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

7235

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. CUSICK, PHEFFER, LAVINE, COLTON, LUPARDO, WEISENBERG, TITONE, SCHROEDER, GUNTHER, JAFFEE, CHRISTENSEN, COOK, LATIMER, MILLMAN, MAGNARELLI, ORTIZ, ROBINSON -- Multi-Sponsored by -- M. of A. ABBATE, BRADLEY, DelMONTE, GABRYSZAK, GALEF, HYER-SPENCER, JOHN, KOON, MAGEE, McDONOUGH, McENENY, REILLY, SWEENEY -- read once and referred to the Committee on Veterans' Affairs

AN ACT establishing the veterans' memorials preservation act

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

Section 1. Short title. This act shall be known and may be cited as the "veterans' memorials preservation act".

S 2. Definitions. For the purposes of this act:

(a) a "memorial" is any park, monument, field, open land, grove of trees, building, structure, artwork, tablet, plaque, wall, or any other structure that has been donated to, or constructed by, a public entity as a memorial to veterans of any war, conflict, or police action engaged in by the armed forces of the United States, or any one of the United States, or the New York national guard.

(b) a "public entity" is any governmental body of any kind, including, but not limited to, the state, a city, town, village, borough, school district, or public authority.

S 3. Memorials shall be preserved and be open to the public. (a) Any public entity that has created or received a gift of a memorial shall not alter, destroy, reconfigure, adjust, change, modify, or move such memorial, or cause or permit any person to commit such acts; provided, however, that such acts are permitted when reasonably necessary.

(b) Any public entity that has created a memorial or accepted a gift of a memorial shall maintain the memorial in a reasonable manner.

(c) A public entity shall not restrict access to a memorial except as reasonably necessary.

S 4. This act shall take effect immediately.

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

LBD10692-01-9