

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

5952--A

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general construction law and the New York city charter, in relation to the publication of the City Record

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

1 Section 1. Subdivision a of section 60 of the general construction
2 law, as separately amended by chapters 724 and 725 of the laws of 1975,
3 is amended to read as follows:
4 a. In any case in which notice of any fact is required by law to be
5 published or advertised in a newspaper, the term "newspaper" shall mean
6 a paper of general circulation which is printed and distributed ordinarily
7 not less frequently than once a week, and has been so for at least
8 one year immediately preceding such publication or advertisement, and
9 which contains news, articles of opinion (as editorials), features,
10 advertising, or other matter regarded as of current interest, has a paid
11 circulation and (except for such a paper which has been printed and
12 distributed not less frequently than once a week for a period of ten
13 years prior to January one, nineteen hundred seventy-five) has been
14 entered at United States post-office as second-class matter. A publication
15 which is distributed or made available primarily for advertising
16 purposes to the public generally without consideration being paid there-
17 for shall not be deemed to be a "newspaper" for the purpose of publica-
18 tion or advertisement of such notice required by law. Notwithstanding
19 any provision of this subdivision to the contrary, a publication which
20 was designated and publishing notice as an official newspaper prior to
21 the year nineteen hundred forty and continued to be so designated and
22 publishing for at least thirty years after such year shall be deemed to
23 be a newspaper within the meaning of this subdivision, AND, IN A CITY
24 WITH A POPULATION OF ONE MILLION OR MORE, THE PUBLICATION OF AN OFFICIAL
25 NEWSPAPER IN PRINT OR ELECTRONIC FORM SHALL BE DEEMED TO BE A NEWSPAPER

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

LBD14412-02-0

1 WITHIN THE MEANING OF THIS SUBDIVISION AND, IN A CITY WITH A POPULATION
2 OF ONE MILLION OR MORE AND THAT CURRENTLY PUBLISHES AN OFFICIAL NEWSPA-
3 PER, THE PUBLICATION OF SUCH AN OFFICIAL NEWSPAPER IN PRINT OR ELECTRON-
4 IC FORM SHALL BE DEEMED TO BE A NEWSPAPER WITHIN THE MEANING OF THIS
5 SUBDIVISION FOR PURPOSES OF THE PUBLICATION OF SUCH OFFICIAL MATTERS AS
6 ARE EXPRESSLY AUTHORIZED, PROVIDED THAT NOTHING HEREIN CONTAINED SHALL
7 PREVENT THE PUBLICATION ELSEWHERE, IN A NEWSPAPER WITHIN THE MEANING OF
8 THIS SUBDIVISION, OF ANY ADVERTISEMENT REQUIRED BY LAW TO BE SO
9 PUBLISHED.

10 S 2. Section 1066 of the New York city charter, as added by a vote of
11 the people of the city of New York at the general election held in
12 November of 1989, subdivisions a, e, and f as amended by local law
13 number 59 of the city of New York for the year 1996, is amended to read
14 as follows:

15 S 1066. City Record. a. There shall be published daily, except Satur-
16 days, Sundays and legal holidays, under contract or by the department of
17 citywide administrative services, a paper to be known as the City
18 Record. THE CITY RECORD MAY BE PUBLISHED AND DISTRIBUTED ELECTRONICALLY
19 IN A MANNER THAT THE COMMISSIONER OF CITYWIDE ADMINISTRATIVE SERVICES
20 DETERMINES TO BE APPROPRIATE TO FULFILL THE PROVISIONS OF THIS SECTION.

21 b. There shall be inserted in the City Record nothing aside from such
22 official matters as are expressly authorized.

23 c. All advertising required to be done for the city, except as other-
24 wise provided by law, shall be inserted at the public expense in the
25 City Record and a publication therein shall be sufficient compliance
26 with any law requiring publication of such matters or notices. PUBLICA-
27 TION OF THE CITY RECORD IN ELECTRONIC FORM SHALL HAVE THE SAME FORCE AND
28 EFFECT AS PUBLICATION IN PRINT FORM.

29 d. Nothing herein contained shall prevent the publication elsewhere of
30 any advertisement required by law to be so published.

31 e. The commissioner of citywide administrative services shall cause a
32 continuous series of the City Record to be bound as completed quarterly
33 and to be deposited with his or her certificate thereon in the office of
34 the city register, in the county clerk's office of each county and in
35 the office of the city clerk; and copies of the contents of any part of
36 the same, certified by such register, county clerk or city clerk, shall
37 be received in judicial proceedings as prima facie evidence of the truth
38 of the contents thereof.

39 f. The commissioner of citywide administrative services shall provide
40 copies of each issue of the City Record, IN PRINT OR ELECTRONIC FORM AS
41 DETERMINED BY THE COMMISSIONER, to the municipal reference and research
42 center where they shall be available without charge to any member of the
43 public requesting a copy on the publication date or within a reasonable
44 period of time thereafter, to be determined by the commissioner of
45 records and information services. The commissioner shall also provide
46 free subscriptions to the City Record, IN PRINT OR ELECTRONIC FORM AS
47 DETERMINED BY THE COMMISSIONER, to each borough president, council
48 member, community board, and branch of the public library and to the
49 news media as defined in paragraph three of subdivision b of section one
50 thousand forty-three of the charter. The commissioner of citywide admin-
51 istrative services, each borough president, council member and community
52 board shall, upon [receipt] REQUEST, make copies of each issue of the
53 City Record available in their respective offices for reasonable public
54 inspection without charge, PROVIDED THAT COPIES MAY BE MADE AVAILABLE IN
55 ELECTRONIC FORM UNLESS A PAPER COPY OF THE CITY RECORD IS REQUESTED.

56 S 3. This act shall take effect immediately.