a separate pedestrian walkway is necessary or desirable for safety purposes; (iii) prior to undertaking the financing of any rail freight facility the New York City Industrial Development Agency shall submit a written description of such rail freight facility project to the commissioner of transportation who shall, within thirty days of receipt of such description, provide written comments on such project to the New York City Industrial Development Agency; and (iv) the New York City Industrial Development Agency shall not enter into any contract for providing financial assistance to such rail freight facility project until the earlier of either the date on which the New York City Industrial Development Agency addresses the comments of the commissioner of transportation to the satisfaction of such commissioner, or, if such commissioner has not submitted written comments, forty-five days after the New York City Industrial Development Authority submitted the written project description required by paragraph (iii) of this subdivision.

* (c) For the benefit of the city and the inhabitants thereof an industrial development agency, to be known as the New York City Industrial Development Agency, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter, except that it shall not have the power to construct or rehabilitate any residential facility or housing of any nature and kind whatsoever, nor shall it use any of its funds to further the construction or rehabilitation of any residential facility or housing of any nature and kind whatsoever. It shall constitute a body corporate and politic, and be perpetual in duration. It shall only have the powers and duties conferred by title one of article eighteen-A of this chapter upon industrial development agencies as of January 1, 1973 except that it shall have the power to finance a rail freight facility and it shall not have the power of condemnation. In the exercise of the powers conferred upon such agency with respect to the acquisition of real property by article eighteen-A of this chapter such agency shall be limited to the geographical jurisdictional limits of the city.

* NB Effective until May 15, 2024

* (c) For the benefit of the city and the inhabitants thereof an industrial development agency, to be known as the New York City

Industrial Development Agency, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter, except that it shall not have the power to construct or rehabilitate any residential facility or housing of any nature and kind whatsoever, nor shall it use any of its funds to further the construction or rehabilitation of any residential facility or housing of any nature and kind whatsoever. It shall constitute a body corporate and politic, and be perpetual in duration. It shall only have the powers and duties conferred by title one of article eighteen-A of this chapter upon industrial development agencies as of January 1, 1973 except that it shall have the power to finance a rail freight facility and the power to establish employment goals in accordance with the program established pursuant to section thirty-five hundred two of the New York city charter, including but not limited to employment goals established pursuant to paragraph seven of subdivision a and the corresponding best efforts provisions set forth in subdivision d of such section; provided, however, that where a provision of such section requires action by the director of the office of community hiring and workforce development, such action shall not be taken by the director of the office of community hiring and workforce development but shall be taken by the chief executive officer of the agency or his or her designee, and it shall not have the power of condemnation. In the exercise of the powers conferred upon such agency with respect to the acquisition of real property by article eighteen-A of this chapter such agency shall be limited to the geographical jurisdictional limits of the city.

* NB Effective May 15, 2024 until May 15, 2029

* (c) For the benefit of the city and the inhabitants thereof an industrial development agency, to be known as the New York City Industrial Development Agency, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter, except that it shall not have the power to construct or rehabilitate any residential facility or housing of any nature and kind whatsoever, nor shall it use any of its funds to further the construction or rehabilitation of any residential facility or housing of any nature and kind whatsoever. It shall constitute a body corporate and politic, and be perpetual in duration. It shall only have

the powers and duties conferred by title one of article eighteen-A of this chapter upon industrial development agencies as of January 1, 1973 except that it shall have the power to finance a rail freight facility and it shall not have the power of condemnation. In the exercise of the powers conferred upon such agency with respect to the acquisition of real property by article eighteen-A of this chapter such agency shall be limited to the geographical jurisdictional limits of the city.

* NB Effective May 15, 2029

(d) It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter, except that its board shall consist of fifteen members. Among its membership shall be the city comptroller, the city administrator of the economic development administration, the corporation counsel of such city and the chairman of the city planning commission of such city, each of whom shall have the power to designate an alternate to represent them at board meetings with all the rights and powers, including the right to vote, reserved to all board members, provided that such designation be in writing to the chairman of the board. Six of the remaining eleven members shall be appointed by the mayor of such city upon consultation with the economic development council, business and labor organizations and elected officials and five shall be appointed by the mayor upon designation by the borough improvement boards of such city, one member from each borough.

(e) The Mayor shall designate the chairman of the board, who shall serve at the pleasure of the Mayor.

(f) The terms of the directors first appointed by the Mayor, other than the chairman of the board shall be as follows:

four shall serve for terms of one year each, two of whom shall have been designated by the borough improvement boards;

three shall serve for terms of two years each, two of whom shall have been designated by the borough improvements boards;

three shall serve for terms of three years each, one of whom shall have been designated by the borough improvement boards; thereafter the successors of all ten such directors shall serve for terms of three years each. The Mayor shall fill any vacancy which may occur by reason of death, resignation, or otherwise in a manner consistent with the original appointment. Members may be removed by the Mayor for cause after a hearing upon ten days' written notice. Such members shall receive no compensation for their services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties.

(g) The chief executive officer of the agency shall be appointed by a two-thirds vote of the board of directors.

(h) The agency, its members, officers, and employees, shall be subject to article fourteen of the civil service law and for all such purposes the agency shall be deemed the "public employer" and its members, officers and employees shall be deemed "public employees"; provided, however, that chapter fifty-four of the New York City Charter, chapter fifty-four of the Administrative Code of the City of New York, and executive order number fifty-two dated September twenty-ninth, nineteen hundred sixty-seven, issued by the Mayor of the City, shall apply to the agency, its members, officers and employees except that section eight of said executive order shall not be applicable. The agency shall establish general and special grievances as defined in chapter fifty-four of the Administrative Code of the City except as otherwise provided in collective bargaining agreements.

(i) The City shall have the power to make, or contract to make grants or loans, including but not limited to grants or loans of money, to the agency in such amounts, upon such terms and conditions and for such period or periods of time as in the judgment of the City and the agency are necessary or appropriate for the accomplishment of any of the purposes of the agency.

(j) The city shall have the power to condemn property for transfer to the New York City Industrial Development Agency under title one of article eighteen-A of this chapter upon the request of two-thirds of the members of the Board of Directors of the New York city industrial development agency. No property shall be condemned on behalf of the agency which is zoned "residential" as defined in the zoning resolution of the city, or which is occupied in whole or in part as a dwelling or residence.

(k) For the purpose of this section "governing body" as used in such title one of article eighteen-A of this chapter shall mean the Mayor of the City. Except as otherwise provided in this section, the agency, its members, officers and employees, and its operations and activities shall be governed by the provisions of title one of article eighteen-A of this chapter.

(l) The city shall save harmless and indemnify any person who is serving or has served as a director or officer or as employee of the New York City Industrial Development Agency against any financial loss arising out of or in connection with any claim, demand, suit or judgment, based on a cause of action involving allegations that pecuniary harm was sustained by any person as a result of any transaction, act or omission to act of the Industrial Development Agency or of any action or inaction or vote of any director, officer or employee of such Agency unless such individual is found by a final judicial determination not to have acted in good faith for a purpose he reasonably believed to be in the best interests of the Agency or not to have had reasonable cause to believe that his conduct was lawful. Provided, however, that such individual must transmit to the corporation counsel of the city of New York any notice of claim, summons or complaint or other analogous paper served on him within ten days of its receipt unless prevented from doing so by compelling circumstances. The corporation counsel shall, without charge, represent any such individual unless unable to do so by reason of conflict of interest. In the event that the corporation counsel is unable to give such representation, the city of New York shall indemnify the individual for any reasonable litigation expense incurred by him.

* NB Agency expires per §§ 856 and 882

* NB There are 2 § 917's

*** § 918. Village of Buchanan industrial development agency.** For the benefit of the village of Buchanan and the inhabitants thereof, an industrial development agency, to be known as the VILLAGE OF BUCHANAN INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 village of Buchanan, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the village of Buchanan. 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 article eighteen-A of this chapter.

* NB Agency expired per § 856

*** § 919. Glen Cove industrial development agency.** For the benefit of the city of Glen Cove and the inhabitants thereof, an industrial development agency, to be known as the GLEN COVE INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Glen Cove, 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 article eighteen-A of this chapter. Its members shall be appointed by the mayor of the city of Glen Cove. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 919-a. City of Peekskill industrial development agency.** For the benefit of the city of Peekskill and the inhabitants thereof, an industrial development agency, to be known as the CITY OF PEEKSKILL INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall organize in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Peekskill. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 920. City of Hornell industrial development agency.** For the benefit of the city of Hornell and the inhabitants thereof, an industrial development agency, to be known as the CITY OF HORNELL INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies. It shall organize in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the chief executive officer of the city of Hornell, subject to the approval of the governing body. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 921. Village of Liberty industrial development agency.** For the benefit of the village of Liberty and the inhabitants thereof, an industrial development agency, to be known as the VILLAGE OF LIBERTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 village of Liberty, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the village of Liberty. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 922. Nassau county industrial development agency.** 1. For the benefit of the county of Nassau and the inhabitants thereof, an industrial development agency, to be known as the Nassau county industrial development agency, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Nassau, 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 article eighteen-A of this chapter. Its members shall be appointed by the county executive subject to confirmation by the board of supervisors of Nassau county, and all of the agency's accounts, contracts, books and records shall be subject to audit by the county comptroller pursuant to section five hundred seventy-seven of the county law. 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 article eighteen-A of this chapter.

2. Prior to the approval of any application for a payment in lieu of taxes (hereinafter referred to in this section as "PILOT") agreement by the agency for a project located in the village of Freeport or the village of Hempstead, the chief executive officer of the affected village shall be consulted. The agency shall also consult with the village governing body prior to any PILOT agreement being approved by the agency for a project located in the village of Freeport or the village of Hempstead. In addition, the agency shall obtain an impact analysis to determine the impact on the village of the project and the planned PILOT agreement. The applicant for such PILOT agreement shall bear the costs related to the required impact analysis. The agency and the village governing body shall jointly select a qualified entity to conduct the impact analysis. The membership of the agency, when reviewing applications and approving PILOT agreements for projects located in the village of Freeport or the village of Hempstead, shall include at least one member of such village's governing body and at least three at large members drawn from a cross section of the village community.

3. The agency shall review any PILOT agreement for a project located in the village of Freeport or the village of Hempstead after the third year of entering into such PILOT agreement, and every third year thereafter, and adjust the PILOT agreement accordingly based on changes to the assessed value and tax rate of all other real properties located in such villages.

4. A PILOT agreement for a project located in the village of Freeport or the village of Hempstead shall not be renewed or renegotiated until a full audit has been completed of the accounts of the party obligated to make payments in lieu of taxes pursuant to the PILOT agreement with the agency. The agency and the village governing body shall jointly choose a qualified entity to conduct such audit. The party that is obligated to make payments in lieu of taxes pursuant to the PILOT agreement with the agency shall bear the costs of preparing such audit. The village of Freeport or the village of Hempstead may request from the office of the state comptroller an audit or review of the audit prior to the renewal or renegotiation of a PILOT agreement for a project located in the village of Freeport or the village of Hempstead.

* NB Agency expires per §§ 856 and 882

*** § 922-a. Village of Hastings-on-Hudson industrial development agency.** (a) For the benefit of the village of Hastings-on-Hudson, Westchester county, and the inhabitants thereof, an industrial development agency, to be known as the VILLAGE OF HASTINGS-ON-HUDSON INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter. It shall have, in addition to the powers granted herein, all the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter upon industrial development agencies, provided that in the exercise of the powers by such agency with respect to the acquisition and use of real property such agency shall take into consideration local zoning and planning regulations as well as regional and local comprehensive land use plans. It shall be organized in the manner prescribed by and, except as provided specifically herein, shall be subject to the provisions of title one of article eighteen-A of this chapter. The agency, its members, officers and employees and its operations and activities, except as provided specifically herein, shall be governed by the provisions of title one of article eighteen-A of this chapter.

(b) In addition to the powers and duties now or hereinafter conferred by title one of article eighteen-A of this chapter, the agency shall have the power (i) to acquire, construct, renovate, own, maintain, improve, equip and lease, with an option to buy, or sell any interest in one or more warehousing facilities, including, without limitation, storage tanks for oil and other petroleum products, whether presently existing or to be constructed, together with necessary harbor facilities, loading facilities, roadways, equipment and other related facilities necessary or convenient thereto and (ii) to finance the acquisition of such facilities through the issuance of its bonds and notes, when, in the judgment of the agency, such facilities will serve to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehousing, commercial, and research facilities including industrial pollution control facilities and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the state of New York and improve their prosperity and standard of living.

* NB Agency expires per §§ 856 and 882

*** § 923. Ulster county industrial development agency.** For the benefit of the county of Ulster and the inhabitants thereof, an industrial development agency, to be known as the ULSTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Ulster, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Ulster. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 923-a. County of Westchester industrial development agency.** For the benefit of the county of Westchester and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF WESTCHESTER INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Westchester and such agency shall take into consideration the local zoning and planning regulations as well as regional and local land use plans. The agency shall not use its funds to commence any project unless (i) at least thirty days' prior notice of such project shall have been given to each local municipality in which a part or parts of the project is, or is to be, located and (ii) no objection, by resolution of the governing body of such municipality, shall have been made and delivered to the agency within such thirty days. Notwithstanding the provisions of the next preceding sentence, in the case of a project which is, or is to be, located within a village within the county of Westchester, notice to such village shall be sufficient as to any part or parts of the project within the village and no other notice shall be required to be given to any other municipality in which such village is located with respect thereto. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter and shall consist of seven members. Its members shall be appointed by the chief executive officer of the county of Westchester, subject to confirmation by its governing body. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 923-b. City of Glens Falls industrial development agency.** For the benefit of the city of Glens Falls and the inhabitants thereof, an industrial development agency, to be known as the CITY OF GLENS FALLS INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Glens Falls, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Glens Falls. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 924. Southeast industrial development agency.** For the benefit of the town of Southeast and the inhabitants thereof, an industrial development agency, to be known as the SOUTHEAST INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 by purchase, shall be limited to the corporate limits of the town of Southeast, 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 article eighteen-A of this chapter. Notwithstanding the provisions of subdivision four of section eight hundred fifty-eight of article eighteen-A of this chapter, such agency shall not have the power to acquire real property by condemnation. Its members shall be appointed by the governing body of the town of Southeast. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 925. Dutchess county industrial development agency.** For the benefit of the county of Dutchess and the inhabitants thereof, an industrial development agency, to be known as the DUTCHESS COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Dutchess, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Dutchess. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

* **§ 925-h. Schenectady county industrial development agency.** For the benefit of the county of Schenectady and the inhabitants thereof, an industrial development agency, to be known as the SCHENECTADY COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 county of Schenectady, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Schenectady. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

* **§ 925-k. City of Mechanicville and town of Stillwater industrial development agency.** For the benefit of the city of Mechanicville and the town of Stillwater, and the inhabitants thereof, an industrial development agency to be known as the CITY OF MECHANICVILLE AND TOWN OF STILLWATER INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all purposes specified in title one of 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 conferred by title one of article eighteen-A of this chapter upon industrial development agencies provided, that the exercise of the powers of 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 city of Mechanicville and the town of Stillwater and, shall be subject to local zoning and planning regulations and shall take into consideration 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 article eighteen-A of this chapter.

Its members shall be appointed by the governing bodies of the city of Mechanicville and the town of Stillwater respectively, each of which shall appoint four members constituting a total membership of eight. The agency, its members, officers and employees and its operations shall in all respects be governed by the provisions of title one of article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 925-l. County of Rockland industrial development agency.** (a) For the benefit of Rockland county and the inhabitants thereof an industrial development agency, to be known as the COUNTY OF ROCKLAND INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 conferred by title one of article eighteen-A of this chapter upon industrial development agencies, except as provided herein, and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase or otherwise, shall be limited to the corporate limits of Rockland county, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans.

(b) It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter, except that its board shall consist of five members who shall be appointed by the county executive, subject to confirmation by the governing body of Rockland county, for a term of three years, and except that of the members initially appointed to said board, two shall be appointed for a term of one year, two shall be appointed for a term of two years and one shall be appointed for a term of three years.

(c) The by-laws and any amendment, revision or modification thereof, adopted by the board of the agency shall have force or effect only after they have been approved by the governing body and the county executive of Rockland county.

(d) No action taken at any meeting of the board pursuant to subdivisions three and four except for condemnation proceedings, nine, ten, twelve or thirteen of section eight hundred fifty-eight of this chapter shall have force or effect until the county executive of Rockland county shall have an opportunity to approve or veto the same. For the purpose of procuring such approval or veto, the secretary or other officer of the board in charge of the minutes of the proceedings of the board shall transmit to the chairman of the county legislature and the county executive at their offices a certified copy of the minutes of every meeting of the board as soon after the holding of such meeting as such minutes can be prepared. The county executive shall within ten days, Saturdays, Sundays and public holidays excepted, after such minutes shall have been delivered to his office as aforesaid, cause the same to be returned to the board either with his approval or with his veto of any action therein recited, provided, however, that if the county executive shall not return the said minutes within the said period then at the expiration thereof any action therein recited will have full force and effect according to the wording thereof.

(e) Any and all transactions of private or non-agency business or of a private or non-agency commercial nature by and between members of the board and clients of or persons transacting business with the agency shall be entered fully and clearly upon the minutes of the next meeting of the board.

(f) The agency shall file with the county legislature and the county executive a complete financial statement concerning all of its affairs within thirty days of the end of each of its fiscal years.

(g) The books and records of the agency shall be audited annually by the department of audit of Rockland county and shall be subject to the provisions of the Freedom of Information Law.

(h) The agency shall have the power to issue negotiable bonds as provided in title one of article eighteen-A of this chapter, provided, however, that no projects shall be approved that would result in a net loss of jobs in the county and that not more than fifteen per centum of current agency indebtedness has been incurred for the financing of pollution control projects.

(i) Agency projects and projects promoted, developed and assisted by the agency shall be liable for payment in lieu of taxes in a sum equal to the full amount of real property and school taxes that would have been levied absent agency assistance, or, with the written agreement of any applicable taxing jurisdiction, in a sum equal to such lesser amount thereof as such taxing jurisdiction may designate. The agency shall require a beneficiary of financial assistance for projects subject to payments in lieu of real property taxes and school taxes to enter into an agreement with the agency or with the appropriate taxing jurisdictions requiring such beneficiary to make payments required by this subdivision. Any sums received by the agency pursuant to such an agreement shall be subject to the requirements of subdivision three of section eight hundred seventy-four of this article. Nothing herein provided, however, is to deprive the developer of any abatements granted by the state of New York.

(j) The agency shall not have the power to acquire real property, or rights or easements therein, by condemnation.

(k) Any resolution or resolutions authorizing any bonds or any issue of bonds shall not contain provisions, which are a part of the contract with the holders of the bonds thereby authorized, as to limitations on the rights of the agency to restrict and regulate the use of a project.

(l) Except as otherwise provided in this section, the agency, its members, officers and employees, and its operations and activities shall be governed by the provisions of title one of article eighteen-A of this chapter.

(m) Notwithstanding any provisions of law to the contrary, for purposes of the tax law the county executive shall be designated as the "applicable elected representative" with respect to the approval of industrial development bond issues for federal income tax purposes.

* NB Agency expires per §§ 856 and 882

*** § 925-m. Village of Green Island industrial development agency.** For the benefit of the village of Green Island and the inhabitants thereof, an industrial development agency, to be known as the VILLAGE OF GREEN

ISLAND INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 village of Green Island, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the village of Green Island. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 925-p. Town of Riverhead industrial development agency.** For the benefit of the town of Riverhead and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Riverhead, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of

Riverhead. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

* NB There are 2 § 925-p's

*** § 925-p. Town of Clifton Park industrial development agency.** For the benefit of the town of Clifton Park and the inhabitants thereof, an industrial development agency, to be known as the CLIFTON PARK INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Clifton Park, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Clifton Park. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

* NB There are 2 § 925-p's

*** § 925-r. Town of Hamptonburgh industrial development agency.** For the benefit of the town of Hamptonburgh and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF HAMPTONBURGH INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Hamptonburgh, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Hamptonburgh. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 925-v. Town of Hamburg industrial development agency.** 1. For the benefit of the town of Hamburg in the county of Erie, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Hamburg, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Hamburg. 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 article eighteen-A of this chapter.

2. Notwithstanding the provisions of subdivision two of section eight hundred fifty-six of article eighteen-A of this chapter, the agency shall consist of not less than three nor more than nine members who shall be appointed by the governing body of the town of Hamburg.

* NB Agency expires per §§ 856 and 882

*** § 925-z. Town of Waterford industrial development agency.** For the benefit of the town of Waterford and the inhabitants thereof, an industrial development agency, to be known as the WATERFORD INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies and provided that, except as provided herein, 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 Waterford, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans; provided, however, that in the event a project which is to be located partially outside the corporate limits of the town of Waterford and on a parcel or parcels of land contiguous to the town of Waterford, such agency may acquire real property without the corporate limits of the town of Waterford, whether by purchase, condemnation or otherwise, only after it has obtained the prior consent of the governing bodies of all the other municipal corporations in which a part or parts of the project is to be located. It shall be organized in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Waterford. The agency, its members, officers and employees and its operations and activities shall in all repects be governed by the provisions of title one of article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 926. City of Syracuse industrial development agency.** (a) For the benefit of the city of Syracuse and the inhabitants thereof, an industrial development agency, to be known as the CITY OF SYRACUSE INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter. It shall constitute a body corporate and politic, and be perpetual in duration. It shall consist of five members who shall be appointed by the mayor of the city of Syracuse and its chairman shall be designated by such mayor. It shall have the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter upon industrial development agencies. It shall organize in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. 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 article eighteen-A of this chapter.

(b) The city shall have the power to make, or contract to make grants or loans, including but not limited to grants or loans of money, to the agency in such amounts, upon such terms and conditions and for such period or periods of time as in the judgment of the city and the agency are necessary or appropriate for the accomplishment of any of the purposes of the agency.

* NB Agency expires per §§ 856 and 882

*** § 926-d. City of Middletown industrial development agency.** For the benefit of the city of Middletown and the inhabitants thereof, an industrial development agency, to be known as the CITY OF MIDDLETOWN INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Middletown, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the city of Middletown. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 926-i. Village of Groton industrial development agency.** For the benefit of the village of Groton, county of Tompkins, and the inhabitants thereof, an industrial development agency, to be known as the village of Groton industrial development agency, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies, 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 village of Groton, and such agency shall abide by the local zoning ordinances and planning regulations and shall take into consideration 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the village of Groton. 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 article eighteen-A of this chapter.

* NB Expired July 20, 2003

*** § 926-r. Hamilton county industrial development agency.** For the benefit of the county of Hamilton and the inhabitants thereof, an industrial development agency, to be known as the HAMILTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies, 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 county of Hamilton, and such agency shall abide by the local zoning ordinances and planning regulations and shall take into consideration 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the county of Hamilton. 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 article eighteen-A of this chapter.

* NB Agency shall continue in existence until July 21, 2016 per chapter 141/2006

*** § 927. Town of Mount Pleasant industrial development agency.** For the benefit of the town of Mount Pleasant and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF MOUNT PLEASANT INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 Mount Pleasant, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Mount Pleasant. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 927-a. Town of North Greenbush industrial development agency.** For the benefit of the town of North Greenbush and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF NORTH GREENBUSH INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 North Greenbush, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of North Greenbush. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882
* NB There are 2 § 927-a's

*** § 927-a. City of Geneva industrial development agency.** For the benefit of the city of Geneva and the inhabitants thereof, an industrial development agency, to be known as the CITY OF GENEVA INDUSTRIAL DEVELOPMENT AGENCY, is established for the accomplishment of any or all of the purposes specified in title one of 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 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 city of Geneva, 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 article eighteen-A of this chapter.

Its members shall be appointed by the governing body of the city of Geneva. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

* NB There are 2 § 927-a's

*** § 927-b. Village of Seneca Falls industrial development agency.** For the benefit of the village of Seneca Falls and the inhabitants thereof, an industrial development agency, to be known as the VILLAGE OF SENECA FALLS INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 village of Seneca Falls, 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the village of Seneca Falls. 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 article eighteen-A of this chapter.

