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ERIE COUNTY LEGISLATURE

1999 JAN 22 P 3: 26

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS LARSON, CHASE, GREENAN, RANZENHOFER, WEINSTEIN & MARSHALL

RE: SUPPORT FOR THE LOCAL GOVERNMENTS ASSISTANCE ACT

WHEREAS, local governments are hindered in their efforts at working collaboratively to share services and reduce local tax burdens because they do not have access to vital information regarding the successes and difficulties they can encounter, and

WHEREAS, the New York Senate has sponsored Senate Bill S.675 in hopes to create an accessible database for local governments to use and allow them to access important information within state agencies, thus allowing them more opportunities to work collaboratively with each other to improve local services and save local taxpayer dollars, and

WHEREAS, Section 119-o of the General Municipal Law allows localities to work collaboratively in delivering their services, and

WHEREAS, S675 will amend Section 119-o to allow greater state assistance to local governments in their efforts at collaboration and cooperation between and among themselves,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby recognize the importance of local governments being well informed so that collaborative efforts can be used to provide services to residents, and be it further

RESOLVED, that this Honorable Body does hereby memorialize the NYS Legislature to pass and Governor George Pataki to sign into law, Senate Bill S. 675 as a means to ensure that local governments are well informed so they have the opportunity to combine resources with other governments to provide cost effective and efficient services, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki, Senator Mary Lou Rath, and all members of the WNY Legislative Delegation.

DALE W. LARSON
17th District

MICHAEL H. RANZENHOFER
16th District

JEANNE Z. CHASE
12th District

BARRY A. WEINSTEIN, M.D.
15th District

JOHN W. GREENAN
9th District

FREDERICK J. MARSHALL
13th District

Fiscal impact: taxpayer savings

STATE OF NEW YORK

675

1999-2000 Regular Sessions

IN SENATE

(Prefiled)

January 6, 1999

Introduced by Sens. RATH, DeFRANCISCO, LEIBELL, PADAVAN, SALAND, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, the executive law and the state administrative procedure act, in relation to agreements between municipal corporations, districts and counties

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

1 Section 1. Section 119-n of the general municipal law is amended by
2 adding a new subdivision f to read as follows:
3 f. The term "agency" means any department, board, bureau, commission,
4 division, office, council, committee or officer of the state, or a
5 public benefit corporation or public authority at least one of whose
6 members is appointed by the governor, authorized by law to make rules or
7 to make final decisions in adjudicatory proceedings but shall not
8 include the governor, agencies in the legislative and judicial branches,
9 agencies created by interstate compact or international agreement, the
10 division of military and naval affairs to the extent it exercises its
11 responsibility for military and naval affairs, the division of state
12 police, the identification and intelligence unit of the division of
13 criminal justice services, the state insurance fund, the unemployment
14 insurance appeal board, the workers' compensation board, the state divi-
15 sion of parole and the department of correctional services.
16 § 2. Subdivision 1 of section 119-o of the general municipal law, as
17 amended by chapter 623 of the laws of 1998, is amended to read as
18 follows:
19 1. In addition to any other general or special powers vested in munic-
20 ipal corporations [and], districts and counties for the performance of
21 their respective functions, powers or duties on an individual, cooper-
22 ative, joint or contract basis, municipal corporations [and],
23 districts and counties shall have power to enter into, amend, cancel and

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

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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 or county 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 or county by a majority vote of the voting strength of its governing body. Where the authority of any municipal corporation [or], district or county 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.

§ 3. Section 119-o of the general municipal law is amended by adding three new subdivisions 4, 5 and 6 to read as follows:

4. Copies of any agreements entered into by municipal corporations, districts and counties pursuant to this article, shall be forwarded to the department of state for the purpose of having the department of state organize such agreements into a database of information for public availability. Any studies, data, reports, or information relating to intermunicipal agreements, collaborations, or cooperation under this article shall also be forwarded to the department of state for organization into the database.

5. Any such municipality, district or county may request and must receive from any agency of the state such assistance and data, as feasible and available, to enable the municipal corporation, district or county to carry out such cooperative agreements. All agencies shall assist and cooperate with such municipal corporations, districts and counties which enter into or which contemplate entering into an agreement under this article, shall make available to them studies, reports, data, and other informational and technical assistance within financial and personnel limitations, and shall forward this information to the department of state. The department of state shall coordinate the assistance provided to such municipalities, districts and counties under this subdivision in keeping with its duties under this article and under sections one hundred seven and one hundred fifty-two of the executive law.

