

7376--A

2015-2016 Regular Sessions

I N A S S E M B L Y

May 6, 2015

Introduced by M. of A. GALEF, GIGLIO, McLAUGHLIN, ARROYO, McDONALD, FAHY, DINOWITZ, PAULIN, PALMESANO, CERETTO, SKOUFIS, MONTESANO, DUPREY, BUCHWALD, GOTTFRIED, MURRAY -- Multi-Sponsored by -- M. of A. BARCLAY, HAWLEY, HIKIND, KEARNS, LUPARDO, MAGEE, RAI, SIMON, SKARTADOS, STEC, THIELE -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Subdivision 4 of section 20 of the municipal home rule law,
2 as amended by chapter 426 of the laws of 2013, is amended to read as
3 follows:
4 4. A proposed local law may be introduced only by a member of the
5 legislative body at a meeting of such body or as may be otherwise
6 prescribed by the rules of procedure adopted by the legislative body. No
7 such local law shall be passed until it shall have been in its final
8 form and either (a) upon the desks or tables of the members at least
9 seven calendar days, exclusive of Sunday, prior to its final passage, or
10 (b) mailed to each of them in postpaid properly addressed and securely
11 closed envelopes or wrappers in a post box or post office of the United
12 States post office department within the local government at least ten
13 calendar days, exclusive of Sunday, prior to its final passage, OR (C)
14 E-MAILED TO THE E-MAIL IN-BOX OF EACH OF THEM IN THE PORTABLE DOCUMENT
15 FORMAT (PDF) AT LEAST TEN CALENDAR DAYS, EXCLUSIVE OF SUNDAY, PRIOR TO
16 ITS FINAL PASSAGE, PROVIDED THAT (I) THE LOCAL GOVERNMENT HAS DOCUMENTED
17 THAT EACH MEMBER OF THE LEGISLATIVE BODY HAS AN E-MAIL ADDRESS, (II) THE
18 LOCAL GOVERNMENT HAS PUBLISHED SUCH E-MAIL ADDRESS ON THE BULLETIN BOARD
19 OF THE LOCAL GOVERNMENT CLERK, AND (III) THE LEGISLATIVE BODY HAS UNAN-

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

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1 IMOUSLY ADOPTED A RESOLUTION AUTHORIZING SUCH ELECTRONIC DELIVERY;
2 unless the elective or appointive chief executive officer, if there be
3 one, or otherwise the chairman of the board of supervisors, in the case
4 of a county, the mayor in the case of a city or village or the supervi-
5 sor in the case of a town shall have certified as to the necessity for
6 its immediate passage and such local law be passed by the affirmative
7 vote of two-thirds of the total voting power of the legislative body.

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

18 S 2. This act shall take effect immediately.