* NB Agency expired per § 856

*** § 927-d. City of Utica industrial development agency.** For the benefit of the city of Utica and the inhabitants thereof, an industrial development agency, to be known as the CITY OF UTICA INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of article eighteen-A of this chapter. It shall constitute a body corporate and politic, and be perpetual in duration. It shall consist of five members who shall be appointed by the mayor of the city of Utica, and its chairman shall be designated by such mayor. It shall have the powers and duties now or hereafter conferred by title one of article eighteen-A of this chapter upon industrial development agencies. It shall organize in a manner prescribed by and be subject to the provisions of title one of article eighteen-A of this chapter. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 927-e. Town of Sand Lake industrial development agency.** For the benefit of the town of Sand Lake, county of Rensselaer, and the inhabitants thereof, an industrial development agency, to be known as the town of Sand Lake industrial development agency, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies, 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 Sand Lake, and such agency shall abide by the local zoning ordinances and planning regulations and shall take into consideration 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Sand Lake. 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 article eighteen-A of this chapter.

* NB Agency expires per §§ 856 and 882

*** § 927-f. Putnam county industrial development agency.** For the benefit of the county of Putnam and the inhabitants thereof, an industrial development agency, to be known as the PUTNAM COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 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 by purchase, shall be limited to the corporate limits of the county of Putnam, 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 article eighteen-A of this chapter. Notwithstanding the provisions of subdivision four of section eight hundred fifty-eight of article eighteen-A of this chapter, such agency shall not have the power to acquire real property by condemnation. Its members shall be appointed by the governing body of the county of Putnam. 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 article

eighteen-A of this chapter.
  * NB Agency expires per §§ 856 and 882

*** § 928. Town of Lockport industrial development agency.** For the benefit of the town of Lockport in the county of Niagara, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF LOCKPORT INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of 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 article eighteen-A of this chapter upon industrial development agencies; 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 Lockport 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 article eighteen-A of this chapter. Its members shall be appointed by the governing body of the town of Lockport. 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 article eighteen-A of this chapter.
  * NB Agency expires per §§ 856 and 882

ARTICLE 18-B

NEW YORK STATE EMPIRE ZONES

§ 955. Short title. This article shall be known and may be cited as the "New York state empire zones act."

§ 956. Statement of legislative findings and declaration. It is hereby found and declared that there exist within the state certain areas characterized by persistent and pervasive poverty, high unemployment, limited new job creation, a dependence on public assistance income, dilapidated and abandoned industrial and commercial facilities, and shrinking tax bases. These severe conditions require state government to target for these areas extraordinary economic and human resource development programs in order to stimulate private investment, private business development and job creation. It is the public policy of the state to offer special incentives and assistance that will promote the development of new businesses, the expansion of existing businesses and the development of human resources within these economically impoverished areas and to do so without encouraging the relocation of business investment from other areas of the state. It is further found and declared that it is the public policy of the state to achieve these goals through the mutual cooperation of all levels of state and local government and the business community.

§ 957. Definitions. As used in this article, the following words and terms shall have the following meanings unless the context shall indicate another or different meaning or intent:

(a) "Applicant" shall mean the county, city, town or village submitting an application in the manner authorized by local law for designation of an area as an empire zone.

(b) "Commissioner" shall mean the commissioner of economic development.

(c) "Minority-owned business enterprise" shall have the same meaning as provided in section three hundred ten of the executive law.

(d) "Empire zone" shall mean an area within the state that has been designated as an empire zone pursuant to this article and:

(i) all empire zones designated under paragraph (i) of subdivision (a) and subdivision (d) of section nine hundred fifty-eight of this article shall be referred to as "investment zones" and shall be wholly contained within up to three distinct and separate contiguous areas; provided, however, that empire zones designated prior to the enactment of this paragraph shall identify up to three distinct and separate contiguous areas, which shall equal up to their total allotted acreage at the time of designation by January first, two thousand six. Provided however, the existing zone must include as much designated acreage into the distinct and separate contiguous areas as possible. Provided, however, notwithstanding the provisions of paragraphs (i) and (ii) of subdivision (a) of section nine hundred fifty-eight and subdivision (d) of section nine hundred fifty-nine of this article a regionally significant project may be located outside of the investment zone's distinct and separate contiguous areas, provided such significant project is located within the zone applicant's municipal boundaries. Provided further however, if the investment zone is located in a county that does not have a development zone such significant project may be located within the county's boundaries. For the purpose of this article a "regionally significant project" shall mean: a manufacturer projecting the creation of fifty or more jobs; or an agri-business or high tech or biotech business making a capital investment of ten million dollars and creating twenty or more jobs; or a financial or insurance services or distribution center creating three hundred or more jobs; or a clean energy research and development enterprise shall be eligible as a regionally significant project as determined by the local zone administrative board and commissioner. Other projects may be considered by the zone designation board;

(ii) all empire zones designated under subdivisions (b) and (c) of section nine hundred fifty-eight of this article shall be referred to as "development zones" and shall be wholly contained within up to six distinct and separate contiguous areas. However, an empire zone located in more than one county at the time of designation shall be wholly contained in up to twelve distinct and separate contiguous areas. Provided, however, that empire zones designated prior to the enactment of this paragraph shall identify up to six distinct and separate contiguous areas, which shall equal up to their total allotted acreage at the time of designation, by January first, two thousand six or in the case of an empire zone located in more than one county, at the time of designation shall identify twelve distinct and separate contiguous areas. Provided however, the existing zone must include as much designated acreage into the distinct and separate contiguous areas as possible. Provided, however, a regionally significant project may be located outside of the development zone's distinct and separate contiguous areas. For the purpose of this article a "regionally significant project" shall mean: a manufacturer projecting the creation of fifty or more jobs; or an agri-business or high tech or biotech business making a capital investment of ten million dollars and creating twenty or more jobs; or a financial or insurance services or distribution center creating three hundred or more jobs; or a clean energy research and development enterprise shall be eligible as a regionally significant project as determined by the local zone administrative board and the commissioner. Other projects may be considered by the zone designation board;

(iii) provided, however, a zone may apply to add one additional distinct and separate contiguous area, pursuant to paragraphs (i) and (ii) of this subdivision, to such zone upon the demonstration of need, provided, however, such additional distinct and separate contiguous area shall not result in an empire zone that exceeds the maximum allotted acreage;

(iv) a "development zone", pursuant to paragraph (ii) of this subdivision, shall apply, pursuant to subdivisions (a) and (d) of section nine hundred fifty-eight of this article, to have up to three distinct and separate contiguous areas defined as "investment zones", pursuant to this subdivision;

(v) any certified businesses located outside of the empire zone's distinct and separate contiguous areas, pursuant to this section, shall be allowed the empire zone benefits until they are decertified; and

(vi) the boundaries that comprise the distinct and separate contiguous areas in this subdivision must include at least the real property on one side of a public thoroughfare when such street is used as a boundary. No boundary shall be constructed as to connect one tax parcel to another tax parcel by using a thoroughfare's center line, sidewalk or other similar means of connecting a non-contiguous area to the zone's distinct and separate contiguous areas.

(e) "Local empire zone administrative board" shall mean the entity designated by the applicant that is responsible for recommending business enterprises for certification pursuant to paragraph (iii) of subdivision (a) of section nine hundred fifty-nine of this article and for monitoring, evaluating and coordinating all empire zone benefits on behalf of the applicant. Such entity shall consist of at least six members, and shall be representative of local businesses, organized labor, community organizations, financial institutions, local educational institutions and residents of the empire zone.

(f) "Women-owned business enterprise" shall have the same meaning as provided in section three hundred ten of the executive law.

(g) "Locally owned business enterprise" shall mean (i) a business firm in which the total ownership interest held by individuals who are full time bona fide residents of such zone is more than eighty percent, whose business activities are conducted in a manner whereby at least fifty percent of the assets of such firm are located and utilized in such zone, and at least forty percent of such firm's employees are principally employed in such zone; or (ii) an agricultural cooperative established pursuant to section one hundred eleven of the cooperative corporations law; provided however, for business firms located within zones designated in a city such individuals shall reside within a community planning board or within traditional neighborhood boundaries and provided further however for business firms located within zones outside of a city such individuals may reside in the county in which the zone is designated.

(h) "Chief executive" shall mean (i) a county executive or manager of a county; (ii) in a county not having a county executive or manager, the chairperson or other presiding officer of the county legislative body; (iii) a mayor of a city or village, except where a city or village has a manager, it shall mean such a manager; or (iv) a supervisor of a town, except where a town has a manager, it shall mean such manager.

(i) "Minority group member" shall have the same meaning as provided in section three hundred ten of the executive law.

(j) "Targeted employee" shall mean a New York resident who receives empire zone wages pursuant to subdivision nineteen of section two hundred ten of the tax law and who is (i) an eligible individual under the provision of the targeted jobs tax credit (section fifty-one of the internal revenue code), (ii) eligible for benefits under the provisions of the job training partnership act (P.L. 97-300, as amended), (iii) a recipient of public assistance benefits, or (iv) an individual whose income is below the most recently established poverty rate promulgated by the United States department of commerce, or a member of a family whose family income is below the most recently established poverty rate promulgated by the appropriate federal agency.

An individual who satisfies the criteria set forth in clause (i), (ii) or (iv) of this subdivision at the time of initial employment in the job with respect to which the credit is claimed, or who satisfies the criterion set forth in clause (iii) of this subdivision at such time or at any time within the previous two years, shall be a targeted employee so long as such individual continues to receive empire zone wages.

(k) "Single enterprise" means two or more related business enterprises characterized by an absence of arms length relationships found among enterprises that are not integrated. Factors to be considered, among other things, in determining the existence of a single enterprise are interrelation of operations, common management, centralized control of labor relations, common ownership and common financial control.

(l) "Zone administrative entity" shall mean a community-based local development corporation or entity contracting with the local empire zone board pursuant to paragraph (viii) of subdivision a of section nine hundred sixty-three of this article or the municipality in which the zone is located in those instances where the municipality actively participates in the local administration of the zone program.

(m) "Human resource development" shall mean job preparation and placement, skills training and education for zone residents and employees of zone businesses, child and family care services and facilities, and activities to improve the health benefits and other benefits provided by zone businesses to their employees.

(n) "Community development projects" shall mean projects sponsored by not-for-profit organizations which have been approved by the zone board, which will advance the zone development plan. For purposes described in subdivision twenty of section two hundred ten, subsection (l) of section six hundred six, subsection (d) of section fourteen hundred fifty-six and subdivision (h) of section fifteen hundred eleven of the tax law, such projects shall be limited to child care programs serving zone residents and businesses; community development projects in direct support of economic development and business revitalization activities, such as commercial revitalization projects; and business development activities of local development corporations.

(o) "Zone equivalent area" shall mean an area designated as such pursuant to former subdivision (bb) of section nine hundred fifty-nine of this article.

(p) "Cost benefit analysis" shall mean, for purposes of paragraph (iii) of subdivision (a) of section nine hundred fifty-nine of this article, a method of determining whether to certify a business enterprise based on the business enterprise's projected job creation and/or investment in the zone versus the total amount of empire zone tax benefits the business enterprise will potentially be allowed to use and have refunded to it and shall be a ratio of at least 10:1 for manufacturing enterprises and 20:1 for all other business enterprises, the numerator of which is the sum of (i) the estimated value of all wages and benefits paid for the first three years of certification to all existing and projected employees of the business enterprise in the zone and (ii) the estimated value of capital investments for the first three years of certification in the zone, and the denominator of which is the estimated amount of total empire zone tax benefits that may be used and may be refunded for the first three years of certification.

(r) "Clean energy research and development enterprise" shall mean any electric generating facility that used pulverized coal technology, circulating fluidized bed technology or integrated gasification combined cycle technology and that is capable of capturing carbon dioxide for sequestration or capable of being retrofitted to capture carbon dioxide for sequestration.

(s) "Qualified investment project" shall mean a project (i) located within an empire zone, (ii) at which five hundred or more jobs will be created, provided such jobs are new to the state and are in addition to any other jobs previously created by the owner of such project in the state, and (iii) which will consist of tangible personal property and other tangible property, including buildings and structural components of buildings, described in subparagraphs (i), (ii), (iii), (iv) and clause (A) or (C) of subparagraph (v) of paragraph (b) of subdivision three of section two hundred ten-B of the tax law, the basis of which for federal income tax purposes will equal or exceed seven hundred fifty million dollars. Provided however, the owner of such project does not employ more than two hundred persons in the state at the time such project is commenced.

(t) "Significant capital investment project" shall mean a project (i) located within an empire zone, (ii) which will be either a newly constructed facility or a newly constructed addition to or expansion of a qualified investment project, consisting of tangible personal property and other tangible property, including buildings and structural components of buildings, described in subparagraphs (i), (ii), (iii), (iv) and clause (A) or (C) of subparagraph (v) of paragraph (b) of subdivision three of section two hundred ten-B of the tax law, the basis of which for federal income tax purposes will equal or exceed seven hundred fifty million dollars, (iii) which is constructed after the basis for federal income tax purposes of the property comprising such qualified investment project equals or exceeds seven hundred fifty million dollars, and (iv) at which five hundred or more jobs will be created, provided such jobs are new to the state and are in addition to any other jobs previously created by the owner of such project in the state.

§ 958. Criteria for empire zone designation. (a) To be eligible for designation as an empire zone, an area must be characterized by pervasive poverty, high unemployment and general economic distress, must correspond to traditional neighborhood or community boundaries, and where appropriate, be bounded by major natural or man-made physical boundaries, such as bodies of water, railroad lines, or limited access highways; and must meet the following requirements:

(i) the area shall include a United States census tract or tracts or block numbering area or areas, or portions thereof, each full census tract or portion of a block numbering area of which, according to the most recent census data available, has:

(A) a poverty rate of at least twenty percent for the year to which the data relate;

(B) an unemployment rate of at least 1.25 times the statewide unemployment rate for the year to which the data relate; and

(C) a population of at least two thousand.

(ii) lands nearby or contiguous to census tracts or block numbering areas described in paragraph (i) of this subdivision may be eligible to be included within an empire zone if, upon the request of the applicant, the commissioner finds, in accordance with regulations promulgated pursuant to this article, that such additional lands have significant potential for business development and job creation, which will enhance economic revitalization of the zone and benefit zone residents; provided, however, that lands nearby shall not be included in a zone until the commissioner, in consultation with the director of the budget, promulgates regulations governing the inclusion of such lands;

(iii) the area proposed as an empire zone shall not exceed:

two square miles for any zone, such area shall be defined by one or more borders, which borders shall be determined by the applicant and need not be entirely coterminous with the borders of census tracts or block numbering areas provided, however, that such zone shall be located entirely within traditional neighborhood or community boundaries, and where appropriate, be bounded by major natural or man-made physical boundaries, such as bodies of water, railroad lines, or limited access highways, and the zones created pursuant to paragraph (viii) of subdivision (b) of section nine hundred sixty of this article should be limited to one square mile; provided however, empire zones designated under subdivision (b) of section nine hundred sixty of this article may apply to increase their distinct and separate contiguous areas to two square miles; provided further, regionally significant projects are not included within such two square mile limitation;

(iv) if such area is governed by zoning laws or other laws or regulations governing land use, such laws or regulations must allow at least twenty-five percent of such area to be used for commercial or industrial activity;

(v) at least twenty-five percent of the total land within such area must be vacant, abandoned or otherwise available for industrial or commercial development or redevelopment; and

(vi) such other requirements as may be established in regulations promulgated by the commissioner with the approval of the director of the budget and after consultation with the commissioner of labor, including but not limited to:

(A) a comprehensive demonstration of chronic and severe economic distress and the reasons therefor as evidenced by population and employment decline, increase in unemployment and public assistance recipients, decline in real property values, relative decline in per capita income, the extent of abandoned property and deteriorated industrial, commercial and residential properties, a decline in the number of business establishments, obsolescence in plant capacity, loss of markets to foreign competition, the unavailability of expansion financing, poor access to markets, the retirement of local owners of companies;

(B) a demonstration of the potential of the area to attract private investment that will provide employment to persons in the area who are unemployed or economically disadvantaged;

(C) a demonstration of substantial public and private commitments to a long-term economic revitalization program for the area and the local capacity to manage such a program;

(D) a demonstration of the manner in which the overall economic development plan enunciates the needs of the area and sets forth proposals to solve them; and

(E) a demonstration of the manner in which progress in implementing the zone development plan will be routinely evaluated on the local level and how information essential for periodic evaluations will be compiled.

Such regulations may require a demonstration of a decline in population, a decline in employment, an increase in unemployment, a decline in real property values, a relative decline in per capita income, the extent of abandoned property and deteriorated industrial, commercial and residential property, a decline in the number of business establishments, and other indicators of severe economic distress.

(b) Notwithstanding the provisions of paragraph (i) of subdivision (a) of this section, any county in which the average rate of unemployment in the two most recent calendar years was at least one and one-quarter times the state average for those years and in which the rate of poverty for individuals was at least thirteen percent according to the most recent census data available, and which does not contain a census tract or tracts, portion of a block numbering area or a city, town or village which meets the criteria specified in such paragraph (i) of subdivision (a), may apply for designation of an area within a municipality as an empire zone. The area proposed for designation shall be characterized by pervasive poverty, high unemployment and general economic distress.

(c) Notwithstanding the provisions of paragraph (i) of subdivision (a) of this section, any county may apply for designation of an area within a municipality as an empire zone provided that the following requirements are met:

(i) at the time of application, the unemployment rate of the metropolitan statistical area must exceed the national average of unemployment and the metropolitan statistical area must have experienced or is likely to experience within three years the lesser of a loss of four thousand direct jobs or a dislocation of workers equal to one-half percent of the employed population of the metropolitan statistical area and at least fifty percent of the job loss or dislocation of workers must result from the action of a single employer, or eighty percent of such job loss or dislocation must occur in a single standard industry classification (two digit code); or

(ii) at the time of application, the unemployment rate of the metropolitan statistical area must be equal to or less than the national average of unemployment and the metropolitan statistical area must have experienced or is likely to experience within three years the lesser of a loss of eight thousand direct jobs or a dislocation of workers equal to one percent of the employed population of the metropolitan statistical area and at least fifty percent of the job loss or dislocation of workers must result from the action of a single employer, or eighty percent of such job loss or dislocation must occur in a single standard industry classification (two digit code); or

(iii) at the time of application, the unemployment rate of the labor market area must exceed the national average of unemployment and the labor market area must have experienced or is likely to experience within three years the lesser of a loss of five hundred direct jobs or a dislocation of workers equal to two percent of the employed population of the labor market area; or

(iv) at the time of application, the unemployment rate of the labor market area must be equal to or less than the national average of unemployment and the labor market area must have experienced or is likely to experience within three years the lesser of a loss of one thousand direct jobs or a dislocation of workers equal to four percent of the employed population of the labor market area; or

(v) at the time of application, the municipality is declared a natural disaster area by the president of the United States; or

(vi) at the time of application, the municipality contains:

(A) a defense or military base or facility which has been designated for closure or realignment; or

(B) a state-operated hospital or facility listed in section 7.17 or 13.17 of the mental hygiene law, or a facility operated by the office for people with developmental disabilities, that has been designated by either the commissioner of mental health or the commissioner of developmental disabilities for contraction or discontinuance. Provided however, that not more than one-third of the zones designated pursuant to paragraph (iii) or (iv) of subdivision (b) of section nine hundred sixty of this article, shall be based on applications filed pursuant to this paragraph.

(d) Notwithstanding the provisions of paragraph (i) of subdivision (a) of this section, any municipality may apply for designation as an empire zone for an area which shall include a United States census tract or tracts or block numbering area or areas or portions thereof, each full census tract or portion of a block numbering area of which according to the most recent census data available has:

(i) at the time of application, an unemployment rate equal to or exceeding the unemployment rate of the state of New York;

(ii) a rate of poverty for individuals of at least twenty percent;

(iii) a number of households receiving public assistance of fourteen percent or more;

(iv) the municipality is considered a non-metropolitan area; and

(v) there is no other empire zone in the county in which designation is sought.

(e) The empire zones designation board may accept from an applicant seeking designation any data in lieu of census data supporting such application as the commissioner deems to be reliable.

(f) Notwithstanding subdivisions (a), (b), (c) and (d) of this section or any other provision of this article, the following counties are deemed eligible to receive empire zone designation pursuant to subdivisions (b) and (c) of this section: Delaware; Greene; Hamilton; Livingston; Nassau; Putnam; Rockland; Schoharie; Tompkins; Wyoming; and Yates. New York county in the vicinity south of East Houston Street, east of Broadway, west of the East River, and north of Chambers Street and the Brooklyn Bridge, in an area commonly known as Chinatown, shall be deemed eligible to receive empire zone designation pursuant to subdivisions (a) and (d) of this section.

(g) Notwithstanding any other provision of this section, after March thirty-first, two thousand five, a municipality shall demonstrate in an application for designation as an empire zone, that there is no viable alternative area or areas that has or have existing public sewer or water infrastructure available other than the proposed zone.

§ 959. Responsibilities of the commissioner. The commissioner shall: (a) After consultation with the director of the budget, the commissioner of labor, and the commissioner of taxation and finance, promulgate regulations, which, notwithstanding any provisions to the contrary in the state administrative procedure act, may be adopted on an emergency basis, governing (i) criteria of eligibility for empire zone designation, provided, however, that such criteria be approved by the director of the budget; (ii) the application process; (iii) the certification by the commissioner as to the eligibility of business enterprises for benefits referred to in section nine hundred sixty-six of this article, which shall be governed by criteria including, but not limited to: (1) whether the business enterprise, if certified, is reasonably likely to create new employment or prevent a loss of employment in the zone, (2) whether such new employment opportunities will be for individuals who will perform a substantial part of their employment activities in the zone, (3) whether certification will have the undesired effect of causing individuals to transfer from existing employment with another business enterprise to similar employment with the business enterprise so certified, and transferring existing employment from one or more other municipalities, towns or villages in the state, or transferring existing employment from one or more other businesses in the zone, (4) whether such enterprise is likely to enhance the economic climate of the zone, (5) whether the commissioner of labor establishes that such business enterprise, during the three years preceding the submission of an application for certification, has engaged in a substantial violation or a pattern of violations of laws regulating unemployment insurance, workers compensation, public work, child labor, employment of minorities and women, safety and health, or other laws for the protection of workers as determined by final judgment of a judicial or administrative proceeding; (6) whether such business meets the requirements of the cost benefit analysis as established in paragraph (p) of section nine hundred fifty-seven of this article, and (7) if the commissioner of labor establishes that the business enterprise has been found in a criminal proceeding to have violated, in the previous three years, any of the laws referred to in subparagraph five of this paragraph or regulations promulgated pursuant to such laws, the conditions of any permit issued thereunder, or similar statute, regulation, order or permit condition of any other government agency, foreign or domestic, such business shall not be certified; provided, however, that a business enterprise that has shifted its operations, or some portions thereof, from an area within New York state not designated as an empire zone or zone equivalent area to an area so designated shall not be certified to receive such benefits except where such shift is entirely within a municipality and has been approved by the local governing body of such municipality or in situations where it has been established, after a public hearing, that extraordinary circumstances exist which warrant the relocation of a business, in whole or part, into an empire zone or a zone equivalent area from another municipality and the municipality from which the business is relocating approves of such relocation; or where such shift in operations is from a business incubator facility operated by a municipality or by a public or private not-for-profit entity which provides space and business support services to newly established firms; and (iv) the decertification by the commissioner, upon the recommendation of the commissioner of labor, so as to revoke the certification of business enterprises for benefits referred to in section nine hundred sixty-six of this article with respect to an empire zone or zone equivalent area upon a finding that the business enterprise has committed substantial violations of laws for the protection of workers including all federal, state and local labor laws, rules or regulations; and (v) the decertification by the commissioner so as to revoke the certification of business enterprises for benefits referred to in section nine hundred sixty-six of this article with respect to an empire zone or zone equivalent area upon a finding of any one of the following: (1) the business enterprise made material misrepresentations of fact on its application for certification or in any of its business annual reports, or the business enterprise failed to disclose facts in its application for certification that would constitute grounds for not issuing a certification; (2) the business enterprise has failed to construct, expand, rehabilitate or operate or invest in its facility substantially in accordance with the representations contained in its application for certification; (3) the business enterprise has failed to create new employment or prevent a loss of employment in the empire zone or zone equivalent area; (4) where applicable, the business enterprise has failed to submit an annual report after it has applied for zone tax benefits or program assistance based on new hires or investments or failed to submit other information when due; (5) the business enterprise, if first certified pursuant to this article prior to the first day of August, two thousand two, caused individuals to transfer from existing employment with another business enterprise with similar ownership and located in New York state to similar employment with the certified business enterprise or if the enterprise acquired, purchased, leased, or had transferred to it real property previously owned by an entity with similar ownership, regardless of form of incorporation or organization; (6) the business enterprise has failed to provide economic returns to the state in the form of total remuneration to its employees (i.e. wages and benefits) and investments in its facility greater in value to the tax benefits the business enterprise used and had refunded to it; or (7) the business enterprise has changed ownership or moved its operations out of the empire zone; said regulations shall provide that whenever any business enterprise is decertified with respect to an empire zone: (A) the date determined to be the earliest event constituting grounds for revoking certification shall be the effective date of decertification; (B) its certified single enterprise, if any, may also be decertified; and (C) the commissioner shall notify the commissioner of taxation and finance that such decertification has occurred, and such notification should include the effective date of such decertification and the zone or zone equivalent area to which such decertification applies; with respect to any business enterprise whose certification has been revoked pursuant to subparagraph five or six of this paragraph, that revocation (I) will be effective for a taxable year beginning on or after January first, two thousand eight and before January first, two thousand nine and for subsequent taxable years, unless the business enterprise is subsequently re-certified pursuant to part 11 of title 5 of the New York state codes, rules and regulations for a business enterprise for which a review is required to be conducted pursuant to subdivision (w) of this section in calendar year two thousand nine, and (II) thereafter will be effective for the taxable year during which the commissioner makes his or her determination (prior to any appeal) to revoke the certification of a business enterprise and for subsequent taxable years;

