

2602

2009-2010 Regular Sessions

I N   S E N A T E

February 25, 2009

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Introduced by Sens. FLANAGAN, MORAHAN, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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 THIRTY DAYS IN WHICH TO ADVISE THE COMMISSIONER  
8 OF GENERAL SERVICES WHETHER OR NOT IT WISHES TO ACQUIRE SUCH UNAPPROPRI-  
9 ATED STATE LAND FOR A PUBLIC PURPOSE. IF IT WISHES TO ACQUIRE SUCH UNAP-  
10 PROPRIATED STATE LAND, SUCH MUNICIPALITY SHALL HAVE SIXTY DAYS FROM SO  
11 NOTIFYING THE COMMISSIONER IN WHICH TO CONCLUDE THE NEGOTIATION OF THE  
12 SALE. IF THE MUNICIPALITY NOTIFIES THE COMMISSIONER THAT IT DOES NOT  
13 WISH TO ACQUIRE SUCH UNAPPROPRIATED STATE LAND, OR IF THE NEGOTIATION  
14 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 THIRTY DAYS IN WHICH TO ADVISE  
19 THE COMMISSIONER WHETHER OR NOT IT WISHES TO ACQUIRE SUCH UNAPPROPRIATED  
20 STATE LAND FOR A PUBLIC PURPOSE. IF IT WISHES TO ACQUIRE SUCH UNAPPRO-  
21 PRIATED STATE LAND, THE COUNTY SHALL HAVE SIXTY DAYS FROM SO NOTIFYING  
22 THE COMMISSIONER IN WHICH TO CONCLUDE THE NEGOTIATION OF THE SALE. IF  
23 SUCH UNAPPROPRIATED STATE LAND IS NOT TO BE SOLD TO A MUNICIPALITY OR  
24 COUNTY FOR A PUBLIC PURPOSE AS PROVIDED IN THIS PARAGRAPH, SUCH UNAPPRO-

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

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1 PRIATED STATE LAND MAY BE DISPOSED OF PURSUANT TO PARAGRAPH (B) OF THIS  
2 SUBDIVISION. FOR THE PURPOSES OF THIS SECTION "MUNICIPALITY" SHALL MEAN  
3 A CITY, TOWN, OR VILLAGE.

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

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

37 S 2. This act shall take effect immediately.