6. Cost savings to any municipal corporation, district or county resulting from agreements entered into pursuant to this article, shall not result in reduced budgetary appropriations for the performance of any such function jointly provided under this article, from any agency or the state legislature for a period of one fiscal year. Thereafter, funding shall not be reduced by more than twenty-five percent in the second year subsequent to an agreement; more than fifty percent in the third year; and more than seventy-five percent in the fourth year. Nothing in this section shall prevent the state from reducing such appropriations for all such municipal corporations, districts and counties in the state.

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§ 4. Subdivision 1 of section 107 of the executive law, as added by chapter 983 of the laws of 1962, is amended to read as follows:

1. The secretary of state shall compile and keep current a list of all interstate compacts and other intergovernmental agreements between or among (a) states, (b) subdivisions of this state [and] (c) subdivisions of this state and other states, or (d) between this state or any subdivision thereof and the federal government having the force of law to which this state or any subdivision thereof is party. Such list shall contain the citations to the statutes or other official documents of this state containing the text of any such compact or agreement together with a listing of all other jurisdictions party to the compact or agreement, the date on which each such jurisdiction entered into participation in such compact or agreement with this state or subdivision thereof; the status of each such compact or agreement in respect of withdrawals therefrom and the citations to any act or resolution of the congress of the United States, if any, consenting to such compact or agreement. The list required to be kept pursuant to this subdivision also shall include compacts and agreements adopted by this state or any subdivision thereof but not in effect by reason of the absence of such other parties thereto as may be necessary to make the compact or agreement effective and binding.

§ 5. The opening paragraph of section 151 of the executive law, as added by chapter 464 of the law of 1975, is amended to read as follows:

As used in this article, the term "municipalities" shall include public corporations as defined in subdivision one of section sixty-six of the general construction law and special districts as defined in subdivision sixteen of section one hundred two of the real property tax law. As used in this article, the definition of the terms "internet" and "homepage" shall be the same as provided in subdivision one of section eight hundred forty-three of this chapter.

§ 6. Subdivision 7 of section 152 of the executive law, as added by chapter 464 of the laws of 1975, is amended to read as follows:

7. To encourage and assist cooperative efforts among municipalities in developing among themselves solutions of their common problems , and to gather, organize, and make public a list of collaborative agreements as well as other studies, data, reports or information received by it from or on behalf of any municipal corporation, district, county or agency pursuant to section one hundred nineteen-o of the general municipal law which would assist municipalities in making agreements under such section. Such list of intermunicipal agreements, and other information shall be made available, in addition to any other method used by the department, on the department's homepage for as long as the department of state's homepage is available on the internet. The department shall also give such municipal corporation, district, or county any assistance necessary, as is feasible or available, to enter into collaborative agreements pursuant to section one hundred nineteen-o of the general municipal law.

§ 7. Paragraphs (h) and (i) of subdivision 3 of section 202-a of the state administrative procedure act, as amended by chapter 520 of the laws of 1992, are amended and a new paragraph (j) is added to read as follows:

(h) Federal standards. A statement identifying whether the rule exceeds any minimum standards of the federal government for the same or similar subject areas and, if so, an explanation of why the rule exceeds such standards; [and]

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1 (i) Compliance schedule. A statement indicating the estimated period
2 of time necessary to enable regulated persons to achieve compliance with
3 the rule[.]; and
4 (j) Effects on intermunicipal cooperation. A statement indicating the
5 effect of the rule on any present or future intermunicipal agreements,
6 innovations or collaborations entered into by municipal corporations,
7 districts or counties pursuant to section one hundred nineteen-o of the
8 general municipal law or any other section of law.
9 § 8. The section heading of section 202-b of the state administrative
10 procedure act, as amended by chapter 171 of the laws of 1994, is amended
11 to read as follows:
12 Regulatory flexibility for small businesses and local governments.
13 § 9. Section 202-b of the state administrative procedure act is
14 amended by adding a new subdivision 8 to read as follows:
15 8. Each agency shall appoint an officer or office within such agency
16 to act as a liaison for local government issues and to gather studies,
17 reports, data, and other information from within the agency relating to
18 intermunicipal cooperation and agreements made pursuant to section one
19 hundred nineteen-o of the general municipal law. The officer or office
20 shall forward such information to the department of state.
21 § 10. This act shall take effect immediately.

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