



## Legislation Details (With Text)

<b>File #:</b>	Int 0386-2003	<b>Version:</b>	*	<b>Name:</b>	Shall a commission to provide for the separation of the city of NY from the state of NY.
<b>Type:</b>	Introduction	<b>Status:</b>		<b>In control:</b>	Filed
					Committee on Governmental Operations
<b>On agenda:</b>	2/26/2003				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	A Local Law to amend the administrative code of the city of New York, in relation to providing for a referendum of the people of the city of New York on the question "Shall a commission to provide for the separation of the city of New York from the state of New York and for the establishment of the state, or any other entity that such commission shall deem appropriate, of Greater New York be created?"				
<b>Sponsors:</b>	Peter F. Vallone, Jr., Tony Avella, Dennis P. Gallagher, John C. Liu, Michael E. McMahon, Hiram Monserrate, Philip Reed, Joseph P. Addabbo, Jr., Leroy G. Comrie, Jr., James E. Davis, Simcha Felder, James F. Gennaro, Robert Jackson, Margarita Lopez, Michael C. Nelson, Madeline T. Provenzano, Christine C. Quinn, Larry B. Seabrook, Kendall Stewart, Albert Vann, James S. Oddo				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Committee Report, 2. Hearing Transcript				

Date	Ver.	Action By	Action	Result
2/26/2003	*	City Council	Introduced by Council	
2/26/2003	*	City Council	Referred to Comm by Council	
5/1/2003	*	Committee on Governmental Operations	Hearing Held by Committee	
5/1/2003	*	Committee on Governmental Operations	Laid Over by Committee	
5/1/2003	*	Subcommittee on Revenue and Forecast	Hearing Held by Committee	
5/1/2003	*	Subcommittee on Revenue and Forecast	Laid Over by Subcommittee	
12/31/2003	*	City Council	Filed (End of Session)	

Int. No. 386

By Council Members Vallone, Jr., Avella, Gallagher, Liu, McMahon, Monserrate, Reed, Addabbo, Comrie, Felder, Gennaro, Jackson, Lopez, Nelson, Provenzano, Quinn, Seabrook, Stewart, Vann and Oddo

A Local Law to amend the administrative code of the city of New York, in relation to providing for a referendum of the people of the city of New York on the question "Shall a commission to provide for the separation of the city of New York from the state of New York and for the establishment of the state, or any other entity that such commission shall deem appropriate, of Greater New York be created?"

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 2 of the administrative code of the city of New York is hereby amended by

adding a new section 2-107, to read as follows:

1. There shall be submitted by the board of elections of the city of New York to the voters of the city of New York at the next general election, the following question: “Shall a commission to provide for the separation of the city of New York from the state of New York and for the establishment of the state, or any other entity that such commission shall deem appropriate, of Greater New York be created?”

2. Such question shall be submitted in the manner provided in the state election law, and the provisions of such law relating to the submission of and to the taking, counting and returning the vote and canvassing the result upon a question submitted pursuant to law to the voters of the city, shall apply to the question herein required to be submitted. The ballots shall be in such form as prescribed by such law. When the city of New York board of elections shall have completed its canvass of the results of the vote upon such question, it shall forthwith certify the results of the vote upon such question to the speaker of the council and the mayor.

3. In the event the greatest number of votes cast in said election are in the affirmative, a secession commission for the city of New York shall be created for the purpose of drafting a constitution for the new state, or other entity, as appropriate, of Greater New York, which constitution shall be submitted to the voters of such city for approval.

a. Such commission shall consist of seven members, three of whom shall be appointed by the mayor; three of whom shall be appointed by the speaker of the council; and, one of whom shall be appointed jointly by the mayor and the speaker as chairperson of the commission. The members of the commission shall be appointed within thirty days of the effective date of this section and shall serve without compensation. All appointed members of the commission shall be residents of the city of New York. Vacancies in the membership of the commission shall be filled by appointment by whosoever was responsible for such original appointment. A majority of those members appointed and serving shall constitute a quorum for the transaction of any commission business and a majority of those present may approve any measure before it.

b. The study of any subject relevant to the property, affairs or government, structure or organization of

the new state, or other entity, as appropriate, of Greater New York, or any acts, laws, regulations, and codes relating thereto, or any matter or thing considered by the commission to be pertinent thereto, shall be deemed to be within the scope of the commission's powers hereunder.

c. Within thirty months, but not before twenty-four months following the date of the referendum on creating the commission, the commission shall submit its constitution for the new state, or other entity, as appropriate, of Greater New York to the following: the mayor, the speaker of the council, and all five borough presidents. The commission shall file its proposal with the clerk of the city of New York and shall hold public hearings throughout all five boroughs of the city of New York for at least six months after its submission. At the conclusion of such hearings, the commission may, by resolution, provide for the submission of such constitution to the voters of the city of New York at the next general election or, if the commission considers it desirable to submit such constitution at a special election, the commission may recommend such special election to the mayor who may, in his or her discretion, make proclamation of a special election, which proclamation shall be at least forty-five days but not more than sixty days prior to the date of such special election.

