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

3018--A

Cal. No. 260

2015-2016 Regular Sessions

I N S E N A T E

February 2, 2015

Introduced by Sens. YOUNG, BONACIC, DeFRANCISCO, FUNKE, GALLIVAN, MARCHIONE, MARTINS, O'MARA, ORTT, RANZENHOFER, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the municipal home rule law, in relation to authorizing the electronic transmission of proposed local laws to members of a local legislative body

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

Section 1. Subdivision 4 of section 20 of the municipal home rule law, as amended by chapter 426 of the laws of 2013, is amended to read as follows:

4. A proposed local law may be introduced only by a member of the legislative body at a meeting of such body or as may be otherwise prescribed by the rules of procedure adopted by the legislative body. No such local law shall be passed until it shall have been in its final form and either (a) upon the desks or tables of the members at least seven calendar days, exclusive of Sunday, prior to its final passage, or (b) mailed to each of them in postpaid properly addressed and securely closed envelopes or wrappers in a post box or post office of the United States post office department within the local government at least ten calendar days, exclusive of Sunday, prior to its final passage, OR (C) E-MAILED TO THE E-MAIL IN-BOX OF EACH OF THEM IN THE PORTABLE DOCUMENT FORMAT (PDF) AT LEAST TEN CALENDAR DAYS, EXCLUSIVE OF SUNDAY, PRIOR TO ITS FINAL PASSAGE, PROVIDED THAT (I) THE LOCAL GOVERNMENT HAS DOCUMENTED THAT EACH MEMBER OF THE LEGISLATIVE BODY HAS AN E-MAIL ADDRESS, (II) THE LOCAL GOVERNMENT HAS PUBLISHED SUCH E-MAIL ADDRESS ON THE BULLETIN BOARD

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

LBD06035-03-5

OF THE LOCAL GOVERNMENT CLERK, AND (III) THE LEGISLATIVE BODY HAS UNANIMOUSLY ADOPTED A RESOLUTION AUTHORIZING SUCH ELECTRONIC DELIVERY; unless 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 shall have certified as to the necessity for its immediate passage and such local law be passed by the affirmative vote of two-thirds of the total voting power of the legislative body.

For purposes of this subdivision, a proposed local law shall be deemed to be upon the desks or tables of the members if: it is set forth in a legible electronic format by electronic means, and it is available for review in such format at the desks of the members. For purposes of this subdivision "electronic means" means any method of transmission of information between computers or other machines designed for the purpose of sending and receiving such transmissions and which: allows the recipient to reproduce the information transmitted in a tangible medium of expression; and does not permit additions, deletions or other changes to be made without leaving an adequate record thereof.

S 2. This act shall take effect immediately.