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I N   A S S E M B L Y

May 13, 2016

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Introduced by M. of A. OTIS -- Multi-Sponsored by -- M. of A. PAULIN --  
read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the general municipal law, in relation to classifying  
military monuments and memorials as parkland

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

1     Section 1. Subdivision 2 of section 99-w of the general municipal law,  
2     as added by chapter 439 of the laws of 2012, is amended to read as  
3     follows:  
4     2. Prior to any change in status of a military monument or military  
5     memorial erected or constructed pursuant to sections two hundred twenty-six  
6     of the county law, eighty-one of the town law, seventy-two and  
7     seventy-seven-a of [the general municipal law] THIS ARTICLE or where the  
8     military monument or military memorial receives a real property tax  
9     exemption pursuant to section four hundred forty-four-a of the real  
10    property tax law, the legislative body of the municipal corporation  
11    where the military monument or military memorial is situated shall adopt  
12    a local law, by a two-thirds vote of its members, or in the case of a  
13    school district or board of cooperative educational services a resolution,  
14    by a two-thirds vote of its members, to authorize such change in  
15    status. At least ninety days prior to the adoption of such local law,  
16    the municipal corporation shall hold at least one public hearing. Such  
17    public hearing shall be on such notice as is required by section twenty  
18    of the municipal home rule law. Notice of such public hearing shall also  
19    be posted in at least five public places, and shall be advertised for  
20    three consecutive days in at least one newspaper of general circulation  
21    in the municipal corporation, which shall be the official newspaper if  
22    one exists, within fifteen days of such public hearing. The municipal  
23    corporation shall also post such notice on its official website, if one  
24    exists, for at least fifteen days prior to such hearing. Written notice  
25    shall also be sent by certified mail to the chief executive officer of  
26    the municipal corporation, if one exists, prior to the publication of  
27    the notice requirements required by this subdivision. MILITARY MONUMENTS  
28    OR MEMORIALS UNDER THIS SECTION SHALL BE CONSIDERED AS PARKLAND IN THE

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

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1 MUNICIPALITY WHEREIN SUCH PROPERTY EXISTS. ANY CHANGE IN STATUS APPROVED  
2 BY THE LOCAL ENTITY UNDER THIS SECTION SHALL NOT BE ALIENATED, DEVEL-  
3 OPED, LEASED, TRANSFERRED, SOLD OR DISCONTINUED FOR USE AS A MEMORIAL  
4 SITE UNLESS SUCH ACTION IS AUTHORIZED BY AN ACT OF THE LEGISLATURE.  
5 S 2. This act shall take effect immediately.