

STATE OF NEW YORK

3227

IN ASSEMBLY

February 3, 1970

Introduced by Mr. MITCHELL—read once and referred to the
Committee on Local Governments

AN ACT

To amend the general municipal law, in relation to creating
and establishing the Herkimer county industrial develop-
ment agency, and providing for its functions, powers and
duties

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

- 1 Section 1. The general municipal law is hereby amended by
- 2 inserting in title two of article eighteen-A, a new section, to be
- 3 section eight hundred ninety-eight, to read as follows:
- 4 § 898. *Herkimer county industrial development agency. For*
- 5 *the benefit of the county of Herkimer and the inhabitants thereof,*
- 6 *an industrial development agency, to be known as the HERKIMER*
- 7 *COUNTY INDUSTRIAL DEVELOPMENT AGENCY, is hereby*
- 8 *established for the accomplishment of any or all of the purposes*
- 9 *specified in title one of article eighteen-A of this chapter. It shall*
- 10 *constitute a body corporate and politic, and be perpetual in*

EXPLANATION — Matter in italics is new; matter in brackets [] is old law to be omitted.

1 duration. It shall have the powers and duties now or hereafter con-
2 ferred by title one of article eighteen-A of this chapter upon in-
3 dustrial development agencies. It shall be organized in a manner
4 prescribed by and be subject to the provisions of title one of article
5 eighteen-A of this chapter. Its members shall be appointed by the
6 governing body of the county of Herkimer. The agency, its mem-
7 bers, officers and employees, and its operations and activities shall
8 in all respects be governed by the provisions of title one of article
9 eighteen-A of this chapter.

10 § 2. This act shall take effect immediately.

Library References

Towns $\S$ 15.
C.J.S. Towns $\S\S$ 34, 35.

§ 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.

(Added L.1970, c. 410, § 1; amended L.1981, c. 158, § 1.)

Historical Note

1981 Amendment. Subd. 1. L.1981, c. 158, § 1, eff. May 29, 1981, retroactive to May 1, 1980, numbered existing provisions as subd. 1 and added sentence beginning "To the extent".

Subd. 2. L.1981, c. 158, § 1, eff. May 29, 1981, retroactive to May 1, 1980, added subd. 2.

Effective Date. Section effective May 1, 1970, pursuant to L.1970, c. 410, § 2.

Ratification of Prior Acts. Section 2 of L.1981, c. 158, eff. May 29, 1981, provided: "Every act or proceeding undertaken on or after May first, nineteen hundred eighty and prior to the effective date of this act [amending this section]

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INDUSTRIAL DEVELOPMENT
Art. 18-A

by the Herkimer county industrial development agency, its agents, officers or employees in the exercise of powers otherwise authorized by article eighteen-A of the general municipal law notwithstanding that the corporate existence of the agency may have terminated, is legalized and ratified."

Validation of Property Transferred. Section 3 of L.1981, c. 158, eff. May 29,

§ 898-a

1981, provided: "Any property or power possessed by the Herkimer county industrial development agency which was transferred to or devolved upon the county of Herkimer solely by operation of the provisions of article eighteen-A of the general municipal law [this section] is transferred to and devolved upon the agency."

Library References

Counties $\S$ 103.
C.J.S. Counties § 203.

CERTIFICATE
OF
ESTABLISHMENT
OF
HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY
FOR FILING
WITH
SECRETARY OF STATE

THIS is to certify that the Herkimer County Industrial Development Agency has been established by special act of the New York State Legislature, and the following is set forth pursuant to Section 856 of the New York State Industrial Development Agency Act:

(1) The special act establishing the Agency was passed May 1, 1970, by Chapter 410 of the Laws of 1970, which became effective May 1, 1970.

(2) The name of the agency is:

Herkimer County Industrial Development Agency.

(3) The names of the members of the Agency, their chairman, and their terms of office are as follows:

Name	Term of office expires
Fred Guhring, Chairman	At the will of the County Legislature
John Pickens, Member	At the will of the County Legislature
George Morgan, Member	At the will of the County Legislature
David Lundstrom, Member	At the will of the County Legislature
Donald Gloo, Member	At the will of the County Legislature

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John P. Lomenzo
Secretary of State

(4) The facts establishing the need for such Agency in the municipality are as follows:

The area has continued since 1963 to lag behind other upstate areas in terms of employment. In 1964 and 1965 and 1966 the unemployment rate was the highest among upstate labor areas. This creates a need for more and better jobs, education, and training. Industrial development is essential if these needs are to be met. There is, therefore, a need for creating an agency to afford financial assistance to industries wishing to locate in Herkimer County in order that the County may remain competitive with other areas in the country. The establishment of a county agency designated to issue bonds offers the potential to compete nationally to attract firms.

THE COUNTY LEGISLATURE OF THE
COUNTY OF HERKIMER

By

Robert Evans

Clerk

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STATE OF NEW YORK
DEPARTMENT OF STATE
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John P. Longo