(b) Receive and review applications for designation of areas as empire zones;

(c) Analyze and make recommendations to the empire zones designation board for designation of areas as empire zones, provided, however, that all such areas recommended by the commissioner shall meet the requirements of this article;

(d) Review new applications to replace any previously designated empire zone the designation of which has been terminated or withdrawn and file notice of the designation or redesignation of an empire zone or of the revision or termination of such designation with the applicant, the department of taxation and finance, the secretary of state, with the county, city, town or village clerk of each county, city, town, or village, respectively, in which the empire zone is located, with the school district governing body in which the empire zone is located, with the commissioner of taxation and finance and with other state and local entities; provided, however, that such notice shall specify the date such action was taken and shall contain a description sufficient to identify the empire zone, including the names of the abutting streets, roads, highways, bodies of water, or other identifying physical features;

(e) Request, and shall receive from any department, division, board, bureau, commission, agency or public authority of the state such assistance as may be necessary to establish a procedure whereby applications submitted by business entities, community-based organizations, not-for-profit organizations, human service agencies, labor unions and municipal agencies located within an empire zone requesting financial and other assistance provided by state programs, including, but not limited to, capital development, human resource development, business assistance, job training and job placement shall, consistent with federal law, be given priority over applications submitted by entities not located in empire zones;

(f) Establish a priority for the allocation of authority to issue private activity bonds for the benefit of municipalities and business enterprises located or to be located within empire zones;

(g) Coordinate, with the local empire zone administrative board and state agencies and authorities, the provision of business development programs and services for each empire zone in order to stimulate the creation and development of new small businesses, including new small minority-owned and women-owned business enterprises, and may request and shall receive from any department, division, board, bureau, commission, agency or public authority of the state such assistance as may be necessary;

(h) Coordinate with the comptroller and the commissioner of taxation and finance a linked deposit program. The comptroller and the commissioner of taxation and finance are hereby authorized and empowered to enter into agreements with financial institutions located in or serving the empire zones, to provide for the deposit of funds administered jointly by them in such institutions, at reduced rates of return to the state, in return for commitments by such institutions to businesses of loans of comparable amounts, at reduced interest rates, for business development projects in the zones that will create or preserve jobs;

(i) Assist each local empire zone board in preparing a small business assistance plan as required by section nine hundred sixty-three of this article and coordinate with the local empire zone administrative board and state agencies and authorities the development of small business procurement, export and marketing programs for businesses within the empire zones;

(j) Promulgate regulations, in consultation with the commissioner of labor, for program evaluation and coordinate implementation of an evaluation system, which is capable of compiling and analyzing accurate and consistent information necessary for an assessment of whether statutory objectives and criteria are being met;

(k) Review performance objectives and progress in meeting objectives with zone boards and zone administrative entities as part of the annual administrative contract process;

(l) Assist zone boards and zone administrative entities to effect and implement job training and social services agreements and programs provided for in paragraphs (v), (vi) and (vii) of subdivision (a) of section nine hundred sixty-three of this article and request and receive from any agency or authority of the state such assistance as may be necessary to improve the delivery and coordination of human resource development programs to the zones;

(m) Assist zones in increasing their child care capacity and in planning special care activities, including the provision of technical assistance by the department in planning for the provision of child care services in the zones;

(n) Coordinate with the department of labor, the state education department, the job training partnership council and agencies of the state the inclusion in annual and biennial plans of such entities strategies for increasing and improving human resource development services on a priority basis, consistent with federal statutory and regulatory requirements, to residents of the zones and employees of zone businesses, including, but not limited to, the governor's plan for coordination and special services of the job training partnership council, the jobs plan and Wagner-Peyser annual plan for services of the department of labor, and the career education state plan of the state education department;

(o) Arrange with the job training partnership council the provision of the workforce investment act funds for use within the zones with the cooperation of the service delivery areas in the governor's plan for coordination and special services;

(p) Subject to the availability of funds, arrange for the allocation and reservation of funds from the infrastructure improvement programs of state agencies and authorities to assist the zones to make public improvements necessary for community, commercial, industrial and tourism development projects in support of zone revitalization;

(q) Systematically enlist other state agencies and authorities to participate in zone programs and projects and in cooperative planning of interagency zone activities in support of zone revitalization efforts;

(r) Recommend for economic development loan and grant programs of the department of economic development, urban development corporation, job development authority, and science and technology foundation special terms and conditions for viable zone projects and programs;

(s) Award preference to be given to applications submitted by or on behalf of zones for entrepreneurial assistance programs under article nine of the omnibus economic development act of nineteen hundred eighty-seven to support the creation of new entrepreneurial development and entrepreneurial support centers;

(t) Coordinate with the urban development corporation the creation of a special category of assistance for zones within the regional economic development partnership program, which will make available economic development assistance grants for zone programs and activities, including, but not limited to, planning, service coordination, and local institutional capacity building for human resource development necessary for economic revitalization; planning and development of small business incubators; job placement and preparedness programs for zones residents; education and training programs for zone businesses; child care programs and projects supportive of business development; technical assistance for minority and women-owned business development; training for zone officials; business and tourism development and marketing programs; and other innovative programs and activities in support of economic and community development within the zones;

(u) Assist in the development of a plan, in coordination with the health and financial services departments, to assist zones in obtaining affordable employee health insurance for small business enterprises located within the zone;

(v) Approve applications for qualification of a business enterprise as the owner of a qualified investment project or as the owner of a significant capital investment project, as defined in subdivisions (s) and (t), respectively, of section nine hundred fifty-seven of this article. As a condition for approval of such application, the commissioner is authorized to specify certain requirements to be satisfied as a condition for approval of such application as the commissioner deems necessary to ensure that the project will make a substantial contribution to the economic development of this state. An application for qualification of a business enterprise as the owner of a qualified investment must be submitted by December thirty-first, two thousand nine. An application for qualification of a business as the owner of a significant capital investment project as defined in subdivision (t) of section nine hundred fifty-seven of this article, which application is submitted by an entity previously qualified by the commissioner as the owner of a qualified investment project or an entity which is a related person, as that term is defined in section 465(b)(3)(c) of the internal revenue code, to an entity previously qualified by the commissioner as the owner of a qualified investment project, must be submitted by June thirtieth, two thousand eleven. No applications submitted after these dates may be approved; and

(w) Conduct a review during calendar year two thousand nine of all business enterprises to determine whether the business enterprises should be decertified pursuant to subparagraphs five and six of paragraph (v) of subdivision (a) of this section and the regulations promulgated under this article. After such review, the commissioner shall issue an empire zone retention certificate to each firm that the commissioner determines is not subject to decertification under subparagraphs five and six of paragraph (v) of subdivision (a) of this section. The decertification referred to in subparagraph six of paragraph (v) of subdivision (a) of this section shall be based upon an analysis of data contained in at least three business annual reports filed by the business enterprise. If any business enterprise fails the analysis described in the immediately preceding sentence, or if the commissioner makes the finding described in subparagraph five of paragraph (v) of subdivision (a) of this section, the commissioner shall revoke the certification of such business enterprise pursuant to paragraph (v) of subdivision (a) of this section and as specified herein; provided, however, the commissioner may consider, after consultation with the director of the budget, and in his or her sole discretion, other economic, social and environmental factors when evaluating the costs and benefits of a project to the state and whether continued certification is warranted based on such factors. The commissioner shall provide written notification to such business enterprise of his or her determination to revoke the certification, including the reasons therefor. Such notification shall state that the business enterprise may appeal the determination by sending a written notice to the empire zone designation board of such appeal no later than fifteen business days from the date of the commissioner's revocation notification. Provided that the business enterprise appeals the commissioner's determination within fifteen business days of the commissioner's revocation notification, the business enterprise may present a written submission to the empire zone designation board no later than sixty days following the date the commissioner's revocation notification was sent to the business enterprise explaining why its certification should be continued. The empire zone designation board shall consider the explanation provided by the business enterprise, but shall only reverse the determination to revoke the business enterprise's certification if the empire zone designation board unanimously finds that there was sufficient evidence presented by the business enterprise demonstrating that the commissioner's finding, with respect to subparagraph six of paragraph (v) of subdivision (a) of this section, was in error, or that, with respect to subparagraph five of paragraph (v) of subdivision (a) of this section, any extraordinary circumstances occurred which would justify the continued certification of the business enterprise.

§ 959-a. Rescinding of local incentives. Should a certified business enterprise in an empire zone be decertified, any local incentive provided by such municipality may be rescinded by local law or resolution by the governing body of such municipality, notwithstanding subdivision five of section four hundred eighty-five-e of the real property tax law.

§ 959-b. Clean energy enterprises. (a) For purposes of this section, "clean energy enterprise" shall mean any business primarily engaged in research, development or manufacturing of renewable energy or energy efficiency technologies or products; provided, however, that an initial clean coal electric generating facility capable of capturing carbon dioxide for sequestration or capable of being retrofitted to capture carbon dioxide for sequestration shall constitute an eligible business for purposes of this section. A business is primarily engaged in research, development or manufacturing of renewable energy or energy efficiency technologies or products if eighty percent or more of its property in New York is utilized for such purposes.

(b) The commissioner of economic development shall serve as the sole certification officer for businesses seeking certification as a clean energy enterprise. The commissioner of economic development, after consultation with the executive director of the New York state energy research and development authority, shall promulgate regulations governing (i) criteria of eligibility for designation of a clean energy enterprise, (ii) the application process, and (iii) the certification by the commissioner of economic development as to the eligibility of business enterprises for benefits referred to in section nine hundred sixty-six of this article. A business so certified shall be deemed to be eligible for such benefits as if such business were located in an investment zone as defined in paragraph (i) of subdivision (d) of section nine hundred fifty-seven of this article. No such certification shall be made after June thirtieth, two thousand ten.

(c) Such enterprise shall be exempt from the requirements of paragraph (iii) of subdivision (a) of section nine hundred fifty-eight, sections nine hundred sixty-one, nine hundred sixty-two and nine hundred sixty-three of this article.

§ 960. Designation of empire zones. (a) The empire zones designation board is hereby created. Such board shall consist of the commissioner of taxation and finance, the director of the budget, the commissioner of labor and two members to be appointed by the governor; one member to be appointed by the temporary president of the senate; one member to be appointed by the speaker of the assembly; and two non-voting members, one of whom shall be appointed by the minority leader of the senate and one of whom shall be appointed by the minority leader of the assembly. The governor shall designate from among the voting members the chairman of the board. Each member of the board shall be entitled to designate a representative to attend meetings of the board in his or her place, and to vote or otherwise act on his or her behalf in his or her absence. Notice of such designation shall be furnished in writing to the board by the designating member. A representative shall serve at the pleasure of the designating member. A representative shall not be authorized to delegate any of his or her duties or functions to any other person.

(a-1) The empire zones designation board may consider designating empire zone acreage for the following categories of regionally significant projects as set forth in section nine hundred fifty-seven of this article: agri-business or high tech or biotech business making a capital investment of ten million dollars and creating twenty or more jobs; or a financial or insurance services or distribution center creating three hundred or more jobs; or a clean energy research and development enterprise. Such consideration shall be upon application submitted by the commissioner. Such application shall be made after a public hearing in accordance with section nine hundred sixty-nine of this article and in accordance with findings which shall consider factors including but not limited to: the creation and retention of a regionally significant number of skilled or otherwise quality jobs; substantial capital investment; or the export of a substantial amount of goods or services beyond the immediate region; and further findings as to why such project cannot be accommodated within the distinct and separate contiguous areas pursuant to section nine hundred fifty-seven of this article. Such findings shall be published once a week for four successive weeks, in two newspapers of the county of which the project is to be located or if no newspaper is published therein, in the newspaper nearest thereto. Proof of such publication shall be submitted to the board. The board shall not act on such project or projects until thirty days of the final publication of such findings.

(a-2) The empire zones designation board may consider designating empire zone acreage for other regionally significant projects in accordance with section nine hundred fifty-seven of this article, upon application submitted by the commissioner. Such application shall be made after a public hearing in accordance with section nine hundred sixty-nine of this article and in accordance with findings which shall consider factors including, but not limited to: the creation and retention of a regionally significant number of skilled or otherwise quality jobs; substantial capital investment; or the export of a substantial amount of goods or services beyond the immediate region; and further findings as to why such project cannot be accommodated within the distinct and separate contiguous areas pursuant to section nine hundred fifty-seven of this article. Such findings shall be published once a week for four successive weeks, in two newspapers of the county of which the project is to be located or if no newspaper is published therein, in the newspaper nearest thereto. Proof of such publication shall be submitted to the board. The board shall not act on such project or projects until thirty days of the final publication of such findings. Provided, however, that the commissioner shall promulgate rules and regulations for the implementation of this subdivision after approval by the empire zones designation board. Provided further, approval of such projects and related regulations requires an affirmative vote by at least five voting members of such board.

(a-3) The empire zones designation board shall approve the initial distinct and separate contiguous areas as required by section nine hundred fifty-seven of this article. Provided, however, such approval shall be by unanimous vote.

(b) The empire zones designation board shall designate from the recommendations made by the commissioner:

(i) Within eighteen months after the effective date of this article, not more than ten empire zones;

(ii) In the period commencing eighteen months and ending three years after the effective date of this article, not more than nine additional empire zones until a maximum of nineteen empire zones have been established statewide;

(iii) In the period commencing three years and ending eight years after the effective date of this article, not more than fifteen additional empire zones;

(iv) In the period commencing five years and ending nine years and six months after the effective date of this article, not more than six additional empire zones;

(v) In the period commencing nine years and six months after the effective date of this article, not more than twelve additional empire zones each which shall contain a defense or military base or facility which has been designated for closure or realignment or a site currently or formerly owned or operated by either the (1) United States military or (2) a defense contractor whose employment in New York state was adversely affected by a reduction in military spending;

(vi) In the period commencing thirteen years after the effective date of this article, not more than fourteen additional empire zones, not less than three of which shall be designated pursuant to the criteria set forth in subdivision (d) of section nine hundred fifty-eight of this article;

(vii) In the period commencing fifteen years after the effective date of this article, not more than four additional empire zones, all of which shall be designated pursuant to the criteria set forth in subdivisions (a), (b), (c) and (d) of section nine hundred fifty-eight of this article;

(viii) In the period commencing fifteen years after the effective date of this article, not more than two additional empire zones, all of which shall be designated pursuant to the criteria set forth in subdivisions (a), (b), (c) and (d) of section nine hundred fifty-eight of this article.

(ix) In the period commencing nineteen years after the effective date of this article, not more than three additional empire zones, as determined pursuant to a memorandum of understanding to be executed by the governor, the temporary president of the senate and the speaker of the assembly, each of which shall be designated from among the counties identified in subdivision (f) of section nine hundred fifty-eight of this article.

(x) In the period commencing twenty years after the effective date of this article, not more than six additional empire zones, as determined pursuant to a memorandum of understanding to be executed by the governor, the temporary president of the senate and the speaker of the assembly, all of which shall be designated from among the counties identified in subdivision (f) of section nine hundred fifty-eight of this article. Provided, however, said designation does not include counties designated pursuant to paragraph (ix) of this subdivision.

(xi) In the period commencing twenty-one years after the effective date of this article, not more than three additional empire zones, as determined pursuant to a memorandum of understanding to be executed by the governor, the temporary president of the senate and the speaker of the assembly, all of which shall be designated from among the counties identified in subdivision (f) of section nine hundred fifty-eight of this article. Provided, however, said designation does not include counties designated pursuant to paragraphs (ix) and (x) of this subdivision.

(xiii) Within six months after the effective date of this paragraph, the Oneida-Herkimer empire zone may be designated as two separate two square mile empire zones as designated pursuant to a memorandum of understanding to be executed by the governor, the temporary president of the senate and the speaker of the assembly.

(c) In reviewing applications for designation of an area as an empire zone, the board shall consider the level of local participation including, but not limited to, local tax incentives and the provision of local services.

(d) Notwithstanding any other provision of this article, such zones designated, shall be, as far as practicable, equally distributed between urban, suburban and rural areas. In addition, zone designation, as far as practicable, shall be based upon a priority system of economic need.

(e) (i) The department of audit and control, the department of taxation and finance and the department of economic development shall prepare reports on the management and the economic and fiscal impact of empire zones. The analysis of the fiscal and economic impact of the empire zones shall include, but not be limited to, a review of the cost of providing the tax benefits referred to in section nine hundred sixty-six of this article and the amount of real property tax increments segregated for infrastructure improvements as authorized by section nine hundred sixty-seven of this article. Such reports shall be transmitted to the governor and the legislature by September first, two thousand six and every year thereafter.

(ii) (1) whether quantifiable benefits attributable to the program justify its direct costs to the state and participating localities;

(2) whether the program has contributed to the economic revitalization of the zones by stimulating (A) the creation and retention of permanent, full-time, quality private sector jobs; (B) the creation, location and expansion of businesses in the zones; (C) capital and human resource investments by zone businesses and new business development; and (D) public and private investments in zone businesses and economic and community development activities important for economic revitalization;

(3) whether the program has created employment and business development opportunities for residents of the zones and job training opportunities for residents and employees of zone businesses;

(4) whether the program has (A) resulted in new and improved local administrative capacity within the zones to plan for and capture economic opportunities and deliver and coordinate economic, community and human resource development services, and (B) increased commitments of local resources to zone revitalization, including support from the business community;

(5) whether the program has stimulated assistance from state, federal and other economic, community and human resource development programs relative to other areas and improved the delivery and coordination of state services to the zones; and

(6) whether the program is being managed and evaluated effectively at state and local levels.

§ 961. Application for empire zone designation. (a) A city, county (other than a county located wholly within a city), town or village may adopt a local law authorizing such municipal corporation to prepare and submit an application to the commissioner for designation of an area therein as an empire zone; and the adoption of such a local law by the municipal corporation within which the proposed empire zone is to be located shall be a prerequisite to the submission of an application for such designation. Such local law shall also designate the boundaries of such area, provided, however, that:

(i) a town shall not be authorized and empowered to apply for designation of an area as an empire zone which is located wholly or partly within a village unless such action is concurred in by the governing body of such village, and that a county shall not be authorized and empowered to apply for designation of an area as an empire zone unless such action is concurred in by the governing body of each city, town or village in which such zone is located; and

(ii) no application for designation of an area as an empire zone pursuant to this article shall be accepted unless the applicant demonstrates that it has, to the maximum extent feasible, solicited and considered the views of residents of the proposed zone, the views of state and local officials elected to represent such residents and the local private organizations representing such residents.

(b) Each application shall:

(i) be prepared in a manner and form prescribed by regulations promulgated by the commissioner, and the chief executive of the applicant shall ensure that the information contained in such application, to the maximum extent possible, is accurate and complete;

(ii) include evidence of the adoption of an empire zone development plan by the local governing body of the area in which the empire zone is to be located;

(iii) identify the local empire zone certification officer and local empire zone administrative board;

(iv) include a map of the area comprising the proposed empire zone, showing existing streets, highways, waterways, natural boundaries and other physical features;

(v) include evidence that the applicant has, to the maximum extent feasible, solicited and considered the views of residents of the proposed empire zone and the local governmental and private organizations representing such residents; and

(vi) include a statement from the private industry council governing board of the service delivery area established under the job training partnership act (P.L. 97-300, as amended) that encompasses the proposed empire zone setting forth the assistance to be provided and the resources to be allocated for the training of residents in the area and the operation of job training programs;

(vii) include a statement from the industrial development authority serving the municipality in which the zone is located and from any other development finance entity supported by public money setting forth the assistance to be provided and the resources to be allocated to business development activities in the zone.

(viii) specify goals and objectives, both short term and long term, for the economic revitalization of the proposed zone;

(ix) include a description of plans and strategies for providing and improving human resource development services to residents of the area comprising the proposed zone and to employees of businesses within said area, and the methods by which performance in implementing said plans and strategies will be evaluated;

(x) identify financial commitments the applicant will make to the zone for activities, including, but not limited to, marketing of the zone for business development, human resource services for zone residents and businesses, and services for small and minority and women-owned businesses;

(xi) identify publicly controlled and other developable lands and buildings within the proposed zone which are or could be made available for industrial and commercial development;

(xii) include a statement from the applicant and local economic development entities, including but not limited to the local development corporation, local development councils, authorities, agencies and all other such entities concerned with the economic development of the municipality; ensuring the complete integration and cooperation of resources and services for the purposes of providing essential support for the zone administrator in order for the zone to realize such goals;

(xiii) include demonstration that there is no viable alternative area available that has existing public sewer or water infrastructure other than the proposed empire zone.

