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

4423

2011-2012 Regular Sessions

I N S E N A T E

April 5, 2011

Introduced by Sen. FLANAGAN -- 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:

Section 1. Subdivision 1 of section 33 of the public lands law, as amended by chapter 360 of the laws of 1983, is amended to read as follows:

1. (A) PRIOR TO THE PUBLIC SALE OF UNAPPROPRIATED STATE LAND, THE DEPARTMENT MUST FIRST OFFER TO SELL SUCH LAND FOR FAIR MARKET VALUE TO THE MUNICIPALITY IN WHICH IT IS LOCATED. THE GOVERNING BODY OF SUCH MUNICIPALITY SHALL HAVE THIRTY DAYS IN WHICH TO ADVISE THE COMMISSIONER OF GENERAL SERVICES WHETHER OR NOT IT WISHES TO ACQUIRE SUCH UNAPPROPRIATED STATE LAND FOR A PUBLIC PURPOSE. IF IT WISHES TO ACQUIRE SUCH UNAPPROPRIATED STATE LAND, SUCH MUNICIPALITY SHALL HAVE SIXTY DAYS FROM SO NOTIFYING THE COMMISSIONER IN WHICH TO CONCLUDE THE NEGOTIATION OF THE SALE. IF THE MUNICIPALITY NOTIFIES THE COMMISSIONER THAT IT DOES NOT WISH TO ACQUIRE SUCH UNAPPROPRIATED STATE LAND, OR IF THE NEGOTIATION FOR THE SALE THEREOF IS NOT CONCLUDED WITHIN THE SIXTY DAY PERIOD PROVIDED THEREFOR, THE COMMISSIONER SHALL OFFER SUCH UNAPPROPRIATED STATE LAND FOR SALE TO THE COUNTY (EXCEPT A COUNTY WHOLLY CONTAINED WITHIN A CITY) IN WHICH SUCH UNAPPROPRIATED STATE LAND IS LOCATED. THE GOVERNING BODY OF SUCH COUNTY SHALL HAVE THIRTY DAYS IN WHICH TO ADVISE THE COMMISSIONER WHETHER OR NOT IT WISHES TO ACQUIRE SUCH UNAPPROPRIATED STATE LAND FOR A PUBLIC PURPOSE. IF IT WISHES TO ACQUIRE SUCH UNAPPROPRIATED STATE LAND, THE COUNTY SHALL HAVE SIXTY DAYS FROM SO NOTIFYING THE COMMISSIONER IN WHICH TO CONCLUDE THE NEGOTIATION OF THE SALE. IF SUCH UNAPPROPRIATED STATE LAND IS NOT TO BE SOLD TO A MUNICIPALITY OR 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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PRIATED STATE LAND MAY BE DISPOSED OF PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION. FOR THE PURPOSES OF THIS SECTION "MUNICIPALITY" SHALL MEAN A CITY, TOWN, OR VILLAGE.

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

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

S 2. This act shall take effect immediately.