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

5167

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the legislative law, the municipal home rule law and the statute of local governments, in relation to the alienation of public parkland

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

Section 1. The legislative law is amended by adding a new section 52-a to read as follows:

S 52-A. REQUIREMENTS FOR LEGISLATION TO ALIENATE PUBLIC PARKLAND. 1. HOME-RULE MESSAGE IN ALIENATION OF PUBLIC PARKLAND BILLS. A BILL WHICH ENACTS OR AMENDS ANY PROVISION OF LAW RELATING TO THE ALIENATION OF PUBLIC PARKLAND OF THE STATE OF NEW YORK OR OF ANY OF ITS POLITICAL SUBDIVISIONS SHALL CONTAIN A HOME-RULE MESSAGE. SUCH HOME-RULE MESSAGE SHALL BE ADOPTED ONLY AFTER A MANDATED REVIEW OF SIXTY DAYS BY THE LOCAL COMMUNITY BOARD.

2. REPLACEMENT OF PUBLIC PARKLAND. A BILL WHICH ENACTS OR AMENDS ANY PROVISION OF LAW RELATING TO THE ALIENATION OF PUBLIC PARKLAND OF THE STATE OF NEW YORK OR ANY OF ITS POLITICAL SUBDIVISIONS SHALL CONTAIN A GENERAL CONFIGURATION AND FUNCTION FOR REPLACEMENT OF SUCH PARKLAND BY A PARK OR PLAYGROUND THAT IS GEOGRAPHICALLY CLOSE TO SUCH ALIENATED PARKLAND.

3. GRANTING PRIVATE ENTITIES USE OF PUBLIC PARKLAND. WHEN A MUNICIPALITY GRANTS A PRIVATE ENTITY THE RIGHT TO USE OR OPERATE PUBLIC PARKLAND WITHIN THE STATE OF NEW YORK OR OF ANY OF ITS POLITICAL SUBDIVISIONS, THERE SHALL BE A CLEAR STATEMENT AS TO WHETHER THE TYPE OF PRIVATIZATION AGREEMENT CREATED IS A LEASE, A FRANCHISE, OR A REVOCABLE PERMIT.

4. THE PROVISIONS OF THIS SECTION SHALL ONLY APPLY TO MUNICIPALITIES WITH A POPULATION OF ONE MILLION OR MORE.

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

LBD01463-01-9

S 2. The municipal home rule law is amended by adding a new section 12 to read as follows:

S 12. LEGISLATIVE ACTION TO ALIENATE PARKLAND; REQUIREMENTS. WHERE CERTAIN PARKLAND IS IMPRESSED WITH A PUBLIC TRUST, THEREBY NECESSITATING STATE LEGISLATIVE ACTION TO ALIENATE SUCH REAL PROPERTY, PRIOR TO SUCH LEGISLATIVE ACTION, THE REQUIREMENTS OF SECTION FIFTY-TWO-A OF THE LEGISLATIVE LAW SHALL APPLY.

S 3. 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; REQUIREMENTS. WHERE CERTAIN PARKLAND IS IMPRESSED WITH A PUBLIC TRUST, THEREBY NECESSITATING STATE LEGISLATIVE ACTION TO ALIENATE SUCH REAL PROPERTY, PRIOR TO SUCH LEGISLATIVE ACTION, THE REQUIREMENTS OF SECTION FIFTY-TWO-A OF THE LEGISLATIVE LAW SHALL APPLY.

S 4. This act shall take effect immediately.