

4122

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. BRENNAN, DINOWITZ, MILLMAN, WRIGHT, GREENE,
MAISEL -- Multi-Sponsored by -- M. of A. GOTTFRIED, LANCMAN -- read
once and referred to the Committee on Cities

AN ACT to amend the municipal home rule law, in relation to promoting
representative charter revision commissions in cities of one million
or more

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

1 Section 1. Section 36 of the municipal home rule law is amended by
2 adding a new subdivision 4-a to read as follows:
3 4-A. THE PROVISIONS OF THIS SUBDIVISION APPLY TO CITIES OF ONE MILLION
4 OR MORE INHABITANTS. IN APPOINTING THE MEMBERS OF A COMMISSION PURSUANT
5 TO SUBDIVISION FOUR OF THIS SECTION, THE MAYOR SHALL CHOOSE AT LEAST THE
6 FOLLOWING MEMBERS NOMINATED BY LOCAL ELECTED OFFICIALS: ONE EACH BY THE
7 COMPTROLLER, BY THE PUBLIC ADVOCATE, AND BY THE BOROUGH PRESIDENTS
8 ACTING TOGETHER; AND ONE NOMINATED BY EACH OF THE BOROUGH DELEGATIONS TO
9 THE CITY COUNCIL. IN NOMINATING AND APPOINTING COMMISSION MEMBERS, THE
10 MAYOR AND LOCAL ELECTED OFFICIALS SHALL CHOOSE INDIVIDUALS FOR THEIR
11 INDEPENDENCE, INTEGRITY, AND EXPERIENCE IN CITY GOVERNMENT AND IN THE
12 SECTORS OF THE CITY AFFECTED BY CITY GOVERNMENT. NO MEMBER OF SUCH
13 COMMISSION MAY BE AN OFFICER OF A POLITICAL PARTY OR A LOBBYIST REGIS-
14 TERED WITH THE CITY OR AN EMPLOYEE OF SUCH LOBBYIST, NOR MAY MEMBERS
15 MAKE CONTRIBUTIONS TO THE CAMPAIGNS OF PERSONS HOLDING OR SEEKING PUBLIC
16 OR PARTY ELECTED OFFICES OR POSITIONS OF SUCH CITY DURING THEIR TENURE
17 AS MEMBERS. COMMISSION MEMBERS AND STAFF SHALL BE SUBJECT TO THE
18 CONFLICTS OF INTEREST PROVISIONS OF THE CHARTER OR OTHER APPLICABLE
19 LOCAL LAWS OF SUCH A CITY. IF SUCH A COMMISSION IS CREATED PURSUANT TO
20 THIS SUBDIVISION AFTER THE FIFTEENTH DAY OF FEBRUARY OF ANY YEAR, THE
21 COMMISSION MAY NOT PLACE ANY PROPOSALS ON THE BALLOT UNTIL THE SUBSE-
22 QUENT CALENDAR YEAR FOLLOWING ITS CREATION, UNLESS SUCH PROPOSALS ARE
23 APPROVED BY THE LOCAL LEGISLATIVE BODY AT LEAST NINETY DAYS PRIOR TO

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

LBD05037-01-9

1 THAT YEAR'S GENERAL ELECTION. PROPOSALS FOR SPECIFIC CHANGES TO THE
2 CHARTER RECOMMENDED BY SUCH COMMISSION SHALL, TO THE MAXIMUM EXTENT
3 PRACTICABLE, BE SEPARATELY IDENTIFIED ON THE BALLOT FOR SEPARATE VOTER
4 CONSIDERATION.
5 S 2. This act shall take effect immediately and shall apply to any
6 charter revision commission coming into existence on or after its effec-
7 tive date; provided that any charter revision commission that is in
8 existence prior to the effective date of this act and which is not in
9 compliance with the provisions of this act is hereby terminated, and no
10 proposed new charter or amendment offered by such commission shall be
11 put to vote nor take effect.