§ 962. Empire zone development plan. An empire zone development plan shall be submitted for approval with the commissioner and with the local empire zone administrative board, and shall demonstrate the methods by which the applicant intends to promote the development of new business and the expansion of existing business within the empire zone and shall include, but shall not be limited to:

(a) a statement indicating how empire zone designation would assist in the revitalization of the area in which such zone is proposed to be located;

(b) a description of the method by which industrial development agencies or other public finance agencies shall grant a preference for allocation of private activity bonding authority for projects located in the proposed empire zone;

(c) a description of proposals for infrastructure improvements and investments and a timetable for their completion;

(d) a statement identifying those local tax incentives proposed to be offered within the zone;

(e) a description of a procedure to expedite the issuance of any required local permits or licenses;

(f) a description of other activities to be undertaken by municipal agencies, business entities, not-for-profit corporations, community-based organizations or any other persons, which are designed to promote private sector business investment and job development in the empire zone and a description of the job training or job placement services to be made available to empire zone residents in need of such training or services;

(g) an inventory of real property located within the proposed empire zone that is owned by a municipality or the state and is currently unused by the municipality or the state;

(h) a description of the business development programs and services to be available to stimulate the creation of new small businesses, including new small minority and women business enterprises;

(i) a description of efforts that will be undertaken to prevent or discourage the displacement of residents of the proposed empire zone;

(j) a description of activities designed to ensure the meaningful participation of minority-owned and women-owned business enterprises in empire zone development activities;

(k) a description of provisions for the participation of not-for-profit and business corporations in the development of the plan and in strategies for implementation of the plan;

(l) a description of the marketing strategy to be employed by the applicant to promote business development in the zone and the resources to be committed by the applicant and other organizations to the implementation of such strategy;

(m) a description of the method by which the applicant will evaluate the success of any activities to be undertaken in the proposed empire zone, provided, however, that the applicant shall take into consideration the factors upon which the selection of the area was based in any evaluation;

(n) a description of provisions for participation and allocation of funds by the affected service delivery area private industry council and administrative entity established pursuant to the job training partnership act (P.L. 97-300, as amended) to provide job training in the zone;

(o) a statement of the reasons why the particular geographic configuration of the zone was selected;

(p) a description of the structure and duties of the local zone administrative board to be established within each empire zone as provided in section nine hundred sixty-one of this article;

(q) a description of the special programs to be operated by educational institutions and other training entities in the area to prepare and train zone residents for employment by businesses located within and outside the zone;

(r) a statement from the appropriate regional economic development council setting forth the specific resources to be allocated for business development in the zone;

(s) a description of facilities for licensed and certified child day care for the children of persons engaged in training for employment in, or employed in, the zone;

(t) description of specific strategies and priorities for economic revitalization of the zone and of indicators to be used to measure performance against objectives;

(u) a statement of human resource development goals for the empire zone and specific strategies for achieving them;

(v) a description of how the applicant will use zone designation to coordinate economic development programs and providers at the local level to service the zone;

(w) a description of the organizational actions to be taken by the local empire zone administrative board and zone administrative entities to implement specified business, community and human resource development goals and strategies;

(x) a description of the financial commitments which the applicant is prepared to make to the zone, including, but not limited to, specific commitments for infrastructure improvements;

(y) a description of how the local economic development entities, as described in paragraph (xii) of subdivision (b) of section nine hundred sixty-one of this article will integrate its services to allow for the best possible economic development support for the zone;

(z) any zone designated prior to the enactment of this paragraph shall submit a new development plan, as defined pursuant to this section, in conjunction with the requirements set forth in subdivision (d) of section nine hundred fifty-seven of this article which the commissioner shall approve or disapprove such plan within ninety days of submission;

(aa) the development plan established pursuant to this section shall be resubmitted by the local zone administrative board as economic conditions change within the zone, or when other factors trigger a need for a change in the development plan as determined by the local zone administrative board;

(bb) a description of specific strategies and actions taken by the local empire zone administration board and zone administrative entities to integrate economic goals with the objectives of community well-being and environmental protection, such as open space protection, that will promote new development patterns in order to take advantage of resources and opportunities, such as existing public sewer and water infrastructure, without compromising the needs of future generations; and

§ 963. Local administration of empire zones. (a) The local empire zone administrative board shall:

(i) develop short-term goals for zone activities on an annual basis;

(ii) prepare, or cause to be prepared, an annual report and submit copies to the department of audit and control, department of taxation and finance, the temporary president of the senate, the speaker of the assembly and department of economic development on or before the first day of July next succeeding the year to which the report pertains, regarding empire zone activities, including information which would allow for substantive review of the zone's strategies and progress of the zone in meeting its short-term objectives, and an analysis of the extent to which the long-term goals set forth in the empire zone application have been met. The zone administrative entities and other local officials and agencies shall fully cooperate with the zone administrative board in the annual performance review and in the board's performance of its other duties. Local officials, state agencies, and certified businesses shall provide information requested by the zone administrative board which is necessary for such review. Such report shall also include a current description of the specific strategies and priorities for economic revitalization of the zone, including, but not limited to: the number of jobs created; the number of jobs retained; the amount of private capital leveraged with public funds; the number of businesses expanded or retained and new businesses created, and the type of businesses expanded, retained or created, as well as consideration of the improvements in the physical infrastructure of the zone. The commissioner shall promulgate rules and regulations to set forth standards to be used to measure performance against objectives on an annual basis in order to facilitate the requirements of this paragraph;

(iii) undertake efforts to ensure meaningful participation by minority-owned and women-owned business enterprises in empire zone activities;

(iv) enter into an agreement with the office of business permits and regulatory assistance to participate in a business permit assistance program to be provided to applicants for business permits required by the state or a county, city, town or village for a business undertaking, project or activity in an empire zone;

(v) enter into agreements with the commissioners of economic development, labor, and social services, local departments of social services, and local education agencies as defined in paragraph (b) of subdivision one of section three thousand thirty-two of the education law, local community-based organizations, private employers, labor unions, the administrative entity and private industry council for the service delivery area established under the job training partnership act (P.L. 97-300, as amended) that includes the empire zone, and any other person or state or federal agency for the purpose of establishing, implementing and coordinating job training programs for workers and businesses to be located in an empire zone; provided, however, that (A) any agreement to establish a job training program designed to meet the specific needs of a private employer shall require such employer to retain in its employ for not less than six months an employee who has satisfactorily completed a course of training for a particular job opening unless such employee voluntarily leaves such employment or is discharged for misconduct or other good cause; (B) any job training program established pursuant to this section shall make use of the community service division of the labor department as well as other sources for the purpose of recruitment;

(vi) in cooperation with local social services officials, establish a job training opportunities program sponsored by private employers in accordance with the provisions of section one hundred sixty-four-b or three hundred fifty-l of the social services law;

(vii) enter into agreements with local departments of social services or community-based organizations to facilitate the provision of ancillary or enhanced social services, including licensed and certified child day care, in any such zone;

(viii) ensure that job training programs meet standards of instructional quality established in regulations promulgated by the commissioner of education;

(ix) organize or use an existing human resource development network within the zone, including a committee of representatives of human resource agencies and organizations serving the zone, organized labor and business representatives, to develop strategies and activities for improving the coordination and delivery of human services to residents of the zone and zone businesses;

(x) prepare and implement a small business development and assistance plan;

(xi) in conjunction with zone administrative entities, develop and implement a system for continuous monitoring and evaluation of zone performance at the local level consistent with the guidelines set forth in subdivisions (k) through (o) of section nine hundred fifty-nine of this article;

(xii) provide within the zone, or contract with a new or existing community-based local development corporation or entity to provide, strategic economic development planning for the zone, marketing and promotion of the zone, assistance to companies in applying for available benefits, preparation of applications for financing assistance and other technical assistance services; coordination of the delivery of state and local programs within the zones; and operation of such other economic development assistance programs in furtherance of the empire zone development plan as may be appropriate. Provided, however, within the amount appropriated therefor and allocated by the director of the budget, the commissioner, through annual administrative contracts, shall, to the maximum extent feasible, make equally available financial support, through contracts or other means, to assist with the administrative expenses of the local zone administrative bodies or community-based development organizations. No funds shall be made available for this purpose unless the amount to be provided has been matched by private or governmental sources, other than state sources, in amounts at least equalling that to be provided by the state. Such matching funds shall be earmarked and used exclusively for the local administration of the zone program or for activities of the zone program. At least fifty percent of such matching funds shall be in cash, provided that the commissioner may waive this requirement for communities with populations of twenty-five thousand or less, and provided, further, that any amounts appropriated for minority and women-owned business development within the zones shall be distributed by the commissioner pursuant to a competitive proposal solicitation process.

(b) The annual report of the local empire zone administrative board required by subdivision (b) of this section shall, subject to the tax secrecy provisions referred to in subdivision (d) of this section, include, but not be limited to, the following information with respect to the year immediately preceding the year which is the subject of the report:

(i) a complete list of all property within the zone, if any, granted an exemption under section four hundred eighty-five-e of the real property tax law, together with the assessed value thereof and the amount of such exemption, for each municipal corporation which granted such exemption. Such list shall also set forth for each municipal corporation granting such exemption: (1) the tax rate for the year to which the report pertains; (2) the amount of real property tax that would have been paid in the aggregate by the owners of real property granted an exemption under section four hundred eighty-five-e of the real property tax law if the property was fully taxable at that rate; and (3) the amount of tax actually paid in the aggregate by such owners;

(ii) the total incremental value, if any, as defined in subdivision (e) of section nine hundred sixty-seven of this chapter, of taxable real property in each city, town, village or county within the empire zone, together with the total amount of tax increments which are segregated pursuant to subdivision (g) of such section;

(iii) the total dollar value of the refund or credit of taxes imposed pursuant to the authority of article twenty-nine of the tax law on receipts from the sale of certain materials used in constructing, expanding or rehabilitating certain business property located in the empire zone, as authorized by clause six of subdivision (a) of section eleven hundred nineteen of the tax law;

(iv) the total dollar value of the refund or credit of taxes imposed under article twenty-eight of the tax law on receipts from the sale of materials used in constructing, expanding or rehabilitating certain business property located in the empire zone, as authorized by clause six of subdivision (a) of section eleven hundred nineteen of the tax law;

(v) the number of taxpayers claiming each of the following tax credits or refunds, together with the total amount of each credit claimed by taxpayers in the aggregate against their taxes in the year to which the report pertains, resulting from taxpayer activity in the empire zone or investments made by taxpayers in the capital corporation established for that empire zone:

(A) credits against the tax imposed under article nine-A of the tax law, based on investments in certain eligible property in an empire zone, as authorized by subdivisions twelve-B and twelve-C of section two hundred ten of the tax law;

(B) credits against the tax imposed under article twenty-two of the tax law, based on investments in certain eligible property in the empire zone, as authorized by subsection (j) of section six hundred six of the tax law;

(C) credits against taxes imposed under articles nine-A, twenty-two, thirty-two and thirty-three of the tax law, based on wages paid to certain employees employed by a business located in an empire zone, as authorized by subdivision nineteen of section two hundred ten, subsection (k) of section six hundred six, subsection (e) of section fourteen hundred fifty-six and subdivision (g) of section fifteen hundred eleven, respectively, of the tax law;

(D) credits against the tax law imposed under articles nine-A, twenty-two, thirty-two and thirty-three of the tax law, based on investments in the stock of an empire zone capital corporation, as authorized by subdivision twenty of section two hundred ten, subdivision (1) of section six hundred six, subsection (d) of section fourteen hundred fifty-six, and subdivision (h) of section fifteen hundred eleven of the tax law;

(vi) the total amount of reductions in utility costs of non-retail business customers in the empire zone, as authorized by subdivision eight of section one hundred eighty-six-a of the tax law;

(vii) a statement summarizing all amounts received as, and expenditures made from, financial support for administrative expenses pursuant to paragraph (vii) of subdivision (b) of this section; and

(viii) any other information regarding empire zone activities which the department of economic development may require upon its own request or that of the department of audit and control, department of taxation and finance, or the legislative commission on expenditure review.

In addition to the information required by paragraphs (i) through (viii) inclusive of this subdivision, such report shall also set forth, with respect to all previous years for which reports were issued, a cumulative summary of the total amount of real property taxes that would have been received by each municipal corporation within the zone if the real property granted an exemption under section four hundred eighty-five-e of the real property tax law had been fully taxed at the tax rate for the appropriate year, the total amount of tax increments segregated for infrastructure improvements by each city, town, village or county within the zone, the total amount of each of the credits or refunds set forth in paragraphs (iii) through (vi) of this subdivision for activities or investments within the zone, and the total amounts received and expenditures made from any financial support pursuant to paragraph (vii) of subdivision (b) of this section.

(c) At the request of any local empire zone administrative board, the department of taxation and finance, the department of economic development, the public service commission and any municipal corporation within the empire zone shall, to the extent that it possesses any of the information required by subdivision (c) of this section, and to the extent that such information can be disclosed without violating the secrecy provisions contained in sections two hundred two, two hundred eleven, six hundred ninety-seven, one thousand one hundred forty-six, one thousand two hundred fifty, one thousand four hundred sixty-seven and one thousand five hundred eighteen of the tax law, provide that information to the local empire zone administrative board for inclusion in its annual report. The amount of any real property taxes required to be set forth in the report pursuant to subdivision (c) of this section shall be computed and furnished to the zone's administrative board by the municipality which levied the tax. The failure of any empire zone administrative board to prepare and submit a report as required by subdivision (b) of this section shall make the board or other community-based development organization ineligible to receive any financial support for administrative expenses authorized by paragraph (vii) of subdivision (b) of this section; provided, however, that such financial assistance shall not be withheld on account of the report's failure to include any information which is required by subdivision (c) of this section but is not available to the empire zone administrative board.

(d) The department of economic development shall provide to the temporary president of the senate, the speaker of the assembly and the commissioner of the department of taxation and finance a consolidated statewide report of the information required pursuant to paragraph (ii) of subdivision (b) and subdivision (c) of this section. Such report by the department shall contain an analysis of the performance of each zone using the information obtained pursuant to paragraph (ii) of subdivision (b) and subdivision (c) of this section. Such report shall include, but not be limited to, the number of jobs created, as derived from paragraph one of subdivision (b) of section fourteen of the tax law, for all businesses in each zone, and the number of new businesses in each zone.

(e) No designated empire zone shall require or solicit funds from businesses, whether certified or not, for use in the empire zones program as created by this article. No business shall be required to pay any funds to participate in the empire zones program.

(f) All certified businesses, with the exception of those whose benefit period as a QEZE business enterprise has expired, are required to provide a certified annual report to the local zone administration board which report shall include but not be limited to the following:

(i) Business certification information to include: organization name, organization address in the zone, contact information, federal employment ID number, New York state unemployment insurance number, state of formation or incorporation, verification that the business is authorized to conduct business in the state of New York;

(ii) Employment numbers calculated in the same manner in which the employment number is required to be calculated by section fourteen of the tax law including: total existing full-time equivalent jobs in the zone as of the date of certification within that zone, total existing jobs in the zone for the year for which the report is being provided, total remuneration paid to employees in the zone each quarter of the reported year, total number of employees in all zones, total annual remuneration in all zones, total annual remuneration paid in New York state for the reported year, total employment number in New York state for the reported year as shown on each business' NYS-45 wage reporting form filed with the department of labor;

(iii) Capital investment to include: total investment made in the zone for the reported year;

(iv) Tax benefits used and refunded: provide an estimation of the amount of the tax benefits used and refunded for the reported year by the certified business, or by the taxpayers within the certified business including its shareholders, members, partners or the owner of a sole proprietorship including the wage tax credits, investment tax credits, employment incentive tax credits, real property tax credit, tax reduction credit; and

(v) The sales tax credits and refunds for the reported year.

§ 964. Empire zone capital corporations. (a) No more than three empire zone capital corporations may be established in each zone for the purpose of raising funds through private and public grants, donations or investments, to be used in making investments in, and loans to, business firms certified pursuant to subdivision (a) of section nine hundred fifty-nine of this article for the purpose of encouraging the establishment or expansion of businesses and the provision of additional job opportunities within such area. A zone capital corporation may serve one or more zones within an economic development region or zones within two or more regions. Prior to the establishment of a zone capital corporation, the zone board and the commissioner of the department of economic development shall approve the formation of the proposed zone capital corporation, its board of directors and management, and its procedures for making, servicing and monitoring investments. In no event, however, shall an empire zone capital corporation acquire an ownership interest in any certified business firm which amounts to more than twenty-five percent of the ownership interest of such certified business firm. No loan to or investment in any business firm shall be made by an empire zone capital corporation located in a zone within a town with a population of more than twenty-five thousand, until such corporation has accumulated at least two hundred thousand dollars in capital stock. No loan or investment in any business firm shall be made by an empire zone capital corporation located in a zone within a town with a population of less than twenty-five thousand until such corporation has accumulated at least one hundred thousand dollars in capital stock. A zone capital corporation shall submit to the zone board an annual report on its activities.

(b) Each zone capital corporation shall establish an investment committee for the purpose of evaluating applications for loans and equity investments. Each committee shall be comprised of members who possess the requisite business and financial expertise necessary to evaluate applications for loans and/or equity investments.

(c) Each empire zone capital corporation shall, to the maximum extent feasible, undertake measures and procedures to ensure meaningful participation by minority-owned and women-owned business enterprises in the activities and investments of such corporation. Each such corporation shall additionally, to the maximum extent feasible, undertake measures and procedures to ensure meaningful participation by locally owned business enterprises in the activities and investments of such corporation.

(d) The total amount of tax credits available to each zone pursuant to subdivision twenty of section two hundred ten, subsection (l) of section six hundred six, subsection (d) of section fourteen hundred fifty-six and subdivision (h) of section fifteen hundred eleven of the tax law, shall be two million five hundred thousand dollars, (provided, however, that in no event shall the credits available in any zone exceed five hundred thousand dollars in the case of qualified investments in certified zone businesses as described in such subdivisions and subsections). Apportionment of credits within a zone between capital investments in and contributions to zone capital corporations, direct investments in certified zone businesses or contributions to community development projects will be determined and accounted for by the local zone administrative board in consultation with the zone administrative entity, subject to regulations promulgated by the commissioner of the department of economic development. Credits not used by a zone within four years of their apportionment may, after a public hearing, be reallocated pursuant to regulations promulgated by the commissioner. Certifications under subdivision twenty of section two hundred ten, subsection (l) of section six hundred six, subsection (d) of section fourteen fifty-six and subdivision (h) of section fifteen hundred eleven of the tax law shall be consistent with the provisions of this subdivision.

(e) The commissioner shall promulgate regulations governing the criteria of eligibility for the tax credits, referred to in subdivision (d) of this section, applicable to direct equity investments in certified zone businesses and to contributions to community development projects provided for in this section. Such regulations shall establish requirements including, but not limited to: (i) a demonstration that the direct equity investment in a certified zone business will contribute, significantly, to an activity having tangible economic benefits, such as start-up, expansion or industrial modernization of such zone business; (ii) a demonstration that the certified zone business has the potential to create jobs; and (iii) a demonstration that the direct equity investment is necessary to increase the amount of capital available to the certified zone business, provided, however, that such investment is not intended nor shall it be used to refinance existing debt or replace existing equity in such zone business.

(f) In addition to the duties set forth in subdivision (b) of section nine hundred sixty-three of this article, the zone administrative board shall, consistent with the regulations promulgated by the commissioner, determine the eligibility of direct equity investments in certified zone businesses and contributions to community development projects for the tax credits, described in subdivision (d) of this section, that are available to such zone. Such determination by the zone administrative board shall be subject to review by the commissioner in his or her discretion. The commissioner, upon review of a zone board determination made pursuant to this subdivision, shall accept or reject such determination as may be deemed appropriate.

§ 965. Designation of empire zone as a foreign trade zone. Any city, county, town or village which contains an area which is designated an empire zone in accordance with this article, is hereby authorized to make application to the foreign trade zones board established by an act of Congress, approved June eighteenth, nineteen hundred thirty-four, entitled "An Act to provide for the establishment, cooperation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," for a grant to said city, county, town or village for the privilege of establishing, operating, and maintaining a foreign trade zone within such area, pursuant to the provisions of such act, and if such application be granted, to establish, operate and maintain such foreign trade zone within such area in accordance with law. Any such city, county, town or village may contract with a not-for-profit agency and may appropriate such sums of money as it may deem proper, subject to the provisions of this section, toward the promotion and establishment of such foreign trade zone in such area.

§ 966. Special provisions relating to empire zones and zone equivalent areas. In addition to the benefits provided for in this article, other benefits applicable to empire zones are provided elsewhere in the consolidated laws, and benefits are provided in the case of zone equivalent areas, as follows:

(a) For real property tax increase exemption, see section four hundred eighty-five-e of the real property tax law;

(b) For reduction in utility costs of non-retail business customers in an empire zone, and a correlative tax credit, see subdivision eight of section one hundred eighty-six-a of the tax law;

(c) For credits against the tax imposed under article nine-A of the tax law, based on investments in certain eligible property in an empire zone, see subdivisions twelve-B and twelve-C of section two hundred ten of the tax law;

(d) For a credit against the tax imposed under article twenty-two of the tax law, based on investments in certain eligible property in an empire zone, see subsection (j) of section six hundred six of the tax law;

(e) For credits against the taxes imposed under articles nine-A, twenty-two, thirty-two and thirty-three of the tax law, based on wages paid to certain employees employed by a business located in an empire zone or in a zone equivalent area, see subdivision nineteen of section two hundred ten, subsection (k) of section six hundred six, subsection (e) of section fourteen hundred fifty-six and subdivision (g) of section fifteen hundred eleven, respectively, of the tax law;

(f) For credits against the tax imposed under articles nine-A, twenty-two, thirty-two and thirty-three of the tax law, based on qualified investments in or contributions to empire zone capital corporations, qualified investments in certified zone businesses and contributions to community development projects, see subdivision twenty of section two hundred ten, subsection (l) of section six hundred six, subsection (d) of section fourteen hundred fifty-six, and subdivision (h) of section fifteen hundred eleven of the tax law;

(g) For refund or credit of payments of certain of the taxes imposed under article twenty-eight and, at local option, pursuant to the authority of article twenty-nine of the tax law, with respect to purchases of materials used in constructing, expanding or rehabilitating certain business property located in an empire zone, see subdivision (a) of section eleven hundred nineteen of the tax law; and

(h) For availability of special empire zone rates governing the provision of gas or electric service, see subdivision twelve-c of section sixty-six of the public service law. Such special empire zone rates may remain available to business enterprises certified pursuant to this article for a period of up to ten years following initial certification, unless such certification is revoked, notwithstanding the expiration of the designation of an empire zone.

§ 967. Division of taxes by governmental bodies. (a) The governing board of any city, town, village or county in which an empire zone is located is hereby authorized and empowered to:

(i) adopt a local law providing that any taxes levied by or on behalf of such city, town, village or county upon taxable real property in such zone shall be divided based on the area's original taxable value and its incremental value as determined in subdivisions (c) and (f) of this section, provided however, that no city, town, village or county may adopt a local law providing for such a division of taxes if:

(A) the original taxable value of the zone involved exceeds a figure equal to twenty percent of the total assessed value of that municipality, exclusive of any incremental values for such areas; or

(B) the land area of the zone involved exceeds a figure equal to twenty percent of the total land area of the municipality.

(ii) adopt a local law establishing a special empire zone tax increment fund and providing for the deposit of moneys into such fund pursuant to subdivision (g) of this section.

(b) In no event shall the division of taxes pursuant to this section be construed as relieving property owners within the designated area of their obligation for paying the taxes, if any, levied upon the assessed value of their taxable real property.

(c) As soon as possible after any local legislative body has adopted a local law as provided for in subparagraph (i) of subdivision (a) of this section, the assessor who prepares the assessment roll used for the levy of such county, city, town and village taxes shall certify the "original taxable value" of each lot and parcel of taxable real property in the area involved. For the purposes of this section, "original taxable value" shall be the assessed value as of the last taxable status date before the date on which a local law authorizing the division of taxes was adopted.

(d) Whenever any property in such an area is owned by the city, town, village or county involved and is leased to any person or persons, such property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract between the city, town, village or county involved and such person or persons shall provide that the lessee shall pay taxes upon the assessed value of the entire property and not merely upon the assessed value of his, her or its leasehold interest.

(e) In each year subsequent to the determination of the original taxable value of each lot and parcel of taxable real property in such an area in accordance with the provisions of subdivision (c) of this section, the assessor shall compute and certify the net amount by which the taxable value of all such lots and parcels has increased or decreased in comparison with the original taxable value of all such lots and parcels. The net amount of the increase or decrease is referred to in this section as the "incremental value" or the "lost value" for that year, as the case may be.

(f) In any year when there is an incremental value, the tax levying body shall extend the taxes of each city, town, village or county, which has adopted a local law pursuant to this section, against the incremental value as well as the original taxable value, and the amount of taxes received from such extension against the incremental value is referred to in this section as the tax increment for that year.

(g) The city, town, village or county official responsible for receiving real property tax payments shall segregate each year all tax increments from the designated area and transmit such increments to the city, town, village or county treasurer who shall deposit such monies in a special empire zone tax increment fund from which the local legislative body may authorize payments for infrastructure improvements authorized in such municipality's empire zone development plan for the area involved.

(h) In the event that any state or local law governing the classification of real property and thereby determining the percentage of market value to be assessed for real property taxation purposes is amended hereafter, the increase or decrease in assessed valuation resulting therefrom shall be applied proportionately in each year thereafter to the original taxable value and incremental value of the area involved.

(i) The local legislative body of the city, town, village or county or its designated agency may invest any funds in the special empire zone tax increment fund not required for immediate disbursement, in property or securities in which public bodies may invest funds subject to their control.

(j) In any year when there is a lost value, the provisions of this section shall not apply.

§ 968. Disposition of property. (a) Notwithstanding any provision of any other law to the contrary, in order to further the purposes of the empire zones program, any real or personal property located within an empire zone and owned by any local governmental entity in whose jurisdiction an empire zone is located, may be sold or leased for a term not exceeding ninety-nine years to a private user, a community-based organization, a public benefit corporation or any other person: provided, however, that each contract for such sale, and each such lease, shall obligate the buyer or lessee to comply with the provisions of this article and the empire zone development plan filed with the commissioner pursuant to section nine hundred sixty-two of this article. Such obligations contained in a contract for the sale of real property shall survive delivery of the deed. A breach by the buyer or lessee of a material obligation of such contract or lease shall, in addition to any other remedies available to the seller or lessor under the contract, terminate the eligibility of the buyer or lessee for any benefits provided in this article.