d. At such election, there shall be submitted to the voters of the city of New York the question: "Shall the constitution for Greater New York proposed by the secession commission for Greater New York be adopted?" There shall also be submitted to such voters at such election the following question: "Provided that the greatest number of votes cast in said election by voters of the city of New York are cast in the negative, shall such secession commission continue in existence for the purpose of drafting an alternative constitution for Greater New York?"

e. (i) If the constitution for Greater New York submitted by such secession commission receives the affirmative vote of the majority of the votes cast in such election, such constitution shall be adopted. Within three months of the adoption of the constitution by the voters of the city of New York, the commission shall submit to the governor, the temporary president of the senate, the speaker of the assembly, the mayor and the

speaker of the council proposed legislation enabling the city of New York to disengage and separate from the state of New York. If the constitution for Greater New York submitted by such commission receives the negative vote of a majority of votes cast in such election, with the second question receiving a negative vote of a majority of votes cast in such election, the secession commission shall be dissolved.

(ii) If the constitution for Greater New York submitted by such secession commission receives the negative vote of a majority of the votes cast in said election, with the second question receiving the affirmative vote of a majority of the votes cast in such election, the secession commission shall remain in existence for six months duration for the purpose of drafting an alternative proposed constitution for Greater New York to be submitted for approval and adoption in the manner prescribed herein. If such alternative constitution for Greater New York receives the affirmative vote of a majority of the votes cast in the election at which it is submitted, such alternative constitution shall be adopted. Within three months of adoption of the alternative constitution by the voters of the city of New York, the commission shall submit to the governor, the temporary president of the senate, the speaker of the assembly, the mayor and the speaker of the council proposed legislation enabling the city of New York to disengage and separate from the state of New York. If such alternative constitution for Greater New York receives the negative vote of a majority of the votes cast in such election, the secession commission shall be dissolved.

(iii) The constitution or alternative constitution for Greater New York shall not become effective unless the state legislature enacts legislation enabling the city of New York to disengage and separate from the state of New York and, until such time, the city of New York shall remain a part of the state of New York. Upon enactment of such enabling legislation, with the consent of the congress of the United States, the constitution for Greater New York shall take effect as specified herein.

f. The provisions of the state election law or any other law relating to general or special elections in the city of New York, so far as the same are applicable, shall apply to the question submitted pursuant to this section.

g. Such commission shall provide for such publication or other publicity in respect to the provisions of the proposed new constitution for Greater New York as it deems proper.

4. The secession commission for Greater New York shall also be subject to the following provisions:

a. No member of the commission may hold any other state or local office, as such terms are defined in section two of the state public officers law, except that a member of the council of the city of New York shall not be disqualified from being a member of such commission pursuant to this subdivision or any other law.

b. All members of the commission shall be allowed their actual and necessary expenses incurred by them in the performance of their duties hereunder. Members of the commission who do not hold public office shall also receive a per diem allowance of one hundred fifty dollars, not to exceed ten thousand dollars in any one fiscal year, when rendering services as such member.

c. The commission shall employ and may at pleasure remove such employees and consultants as it shall require and fix their compensation with amounts appropriated therefore and may accept any services, facilities or funds and use or expend the same for its purposes.

d. The commission shall have the power to conduct private hearings, take testimony, subpoena witnesses and require the production of books, papers and records.

e. The commission may request and receive from any city department, board, bureau, commission, council, office, agency or other instrumentality such facilities, assistance, data and personnel as may be necessary or desirable for the proper execution of its powers and duties, and the commission may request from any state of New York department, board, bureau, commission, council, office, agency or other instrumentality such facilities, assistance, data and personnel as may be necessary or desirable for the proper execution of its powers and duties.

f. The terms of office of the members of the commission shall expire upon the adoption of the proposed constitution by the voters of the city of New York; provided, however, that such terms may continue until the effective date of such constitution if revisions and amendments of law, local laws, ordinances, acts, resolutions,

regulations or codes of the United States of America or the state or city of New York are deemed by the commission to be necessary, then upon adoption of such new constitution such commission shall draft such revisions and amendments of such laws, local laws, ordinances, acts, resolutions, regulations or codes as may be necessary as a result of the adoption of such new constitution, and submit or cause to be submitted for enactment such revisions and amendments to the state legislature and to the congress of the United States of America, as may be appropriate, to take effect upon the effective date of such constitution. In such case, the terms of office of the members of such commission shall expire upon such submission of such revisions and amendments.

§2. Severability. If any sentence, paragraph, section or part of this local law shall be adjudged invalid by a court of competent jurisdiction such judgment shall not impair or invalidate the remainder thereof but shall be confined to that part.

§3. This local law shall take effect immediately upon its enactment into law.

LS# 1481  
MT  
AS