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

9876

I N A S S E M B L Y

May 27, 2014

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

AN ACT to amend the municipal home rule law, in relation to home rule requests for municipal legislation

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

Section 1. Section 40 of the municipal home rule law, as amended by chapter 78 of the laws of 1964, is amended to read as follows:

S 40. 1. Requests of local governments for enactment of special laws relating to their property, affairs or government. The elective or appointive chief executive officer, if there be one, or otherwise the chairman of the board of supervisors, in the case of a county, the mayor in the case of a city or village or the supervisor in the case of a town with the concurrence of the legislative body of such local government, or the legislative body by a vote of two-thirds of its total voting power without the approval of such officer, may request the legislature to pass a specific bill relating to the property, affairs or government of such local government which does not in terms and in effect apply alike to all counties, all counties other than those wholly included within a city, all cities, all towns or all villages, as the case may be. Such a request may be made separately by two or more local governments affected by the same bill. Every such request shall declare that a necessity exists for the passage of such bill by the legislature and shall recite the facts establishing such necessity. The form of request and the manner of its communication to the legislature shall conform to rules promulgated by concurrent resolution of the senate and assembly pursuant to article three-A of the legislative law. In adopting such a request the legislative body shall be governed by the provisions of subdivision one of section twenty of this chapter with regard to the adoption of a local law. The validity of an act passed by the legislature in accordance with such a request shall not be subject to review by the courts on the ground that the necessity alleged in the request did not exist or was not properly established by the facts recited.

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

LBD15204-02-4

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, A MUNICIPALITY, ACTING THROUGH ITS GOVERNING BODY, MAY PASS LOCAL LAWS, RULES OR REGULATIONS RELATING TO THE PROPERTY, AFFAIRS OR GOVERNMENT OF SUCH MUNICIPALITY CONCERNING MATTERS WHICH ARE INHERENTLY LOCAL IN NATURE AND SPECIFIC TO THE MUNICIPALITY WITHOUT THE SUBMISSION TO THE LEGISLATURE OF A REQUEST FOR LEGISLATION AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION.

S 2. This act shall take effect immediately.