(b) Any real or personal property owned by any local governmental entity or the state and located within an empire zone may be sold or leased to any person pursuant to this section without public bidding or public sale; provided, however, that there is published in at least one newspaper of general circulation in the municipality in which the empire zone is located a notice which shall include a statement of the identity of the proposed purchaser or lessee and a description of its proposed use or re-use of the property, the price or rental to be paid by such purchaser or lessee, all other essential conditions of such sale or lease, and a statement that a public hearing upon such sale or lease will be held by the seller or lessor of the property at a specified time and place on a date not less than ten days nor more than thirty days after such publication, and provided further that such public hearing is held in accordance with such notice.

§ 969. Termination or revision of an empire zone. (a) Except as provided in this section, any designation of an area as an empire zone shall remain in effect during the period beginning on the date of designation and ending June thirtieth, two thousand ten.

(b) After consultation with the director of the budget and the commissioner of labor, the commissioner may terminate the designation of an area as an empire zone upon a finding that (1) the applicant has failed substantially to implement the empire zone development plan within the time stated therein; (2) there has been no substantial business development or job creation within the area designated as an empire zone within five years after such designation; (3) there has been inadequate management and evaluation of the zone at the local level; or (4) the applicant has repeatedly failed to comply with program reporting requirements, provided, however, that no termination shall occur unless and until written notice has been given to the applicant and a public hearing has been held thirty days prior to the effective date of such termination.

(c) The governing body of a city, county, town or village may, by resolution, submit to the commissioner a request to revise the boundaries of an existing empire zone. The commissioner may, after consultation with the commissioner of labor, approve such revision subject to the following provisions:

(1) Any revision of the borders of an empire zone shall be based upon a determination by the commissioner that a change in circumstances has occurred since the establishment of the existing borders which makes revision of such borders necessary or desirable.

(2) The commissioner shall affirm that such revision would not have the effect of producing an empire zone which does not satisfy the criteria for empire zone designation established by or pursuant to section nine hundred fifty-eight of this article.

(3) The commissioner may grant approval of revision of the borders of

an empire zone after prior public notice and a public hearing at least thirty days prior to the effective date of such revision, if such revision adds territory to an existing empire zone.

(4) The commissioner may grant approval of a revision of the borders of an empire zone after public notice of such proposed revision and a public hearing at least thirty days prior to the effective date of such revision, if such revision removes territory from an existing empire zone.

(5) The revision of the borders of an empire zone shall have no effect on the duration of the designation of such empire zone as provided by subdivision (a) of this section.

(6) It is the policy to allow each zone no more than one boundary amendment within a twelve month period. If, however, there is a change in circumstances involving extenuating factors within the year (such as the attraction/retention of a regionally significant project, which is consistent with the zone's development plan), the request will be considered. Any request to revise the boundaries of an existing empire zone that would add or remove acreage from a zone shall not be submitted until the provisions of this subdivision are satisfied and the designation of the distinct and separate contiguous areas are submitted as required by section nine hundred fifty-seven of this article, unless the zone administrative board demonstrates that prior to the effective date of the amendments to this subdivision made by a chapter of the laws of two thousand five it has been working in conjunction with a business for the purpose of submitting such boundary revision that would result in the creation of jobs within the zone. For purposes of section one hundred eighty-seven-j and articles nine-A, twenty-two, thirty-two, and thirty-three of the tax law, such business shall be deemed to have been certified prior to April first, two thousand five.

(7) The area subject to the boundary amendment is in an area where there is no viable alternative area that has existing public sewer or water infrastructure.

(d) Upon the termination or revision of the borders of an empire zone as provided in this section, the commissioner shall file notice of such action as required by section nine hundred fifty-nine of this article.

(e) Notwithstanding the provisions of this section, for any empire zone acreage designated as a result of a revision of the borders of an empire zone prior to the effective date of this subdivision that is outside of the distinct and separate contiguous areas that has not demonstrated any appreciable commercial activity and/or any appreciable capital improvement over a two year period from the time of designation, such acreage shall be identified by the local empire zone administrative board, which shall determine whether such acreage has been proposed for development in a manner consistent with the empire zone development plan. If such acreage has not been proposed for development in such manner the local empire zone administrative board shall remove such acreage from the zone. Any affected business or businesses shall be immediately decertified.

(f) Notwithstanding subdivision (a) of this section, if the zone administrative board demonstrates that, prior to the date the empire zones expire under this section, that it had submitted a preliminary application to the department of economic development requesting to revise the boundaries of its zone in order to accommodate a project that would result in the creation of jobs within the zone, the commissioner of economic development may review and approve such boundary revision and, if approved, may establish an effective date prior to the date the empire zones expire pursuant to subdivision (a) of this section.

(g) Notwithstanding any regulations to the contrary, a regionally significant project as defined in paragraph (i) of subdivision (d) of section nine hundred fifty-seven of this article, that was deemed eligible by the local zone administrative board and recommended for approval to the commissioner of economic development on or before the date the empire zones expire pursuant to subdivision (a) of this section, the commissioner of economic development, if the project is approved, may establish an effective date prior to the date the empire zones expire pursuant to subdivision (a) of this section.

ARTICLE 18-C
MUNICIPAL REDEVELOPMENT LAW

§ 970-a. Short title. This article shall be known and may be cited as the "municipal redevelopment law".

§ 970-b. Legislative findings and declaration. It is hereby found and declared that there exists in many communities blighted areas which threaten the economic and social well-being of the people of the state. Blighted areas are characterized by one or more of the conditions set forth in subdivision (a) of section nine hundred seventy-c of this article.

It is further found and declared that such conditions of blight tend to further obsolescence, deterioration and disuse and that remedying such conditions is necessary to facilitate commercial and industrial development, to maintain and expand the supply of low and moderate-income housing and to maintain and expand employment opportunities for jobless, underemployed and low income persons.

For these reasons it is declared to be the policy of the state to protect and promote the sound development and redevelopment of blighted areas and whenever the redevelopment of such areas cannot be accomplished by private enterprise alone without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, in the work of clearance, and in the making of improvements necessary therefor, it is in the public interest to employ the power of eminent domain, to advance or expend public funds for these purposes, and to provide a means by which blighted areas may be redeveloped or rehabilitated.

It is further found and declared that sound development and redevelopment of blighted areas increases public school enrollment by providing affordable housing and employment opportunities and the need for expanded public education facilities and services.

§ 970-c. Definitions. (a) "Blighted area" means an area within a municipality in which one or more of the following conditions exist: (i) a predominance of buildings and structures which are deteriorated or unfit or unsafe for use or occupancy; or (ii) a predominance of economically unproductive lands, buildings or structures, the redevelopment of which is needed to prevent further deterioration which would jeopardize the economic well being of the people.

(b) "Legislative body" means the governing body of a municipality empowered to adopt and amend local laws and ordinances.

(c) "Low and moderate income families and persons" means those persons who would qualify as low and moderate income persons and families under Sections 1715z and 1715z-1 of Title 12 of the United States Code as those definitions in those sections now exist or may be amended, replaced, or superseded.

(d) "Master plan" means the plan for development of a municipality adopted by the planning agency of the municipality.

(e) "Municipality" means a city, village, town or a county other than a county located wholly within a city.

(f) "Planning agency" means the planning board or commission of a municipality or the planning board or committee of a school district if one exists.

(g) "Project area" means an area of a community which is a blighted area, the redevelopment of which is necessary to effectuate the purposes of this article. A project area need not be restricted to buildings, improvements or lands which are detrimental or inimical to the public health, safety or welfare, but may consist of an area in which such conditions predominate and adversely affect the entire area. A project area may include lands, buildings or improvements which are not detrimental or inimical to the public health, safety or welfare, but whose inclusion is found necessary by the municipality for the effective redevelopment of the area of which they are a part. All lands, buildings or improvements included in a project area shall be necessary for effective redevelopment and shall not be included for the purposes of obtaining the allocation of tax increment revenue without clear justification for their inclusion. A project area shall not include land utilized for agricultural production.

(h) "Real property" means: (i) land, including land under water and waterfront property; (ii) buildings, structures, fixtures, and improvements on the land; (iii) any property appurtenant to or used in connection with the land; and (iv) every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

(i) "School district" means any school district, a city school district or a school district in a city, as those terms are defined in section 2.00 of the local finance law.

§ 970-d. Survey area studies. Upon a finding that a study to determine if a redevelopment project within a specified area is feasible, the legislative body of a municipality may by resolution designate such area as a survey area and upon such designation shall undertake or cause to be undertaken such studies as are necessary to determine the feasibility of such redevelopment project within the survey area. Any person, group, association or corporation may in writing, request the legislative body to designate a survey area or areas for project study purposes, and may submit with their request plans showing the proposed redevelopment of such area or areas or any part or parts thereof.

§ 970-e. Project area. Based on the results of a survey area study or studies a legislative body may by resolution select one or more project areas for redevelopment pursuant to this article and provide for the preparation of preliminary plans for such redevelopment projects. Such preliminary plans shall include:

(a) A description of the boundaries of the project area.

(b) A general statement of the land uses, layout of principal streets and population densities and standards proposed as the basis for the redevelopment of the project area.

(c) A statement of how the purposes of this article would be achieved by such redevelopment.

(d) A description of how the preliminary plan for redevelopment conforms to the master plan of the municipality should such a plan exist.

(e) A general statement of the impact of the project upon residents thereof and upon the surrounding neighborhood.

(f) A statement of why redevelopment of the project area would not be undertaken were it not for the purposes and provisions of this article.

(g) To the extent required by article eight of the environmental conservation law, an environmental impact statement prepared in accordance with section 8-0109 of such article.

The legislative body shall also provide for the review of such preliminary plans by the planning agency and any other agency or department of the municipality with responsibility for zoning or land use planning. Nothing in this article shall be construed to supersede the requirements and procedures for the zoning and use of land as may otherwise be prescribed by law.

§ 970-f. Redevelopment plan. If the legislative body, by resolution, approves a preliminary plan it shall provide for preparation of a redevelopment plan for each project area.

Each such redevelopment plan:

(a) shall contain a legal description of the boundaries of the project area and shall be based upon the preliminary plan;

(b) shall show by diagram and in general terms:

(i) the approximate amount of open space to be provided and street layout;

(ii) limitations on type, size, height, number and proposed use of buildings;

(iii) the approximate number of dwelling units; and

(iv) the property to be devoted to public purposes and the nature of such purposes;

(c) shall contain a neighborhood impact statement, which describes the physical, social and economic conditions existing in the area and describes the impact of the project upon the residents of the project area and the surrounding areas, in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population and quality of education, property assessments and taxes, and other matters affecting the physical and social quality of the neighborhood;

(d) shall describe the proposed method of financing the redevelopment of the project area in detail sufficient to determine the economic feasibility of the plan;

(e) shall provide for the municipality to lease or sell all real property acquired by it in any project area, except property retained by the municipality for public purposes as provided by the redevelopment plan;

(f) shall contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan and provide for the retention of controls and the establishment of any restrictions or convenants running with land sold or leased for private use for such periods of time and under such conditions as the legislative body deems necessary to effectuate the purposes of this article;

(g) shall contain other covenants, conditions, and restrictions which the legislative body prescribes;

(h) may provide for participation in the redevelopment of property in the project area by the owners of all or part of such property if the owners agree to participate in the redevelopment in conformity with the redevelopment plan adopted by the legislative body for the area. Such plan may extend reasonable preference to persons who are engaged in business in the project area to reenter in business within the redeveloped area if they otherwise meet the requirements prescribed by the redevelopment plan. Every redevelopment plan which contemplates property owner participation in the redevelopment of the project area shall contain alternative provisions for redevelopment of the property if the owners fail to participate in the redevelopment as agreed;

(i) may provide for the issuance of bonds by the municipality and for the use of the proceeds from their sale in carrying out the redevelopment plan. If such an issuance is provided for, the redevelopment plan shall also contain adequate provision for the payment of principal and interest when they become due and payable;

(j) may provide for the municipality to acquire by gift, purchase, lease, or condemnation all or part of the real property in the project area;

(k) may provide for the expenditure of money by the municipality and for the municipality to undertake and complete any proceedings necessary to carry out the project;

(l) shall provide a limitation on the amount of bonds which may be issued pursuant to section nine hundred seventy-o of this article for the purpose of carrying out or administering the redevelopment plan;

(m) may provide in any year during which the municipality owns real property in a redevelopment project for the payment to any city, county, town, village or district for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes;

(n) shall provide a plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the project area, which plan shall include the provision required by section nine hundred seventy-j of this article that no person or family of low and moderate income shall be displaced unless and until there is suitable housing available and ready for occupancy by such displaced person or family at rents comparable to those paid at the time of their displacement;

(o) shall also provide for the review of such preliminary plans by the board of education of any school district in the project area for which the municipality seeks to incorporate the real property taxes levied by such school district pursuant to section nine hundred seventy-p of this article.

§ 970-g. Plan review. Before any redevelopment plan is adopted by the legislative body, it shall:

(a) Submit such plan to the planning agency for its review and recommendations. Such review shall consider the conformity of such redevelopment plan with any master plan which has been adopted by the planning agency and approved by the legislative body. The planning agency may recommend for or against the approval of the redevelopment plan. Within thirty days after a redevelopment plan is submitted to it for consideration, the planning agency shall make and file its review and recommendations with the legislative body. If the planning agency does not report upon the redevelopment plan within thirty days after its submission, the legislative body may thereafter approve the plan without the review and recommendations of the planning agency;

(b) Submit such plan to the boards of education of the school districts impacted by the redevelopment plan for review and approval of any tax allocation pursuant to section nine hundred seventy-p of this article in relation to bonds issued under section nine hundred seventy-o of this article. To be subject to such redevelopment plan and allocation of taxes pursuant to section nine hundred seventy-p of this article, the board of education of an impacted school district shall adopt a resolution approving such plan and allocation and transmit such resolution to the legislative body.

§ 970-h. Public hearings and plan adoption. (a) Before any redevelopment plan is adopted by the legislative body it shall conduct a public hearing on such plan and shall, at least biennially, conduct a public hearing for the purpose of reviewing the redevelopment plan for each redevelopment project within its jurisdiction and evaluating its progress.

(b) Notice of the hearing shall be posted in at least four prominent places within the project area for a period of three weeks prior to such hearing and shall be published not less than once a week for three successive weeks prior to the hearing in a newspaper of general circulation in the municipality involved. The notice of hearing shall include a legal description of the boundaries of the project area designated in the proposed redevelopment plan, a general statement of the scope and objectives of the plan, and a statement whether the proposed method of financing the redevelopment plan requires the consent of one or more school districts to an allocation of taxes as prescribed in section nine hundred seventy-p of this article. A copy of the notices shall be mailed to the last known owner of each parcel of land in the area designated in the redevelopment plan. A copy of the notice shall also be mailed to the legislative body of each of the taxing jurisdictions which levies taxes upon any real property in the project area designated in the proposed redevelopment plan.

(c) Any and all persons who have any objections to the proposed redevelopment plan or who deny the existence of blight as defined by subdivision (a) of section nine hundred seventy-c of this article, in the proposed project area, or the legality or appropriateness of any of the prior proceedings, may appear before the legislative body at such public hearing and show cause why the proposed plan should not be adopted. At any time not later than the hour set for hearing objections to the proposed redevelopment plan, any person may file in writing with the clerk of the legislative body a statement of such person's objections to the proposed plan.

(d) At the hour set in the notice for hearing objections, the legislative body shall proceed to hear and consider all written and oral objections. Before adopting the redevelopment plan the legislative body shall consider the report of the planning agency if such a report has been submitted.

(e) After such hearing and at any time prior to the adoption of the plan, the legislative body may change such plan, or change the boundaries of the project area to exclude land from the project area provided, however, that a change in the redevelopment plan or change in the boundaries that would affect the plan's conformity with the master plan of the municipality may be made only after receipt of a report and recommendation from the planning agency concerning such changes. The planning agency may recommend for or against the changes. Within thirty days after a change is submitted to it for consideration the planning agency shall make and file its report and recommendations with the legislative body. If the planning agency does not report upon the change within thirty days after having received such change from the legislative body, the legislative body may proceed to act upon the plan and such changes without the report of the planning agency. The legislative body shall consider any proposed changes at a public hearing reopened for that limited purpose.

(f) After the close of the hearing on the redevelopment plan the legislative body may, by resolution, adopt the redevelopment plan as the official redevelopment plan for the project area. If the planning agency has recommended against the approval of the redevelopment plan, the legislative body may adopt such plan by a two-thirds vote of its entire membership. If the planning agency has recommended approval or failed to make any recommendation within the time allowed, the legislative body may adopt the redevelopment plan by a majority vote of its entire membership.

(g) The legislative body at the time of, or in connection with, the adoption of the plan, shall declare its intention to undertake and complete any proceedings necessary to be carried out by the municipality under the provisions of the plan.

(h) After the adoption by the legislative body of a redevelopment plan, the legislative body shall transmit a copy of the resolution adopting the plan, and a map or plat indicating the boundaries of the project area to the official or officials responsible for the assessment for real property tax purposes of the property included in the project area.

§ 970-i. Acquisition of property. (a) Within the project area a municipality may upon adoption of the redevelopment plan by the legislative body, purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, any interest in property, and any improvements on it or acquire real property by eminent domain.

(b) Without the consent of an owner, the agency shall not acquire any real property on which an existing building is to remain on its present site and in its present form and use unless such building requires structural alteration, improvement, modernization or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape or use or it is necessary to impose upon such property any of the standards, restrictions and controls of the plan and the owner fails or refuses to agree to participate in the redevelopment plan.

§ 970-j. Relocation of displaced persons. The legislative body shall prepare a feasible plan for relocation of all families and persons to be temporarily or permanently displaced from housing facilities in the project area. The legislative body shall insure that such plan for the relocation of families or single persons to be displaced by a project shall provide that no person or family of low and moderate income shall be displaced unless and until there is suitable housing available and ready for occupancy by such displaced person or family at rents comparable to those paid at the time of their displacement. Such housing shall be suitable to the needs of such displaced person or family including, but not limited to, access to work, adequate space and other financial considerations and such housing must be decent, safe, sanitary, and otherwise standard dwellings. The agency shall not displace such person or family until such housing is available and ready for occupancy.

§ 970-k. Clearance, improvements and site preparation. (a) A municipality may demolish or move buildings, structures, or other improvements from any real property acquired. The municipality may develop as a building site any real property owned or acquired by it. In connection with such development it may cause, provide or undertake or make provision with other agencies for the installation, or construction of streets, utilities, parks, playgrounds and other public improvements necessary for carrying out the redevelopment plan.

(b) Any work of grading, clearing, demolition, or construction or installation of public improvements shall be done by contract subject to provisions of state and local law applicable to the letting of public works contracts. Where the work does not require competitive bids the agency may give priority for such work to the residents of such redevelopment project areas and to persons displaced from such areas as a result of redevelopment activities. To the greatest extent feasible, contracts for work to be performed in connection with any redevelopment project shall be awarded to business concerns which are located in, or owned in the substantial part, by persons residing in the project area. To the greatest extent feasible, opportunities for training and employment arising from any contract for work to be performed in connection with any redevelopment project shall be given to low-income persons who are residents of the project area. The municipality shall require each successful bidder to file with it good and sufficient bonds, to be approved by it. The bonds shall be conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection with the contract.

§ 970-l. Property disposition, rehabilitation and development. (a) A municipality in order to implement a redevelopment plan adopted by the legislative body, may for purposes of redevelopment, sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed of trust or otherwise, or otherwise dispose of any real or personal property or any interest in property. Any lease or sale may be made without public bidding but only after a public hearing, notice of which shall be given by publication for not less than once a week for two weeks prior to the hearing in a newspaper of general circulation published in the county in which the land lies. Except as otherwise provided by this article the municipality shall lease or sell all real property acquired by it in any project area, except property conveyed by it to a municipality, school district or improvement district for public purposes as provided by the redevelopment plan. Each such lease or sale shall be conditioned on the redevelopment and use of the property in conformity with the redevelopment plan.

(b) The municipality may obligate lessees or purchasers of property acquired in a redevelopment project to use the property for the purpose designated in the redevelopment plan, begin the redevelopment of the project area within a period of time which the agency fixes as reasonable and comply with other conditions which the agency deems necessary to carry out the purposes of this article. The municipality may provide in the contract that any of the obligations of the purchasers are covenants or conditions running with the land, the breach of which shall cause the ownership to revert to the agency.

(c) The municipality may sell, lease, grant, or donate real property owned or acquired by it in a project area for the purpose of providing housing for low or moderate income individuals or families.

(d) Property acquired by the municipality for rehabilitation and resale shall be offered for resale within one year after completion of rehabilitation, or in the event that such property has not been offered for resale within one year an annual report shall be published by the agency in a newspaper of general circulation published in the municipality listing any rehabilitated property held by the agency in excess of such one-year period, stating the reasons such property remains unsold and indicating plans for its disposition.

(e) The term of lease by the agency of real property shall not exceed ninety-nine years.

§ 970-m. Amendment of redevelopment plan. If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may by resolution amend such plan. Such amendments may include a change in the boundaries of the project area to add land to or, prior to the issuance of indebtedness pursuant to section nine hundred seventy-o as provided by such redevelopment plan, exclude land from the project area. An amendment or modification of the plan shall be approved pursuant to subdivisions (a) through (g) of section nine hundred seventy-h of this article. Upon adoption of the amended plan by the legislative body the legislative body shall transmit the amended plan as provided by subdivision (h) of such section.

§ 970-n. Joint undertakings. Two or more municipalities may in combination jointly exercise the powers granted under this article pursuant to either subdivision (a) or (b) of this section.

(a) (i) The legislative bodies of two or more municipalities acting separately may each by resolution designate the legislative body of one of the municipalities to act as agent for all of the interested municipalities.

(ii) If one agent is designated pursuant to this subdivision, it shall obtain the report and recommendation of the planning agency of each municipality on the redevelopment plan and its conformity to the master plan of each municipality before presenting the redevelopment plan to the legislative body of each municipality. In order for a preliminary plan to be adopted or for a redevelopment plan to be adopted or amended approval must be obtained by resolution of the legislative body of each municipality acting separately. The legislative body which has been designated as agent, the municipality which such legislative body represents and the planning agency of such municipality shall, unless otherwise provided by this section, exercise all other powers, duties and responsibilities for the purpose of redevelopment pursuant to this article in the same manner as if such municipality were acting alone.

(iii) If two or more municipalities jointly exercise the powers granted under this subdivision and a redevelopment plan as adopted provides for the allocation of real property tax revenues pursuant to section nine hundred seventy-o of this article the real property taxes of each municipality shall be allocated pursuant to such section.

(iv) If two or more municipalities jointly exercise the powers granted under this subdivision and the redevelopment plan as adopted provides for the issuance of indebtedness pursuant to section nine hundred seventy-o of this article, such indebtedness shall either be issued jointly by the municipalities and the resolution authorizing the issuance of such indebtedness must be approved by the legislative body of each municipality acting separately or shall be issued by resolution of the designated agent on behalf of the municipality it represents and, by resolution of its legislative body, each municipality shall irrevocably pledge the revenues allocated pursuant to section nine hundred seventy-p of this article to the repayment of such indebtedness and any interest thereon.

(v) The joint exercise of powers authorized by this subdivision shall be permitted only for the purpose of redevelopment of an area located wholly within each municipality and within one or more school districts.

(b) (i) The legislature may by special act establish on behalf of and for the benefit of more than one municipality, a municipal redevelopment authority or empower an existing public corporation to carry out the purposes and provisions of this article. Upon the establishment of a municipal redevelopment authority the legislative body of each municipality shall file within one year after the effective date of such special act, in the office of the secretary of state, a certificate setting forth (1) the date of passage of such special act; (2) the name of the authority; and (3) the name or names of the member or members appointed by such governing body and their terms of office. Each such certificate shall be accompanied by a copy of the intermunicipal agreement under which membership on the authority is apportioned among the sponsoring municipalities and a copy of the local law approving the same. Such authority shall be deemed to be and shall be in existence upon the satisfactory filing and receipt of the certificate or certificates required by this paragraph and shall thereafter be perpetual in duration.

