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

S. 7812 A. 10149

S E N A T E - A S S E M B L Y

May 12, 2016

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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

AN ACT to amend the town law and the village law, in relation to authorizing town boards and village boards to submit non-binding public opinion advisory questions to the electors in certain cases

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

Section 1. The town law is amended by adding a new section 95 to read as follows:

S 95. NON-BINDING PUBLIC OPINION ADVISORY QUESTION. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY RESOLUTION, ORDINANCE OR LOCAL LAW ADOPTED BY THE TOWN BOARD MAY BE SUBJECT TO A NON-BINDING PUBLIC OPINION ADVISORY QUESTION AS PROVIDED BY THIS SECTION. SUCH QUESTION MAY BE PLACED ON THE BALLOT FOR A TOWN BIENNIAL ELECTION OR TOWN SPECIAL ELECTION IN THE SAME MANNER AS AN ACT OR RESOLUTION SUBJECT TO A REFERENDUM ON PETITION PURSUANT TO SECTION NINETY OF THIS ARTICLE. THE PROVISIONS OF THIS ARTICLE RELATING TO PERMISSIVE REFERENDUM SHALL BE APPLICABLE TO THE EXTENT THAT THEY ARE APPLICABLE AND NOT INCONSISTENT WITH THIS SECTION. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO RESOLUTIONS, ORDINANCES, OR LOCAL LAWS WHICH ARE SUBJECT TO PERMISSIVE REFERENDUM OR MANDATORY REFERENDUM PURSUANT TO STATE LAW.

S 2. The village law is amended by adding a new section 9-917 to read as follows:

S 9-917. NON-BINDING PUBLIC OPINION ADVISORY QUESTION. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY RESOLUTION, ORDINANCE OR LOCAL LAW ADOPTED BY THE VILLAGE BOARD MAY BE SUBJECT TO A NON-BINDING PUBLIC OPINION ADVISORY QUESTION AS PROVIDED BY THIS SECTION. SUCH QUESTION MAY BE PLACED ON THE BALLOT FOR AN ANNUAL OR SPECIAL ELECTION IN THE SAME MANNER AS AN ACT OR RESOLUTION SUBJECT TO A REFERENDUM ON PETITION PURSUANT TO SECTION 9-900 OF THIS ARTICLE. THE PROVISIONS OF THIS ARTI-

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

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CLE RELATING TO PERMISSIVE REFERENDUM SHALL BE APPLICABLE TO THE EXTENT THAT THEY ARE APPLICABLE AND NOT INCONSISTENT WITH THIS SECTION. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO RESOLUTIONS, ORDINANCES, OR LOCAL LAWS WHICH ARE SUBJECT TO PERMISSIVE REFERENDUM OR MANDATORY REFERENDUM PURSUANT TO STATE LAW.

S 3. This act shall take effect immediately.