

6892

I N S E N A T E

February 23, 2010

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, 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 MAY OF ANY YEAR, SUCH
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
24 THAT YEAR'S GENERAL ELECTION. PROPOSALS FOR SPECIFIC CHANGES TO THE
25 CHARTER RECOMMENDED BY SUCH COMMISSION SHALL, TO THE MAXIMUM EXTENT
26 PRACTICABLE, BE SEPARATELY IDENTIFIED ON THE BALLOT FOR SEPARATE VOTER
27 CONSIDERATION.

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

LBD05037-03-0

1 S 2. Subdivision 4 of section 36 of the municipal home rule law, as
2 amended by chapter 592 of the laws of 1964, is amended to read as
3 follows:

4 4. A charter commission to draft a new or revised city charter may
5 also be created by the mayor of any city. Such commission shall consist
6 of not less than nine nor more than fifteen members, EXCEPT THAT IN A
7 CITY WITH A POPULATION OF ONE MILLION OR MORE, SUCH COMMISSION SHALL
8 CONSIST OF NOT LESS THAN NINE NOR MORE THAN SEVENTEEN MEMBERS, all of
9 whom shall be residents of the city. Original appointments to such a
10 commission shall be made by the mayor by a certificate of appointment
11 which shall specify the number of, and names of, the members to consti-
12 tute [the] SUCH commission, which certificate shall be filed forthwith
13 with the city clerk. The chairman, vice-chairman and secretary shall be
14 appointed by the mayor from among the members of [the] SUCH commission.
15 Any vacancy in the membership of such a commission or of its officers
16 shall be filled by the mayor.

17 S 3. This act shall take effect immediately and shall apply to any
18 charter revision commission coming into existence on or after its effec-
19 tive date; provided that any charter revision commission that is in
20 existence prior to the effective date of this act and which is not in
21 compliance with the provisions of this act is hereby terminated, and no
22 proposed new charter or amendment offered by such commission shall be
23 put to vote nor take effect.