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

8951

2009-2010 Regular Sessions

I N A S S E M B L Y

June 16, 2009

Introduced by M. of A. BRENNAN -- read once and referred to the Committee on Cities

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:

Section 1. Subdivision a of section 60 of the general construction law, as separately amended by chapters 724 and 725 of the laws of 1975, is amended to read as follows:

a. In any case in which notice of any fact is required by law to be published or advertised in a newspaper, the term "newspaper" shall mean a paper of general circulation which is printed and distributed ordinarily not less frequently than once a week, and has been so for at least one year immediately preceding such publication or advertisement, and which contains news, articles of opinion (as editorials), features, advertising, or other matter regarded as of current interest, has a paid circulation and (except for such a paper which has been printed and distributed not less frequently than once a week for a period of ten years prior to January one, nineteen hundred seventy-five) has been entered at United States post-office as second-class matter. A publication which is distributed or made available primarily for advertising purposes to the public generally without consideration being paid therefor shall not be deemed to be a "newspaper" for the purpose of publication or advertisement of such notice required by law. Notwithstanding any provision of this subdivision to the contrary, a publication which was designated and publishing notice as an official newspaper prior to the year nineteen hundred forty and continued to be so designated and publishing for at least thirty years after such year shall be deemed to be a newspaper within the meaning of this subdivision, AND, IN A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE PUBLICATION OF AN OFFICIAL

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

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NEWSPAPER IN PRINT OR ELECTRONIC FORM SHALL BE DEEMED TO BE A NEWSPAPER WITHIN THE MEANING OF THIS SUBDIVISION.

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

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

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

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

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

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

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

S 3. This act shall take effect immediately.