S T A T E O F N E W Y O R K

1633

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Local Governments

AN ACT to amend the municipal home rule law and the town law, in relation to adopting local laws and resolutions subject to referendum on petition

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph a of subdivision 1 of section 24 of the municipal home rule law, as amended by chapter 271 of the laws of 1986, is amended to read as follows:

a. A local law adopted by a county, city or town and subject to referendum on petition as provided in this section or in any other state statute, if not also subject to mandatory referendum, shall not take effect until at least [forty-five] SIXTY days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of the local government voting on a proposition for its approval if within [forty-five] SIXTY days after its adoption there be filed with the clerk a petition protesting against such local law, signed and authenticated as herein required by qualified electors of such local government, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in such local government. If such petition be so filed, a proposition for the approval of such local law 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 filing of such petition, unless the petition request and the legislative body adopt a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election. The petition may be made upon separate sheets, and the

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

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signatures to each sheet shall be signed and authenticated in the manner provided by the election law for the signing and authentication of nominating petitions so far as applicable. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. The clerk shall examine each such petition so filed with him and not later than thirty days after the date of its filing, or forty-five days before the day of the election at which such referendum would appear on the ballot, whichever is earlier, shall transmit to the legislative body a certificate that he has examined it and has found that it complies or does not comply, as the case may be, with all the requirements of law. If within five days after the last day to file such certificate a written objection to the determination of the clerk be filed with the supreme court, or any justice thereof, of a judicial district in which such local government or any part thereof is located, such court or justice 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.

S 2. Section 91 of the town law, as amended by chapter 37 of the laws of 2000, is amended to read as follows:

S 91. Referendum on petition. Any such resolution or act of the town board as set forth in the preceding section shall not take effect until [thirty] SIXTY days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of such town or district affected, voting on such proposition, if within [thirty] SIXTY days after its adoption there be filed with the town clerk a petition signed, and acknowledged or proved, or authenticated by electors of the town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total vote cast for governor in said town at the last general election held for the election of state officers, but which shall not be less than one hundred in a town of the first class nor less than twenty-five in a town of the second class, protesting against such act or resolution and requesting that it be submitted to the qualified electors of the town or district affected, for their approval or disapproval. If such petition be so filed not more than seventy-five days nor less than sixty days prior to a biennial town election, a proposition for the approval of such act or resolution shall be submitted at such biennial town election. If a petition be so filed at any other time, a proposition for the approval of such act or resolution shall be submitted at a special town election to be held not less than sixty nor more than seventy-five days after the filing of such petition. The petition may be made upon separate sheets and the signatures to each sheet shall be authenticated in the manner provided by 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. If, within five days after the filing of such petition, a written objection thereto be filed with the town clerk, 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 town 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.

S 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law and shall apply to all local laws and resolutions adopted or approved on or after such effective date.