(ii) A municipal redevelopment authority shall be a corporate governmental agency constituting a public benefit corporation. Except as otherwise provided by special act of the legislature, an authority shall consist of not less than five nor more than nine members. Membership shall be apportioned among the municipalities and participating school districts, and the manner of selection of a chairman determined by an agreement approved by local law by each such municipality, and by resolution of the board of education of each school district. Members shall serve at the pleasure of the appointing authority, and each member shall continue to hold office until his successor is appointed and has qualified. The governing body of each municipality and school district shall file with the secretary of state a certificate of appointment or reappointment of any member appointed or reappointed by it. Members shall receive no compensation for their services but shall be entitled to reimbursement of the necessary expenses, including traveling expenses, incurred in the discharge of their duties. No action shall be taken by an authority except pursuant to the favorable vote of a majority of the members then in office. Any one or more of the members of an authority may be an official or an employee of such municipality. In the event that an official or an employee of such municipality shall be appointed as a member of the agency, acceptance or retention of such appointment shall not be deemed a forfeiture of his municipal office or employment, or incompatible therewith or affect his tenure or compensation in any way. The term of office of a member of an authority who is an official or an employee of such municipality when appointed as a member thereof by special act of the legislature creating the authority shall terminate at the expiration of the term of his municipal office. Upon the creation of an authority, from time to time the governing body of a municipality or a school district, may, by resolution, appropriate sums of money to defray the expenses of the authority.

(iii) Unless otherwise provided by this subdivision or by the special act of the legislature establishing a municipal redevelopment authority or empowering an existing public corporation to carry out the purposes and provisions of this article, such authority or public corporation shall have the powers, duties and responsibilities granted a municipality and its legislative body pursuant to sections nine hundred seventy-d through nine hundred seventy-m of this article, as well as the authority to receive the taxes of each municipality and school district allocated and paid pursuant to section nine hundred seventy-p of this article. Such authority or public corporation shall have the power to designate survey areas and select project areas as provided by sections nine hundred seventy-d and nine hundred seventy-e of this article. Such authority or public corporation shall obtain the report and recommendation of the planning agency of each municipality or school district on the redevelopment plan and its conformity to the master plan of each municipality and school district before presenting the redevelopment plan to the legislative body of each municipality or school district. In order for a preliminary plan to be adopted or for a redevelopment plan to be adopted or amended approval must be obtained by resolution of the legislative body of each municipality and the board of education of each school district acting separately.

(iv) The authority or public corporation shall have the power to apply for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof or from any other source, for any or all of the purposes specified in this article, and to comply, subject to the provisions of this article, with the terms and conditions thereof.

(v) (1) An authority or public corporation shall have the powers and duties granted municipalities pursuant to section nine hundred seventy-o of this article to issue tax increment bonds and tax increment bond anticipation notes. Such bonds and notes shall be bonds and notes of the authority or public corporation and neither the state nor any municipality shall be liable on such bonds and notes and such bonds and notes shall not be a debt of the state or of any municipality.

(2) The bonds and notes of an authority or public corporation are hereby made securities in which all public officials and bodies of the state and all municipalities, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, investment companies and other persons carrying on a banking business, and administrators, guardians, executors, trustees and other fiduciaries and all other persons whatsoever, who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. The bonds and notes are also hereby made securities which may be deposited with and may be received by all public officers and bodies of this state and all municipalities for any purposes for which the deposit of bonds or other obligations of this state is now or hereafter may be authorized.

(3) The state does hereby pledge to and agree with the holders of any bonds and notes issued by an authority or public corporation pursuant to this article that the state will not alter or limit the rights hereby vested in the authority to fulfill the terms of any agreement made with or for the benefit of such holders, or in any way impair the rights and remedies of such holders, until the bonds or notes, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. An authority or public corporation is authorized to include this pledge and agreement of the state in any agreement with such holders.

(vi) Any bonds or notes issued pursuant to this article and the interest thereon as well as the revenues, moneys and all other property and activities of an authority or public corporation shall be exempt from taxation for municipal and state purposes, except for transfer and estate taxes. The state hereby covenants with the purchasers and with all subsequent holders and transferees of bonds issued by an authority or public corporation pursuant to this paragraph, in consideration of the acceptance of and payment for the bonds, that the bonds of the authority or public corporation issued pursuant to this paragraph and the income therefrom and all revenues, moneys, and other property pledged to secure the payment of such bonds shall at all times be free from such taxes, except for transfer and estate taxes.

(vii) All moneys of an authority from whatever source derived shall be paid to the treasurer of an authority and shall be deposited forthwith in a bank or banks in the state designated by the authority. The moneys in such accounts shall be paid out on check of the treasurer upon requisition by the chairman of the authority or of such other officer or officers as the authority may authorize to make such requisitions. All deposits of such moneys shall be secured by obligations of or guaranteed by the United States or of the state of a market value equal at all times to the amount on deposit and all banks and trust companies are authorized to give such security for such deposits. An authority shall have power, notwithstanding the provisions of this section, to contract with the holders of any bonds as to the custody, collection, security, investment and payment of any moneys of the authority or any moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds. Moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such moneys may be secured in the same manner as moneys of an authority and all banks and trust companies are authorized to give such security for such deposits.

(viii) No action or proceeding shall be prosecuted or maintained against an authority for personal injury or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act of the authority or any member, officer, agent or employee thereof, unless (1) notice of claim shall have been made and served upon the authority or the secretary of state within the time limit established by and in compliance with section fifty-e of this chapter, (2) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice and that the adjustment or payment thereof has been neglected or refused, and (3) the action or proceeding shall be commenced within one year and ninety days after the cause of action shall have accrued.

§ 970-o. Tax increment bonds. (a) For the purpose of carrying out or administering a redevelopment plan adopted by the legislative body, a municipality is hereby authorized, without limiting its authority under other provisions of law, to issue by resolution of its legislative body tax increment bonds or tax increment bond anticipation notes of the municipality which are payable from and secured by real property taxes, in whole or in part, allocated to and paid pursuant to the provisions of section nine hundred seventy-p of this article. The pledge of such real property taxes allocated and paid shall constitute a first lien on the revenues derived therefrom and tax increment bonds or tax increment bond anticipation notes, the repayment of which is secured by such revenues shall not be subordinate to any other indebtedness of the municipality with respect to the pledge of such revenues. The municipality shall have the power to issue renewal notes, to issue bonds to pay notes and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any other purposes.

(b) In contracting indebtedness pursuant to subdivision (a) of this section a municipality shall not pledge its faith and credit or the faith and credit of the state to the payment of the principal thereof and the interest thereon. Indebtedness contracted pursuant to this subdivision shall not be indebtedness of any school district that has allocated taxes pursuant to section nine hundred seventy-p of this article.

(c) Bonds and notes issued pursuant to this section shall bear such date or dates and mature at such time or times, in the case of any note or any renewals thereof not to exceed five years from the date of issue of such original note, and in the case of any bond not exceeding the probable useful life of the object or purpose for which such bond is issued, as the bond or note resolution or resolutions may provide. The notes and bonds shall bear interest at such rates per annum payable at such times, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America, at such place or places and be subject to such terms of redemption, as the bond or note resolution or resolutions may provide. The notes and bonds may be sold at public or private sale at such price or prices as the municipality shall determine. No notes or bonds may be sold at private sale unless such sale and the terms thereof have been approved in writing by the state comptroller provided, however, that if such notes or bonds are sold at private sale to the state comptroller, the sale and terms thereof shall first be approved in writing by the state director of the budget.

(d) Any resolution or resolutions authorizing any tax increment bonds or tax increment notes or any issue thereof may contain provisions, which shall be a part of the contract with the holders thereof, as to:

(i) pledging all or a part of the taxes allocated pursuant to section nine hundred seventy-p of this article or the proceeds from the sale of property acquired with the proceeds of such notes or bonds to secure the payment of such notes or bonds or of any issue thereof, subject to such agreements with bondholders or noteholders as may exist;

(ii) the setting aside of reserve or sinking funds and the regulation and disposition thereof;

(iii) limitations on the purpose to which the proceeds of the sale of notes or bonds may be applied and pledging such proceeds to secure the payment of the notes or bonds or any issue thereof;

(iv) the procedure, if any, by which the terms of any contract with noteholders or bondholders may be amended or abrogated, the amount of notes or bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(v) vesting in a trustee or trustees such property, rights, powers and duties in trust as the municipality shall determine.

(e) A bond resolution or bond anticipation note resolution shall be authorized for each redevelopment plan adopted by the legislative body which provides for the financing of redevelopment projects from the proceeds of such notes and bonds.

(f) Neither the expenditure of money for an object or purpose for which it is proposed to issue obligations nor a bond resolution or bond anticipation note resolution authorized by this section shall be subject to a permissive referendum.

(g) The amount of any indebtedness contracted under this section shall be excluded in ascertaining the power of the municipality to contract indebtedness within the provisions of the state constitution or the local finance law relating thereto.

(h) The proceeds from the sale of real property acquired with the proceeds from the sale of bonds or notes issued pursuant to this section shall be used solely for the purposes of repayment of principal on such notes or bonds.

(i) The municipality may contract indebtedness pursuant to this section for the following objects or purposes:

(i) acquisition of land;

(ii) demolition and removal of buildings, structures and improvements and site preparation;

(iii) installation, construction or reconstruction of streets, walkways, docks, drainage, parking facilities, flood control facilities, water and sewer systems and other public utilities, parks and playgrounds;

(iv) other public improvements or services integral to the redevelopment plan authorized by or for which a period of probable usefulness has been established by section 11.00 of the local finance law. Objects and purposes referred to in this subdivision shall be deemed to have the period of probable usefulness as provided for such objects and purposes by such section.

§ 970-p. Allocation of taxes. (a) Any redevelopment plan may contain a provision that real property taxes levied upon taxable real property in the project area each year by or for the benefit of the municipality or municipalities and school districts after the effective date of the resolution approving the redevelopment plan, shall be divided as follows:

(i) that portion of the real property taxes not in excess of the amount which would be produced by applying the rate upon which the tax is levied each year by or for each municipality and school district to the total sum of the assessed value of the taxable real property in the project area as shown upon the assessment roll used in connection with the taxation of such property by such municipality and school district, last adopted prior to the effective date of the resolution approving such plan, shall be allocated to and when collected shall be paid into the funds of the respective municipalities and school districts as real property taxes collected by or for said municipalities and school districts adopting the redevelopment plan;

(ii) that portion of the real property taxes levied each year in excess of the portion allocated and paid pursuant to paragraph (i) of this subdivision shall be allocated to and when collected shall be paid into the fund or funds established for such purposes to pay the principal and interest on indebtedness incurred by such municipality pursuant to section nine hundred seventy-o of this article or, if the redevelopment plan so provides, the amount allocated and paid in excess of interest and principal and necessary reserves may be expended for amounts of money to be paid in lieu of taxes. Unless and until the total assessed valuation of the taxable property in a project area exceeds the total assessed value of the taxable real property in such project area as shown by the last assessment roll referred to in paragraph (i) of this subdivision, all of the real property taxes levied and collected upon the taxable real property in such project area shall be paid into the funds of the respective municipalities and school districts. When such indebtedness, if any and interest thereon, have been paid, all moneys thereafter received from real property taxes upon the taxable real property in such project area shall be paid into the funds of the respective municipalities and school districts as real property taxes on all other real property are paid;

(iii) whenever the total amount of real property taxes allocated pursuant to paragraph (ii) of this subdivision exceeds the amounts allocated and paid for interest and principal and necessary reserves, and for amounts to be paid in lieu of taxes, the amount of taxes in excess of such amounts shall be paid into the funds of the respective municipalities and school districts as taxes on all other real property are paid;

(iv) the allocation of taxes authorized by this section shall apply to taxable years beginning after the effective date of the resolution approving the redevelopment plan.

(b) Whenever real property in any redevelopment project has been redeveloped and thereafter is leased by the municipality to any person or persons or whenever the agency leases real property in any redevelopment project to any person or persons for redevelopment, the property shall be assessed and taxed in the same manner as privately owned real property and the lease or contract shall provide that the lessee shall pay real property taxes upon the assessed value of the entire real property and not merely the assessed value of his or her leasehold interest.

(c) In any municipality or school district subject to the allocation of revenues pursuant to this section the assessed value of taxable real property located in a project area shall be included on the taxable portion of the assessment roll, provided, however, that notwithstanding any provision of law to the contrary, the assessed value determined in accordance with paragraph (ii) of subdivision (a) of this section shall not be included in the taxable value of real property when determining the tax rate for such municipality or school district.

(d) The rate of tax resulting from the levy of real property taxes shall be applied to the assessed value of any real property subject to the allocation provisions of this section as determined pursuant to subdivision (a) of this section, however, the amount of tax levied as a result of the application of the tax rate to the increase in assessed value determined in accordance with paragraph (ii) of subdivision (a) of this section shall not be paid into the fund of the municipality or the school district as real property taxes but shall be allocated pursuant to that paragraph.

(e) The official or officials responsible for the preparation of the assessment roll or rolls specified in subdivision (a) of this section shall provide to the municipality or municipalities and school districts, in addition to the assessment roll or rolls, such information as is deemed necessary by the legislative bodies of the municipality or municipalities and school districts to effectuate the purpose of this section.

(f) The allocation of real property taxes authorized by this section shall be permitted only with respect to municipalities and school districts which have adopted a redevelopment plan providing for such allocation pursuant to section nine hundred seventy-h or section nine hundred seventy-n of this article and such allocation shall not apply to special ad valorem levies and special assessments as defined by subdivisions fourteen and fifteen of section one hundred two of the real property tax law.

(g) If, after adoption of a redevelopment plan, the official or officials responsible for the preparation of the assessment roll or rolls specified in subdivision (a) of this section undertake to revalue real property for real property tax purposes by altering the standard of assessment utilized to establish the value of real property for assessment purposes, the assessment of real property within a project area as provided by paragraph (i) of subdivision (a) of this section shall be adjusted in such manner as if such new standard of assessment had been utilized in the preparation of the assessment roll last adopted prior to adoption of the redevelopment plan.

§ 970-q. Annual report. The municipality shall submit to the state comptroller, on or before March thirty-first of each year, a progress report and financial statement for the preceding calendar year for each redevelopment project undertaken pursuant to this article.

§ 970-r. State assistance for brownfield opportunity areas. 1. Definitions. a. "Applicant" shall mean the municipality, community board and/or community based organization submitting an application for state assistance or a nomination for designation in the manner authorized by this section.

b. "Commissioner" shall mean the commissioner of the department of environmental conservation.

c. "Community based organization" shall mean a not-for-profit corporation exempt from taxation under section 501(c)(3) of the internal revenue code whose stated mission is promoting reuse of brownfield sites or community revitalization within a specified geographic area in which the community based organization is located; which has twenty-five percent or more of its board of directors residing in the community in such area; and represents a community with a demonstrated financial need. "Community based organization" shall not include any not-for-profit corporation that has caused or contributed to the release or threatened release of a contaminant from or onto the brownfield site, or any not-for-profit corporation that generated, transported, or disposed of, or that arranged for, or caused, the generation, transportation, or disposal of contamination from or onto the brownfield site. This definition shall not apply if more than twenty-five percent of the members, officers or directors of the not-for-profit corporation are or were employed or receiving compensation from any person responsible for a site under title thirteen or title fourteen of article twenty-seven of the environmental conservation law, article twelve of the navigation law or under applicable principles of statutory or common law liability.

d. "Brownfield site" shall have the same meaning as set forth in section 27-1405 of the environmental conservation law.

e. "Department" shall mean the department of state.

f. "Contamination" or "contaminated" shall have the same meaning as provided in section 27-1405 of the environmental conservation law.

g. "Municipality" shall have the same meaning as set forth in subdivision fifteen of section 56-0101 of the environmental conservation law.

h. "Community board" shall have the same meaning as set forth in section twenty-eight hundred of the New York city charter.

i. "Secretary" shall mean the secretary of state.

j. "Nomination" shall mean a written plan for redevelopment and revitalization of any area (i) wherein one or more known or suspected brownfield sites are located and (ii) that contains the elements required for brownfield opportunity area designation as determined in accordance with subdivision three of this section. It is not necessary that all, or any, of the services used to identify, prepare, create, or develop the elements required for designation be funded through this section.

2. State assistance for pre-nomination study for brownfield opportunity areas. a. Within the limits of appropriations therefor, the secretary is authorized to provide, on a competitive basis, financial assistance to municipalities, to community based organizations, to community boards, or to municipalities and community based organizations acting in cooperation to prepare a pre-nomination study for a brownfield opportunity area designation. Such financial assistance shall not exceed ninety percent of the costs of such pre-nomination study for any such area.

b. Activities eligible to receive such assistance shall include, but are not limited to, the assembly and development of basic information about:

(1) the borders of the proposed brownfield opportunity area;

(2) the number and size of known or suspected brownfield sites;

(3) current and anticipated uses of the properties in the proposed brownfield opportunity area;

(4) current and anticipated future conditions of groundwater in the proposed brownfield opportunity area;

(5) known data about the environmental conditions of the properties in the proposed brownfield opportunity area;

(6) ownership of the properties in the proposed brownfield opportunity area and whether the owners are participating in the brownfield opportunity area planning process; and

(7) preliminary descriptions of possible remediation strategies, reuse opportunities, necessary infrastructure improvements and other public or private measures needed to stimulate investment, promote revitalization, support job growth, reduce greenhouse gas emissions, increase climate resilience, enhance community health and environmental conditions, and achieve environmental justice.

c. Funding preferences shall be given to applications for such assistance that relate to areas having one or more of the following characteristics:

(1) areas for which the application is a partnered application by a municipality and a community based organization;

(2) areas with concentrations of known or suspected brownfield sites;

(3) areas for which the application demonstrates support from a municipality and a community based organization;

(4) areas showing indicators of economic distress including low resident incomes, high unemployment, high commercial vacancy rates, depressed property values; and

(5) areas with known or suspected brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

d. The secretary, upon the receipt of an application for such assistance from a community based organization not in cooperation with the local government having jurisdiction over the proposed brownfield opportunity area, shall request the municipal government to review and state the municipal government's support or lack of support; provided, however, in the city of New York, such statement shall be provided by the community board or boards for the district or districts in which the proposed area is located. The municipal government's or community board's statement shall be considered a part of the application.

e. Each application for assistance shall be submitted to the secretary in a format, and containing such information, as prescribed by the secretary but shall include, at a minimum, the following:

(1) a statement of the rationale or relationship between the proposed assistance and the criteria set forth in this subdivision for the evaluation and ranking of assistance applications;

(2) the processes by which local participation in the development of the application has been sought;

(3) the process to be carried out with the state assistance including, but not limited to, the goals of and budget for the effort, the work plan and timeline for the attainment of these goals, and the intended process for community participation in the process;

(4) the manner and extent to which public or governmental agencies with jurisdiction over issues that will be addressed in the data gathering process will be involved in this process;

(5) other planning and development initiatives proposed or in progress in the proposed brownfield opportunity area; and

(6) for each community based organization which is an applicant or a co-applicant, a copy of its determination of tax exempt status issued by the federal internal revenue service pursuant to section 501 of the internal revenue code, a description of the relationship between the community based organization and the area that is the subject of the application, its financial and institutional accountability, its experience in conducting and completing planning initiatives and in working with the local government associated with the proposed brownfield opportunity area.

f. Prior to making an award for assistance, the secretary shall notify the temporary president of the senate and speaker of the assembly.

g. Following notification to the applicant that assistance has been awarded, and prior to disbursement of funds, a contract shall be executed between the department and the applicant or co-applicants. The secretary shall establish terms and conditions for such contracts as the secretary deems appropriate, including provisions to define: applicant's work scope, work schedule, and deliverables; fiscal reports on budgeted and actual use of funds expended; and requirements for submission of a final fiscal report. The contract shall also require the distribution of work products to the department, and, for community based organizations, to the applicant's municipality. Applicants shall be required to make the results publicly available.

3. State assistance for nominations to designate brownfield opportunity areas. a. Within the limits of appropriations therefor, the secretary is authorized to provide, on a competitive basis, financial assistance to municipalities, to community based organizations, to community boards, or to municipalities and community based organizations acting in cooperation to prepare a nomination for designation of a brownfield opportunity area. Such financial assistance shall not exceed ninety percent of the costs of such nomination for any such area. A nomination study must include sufficient information to designate the brownfield opportunity area. The contents of the nomination study shall be developed based on pre-nomination study information, if conducted, which shall principally consist of an area-wide study, documenting the

historic brownfield uses in the area proposed for designation.

b. An application for such financial assistance shall include an indication of support from owners of brownfield sites in the proposed brownfield opportunity area. All residents and property owners in the proposed brownfield opportunity area shall receive notice in such form and manner as the secretary shall prescribe.

c. No application for such financial assistance shall be considered unless the applicant demonstrates that it has, to the maximum extent practicable, solicited and considered the views of residents of the proposed brownfield opportunity area, the views of state and local officials elected to represent such residents and the local organizations representing such residents.

d. Activities eligible to receive such financial assistance shall include the identification, preparation, creation, development and assembly of information and elements to be included in a nomination for designation of a brownfield opportunity area, including but not limited to:

(1) the borders of the proposed brownfield opportunity area;

(2) the location and size of each known or suspected brownfield site in the proposed brownfield opportunity area;

(3) the identification of strategic sites within the proposed brownfield opportunity area;

(4) the type of potential developments anticipated for sites within the proposed brownfield opportunity area proposed by either the current or the prospective owners of such sites;

(5) local legislative or regulatory action which may be required to implement a plan for the redevelopment of the proposed brownfield opportunity area;

(6) priorities for public and private investment in infrastructure, open space, economic development, housing, or community facilities in the proposed brownfield opportunity area;

(7) identification and mapping of current and anticipated uses of the properties and groundwater in the proposed brownfield opportunity area;

(8) existing detailed assessments of individual brownfield sites and,

where the consent of the site owner has been obtained, the need for conducting on-site assessments;

(9) known data about the environmental conditions of properties in the proposed brownfield opportunity area;

(10) ownership of the known or suspected brownfield properties in the proposed brownfield opportunity area to the extent such information is publicly available;

(11) descriptions of possible remediation strategies, reuse opportunities, brownfield redevelopment, necessary infrastructure improvements and other public or private measures needed to stimulate investment, promote revitalization, support job growth, reduce greenhouse gas emissions, increase climate resilience, enhance community health and environmental conditions, and achieve environmental justice;

(12) the goals and objectives, both short term and long term, for the economic revitalization of the proposed brownfield opportunity area;

(13) the publicly controlled and other developable lands and buildings within the proposed brownfield opportunity area which are or could be made available for residential, industrial and commercial development; and

(14) a community participation strategy to maximize public awareness and to solicit and consider the views of residents, businesses and other stakeholders of the proposed brownfield opportunity area.

e. Funding preferences shall be given to applications for such assistance that relate to areas having one or more of the following characteristics:

(1) areas for which the application is a partnered application by a municipality and a community based organization;

(2) areas with concentrations of known or suspected brownfield sites;

(3) areas for which the application demonstrates support from a municipality and a community based organization;

(4) areas showing indicators of economic distress including low resident incomes, high unemployment, high commercial vacancy rates, depressed property values; and

(5) areas with known or suspected brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

f. Each application for such assistance shall be submitted to the secretary in a format, and containing such information, as prescribed by the secretary but shall include, at a minimum, the following:

(1) a statement of the rationale or relationship between the proposed assistance and the criteria set forth in this section for the evaluation and ranking of assistance applications;

(2) the processes by which local participation in the development of the application has been sought;

(3) the process to be carried out under the state assistance including, but not limited to, the goals of and budget for the effort, the work plan and timeline for the attainment of these goals, and the intended process for public participation in the process;

(4) the manner and extent to which public or governmental agencies with jurisdiction over issues that will be addressed in the data gathering process will be involved in this process;

(5) other planning and development initiatives proposed or in progress in the proposed brownfield opportunity area;

(6) for each community based organization which is an applicant or a co-applicant, a copy of its determination of tax exempt status issued by the federal internal revenue service pursuant to section 501 of the internal revenue code, a description of the relationship between the community based organization and the area that is the subject of the application, its financial and institutional accountability, its experience in conducting and completing planning initiatives and in working with the local government associated with the proposed brownfield opportunity area; and

(7) the financial commitments the applicant will make to the brownfield opportunity area for activities including, but not limited to, marketing of the area for business development, human resource services for residents and businesses in the brownfield opportunity area, and services for small and minority and women-owned businesses.

g. An application for such assistance from a community based organization not in cooperation with the local government having jurisdiction over the proposed brownfield opportunity area, shall include a resolution from the city, town, or village with planning and land use authority in which the brownfield opportunity area is proposed, stating support or lack of support; provided, however, in the city of New York, such resolution shall be provided by the community board or boards for the district or districts in which the proposed area is located. The resolution from each city, town, village, or community board shall be considered a part of the application.

h. Prior to making an award for assistance, the secretary shall notify the temporary president of the senate and speaker of the assembly.

i. Following notification to the applicant that assistance has been awarded, and prior to disbursement of funds, a contract shall be executed between the department and the applicant or co-applicants. The secretary shall establish terms and conditions for such contracts as the secretary deems appropriate, including provisions to define: applicant's work scope, work schedule, and deliverables; fiscal reports on budgeted and actual use of funds expended; and requirements for submission of a final fiscal report. The contract shall also require the distribution of work products to the department, and, for community based organizations, to the applicant's municipality. Applicants shall be required to make the results publicly available. Such contract shall further include a provision providing that if any responsible party payments become available to the applicant, the amount of such payments attributable to expenses paid by the award shall be paid to the department by the applicant; provided that the applicant may first apply such responsible party payments toward any actual project costs incurred by the applicant.

