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

7946

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. SPANO, ESPAILLAT, FIELDS, JAFFEE, BARRON, EDDINGTON, ENGLEBRIGHT, WALKER -- Multi-Sponsored by -- M. of A. BURLING, CHRISTENSEN, McDONOUGH, THIELE, WEISENBERG -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, the county law, the village law, the general city law, the town law, the municipal home rule law and the statute of local governments, in relation to requiring a local referendum prior to legislative action taken to alienate parkland

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

Section 1. Subdivision (b) of section 72-h of the general municipal law, as added by chapter 233 of the laws of 1940, is amended to read as follows:

(b) The provisions of this section shall not apply to any real property which is made inalienable under the provisions of any general, special or local law or of any charter. PRIOR TO STATE LEGISLATIVE ACTION TAKEN TO ALIENATE PARKLAND IN SUPERSESSION OF THE PROVISIONS OF THIS SUBDIVISION, APPROVAL OF SUCH ACTION SHALL BE ATTAINED FROM THE RESIDENTS DIRECTLY AFFECTED BY THE ALIENATION OF THE PARKLAND THROUGH THE MEANS OF A LOCAL REFERENDUM.

S 2. Section 215 of the county law is amended by adding a new subdivision 12 to read as follows:

12. PRIOR TO STATE LEGISLATIVE ACTION TAKEN TO ALIENATE PARKLAND IN SUPERSESSION OF ANY OF THE PROVISIONS OF THIS SECTION, APPROVAL OF SUCH ACTION SHALL BE ATTAINED FROM THE RESIDENTS DIRECTLY AFFECTED BY THE ALIENATION OF THE PARKLAND THROUGH THE MEANS OF A LOCAL REFERENDUM.

S 3. The village law is amended by adding a new section 1-103 to read as follows:

S 1-103 LEGISLATIVE ACTION TO ALIENATE PARKLAND; REFERENDUM REQUIRED. WHERE CERTAIN PARKLAND IS IMPRESSED WITH A PUBLIC TRUST, THEREBY NECESSITATING STATE LEGISLATIVE ACTION TO ALIENATE SUCH REAL PROPERTY, PRIOR

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

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TO SUCH LEGISLATIVE ACTION, APPROVAL OF SUCH ACTION SHALL BE ATTAINED FROM THE RESIDENTS DIRECTLY AFFECTED BY THE ALIENATION OF THE PARKLAND THROUGH THE MEANS OF A LOCAL REFERENDUM.

S 4. Subdivision 2 of section 20 of the general city law is amended by adding a new closing paragraph to read as follows:

PRIOR TO STATE LEGISLATIVE ACTION TAKEN TO ALIENATE PARKLAND IN SUPER-SESSION OF ANY OF THE PROVISIONS OF THIS SECTION, APPROVAL OF SUCH ACTION SHALL BE ATTAINED FROM THE RESIDENTS DIRECTLY AFFECTED BY THE ALIENATION OF THE PARKLAND THROUGH THE MEANS OF A LOCAL REFERENDUM.

S 5. Subdivision 2 of section 64 of the town law, as amended by chapter 365 of the laws of 1980, is amended to read as follows:

2. Acquisition and conveyance of real property. May acquire by lease, purchase, in the manner provided by law, or by acquisition in the manner provided by the eminent domain procedure law, any lands or rights therein, either within or outside the town boundaries, required for any public purpose, and may, upon the adoption of a resolution, convey or lease real property in the name of the town, which resolution shall be subject to a permissive referendum. If the property or rights be acquired by acquisition, the town board may subject to the provisions of the eminent domain procedure law at once enter into possession of the real property or rights described when the judgment shall have been made and entered, and the town shall thereupon stand charged and responsible for the prompt payment of the amount which may ultimately be awarded. Lands or rights required for a district purpose shall be acquired by the town board in the name of the district, and the cost thereof shall be a charge upon and assessed against such district. Such district lands and rights may be sold or leased in the manner provided in subdivision twelve of section one hundred ninety-eight of this chapter. WHERE CERTAIN PARKLAND IS IMPRESSED WITH THE PUBLIC TRUST, THEREBY NECESSITATING STATE LEGISLATIVE ACTION TO ALIENATE SUCH REAL PROPERTY, PRIOR TO SUCH LEGISLATIVE ACTION, APPROVAL OF SUCH ACTION SHALL BE ATTAINED FROM THE RESIDENTS DIRECTLY AFFECTED BY THE ALIENATION OF THE PARKLAND THROUGH THE MEANS OF A LOCAL REFERENDUM.

S 6. The municipal home rule law is amended by adding a new section 12 to read as follows:

S 12. LEGISLATIVE ACTION TO ALIENATE PARKLAND; REFERENDUM REQUIRED. WHERE CERTAIN PARKLAND IS IMPRESSED WITH A PUBLIC TRUST, THEREBY NECESSITATING STATE LEGISLATIVE ACTION TO ALIENATE SUCH REAL PROPERTY, PRIOR TO SUCH LEGISLATIVE ACTION, APPROVAL OF SUCH ACTION SHALL BE ATTAINED FROM THE RESIDENTS DIRECTLY AFFECTED BY THE ALIENATION OF THE PARKLAND THROUGH THE MEANS OF A LOCAL REFERENDUM.

S 7. The statute of local governments is amended by adding a new section 11-a to read as follows:

S 11-A. LEGISLATIVE ACTION TO ALIENATE PARKLAND; REFERENDUM REQUIRED. WHERE CERTAIN PARKLAND IS IMPRESSED WITH A PUBLIC TRUST, THEREBY NECESSITATING STATE LEGISLATIVE ACTION TO ALIENATE SUCH REAL PROPERTY, PRIOR TO SUCH LEGISLATIVE ACTION, APPROVAL OF SUCH ACTION SHALL BE ATTAINED FROM THE RESIDENTS DIRECTLY AFFECTED BY THE ALIENATION OF THE PARKLAND THROUGH THE MEANS OF A LOCAL REFERENDUM.

S 8. This act shall take effect immediately.