STATE OF NEW YORK

5363

2019-2020 Regular Sessions

IN ASSEMBLY

February 11, 2019

Introduced by M. of A. DiPIETRO, RAIA -- read once and referred to the Committee on Governmental Operations

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to sections 1 and 2 of article 9 of the constitution, in relation to the right of counties to preempt or supercede state laws

Section 1. Resolved (if the Senate concur), That section 1 of article 9 of the constitution be amended by adding a new subdivision (i) to read as follows:

(i) Counties shall have the power, by enacting local law pursuant to the provisions of article four of the county law, to preempt or supercede any state law having impact or effect within such county.

§ 2. Resolved (if the Senate concur), That paragraph (c) of section 2 of article 9 of the constitution be amended to read as follows:

(c) In addition to powers granted in the statute of local governments or any other law, (i) every local government shall have power to adopt and amend local laws, not inconsistent with the provisions of this constitution [~~or any general law~~], relating to its property, affairs or government and, (ii) every local government shall have power to adopt and amend local laws, not inconsistent with the provisions of this constitution [~~or any general law~~], relating to the following subjects, whether or not they relate to the property, affairs or government of such local government[~~, except to the extent that the legislature shall restrict the adoption of such a local law relating to other than the property, affairs or government of such local government~~]:

(1) The powers, duties, qualifications, number, mode of selection and removal, terms of office, compensation, hours of work, protection, welfare and safety of its officers and employees, except that cities and towns shall not have such power with respect to members of the legislative body of the county in their capacities as county officers.

(2) In the case of a city, town or village, the membership and composition of its legislative body.

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

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(3) The transaction of its business.

(4) The incurring of its obligations, except that local laws relating to financing by the issuance of evidences of indebtedness by such local government shall be consistent with laws enacted by the legislature.

(5) The presentation, ascertainment and discharge of claims against it.

(6) The acquisition, care, management and use of its highways, roads, streets, avenues and property.

(7) The acquisition of its transit facilities and the ownership and operation thereof.

(8) The levy, collection and administration of local taxes authorized by the legislature and of assessments for local improvements, consistent with laws enacted by the legislature.

(9) The wages or salaries, the hours of work or labor, and the protection, welfare and safety of persons employed by any contractor or sub-contractor performing work, labor or services for it.

(10) The government, protection, order, conduct, safety, health and well-being of persons or property therein.

§ 3. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.