

3315

2011-2012 Regular Sessions

I N S E N A T E

February 16, 2011

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

1 Section 1. Subdivision (b) of section 72-h of the general municipal
2 law, as added by chapter 233 of the laws of 1940, is amended to read as
3 follows:
4 (b) The provisions of this section shall not apply to any real proper-
5 ty which is made inalienable under the provisions of any general,
6 special or local law or of any charter. PRIOR TO STATE LEGISLATIVE
7 ACTION TAKEN TO ALIENATE PARKLAND IN SUPERSESSION OF THE PROVISIONS OF
8 THIS SUBDIVISION, APPROVAL OF SUCH ACTION SHALL BE ATTAINED FROM THE
9 RESIDENTS DIRECTLY AFFECTED BY THE ALIENATION OF THE PARKLAND THROUGH
10 THE MEANS OF A LOCAL REFERENDUM.
11 S 2. Section 215 of the county law is amended by adding a new subdivi-
12 sion 12 to read as follows:
13 12. PRIOR TO STATE LEGISLATIVE ACTION TAKEN TO ALIENATE PARKLAND IN
14 SUPERSESSION OF ANY OF THE PROVISIONS OF THIS SECTION, APPROVAL OF SUCH
15 ACTION SHALL BE ATTAINED FROM THE RESIDENTS DIRECTLY AFFECTED BY THE
16 ALIENATION OF THE PARKLAND THROUGH THE MEANS OF A LOCAL REFERENDUM.
17 S 3. The village law is amended by adding a new section 1-103 to read
18 as follows:
19 S 1-103 LEGISLATIVE ACTION TO ALIENATE PARKLAND; REFERENDUM REQUIRED.
20 WHERE CERTAIN PARKLAND IS IMPRESSED WITH A PUBLIC TRUST, THEREBY NECES-
21 SITATING STATE LEGISLATIVE ACTION TO ALIENATE SUCH REAL PROPERTY, PRIOR
22 TO SUCH LEGISLATIVE ACTION, APPROVAL OF SUCH ACTION SHALL BE ATTAINED

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

LBD07858-01-1

1 FROM THE RESIDENTS DIRECTLY AFFECTED BY THE ALIENATION OF THE PARKLAND
2 THROUGH THE MEANS OF A LOCAL REFERENDUM.

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

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

9 S 5. Subdivision 2 of section 64 of the town law, as amended by chap-
10 ter 365 of the laws of 1980, is amended to read as follows:

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

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

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

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

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

49 S 8. This act shall take effect immediately.