

4463--C

Cal. No. 331

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. BRODSKY, PAULIN -- Multi-Sponsored by -- M. of A. McENENY -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public lands law, in relation to making surplus state-owned real property available to municipalities and counties

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

1 Section 1. Subdivision 1 of section 33 of the public lands law, as
2 amended by chapter 360 of the laws of 1983, is amended to read as
3 follows:
4 1. (A) PRIOR TO THE PUBLIC SALE OF UNAPPROPRIATED STATE LAND, THE
5 DEPARTMENT MUST FIRST OFFER TO SELL SUCH LAND FOR FAIR MARKET VALUE TO
6 THE MUNICIPALITY IN WHICH IT IS LOCATED. THE GOVERNING BODY OF SUCH
7 MUNICIPALITY SHALL HAVE FORTY-FIVE DAYS IN WHICH TO ADVISE THE COMMIS-
8 SIONER OF GENERAL SERVICES WHETHER OR NOT IT WISHES TO ACQUIRE SUCH
9 UNAPPROPRIATED STATE LAND FOR A PUBLIC PURPOSE. IF IT WISHES TO ACQUIRE
10 SUCH UNAPPROPRIATED STATE LAND, SUCH MUNICIPALITY SHALL HAVE SIXTY DAYS
11 FROM SO NOTIFYING THE COMMISSIONER IN WHICH TO CONCLUDE THE NEGOTIATION
12 OF THE SALE. IF THE MUNICIPALITY NOTIFIES THE COMMISSIONER THAT IT DOES
13 NOT WISH TO ACQUIRE SUCH UNAPPROPRIATED STATE LAND, OR IF THE NEGOTI-
14 ATION FOR THE SALE THEREOF IS NOT CONCLUDED WITHIN THE SIXTY DAY PERIOD
15 PROVIDED THEREFOR, THE COMMISSIONER SHALL OFFER SUCH UNAPPROPRIATED
16 STATE LAND FOR SALE TO THE COUNTY (EXCEPT A COUNTY WHOLLY CONTAINED
17 WITHIN A CITY) IN WHICH SUCH UNAPPROPRIATED STATE LAND IS LOCATED. THE
18 GOVERNING BODY OF SUCH COUNTY SHALL HAVE FORTY-FIVE DAYS IN WHICH TO
19 ADVISE THE COMMISSIONER WHETHER OR NOT IT WISHES TO ACQUIRE SUCH UNAP-

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

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1 PROPRIATED STATE LAND FOR A PUBLIC PURPOSE. IF IT WISHES TO ACQUIRE SUCH
2 UNAPPROPRIATED STATE LAND, THE COUNTY SHALL HAVE SIXTY DAYS FROM SO
3 NOTIFYING THE COMMISSIONER IN WHICH TO CONCLUDE THE NEGOTIATION OF THE
4 SALE. IF SUCH UNAPPROPRIATED STATE LAND IS NOT TO BE SOLD TO A MUNICI-
5 PALITY OR COUNTY FOR A PUBLIC PURPOSE AS PROVIDED IN THIS PARAGRAPH,
6 SUCH UNAPPROPRIATED STATE LAND MAY BE DISPOSED OF PURSUANT TO PARAGRAPH
7 (B) OF THIS SUBDIVISION. FOR THE PURPOSES OF THIS SECTION "MUNICIPALITY"
8 SHALL MEAN A CITY, TOWN, OR VILLAGE.

9 (B) The commissioner of general services may, from time to time, sell
10 unappropriated state lands at public auction or by sealed bids in such
11 parcels as he deems for the best interests of the state. Previous to
12 every sale, he shall fix the lowest sum at which each lot may be sold,
13 and shall designate at least one newspaper in the county where the lands
14 to be sold are situated, in which the commissioner shall cause notice of
15 the time, place and description of sale to be published, at least once a
16 week for four weeks, successively, before the sale. Such notice need not
17 be published in any other paper or papers, and any statute requiring
18 additional publication of notices or advertisements by state officers or
19 a department, board, bureau or commission of the state shall not apply
20 to such notice. The commissioner may designate a representative of his
21 office to conduct such sale. All such sales shall be held at the county
22 seat of the county where the property is situated, unless otherwise
23 directed by the commissioner.

24 Upon such sales of unappropriated state land to a purchaser procured
25 by any licensed real estate broker and the payment of the purchase price
26 in the amount offered by such broker in behalf of the purchaser, the
27 commissioner of general services is authorized to pay, subject to such
28 terms and conditions as the commissioner may prescribe, a commission to
29 such broker out of monies available therefor. Uniform rates of commis-
30 sion shall, from time to time, be fixed by the commissioner but shall
31 not exceed six percentum of the purchase price. No commission shall be
32 paid for the procuring of any sale unless (1) written authority of the
33 broker to make such offer on a form acceptable to the commissioner,
34 signed by the person for whom he is acting, shall be filed with the
35 commissioner before the day of the sale and unless (2) the broker shall
36 furnish to the commissioner evidence in such form and extent as he may
37 require establishing that the purchaser was procured as the result of
38 the broker's services. In no event shall a broker who is paid a commis-
39 sion by the commissioner as herein provided accept any other commission
40 or fee from any person or source for brokerage services relating to the
41 sale of such unappropriated state land.

42 S 2. This act shall take effect January 1, 2011.