3-a. State assistance for activities to advance brownfield opportunity area revitalization. a. Within amounts appropriated therefor, the secretary is authorized to provide, on a competitive basis, financial assistance to municipalities, to community based organizations, to community boards, or to community based organizations acting in cooperation with a municipality, to conduct predevelopment activities within a designated brownfield opportunity area to advance the goals and priorities of the brownfield opportunity area program set forth in the nomination of such area. Such financial assistance shall not exceed ninety percent of the costs of such activities. Activities eligible to receive such assistance shall include: development and implementation of marketing strategies; development of plans and specifications; real estate services; building condition studies; infrastructure analyses; zoning and regulatory updates; environmental, housing and economic studies, analyses and reports; renewable energy feasibility studies, legal and financial services; and public outreach.

b. Funding preferences shall be given to applications for such assistance that relate to areas having one or more of the following characteristics:

(1) areas showing indicators of economic distress including low resident incomes, high unemployment, high commercial vacancy rates, depressed property values; and

(2) areas with known or suspected brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

c. Prior to making an award for assistance, the secretary shall notify the temporary president of the senate and speaker of the assembly.

d. Following notification to the applicant that assistance has been awarded, and prior to disbursement of funds, a contract shall be executed between the department and the applicant or co-applicants. The secretary shall establish terms and conditions for such contracts as the secretary deems appropriate, including provisions to define: applicant's work scope, work schedule, and deliverables; fiscal reports on budgeted and actual use of funds expended; and requirements for submission of a final fiscal report. The contract shall also require the distribution of work products to the department, and, for community based organizations, to the applicant's municipality. Applicants shall be required to make the results publicly available. Such contract shall further include a provision providing that if any responsible party payments become available to the applicant, the amount of such payments attributable to expenses paid by the award shall be paid to the department by the applicant; provided that the applicant may first apply such responsible party payments toward any actual project costs incurred by the applicant.

4. Designation of brownfield opportunity area. Upon completion of a nomination for designation of a brownfield opportunity area, it shall be forwarded by the applicant to the secretary, who shall determine whether it is consistent with the provisions of this section. The secretary may review and approve a nomination for designation of a brownfield opportunity area at any time. If the secretary determines that the nomination is consistent with the provisions of this section, the brownfield opportunity area shall be designated. If the secretary determines that the nomination is not consistent with the provisions of this section, the secretary shall make recommendations in writing to the applicant of the manner and nature in which the nomination should be amended.

5. Priority and preference. The designation of a brownfield opportunity area pursuant to this section is intended to serve as a planning tool. It alone shall not impose any new obligations on any property or property owner. To the extent authorized by law, projects in brownfield opportunity areas designated pursuant to this section shall receive a priority and preference when considered for financial assistance pursuant to articles fifty-four and fifty-six of the environmental conservation law. To the extent authorized by law, projects in brownfield opportunity areas designated pursuant to this section may receive a priority and preference when considered for financial assistance pursuant to any other state, federal or local law.

6. State assistance for brownfield site assessments in brownfield opportunity areas. a. Within the limits of appropriations therefor, the secretary of state, is authorized to provide, on a competitive basis, financial assistance to municipalities, to community based organizations, to community boards, or to municipalities and community based organizations acting in cooperation to conduct brownfield site assessments. Such financial assistance shall not exceed ninety percent of the costs of such brownfield site assessment.

b. Brownfield sites eligible for such assistance must be owned by a municipality, or volunteer as such term is defined in section 27-1405 of the environmental conservation law.

c. Brownfield site assessment activities eligible for funding include, but are not limited to, testing of properties to determine the nature and extent of the contamination (including soil and groundwater), environmental assessments, the development of a proposed remediation strategy to address any identified contamination, and any other activities deemed appropriate by the commissioner in consultation with the secretary of state. Any environmental assessment shall be subject to the review and approval of such commissioner.

d. Applications for such assistance shall be submitted to the secretary in a format, and containing such information, as prescribed by the secretary in consultation with the commissioner.

e. Funding preferences shall be given to applications for such assistance that relate to areas having one or more of the following characteristics:

(1) areas for which the application is a partnered application by a municipality and a community based organization;

(2) areas with concentrations of known or suspected brownfield sites;

(3) areas for which the application demonstrates support from a municipality and a community based organization;

(4) areas showing indicators of economic distress including low resident incomes, high unemployment, high commercial vacancy rates, depressed property values; and

(5) areas with known or suspected brownfield sites presenting strategic opportunities to stimulate economic development, community revitalization or the siting of public amenities.

f. The secretary, upon the receipt of an application for such assistance from a community based organization not in cooperation with the local government having jurisdiction over the proposed brownfield opportunity area, shall request the municipal government to review and state the municipal government's support or lack of support. The municipal government's statement shall be considered a part of the application.

g. Prior to making an award for assistance, the secretary shall notify the temporary president of the senate and the speaker of the assembly.

h. Following notification to the applicant that assistance has been awarded, and prior to disbursement of funds, a contract shall be executed between the department and the applicant or co-applicants. The commissioner shall establish terms and conditions for such contracts as the commissioner deems appropriate in consultation with the secretary of state, including provisions to define: applicant's work scope, work schedule, and deliverables; fiscal reports on budgeted and actual use of funds expended; and requirements for submission of a final fiscal report. The contract shall also require the distribution of work products to the department, and, for community based organizations, to the applicant's municipality. Applicants shall be required to make the results publicly available. Such contract shall further include a provision providing that if any responsible party payments become available to the applicant, the amount of such payments attributable to expenses paid by the award shall be paid to the department by the applicant; provided that the applicant may first apply such responsible party payments towards actual project costs incurred by the applicant.

7. Amendments to designated area. Any proposed amendment to a brownfield opportunity area designated pursuant to this section shall be proposed, and reviewed by the secretary, in the same manner and using the same criteria set forth in this section and applicable to an initial nomination for the designation of a brownfield opportunity area.

8. Community participation requirements. a. All applications for state assistance for pre-nomination or nomination study or applications for designation of a brownfield opportunity area shall demonstrate that the following community participation activities have been or will be performed by the applicant:

(1) identification of the interested public and preparation of a contact list;

(2) identification of major issues of public concern;

(3) public notice and newspaper notice of (i) the intent of the municipality and/or community based organization to undertake a pre-nomination or nomination study or apply for designation of a brownfield opportunity area, and (ii) the availability of such application and any supporting documents in a manner convenient to the public.

b. Application for designation of a brownfield opportunity area shall provide the following minimum community participation activities:

(1) a comment period of at least thirty days on a draft nomination;

(2) a public meeting on an application;

(3) public access to such application, nomination, and any supporting documents in the manner convenient to the public.

9. Financial assistance; advance payment. Notwithstanding any other law to the contrary, financial assistance pursuant to this section provided by the commissioner and the secretary pursuant to an executed contract may include an advance payment up to twenty-five percent of the contract amount.

10. The secretary shall establish criteria for brownfield opportunity area conformance determinations for purposes of the brownfield redevelopment tax credit component pursuant to clause (ii) of subparagraph (B) of paragraph five of subdivision (a) of section twenty-one of the tax law. In establishing criteria, the secretary shall be guided by, but not limited to, the following considerations: how the proposed use and development advances the designated brownfield opportunity area plan's vision statement, goals and objectives for revitalization; how the density of development and associated buildings and structures advances the plan's objectives, desired redevelopment and priorities for investment; and how the project complies with zoning and other local laws and standards to guide and ensure appropriate use of the project site.

ARTICLE 19

FOREIGN TRADE ZONE AUTHORITY

Section 975. Town of Islip Foreign Trade Zone Authority.

§ 975. Town of Islip Foreign Trade Zone Authority. For the benefit of the town of Islip and the inhabitants thereof, a foreign trade zone authority to be known as the TOWN OF ISLIP FOREIGN TRADE ZONE AUTHORITY, is hereby established for purposes of establishing, operating, and maintaining a Foreign Trade Zone in the town of Islip, county of Suffolk.

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 article eighteen-A of this chapter upon industrial development agencies and upon Suffolk county by subdivision eighteen of section two hundred twenty-four of the county law except that: (1) "project" shall mean any land, any building or other improvements and all real and personal properties located within the town of Islip, Suffolk county, including but not limited to, machinery, equipment and other facilities deemed necessary or desirable in connection therewith, or incidental thereto, whether or not now in existence or construction, which shall be suitable for purposes of establishing, operating, and maintaining a foreign trade zone in the town of Islip, county of Suffolk; and (2) the exercise of the powers of such authority 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 Islip, and such authority shall take into consideration the local zoning 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 article eighteen-A of this chapter, and shall have the power to contract with the county of Suffolk for the promotion, establishment and operation of a foreign trade zone pursuant to subdivision eighteen of section two hundred twenty-four of the county law. Its members shall be appointed by the governing body of the town of Islip. The authority, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of article eighteen-A of this chapter.

1. The town of Islip and county of Suffolk are hereby authorized to pledge to and agree with holders of the bonds and notes that;

(a) the town and county will not limit or alter the rights hereby vested in the authority to acquire, construct, maintain, reconstruct, and operate any project or projects, to establish and collect rentals, fees and other charges and to fulfill the terms of any agreements made with the holders of the bonds and notes, or in any way impair the rights and remedies of the bondholders or noteholders, until the bonds or notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders or noteholders, are fully met and discharged; and

(b) no facilities except those acquired, constructed and operated by the authority created herein shall be acquired, constructed and operated for foreign trade zone purposes by the town or county or by any public benefit or other corporation whose members, or any member, are elected or appointed by the town board of the town of Islip until the bonds or notes, together with interest thereon, with interest on any unpaid installment of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders or noteholders are fully met and discharged.

2. Any public officer or employee of the town of Islip or county of Suffolk, selected by the authority may, with the consent of the municipality, by which he or she has been employed, be transferred to the authority and shall be eligible for such transfer to the authority. The salary or compensation of any such officer or employee shall, after such transfer, be paid and fixed by the authority. Any such officers or employees so transferred to the authority pursuant to the provisions of this section, who are members of or beneficiaries under an existing pension or retirement system, shall continue to have all rights, privileges, obligations and status with respect to such fund system or systems as are now prescribed by law, but during the period of their employment by the authority, all contributions to a pension or retirement system to be paid by the employer on account of such officers or employees, shall be paid by the authority.

ARTICLE 19-A

BUSINESS IMPROVEMENT DISTRICTS

§ 980. Definitions. As used in this article:

(a) "Average full valuation of taxable real property" means the valuation obtained by taking the assessed valuation of taxable real property in the district as it appears upon the last completed and four preceding assessment rolls of the municipality and dividing each by the applicable state equalization rate as determined by the commissioner of taxation and finance pursuant to article twelve of the real property tax law for each of the assessment rolls and dividing the sum of the quotients thus obtained by five.

(b) "District" means a business improvement district established pursuant to this article.

(c) "District charge" means a levy imposed on behalf of the district as provided in the district plan.

(d) "District management association" means the association established pursuant to section nine hundred eighty-m of this article.

(e) "District plan" or "plan" means a proposal as defined in section nine hundred eighty-a of this article.

(f) "Legislative body" means the local legislative body empowered to adopt and amend local laws or ordinances.

(g) "Municipality" means a city, town or village within the state of New York.

(h) "Owner" means owner of record.

(i) "Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

§ 980-a. Contents of the district plan. The district plan shall contain the following:

(a) a map of the district;

(b) the written report or reports of the legislative body containing: (1) a description of the boundaries of the district proposed for establishment or extension in a manner sufficient to identify the lands included;

(2) a description of the present and proposed uses of these lands;

(3) the improvements proposed and the maximum cost thereof;

(4) the total annual amount proposed to be expended for improvements, maintenance and operation;

(5) the proposed source or sources of financing;

(6) the proposed time for implementation and completion of the district plan;

(7) any proposed rules and regulations to be applicable to the district;

(8) a list of the properties to be benefited, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property, in proportion to the benefit received by such property, to defray the cost thereof, including operation and maintenance. Notwithstanding any inconsistent provision of section nine hundred eighty-f of this article, the plan may provide that all or any class or category of real property which is exempt by law from real

property taxation and which would not benefit from the establishment or extension of the district may nevertheless be included within the boundaries of the district but such property shall not be subject to any district charge;

(9) a statement identifying the district management association for the district; and

(10) any other item or matter required to be incorporated therein by the legislative body.

§ 980-b. Local adoption of article. Every municipality shall be authorized to adopt a local law, subject to permissive referendum, providing that the provisions of this article shall be applicable to the establishment or extension of districts in the municipality.

§ 980-c. Local legislative powers. Upon establishment of a district pursuant to the provisions of this article, the legislative body shall have authority to exercise the following powers with respect to such district, subject to the provisions of this article to: (a) provide for district improvements located on or within municipally or district owned or leased property which will restore or promote business activity in the district:

(1) construction and installation of landscaping, planting, and park areas;

(2) construction of lighting and heating facilities;

(3) construction of physically aesthetic and decorative safety fixtures, equipment and facilities;

(4) construction of improvements to enhance security of persons and property within the district;

(5) construction of pedestrian overpasses and underpasses and connections between buildings;

(6) closing, opening, widening or narrowing of existing streets;

(7) construction of ramps, sidewalks, plazas, and pedestrian malls;

(8) rehabilitation or removal of existing structures as required;

(9) removal and relocation of utilities and vaults as required;

(10) construction of parking lot and parking garage facilities; and

(11) construction of fixtures, equipment, facilities and appurtenances as may enhance the movement, convenience and enjoyment of the public and be of economic benefit to surrounding properties such as: bus stop shelters; benches and street furniture; booths, kiosks, display cases, and exhibits; signs; receptacles; canopies; pedestrian shelters and fountains.

(b) provide for the operation and maintenance of any district improvement;

(c) provide for additional maintenance or other additional services required for the enjoyment and protection of the public and the promotion and enhancement of the district whether or not in conjunction with improvements authorized by this section, including:

(1) enhanced sanitation services;

(2) services promoting and advertising activities within the district;

(3) marketing education for businesses within the district;

(4) decorations and lighting for seasonal and holiday purposes; and

(5) services to enhance the security of persons and property within the district.

(d) enter into contracts to provide for the construction of accessibility improvements adjacent to public areas by businesses within the district which will increase access from public areas to such businesses for persons with disabilities and the general public and assist businesses in meeting requirements for removal of architectural barriers in existing facilities, pursuant to the Americans with disabilities act of 1990, as amended (P.L. 101-336).

§ 980-d. District plan. (a) The legislative body of any municipality other than a municipality having a population of one million or more may provide by resolution for the preparation of a district plan, upon its own motion, or at the request of the chief executive officer or an individual or agency designated by such officer, or upon the written petition, signed and acknowledged, of (1) the owners of at least fifty-one percent of the assessed valuation of all the taxable real property within the boundaries of the district proposed for establishment or extension, as shown upon the latest completed assessment roll of the municipality, and (2) at least fifty-one percent of the owners of real property within the area included in the district proposed for establishment or extension. In a municipality having a population of one million or more, the chief executive officer may provide for the preparation of a district plan, upon his or her own initiative, or at the request of an individual or agency designated by such officer, or at the request of the city council, or upon the written petition, signed and acknowledged, of such owners described in paragraphs one and two of this subdivision.

(b) The establishment or extension of a district shall be based upon the district plan filed in the office of the municipal clerk, except as provided in subdivision (c) of this section.

(c) In any city having a population of one million or more, the district plan shall first be submitted to the city planning commission which shall forward a copy within five days to the city council and to the council member or members representing the council district or districts in which the proposed district is located, to the community board or boards for the community district or districts in which the proposed district is located, and to the respective borough board and borough president, if the plan involves properties located in two or more community districts. Each community board shall notify the public of the proposed plan in accordance with the requirements established by the city planning commission, and may conduct a public hearing and submit a written recommendation to the city planning commission not later than thirty days after receipt of the plan. The city planning commission shall review the plan and recommendations, and, after a public hearing, prepare a report. The city planning commission shall submit its report to the mayor, to the affected borough president, to the city council and to the council member or members representing the council district or districts in which the proposed district is located, together with copies of any recommendation of a community board, within sixty days from the date of expiration of the community board's period for reviewing the plan and submitting recommendations. This report shall certify the city planning commission's unqualified approval, disapproval or qualified approval with recommendations for modifications of the district plan. A copy of this report together with the original district plan shall be transmitted for filing with the city clerk. In the event the city planning commission shall fail to submit its report within ninety-five days of receipt of the original district plan, it shall be required to immediately transmit the original plan to the city clerk for filing and no report of the city planning commission shall be necessary.

(d) All district plans shall conform with the requirements of this article. The legislative body may determine that the plan or any part of the plan, shall be prepared by, or under the supervision of municipal officers and employees to be designated by the legislative body, or by persons or firms to be employed for that purpose, provided, however, that in a municipality having a population of one million or more, such determination and designation shall be made by the chief executive officer. Except as otherwise provided in this article, the expense incurred for the preparation of the plan or part of the plan shall be a municipal charge.

(e) If the municipality shall thereafter establish or extend the district or provide the improvements or additional services or contract for the required services, the expense incurred by the municipality for the preparation of the plan or any part of the plan shall be deemed to be part of the cost of the improvement, or the rendering of additional services, and the municipality shall be reimbursed in the amount paid, or the portion of that amount which the legislative body, at a public hearing held pursuant to this article, shall allocate against the district.

§ 980-e. Notice and hearing. (a) After the filing of the district plan in the office of the municipal clerk, the legislative body may adopt a resolution and shall enter the same in the minutes of its proceedings. This resolution shall contain a copy of the district plan, any report of the planning commission or board, the fact that a district plan is on file in the municipal clerk's office for public inspection and the time when and the place where the legislative body will meet and hold a public hearing to hear all persons interested in the subject thereof.

(b) The resolution shall also contain a statement that any owner of real property, deemed benefited and therefore within the district, objecting to the plan must file an objection at the office of the municipal clerk within thirty days of the conclusion of the hearing on forms made available by the clerk, and, further, that if (1) owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the district proposed for establishment or extension, as shown upon the latest completed assessment roll of the municipality, or (2) at least fifty-one percent of the owners of benefited real property within the area included in the district proposed for establishment or extension, so file their objections, the district will not be established or extended.

(c) The legislative body shall cause a copy of the resolution or a summary thereof to be published at least once in the official paper or a newspaper in general circulation in the municipality, the first publication to be not less than ten nor more than thirty days before the day set for the hearing required by this section. In addition, not less than ten nor more than thirty days before the date set for the hearing, the legislative body shall cause a copy of the resolution or a summary thereof to be mailed to each owner of real property within the proposed district at the address shown on the latest municipal assessment roll, to such other persons as are registered with the municipality to receive tax bills concerning real property within the proposed district and to the tenants of each building within the proposed district. If the legislative body publishes or mails a summary of the resolution, such summary shall include the business address of the municipal clerk, a statement that copies of the resolution shall be made available free of charge to the public, the improvements proposed and the maximum cost thereof, the total annual amount proposed to be expended for improvements, maintenance and operation, and a statement indicating the rights of owners to object pursuant to subdivision (b) of this section.

(d) The resolution may further state the place, other than the municipal clerk's office, where the district plan may be inspected in advance of the hearing, if the legislative body determines that, in the public interest, any additional place of inspection is necessary or desirable.

§ 980-f. Establishment or extension of the district. (a) Not earlier than thirty days after the conclusion of the last day of the public hearing held pursuant to section nine hundred eighty-e of this article, the legislative body shall determine:

(1) whether the notice of hearing for all hearings required to be held was published and mailed as required by law and is otherwise sufficient;

(2) except as otherwise provided in section nine hundred eighty-a of this article whether all the real property within the boundaries of the proposed district or extension will benefit from the establishment or extension of the district;

(3) whether all the real property benefited is included within the limits of the proposed district or extension; and

(4) whether the establishment or extension of the district is in the public interest.

(b) (1) If the legislative body shall determine the question of paragraph four of subdivision (a) of this section in the negative, or if the requisite number of owners shall have filed their objections as provided in section nine hundred eighty-e of this article, the legislative body shall adopt a resolution disapproving the establishment or extension of the district, stating the reasons for its determination and enter the same in the minutes of its proceedings. Thereafter no plan for the establishment or extension of a district to include any part of the property proposed to be included in the disapproved district may be prepared as provided in section nine hundred eighty-d of this article until the expiration of at least one year from the date of disapproval.

(2) If the legislative body shall find that notice was incorrectly or insufficiently given or that, except as otherwise provided in section nine hundred eighty-a of this article, any part or portion of the real property within the boundaries of the proposed district or extension is not benefited thereby or that certain property benefited thereby has not been included therein, it shall call a further hearing at a definite place and time not less than ten nor more than thirty days after this determination. In the resolution calling such hearing, it shall specify the necessary changes, if any, to the boundaries of the proposed district or extension to be made in order that, except as otherwise provided in section nine hundred eighty-a of this article, all of the real property and only that real property as is deemed benefited shall be included within the the boundaries of the proposed district or extension. Such a further hearing shall also be required in the event that the legislative body proposes to amend the district plan to reduce

or provide additional improvements or services not included in the original plan prior to the establishment of the district. Notice of the further hearing shall be published and mailed in the manner provided in section nine hundred eighty-e of this article, except that, where boundaries are to be altered, this notice shall also specify the manner in which it is proposed to alter the boundaries of the proposed district or extension. The further hearing shall be conducted in the same manner as the original hearing.

(c) If and when the legislative body shall determine in the affirmative all of the questions set forth in subdivision (a) of this section, and provided that the requisite number of owners shall not have objected as provided in section nine hundred eighty-e of this article, it may adopt a local law approving the establishment or extension of the district as the boundaries shall be finally determined and the construction of the improvement or providing of the service in the district. Such local law shall become effective only upon compliance with section nine hundred eighty-g of this article.

(d) Upon the recommendation of the district management association and after a public hearing, the legislative body may adopt a local law at any time prior to or after the establishment of a district to change the method of assessment as set forth in the plan. Notice of such public hearing and a description of the proposed change shall be given in the manner set forth in section nine hundred eighty-e of this article.

(e) Notwithstanding the provisions of this article, the Town of Woodbury in the county of Orange is hereby authorized to establish a business improvement district solely for the purpose of providing additional security services for the property encompassed by and commonly known as Woodbury Commons.

§ 980-g. Review by the state comptroller. (a) The state comptroller shall review as provided in this section: (1) the establishment or extension of a district; and (2) the amendment of a district plan pursuant to subdivision (c) of section nine hundred eighty-i of this article.

(b) Within twenty days after the adoption of a local law by a legislative body pursuant to section nine hundred eighty-f or subdivision (c) of section nine hundred eighty-i of this article, the chief executive officer, or, except in a municipality having a population of one million or more, other such officer of the municipality as the legislative body shall determine, shall forward the following information to the state comptroller at Albany, New York:

(1) an itemized statement of the then outstanding indebtedness of the municipality for all purposes, as evidenced by bonds, bond anticipation notes, capital notes, deferred payment notes and budget notes; the amount of budgetary appropriations for the payment of any outstanding indebtedness, whether or not appropriations have been realized as cash; the amount of indebtedness proposed to be contracted for the improvement, and the amounts, purposes and probable date of issuance of any bonds, bond anticipation notes, capital notes, deferred payments notes and budget notes which the municipality has authorized to be issued but which in fact have not been issued to date;

(2) a statement of the total assessed valuation of the taxable real property situated in the proposed district or extension of a district, as shown on the latest completed and four preceding assessment rolls of the municipality and of the amount of municipal real property taxes levied against such property in the preceding fiscal year;

(3) a statement of the average full valuation of the taxable real property of the municipality determined in accordance with the provisions of paragraph seven-a of section 2.00 of the local finance law; and

(4) a statement, the form of which shall be determined by the comptroller, attesting that the provisions of this article have been met, signed and verified by the chief executive officer.

