

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

9648--A

I N A S S E M B L Y

March 22, 2012

Introduced by M. of A. PAULIN, GABRYSZAK, ROBERTS, BENEDETTO, COLTON, ORTIZ, SCARBOROUGH, STEVENSON, WEPRIN, JAFFEE, LATIMER, HOOPER, SCHIMMEL, PERRY, CUSICK -- Multi-Sponsored by -- M. of A. ABBATE, ABINANTI, CASTELLI, GIBSON, MARKEY, McENENY, P. RIVERA, TENNEY, THIELE, TITONE -- read once and referred to the Committee on Veterans' Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to the acquisition of land for the erection of monuments

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

1 Section 1. The general municipal law is amended by adding a new
2 section 99-w to read as follows:
3 S 99-w. LAND FOR MONUMENT ERECTION. 1. THE FOLLOWING TERMS WHENEVER
4 USED OR REFERRED TO IN THIS SECTION SHALL HAVE THE FOLLOWING MEANINGS
5 UNLESS A DIFFERENT MEANING CLEARLY APPEARS IN THE CONTEXT:
6 (A) "MILITARY ACTION OR PERIOD OF WAR" MEANS THE AMERICAN REVOLUTION;
7 AMERICAN CIVIL WAR; SPANISH-AMERICAN WAR; THE MEXICAN BORDER PERIOD;
8 WORLD WAR I; WORLD WAR II; THE HOSTILITIES KNOWN AS THE KOREAN WAR; THE
9 HOSTILITIES KNOWN AS THE VIETNAM WAR; THE PERSIAN GULF CONFLICT INCLUD-
10 ING BUT NOT LIMITED TO OPERATION ENDURING FREEDOM; OPERATION IRAQI FREE-
11 DOM AND OPERATION NEW DAWN; AND MILITARY OPERATIONS OTHER THAN WAR:
12 PANAMA; BOSNIA; SOMALIA AND HAITI;
13 (B) "MILITARY MONUMENT" MEANS ANY STRUCTURE OR PART OF ANY STRUCTURE
14 THAT WAS ERECTED OR LATER DEDICATED WITH THE INTENT TO HONOR A CURRENT
15 OR FORMER MEMBER OR MEMBERS OF THE ARMED FORCES OR TO MARK OR COMMEM-
16 ORATE A MILITARY ACTION, BATTLE OR PERIOD OF WAR, INCLUDING BUT NOT
17 LIMITED TO, A TABLET, PLAQUE, WALL, BUILDING, OR STRUCTURE;
18 (C) "MILITARY MEMORIAL" MEANS A PARK, FIELD, GROVE OF TREES, LAND OR
19 ARTWORK SURROUNDING A MILITARY MONUMENT;
20 (D) "CHANGE IN STATUS" MEANS A MILITARY MONUMENT OR MILITARY MEMORIAL
21 THAT WILL BE ALIENATED, LEASED, TRANSFERRED, SOLD, MOVED OR DISCONTINUED
22 FOR USE AS A MEMORIAL SITE;

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

LBD05839-11-2

1 (E) "MUNICIPAL CORPORATION" MEANS A COUNTY, CITY, TOWN, VILLAGE,
2 SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES; AND

3 (F) "LEGISLATIVE BODY" MEANS THE BOARD OF SUPERVISORS, BOARD OF ALDER-
4 MEN, COMMON COUNCIL, COUNCIL, COMMISSION, TOWN BOARD, BOARD OF TRUSTEES
5 OR OTHER ELECTIVE GOVERNING BOARD OR BODY OF A MUNICIPALITY NOW OR HERE-
6 AFTER VESTED BY STATE STATUTE, CHARTER OR OTHER LAW WITH JURISDICTION TO
7 INITIATE AND ADOPT LOCAL LAWS AND ORDINANCES, WHETHER OR NOT SUCH LOCAL
8 LAWS OR ORDINANCES REQUIRE APPROVAL OF THE ELECTIVE CHIEF EXECUTIVE
9 OFFICER OR OTHER OFFICIAL OR BODY TO BECOME EFFECTIVE; PROVIDED HOWEVER,
10 IN THE CASE OF A SCHOOL DISTRICT SHALL MEAN THE BOARD OF EDUCATION,
11 BOARD OF TRUSTEES OR SOLE TRUSTEE, AS THE CASE MAY BE; AND PROVIDED
12 FURTHER, IN THE CASE OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES
13 SHALL MEAN THE ELECTED MEMBERS OF THE BOARD OF COOPERATIVE EDUCATIONAL
14 SERVICES.

15 2. PRIOR TO ANY CHANGE IN STATUS OF A MILITARY MONUMENT OR MILITARY
16 MEMORIAL ERECTED OR CONSTRUCTED PURSUANT TO SECTIONS TWO HUNDRED TWEN-
17 TY-SIX OF THE COUNTY LAW, EIGHTY-ONE OF THE TOWN LAW, SEVENTY-TWO AND
18 SEVENTY-SEVEN-A OF THE GENERAL MUNICIPAL LAW OR WHERE THE MILITARY MONU-
19 MENT OR MILITARY MEMORIAL RECEIVES A REAL PROPERTY TAX EXEMPTION PURSU-
20 ANT TO SECTION FOUR HUNDRED FORTY-FOUR-A OF THE REAL PROPERTY TAX LAW,
21 THE LEGISLATIVE BODY OF THE MUNICIPAL CORPORATION WHERE THE MILITARY
22 MONUMENT OR MILITARY MEMORIAL IS SITUATED SHALL ADOPT A LOCAL LAW, BY A
23 TWO-THIRDS VOTE OF ITS MEMBERS, OR IN THE CASE OF A SCHOOL DISTRICT OR
24 BOARD OF COOPERATIVE EDUCATIONAL SERVICES A RESOLUTION, BY A TWO-THIRDS
25 VOTE OF ITS MEMBERS, TO AUTHORIZE SUCH CHANGE IN STATUS. AT LEAST NINETY
26 DAYS PRIOR TO THE ADOPTION OF SUCH LOCAL LAW, THE MUNICIPAL CORPORATION
27 SHALL HOLD AT LEAST ONE PUBLIC HEARING. SUCH PUBLIC HEARING SHALL BE ON
28 SUCH NOTICE AS IS REQUIRED BY SECTION TWENTY OF THE MUNICIPAL HOME RULE
29 LAW. NOTICE OF SUCH PUBLIC HEARING SHALL ALSO BE POSTED IN AT LEAST FIVE
30 PUBLIC PLACES, AND SHALL BE ADVERTISED FOR THREE CONSECUTIVE DAYS IN AT
31 LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPAL CORPORATION,
32 WHICH SHALL BE THE OFFICIAL NEWSPAPER IF ONE EXISTS, WITHIN FIFTEEN DAYS
33 OF SUCH PUBLIC HEARING. THE MUNICIPAL CORPORATION SHALL ALSO POST SUCH
34 NOTICE ON ITS OFFICIAL WEBSITE, IF ONE EXISTS, FOR AT LEAST FIFTEEN DAYS
35 PRIOR TO SUCH HEARING. WRITTEN NOTICE SHALL ALSO BE SENT BY CERTIFIED
36 MAIL TO THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPAL CORPORATION, IF ONE
37 EXISTS, PRIOR TO THE PUBLICATION OF THE NOTICE REQUIREMENTS REQUIRED BY
38 THIS SUBDIVISION.

39 S 2. This act shall take effect immediately.