(c) The state comptroller shall then review the information submitted pursuant to paragraphs one, two and three of subdivision (b) above to determine that the tax and debt limitations provided in section nine hundred eighty-k of this article will not be exceeded by the establishment or extension of the district.

(d) The state comptroller shall notify the municipality of his or her determination within sixty days of the receipt of the items specified in subdivision (b) of this section. Unless the state comptroller determines that the tax and debt limitations provided in section nine hundred eighty-k of this article will be exceeded by the establishment or extension of the district or that the statement required by paragraph four of subdivision (b) of this section does not comply with the provisions of such paragraph, the municipality may proceed with the establishment or extension of the district upon receipt of the notice from the state comptroller of his or her determination.

(e) Upon the municipality's compliance with any other requirements established by law, the local law enacted pursuant to section nine hundred eighty-f of this article shall become effective.

§ 980-h. Publication; filing; judicial review. (a) The municipal clerk shall cause a certified copy of the local law of the legislative body adopted pursuant to the provisions of this article establishing or extending any district, or increasing the maximum total amount proposed to be expended for the improvement in any district or extension, or changing the method of assessment, or authorizing the district to incur debt to provide for additional improvements or services within the district, to be duly recorded in the municipal clerk's office within ten days after such local law becomes effective. When so recorded this local law shall be presumptive evidence of the regularity of the proceedings for the establishment or extension of the district, of the proceedings instituted for the construction of any improvement and of all other actions taken in relation to it.

(b) Within ten days after the local law becomes effective, the municipal clerk shall, in addition to any other filing required by law, cause a certified copy thereof to be filed in the office of the state comptroller at Albany, New York, and within two weeks thereafter shall cause a copy of the local law or a summary thereof to be published at least once in the official paper or newspaper of general circulation in the municipality.

(c) This local law shall be final and conclusive unless a proceeding to review is commenced in accordance with this subdivision. Any person aggrieved by any local law adopted pursuant to this article may seek judicial review of the local law in the manner provided by article seventy-eight of the civil practice law and rules, provided the proceeding is commenced within thirty days from the date of the publication of the copy or summary of the local law pursuant to subdivision (b) of this section. No review shall be had unless the petitioner shall give an undertaking approved by the supreme court, or a justice thereof, as to form, amount and sufficiency of sureties, that, in the event of failure to modify the local law he will pay to the municipality, all costs and expenses as are incurred by it on account of the proceedings, as shall be determined by the court. In the event that upon this review there shall be any modification by the court of the local law, the court shall direct the modification by judgment which shall be final and conclusive, and the municipal clerk shall cause the judgment to be recorded and filed in the same places and manner as was the local law which was modified.

§ 980-i. Amendments to the district plan. (a) At any time after the establishment or extension of a district pursuant to the provisions of this article, the district plan upon which the establishment or extension was based, may, upon the recommendation of the district management association, be amended by the legislative body after compliance with the procedures set forth in this section.

(b) Amendments to the district plan which provide for additional improvements or services or any change in the method of assessment upon which the district charge is based, or an increase only in the amount to be expended annually for improvements, services, maintenance and operation may be adopted by local law of the legislative body, provided that the legislative body shall, after a public hearing, determine that it is in the public interest to authorize the additional improvements, services or increase in the maximum annual amount and that the tax and debt limits prescribed in section nine hundred eighty-k of this article will not be exceeded. The legislative body shall give notice of the hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held and stating the increase proposed in the maximum amount to be expended annually. The notice shall be published once at least ten days prior to the date specified for the hearing.

(c) Amendments to the district plan which provide for the district to incur indebtedness in order to provide for additional improvements or which provide for an increase in the total maximum amount to be expended for improvements in the district, may be adopted by local law of the legislative body, provided that the legislative body shall, after a public hearing, determine that it is in the public interest to authorize the district to incur indebtedness to provide for additional improvements or to increase the maximum total amount to be expended for improvements in the district and that the tax and debt limits prescribed in section nine hundred eighty-k of this article will not be exceeded. Notice of the hearing shall be published and mailed in the manner provided in section nine hundred eighty-e of this article. The local law adopted pursuant to this subdivision shall not be effective until reviewed by the state comptroller in accordance with section nine hundred eighty-g of this article.

§ 980-j. Expense of the district. (a) The expense incurred in the construction or operation of any improvement or provision of additional services in a district pursuant to this article shall be financed in accordance with the district plan upon which the establishment or extension of the district was based. Services for which district property owners are charged pursuant to the plan must be in addition to or an enhancement of those provided by the municipality prior to the establishment of the district. The expense and cost apportioned to benefited real property in accordance with the plan shall be a charge upon each benefited parcel of real property within the district.

(b) The charge upon benefited real property pursuant to this article shall be imposed as provided in the district plan. If the formula includes an ad valorem component, this component shall be determined by the assessed value of each parcel as entered on the latest completed assessment roll used by the municipality for the levy of general municipal taxes. The charge shall be determined, levied and collected in the same manner, at the same time and by the same officers, as general municipal taxes are levied and collected.

(c) Any municipality which has established a district pursuant to this article, may, for the purpose of providing funds for making capital improvements within a district, issue and sell bonds or other municipal obligations as provided in the local finance law and other applicable laws and statutes. Principal and interest payments on these bonds or other municipal obligations may be made in whole or in part from the proceeds of charges imposed upon benefited real property within the district.

§ 980-k. Tax and debt limitations. (a) The aggregate amount of outstanding indebtedness that is incurred to provide funds for capital improvements pursuant to this article shall be chargeable against the municipality's constitutional debt limit and may not exceed ten percent of the amount allowable under that limit. The aggregate amount of outstanding indebtedness that is incurred to provide funds for capital improvements pursuant to this article and that is chargeable against the property within the district may not exceed seven percent of the average full valuation of taxable real property in the district.

(b) The district charge, exclusive of debt service, levied in a given year against real property in a district may not exceed twenty percent of the total general municipal taxes levied in that year against the taxable real property in the district. The district charge so levied shall be included in the total amount, if any, that the municipality is permitted by law to raise in that year by a tax on real property.

§ 980-l. Expenditure of district funds. (a) The proceeds of any charge imposed pursuant to this article shall be held by the chief fiscal officer and shall be separately accounted for in the books and records of the municipality. None of the proceeds collected pursuant to this article shall be used for any purposes other than those set forth in the district plan. These funds may be paid out for district purposes in accordance with the general procedures for payment of other municipal expenditures.

(b) All contracts for improvements, goods or services to be provided in the district shall be subject to all applicable provisions of the law relating to the letting of contracts by the municipality.

§ 980-m. District management association. (a) There shall be a district management association for each district established pursuant to the provisions of this article (which shall pursuant to the not-for-profit corporation law have one or more classes or membership, voting or non-voting) for the purpose of carrying out such activities as may be prescribed in the plan. Notwithstanding any inconsistent provision of paragraph (e) of section six hundred eleven of the not-for-profit corporation law, the certificate of incorporation or by-laws of such association shall provide for voting representation of owners of property and tenants within the district, and may provide that the votes of members who are property owners be weighted in proportion to the assessment levied or to be levied against the properties within the district, provided that in no case shall the total number of votes assigned to any one such member or to any number of such members under common ownership or control exceed thirty-three and one-third percent of the total number of votes which may be cast.

(b) The board of directors of the association shall be composed of representatives of owners and tenants within the district, provided, however, that not less than a majority of its members shall represent owners and provided further that tenants of commercial space and dwelling units within the district shall also be represented on the board. The board shall include, in addition, three members, one member appointed by each of the following: the chief executive officer of the municipality, the chief financial officer of the municipality and the legislative body. Provided, that in a city having a population of one million or more, the third additional member shall be appointed by the borough president of the borough in which the district is located and a fourth additional member shall be appointed by the council member representing the council district in which the proposed district is located, or if the proposed district is located in more than one council district, the fourth additional member will be appointed by the speaker of the city council after consultation with the council members representing the council districts in which the proposed district is located. The additional three members (four in a city of one million or more) shall serve as the incorporators of the association pursuant to the not-for-profit corporation law. The association may be incorporated prior to the effective date of any district established pursuant to this article.

(c) In addition to such other powers as are conferred on it by law, the district management association may make recommendations to the legislative body with respect to any matter involving or relating to the district.

(d) For such consideration as it may deem appropriate and consistent with the powers granted pursuant to section nine hundred eighty-c of this article, the legislative body may license or grant to the district management association the right to undertake or permit commercial activities or other private uses of the streets or other parts of the district in which the municipality has any real property interest.

(e) The district management association shall give written notice of meetings to all members of such association pursuant to section six hundred five of the not-for-profit corporation law notwithstanding the eligibility of members of the district management association to vote. The district management association shall also make available, upon the request of a member, minutes of such meetings.

§ 980-n. Cooperative operation and management of business improvement districts. (a) Whenever two or more municipalities have each created a business improvement district pursuant to this article, the municipalities may enter into, amend, and terminate agreements with each other for the operation and management of their respective business improvement districts, in accordance with this article and each district plan, on a cooperative basis, provided that the business improvement districts are contiguous, and provided further that the goals and objectives of the districts are compatible.

(b) Any such agreement shall be approved by each participating municipality by a majority vote of its governing board, and may contain provisions relating to the rights and responsibilities of the respective municipalities, a method for equitably allocating costs and other matters, consistent with this article, as may be reasonably necessary and proper to effectuate the cooperative operation and management of the districts. Nothing herein shall be construed as authorizing the participating municipalities to issue joint indebtedness and any indebtedness which has been heretofore issued by a municipality in connection with a business improvement district shall remain the sole responsibility of the issuing municipality.

(c) Municipalities which have agreed to operate and manage business improvement districts on a cooperative basis shall either establish a district management association for each business improvement district as provided in section nine hundred eighty-m of this article, or if agreed to by all of the participating municipalities, may establish a single cooperative district management association. Such cooperative district management association shall have the same powers and duties as provided in section nine hundred eighty-m of this article.

(d) Where a cooperative district management association is established, the board of directors of such district management association shall be composed of representatives of owners and tenants within each district, provided, however, that not less than a majority of its members shall represent owners and provided further that tenants of commercial space and dwelling units within the districts shall also be represented on the board. The number of such representatives of owners and tenants from each district shall be in an equitable proportion as determined by agreement of the participating municipalities. The board shall include, in addition, three members from each participating municipality as follows: a member appointed by the chief executive officer of each participating municipality; a member appointed by the chief financial officer of each participating municipality; and a member appointed by the legislative body of each participating municipality.

(e) Where the municipalities which have agreed to operate and manage their business improvement districts on a cooperative basis decide to terminate their agreement, such cooperative district management association shall be dissolved, and shall be replaced by separate district management associations in accordance with section nine hundred eighty-m of this article.

§ 980-o. Dissolution. (a) Any district established or extended pursuant to the provisions of this article, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be dissolved by local law by the legislative body upon its own motion or upon the written petition of (1) the owners of at least fifty-one percent or more of the total assessed valuation of all benefited real property included in the boundaries of the district and (2) at least fifty-one percent of the owners of benefited real property within the area included in the district. The legislative body shall request and consider the recommendations of the district management association concerning any proposed dissolution; provided that if the association has not submitted recommendations to the legislative body within sixty days after request therefor, the legislative body may adopt any such proposed dissolution without considering such recommendations. In the event of dissolution, all assets of the district shall revert to the municipality.

(b) A certified copy of the order of dissolution shall be filed with the state comptroller at Albany, New York.

§ 980-p. Existing districts. Any special improvement or assessment districts, or any business improvement districts established pursuant to article two-B of the general city law, or any districts having filed an application with the state comptroller as provided in such article prior to the effective date of this article, shall be subject to the provisions of this article but shall not be required to comply with any provisions of this article which are contrary to or more restrictive than those under which the district was established or proposed to be established as evidenced by an application filed with the state comptroller prior to the effective date of this article. Any reference to article two-B of the general city law or any section thereof in any state or local law, plan or agreement shall be deemed to be a reference to this article or the appropriate provision of this article.

§ 980-q. Severability. If any provision of any section of this article or the application thereof to any person or circumstance shall be adjudged invalid by any court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provisions of any section of this article or the application of any part thereof to any other person or circumstance and to this end the provisions of each section of this article are hereby declared to be severable.

ARTICLE 19-B

MUNICIPAL THEME DISTRICTS

§ 990. Short title. This article shall be known and may be cited as the "Municipal theme districts act".

§ 990-a. Statement of legislative findings and declaration. Across the nation municipal theme districts have arisen to construct, renovate and geographically coordinate areas of a municipality into a common area for art, entertainment, education, culture or business. These areas develop the economy, tourism, culture, education and the quality of life of a community. It shall be the public policy of the state to encourage the development of theme districts and to promote their establishment, designation, administration and success.

§ 990-b. Definitions. As used in this article:

(a) "Municipal theme district" shall mean a geographic area designated by a county, city, town or village, pursuant to section nine hundred ninety-d of this article, to be a theme district for the purpose of promoting, advancing or coordinating an approved theme pursuant to section nine hundred ninety-c of this article.

(b) "Theme district board" shall mean the board of directors of the theme district, appointed by the county, city, town or village establishing the district, and responsible for the administration and operation of the district.

§ 990-c. Criteria for municipal theme district designation. Any county, city, town or village may designate, pursuant to section nine hundred ninety-d of this article, a theme district for the purpose of promoting, advancing or coordinating an approved theme. A theme district shall consist of not less than ten acres of land and shall contain not less than thirty buildings. The theme district may contain less than thirty buildings if within five years of the designation of the theme district such district will within a reasonable certainty contain thirty buildings. Any theme district designated pursuant to section nine hundred ninety-d of this article shall contain a single common approved theme of art, entertainment, education, culture or business.

§ 990-d. Designation of municipal theme districts. Upon the application of a resident or business owner within a proposed theme district, any county, city, town or village may by resolution or local law designate a theme district for the purpose of promoting, advancing or coordinating an approved theme pursuant to section nine hundred ninety-c of this article. An application for such designation shall specify the geography to be contained within such district, the number of parcels contained within such district, the common theme of art, entertainment, education, culture or business sought to be promoted, advanced or coordinated by the district and the municipal theme district development plan that will be implemented and administered by the theme district board.

§ 990-e. Municipal theme district development plan. An application for the designation of a municipal theme district made pursuant to section nine hundred ninety-d of this article shall contain a municipal theme district development plan. Such municipal theme district development plan shall describe in detail the plans for development of the theme district, including the changes in buildings, structures and infrastructure within the district, the activities to be conducted within the district, and the proposed benefits that the district will have for the community.

§ 990-f. Administration of municipal theme districts. The municipal theme district shall be administered by a seven person theme district board appointed by the county, city, town or village designating the district. The members of the board shall serve at the pleasure of the appointing entity and shall be responsible for the administration of theme district activities and events as well as the implementation of the municipal theme district development plan.

§ 990-g. Termination or revision of municipal theme district. A municipal theme district may be terminated or revised by the county, city, town or village designating the district.

ARTICLE 19-C

CYBERSECURITY INCIDENT REPORTING REQUIREMENTS FOR MUNICIPAL CORPORATIONS AND PUBLIC AUTHORITIES

§ 995-a. Definitions. For the purposes of this article: 1. "Cybersecurity incident" means an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon.

2. "Cyber threat" means any circumstance or event with the potential

to adversely impact organizational operations, organizational assets, or individuals through an information system via unauthorized access, destruction, disclosure, modification of information, and/or denial of service.

3. "Cyber threat indicator" means information that is necessary to describe or identify:

(a) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

(b) a method of defeating a security control or exploitation of a security vulnerability;

(c) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

(d) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

(e) malicious cyber command and control;

(f) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

(g) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

(h) any combination thereof.

4. "Defensive measure" means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability. The term "defensive measure" does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by the municipal corporation or public authority operating the measure, or federal entity that is authorized to

provide consent and has provided consent to that municipal corporation or public authority for operation of such measure.

5. "Information system" means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information.

6. "Municipal corporation" means:

(a) A municipal corporation as defined in section one hundred nineteen-n of this chapter; or

(b) A district as defined in section one hundred nineteen-n of this chapter.

7. "Public authority" means any state authority or local authority, as such terms are defined in section two of the public authorities law, or any subsidiary thereof.

8. "Ransom payment" means the transmission of any money or other property or asset, including virtual currency, or any portion thereof, which has at any time been delivered as ransom in connection with a ransomware attack.

9. "Ransomware attack":

(a) means an incident that includes the use or threat of use of unauthorized or malicious code on an information system, or the use or threat of use of another digital mechanism such as a denial of service attack, to interrupt or disrupt the operations of an information system or compromise the confidentiality, availability, or integrity of electronic data stored on, processed by, or transiting an information system to extort a demand for a ransom payment; and

(b) does not include any such event in which the demand for payment is:

(i) not genuine; or

(ii) made in good faith by an entity in response to a specific request by the owner or operator of the information system.

§ 995-b. Reporting of cybersecurity incidents. 1. Notwithstanding any other provision of law to the contrary, all municipal corporations and public authorities shall report cybersecurity incidents and when applicable, the demand of a ransom payment, to the commissioner of the division of homeland security and emergency services in the form and method prescribed by such commissioner. Such report shall include whether the reporting municipal corporation or public authority is requesting or declining advice and/or technical assistance from the division of homeland security and emergency services with respect to the reported cybersecurity incident or demand for a ransom payment.

2. All municipal corporations and public authorities shall report cybersecurity incidents, including demands for ransom payment, no later than seventy-two hours after the municipal corporation or public authority reasonably believes the cybersecurity incident has occurred.

3. Any cybersecurity incident report and any records related to a ransom payment submitted to the commissioner of the division of homeland security and emergency services pursuant to the requirements of this article shall be exempt from disclosure under article six of the public officers law.

§ 995-c. Notice and explanation of ransom payment. Notwithstanding any other provision of law to the contrary, each municipal corporation or public authority shall, in the event of a ransom payment made in connection with a cybersecurity incident involving the municipal corporation or public authority, provide the commissioner of the division of homeland security and emergency services through means prescribed by such commissioner with the following:

1. within twenty-four hours of the ransom payment, notice of the payment; and

2. within thirty days of the ransom payment, a written description of the reasons payment was necessary, the amount of the ransom payment, the means by which the ransom payment was made, a description of

alternatives to payment considered, all diligence performed to find alternatives to payment and all diligence performed to ensure compliance with applicable state and federal rules and regulations including those of the United States department of the treasury's office of foreign assets control.

ARTICLE 19-D

DUTIES OF MUNICIPAL GOVERNMENTS AND THEIR EMPLOYEES PERTAINING TO IMMIGRATION ENFORCEMENT

§ 996. Definitions. For purposes of this article, the following terms shall have the following meanings:

1. "Immigration authority" has the same meaning as such term is defined in section three hundred nineteen of the executive law.

2. "Immigration enforcement" has the same meaning as such term is defined in section three hundred nineteen of the executive law.

3. "Immigration detainer" means any document, form, or other communication requesting or directing that a municipal government or municipal government employee detain or maintain custody of an individual, for any period of time, for pickup by or transfer to immigration authorities.

4. "Civil immigration warrant" means any warrant for a violation of civil immigration law that is not issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631.

5. "Municipal government" means a municipal corporation, or a governing board as defined in section two of this chapter, except that

this definition shall not include a local correctional facility as that term is defined in subdivision sixteen of section two of the correction law.

6. "Municipal government employee" means any individual employed by a municipal government; or any contractor or subcontractor while performing services on behalf of a municipal government except that this definition shall not include:

(a) any individual employed as a police officer as that term is defined in subdivision thirty-four of section 1.20 of the criminal procedure law;

(b) any individual employed as a peace officer as that term is defined in section 2.10 of the criminal procedure law; or

(c) any civilian employee of a local law enforcement agency.

7. "Local law enforcement agency" means any authorized police department, probation department, district attorney's office, local correctional department, or county sheriff's office.

8. "Civilian employee of a local law enforcement agency" means any person, other than a police officer or peace officer, employed by a local law enforcement agency, whose official duties require such person to collect, analyze, share, or present evidence and/or intelligence, or to supervise such activities or persons.

§ 996-a. Restriction on use of municipal government resources for immigration enforcement. 1. No municipal government employee shall use the resources of such municipal government including, but not limited to, time spent while on duty or any property or facilities owned or operated by or under the control of the municipal government for immigration enforcement purposes.

2. No municipal government employee shall disclose to an immigration authority or any employee thereof an individual's personally identifiable information, including, but not limited to, such person's name, social security number, physical description, any associated

addresses, telephone number, financial information, medical information, or place of employment or education except as provided in subdivision nine of this section or unless necessary to administer a public program or benefit sought by such person; or when registering an individual to vote and other election related matters.

3. No municipal government employee shall question, investigate, or interrogate an individual solely on the basis of an immigration detainer, a civil immigration warrant, or for the sole purpose of immigration enforcement.

4. No municipal government employee shall inquire about a person's citizenship, immigration status, nationality, or country of origin, except as provided in subdivision nine of this section; or as necessary to administer a public program or benefit sought by such person or when registering an individual to vote and other election related matters.

5. No municipal government employee shall collect information about a person's citizenship, immigration status, nationality, or country of origin, except as provided in subdivision nine of this section; or as necessary to administer a public program or benefit sought by such person.

6. (a) (i) No municipal government employee shall grant permission to access or facilitate access to non-public areas of property or facilities owned or operated by or under the control of such municipal government to an immigration authority or any employee thereof engaging in immigration enforcement except as provided in subdivision nine of this section.

(ii) Provided, however, that no municipal government or municipal government employee shall grant permission to access or facilitate access to a polling location to an immigration authority or any employee thereof engaging in immigration enforcement where doing so would violate 18 §§ U.S.C. 592, 595, 52 U.S.C. § 10307(b), the Fourteenth Amendment of the United States Constitution, or the Fifteenth Amendment of the United States Constitution, except as provided in subdivision nine of this section.

(b) Each municipal government shall implement policies and/or procedures for all relevant employees in the event that a judicial warrant or court order is presented for access to non-public areas, including the protocol to verify the sufficiency of any judicial warrant or court order to ensure such judicial warrant or court order complies with the provisions of this section for permitting access to any non-public areas. Such policies and/or procedures shall include a designated contact for such inquiries. Nothing in this paragraph shall abrogate or otherwise change any legal privileges, including, but not limited to, the attorney client privilege, that may apply to such inquiries.

7. No municipal government employee shall use an immigration authority or any employee thereof as an interpreter or a translator for law enforcement matters relating to individuals that such government or employees interact with as part of their employment duties.

8. The provisions of this section shall not be construed to prohibit or restrict municipal governments or municipal governments employees from sending to or receiving from the United States department of homeland security or any other federal, state, or local governmental entity information regarding the citizenship or immigration status of an individual pursuant to 8 U.S.C. § 1373.

9. The provisions of this article shall not prohibit municipal governments or municipal government employees from complying with court orders issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, or judicial warrants issued by a judge appointed pursuant to Article III of the United States Constitution or federal magistrate judge appointed pursuant to 28 U.S.C. § 631, or as otherwise required by law.

10. The provisions of this article shall apply notwithstanding any other provisions of state or local law, charter, code, ordinance, resolution, rule, or regulation to the contrary and shall not be construed to in any way expand the authority of municipal government

employees to participate in immigration enforcement. Provided, however, that nothing in this article shall be construed to prevent or restrict a municipal government from adopting, enacting, or enforcing local policies, laws, resolutions, ordinances, or regulations which comply with at least the applicable standards or requirements of this article, or which exceed the provisions of this article, or which further restrict municipal governments or municipal government employees from participation in immigration enforcement beyond the requirements set forth in the chapter of the laws of two thousand twenty-six that added this article.

11. For any databases operated by a municipal government including databases maintained for a municipal government by private vendors, the attorney general shall, by the first of January next succeeding the effective date of this section, in consultation with appropriate stakeholders, publish guidance and training recommendations aimed at ensuring that such databases are governed in a manner that limits the availability of information contained therein, to the fullest extent practicable and consistent with federal and state law including, but not limited to, 8 U.S.C. § 1373, to anyone or any entity for the purpose of immigration enforcement. All municipal governments may adopt necessary changes to database governance policies consistent with such guidance.

ARTICLE 20

LAWS REPEALED; WHEN TO TAKE EFFECT

§ 1000. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ 1001. When to take effect. This chapter shall take effect immediately.