

# STATE OF NEW YORK

8676

2017-2018 Regular Sessions

## IN ASSEMBLY

September 25, 2017

Introduced by M. of A. BARRON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the transportation law, the vehicle and traffic law, the town law, the county law, the general construction law and the personal property law, in relation to changing the designation of the public holiday of Columbus day to Indigenous People's day

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The legislature hereby declares that beginning the second  
2 Monday in October 2017, the holiday formerly known as Columbus day will  
3 be designated as Indigenous People's day.

4 § 2. Subdivision 2 of section 403 of the executive law, as amended by  
5 chapter 666 of the laws of 2004, is amended to read as follows:

6 2. The flag shall be displayed daily, weather permitting, on or near  
7 the main administration building of every public institution, whenever  
8 such institution is open to the public. The flag shall also be  
9 displayed, weather permitting, on the following days in each year: the  
10 first day of January, known as New Year's day; the third Monday of Janu-  
11 ary, known as Dr. Martin Luther King, Jr. day; the twelfth day of Febru-  
12 ary, known as Lincoln's birthday; the third Monday in February, known as  
13 Washington's birthday; the last Monday in May, known as Memorial day;  
14 the second Sunday of June, known as Flag day; the fourth day of July,  
15 known as Independence day; the first Monday in September, known as Labor  
16 day; the third Friday in September, known as National POW/MIA Recogni-  
17 tion day, except if such date of commemoration cannot be observed due to  
18 a religious holiday, such observances shall then be conducted on the  
19 second Friday in September; September eleventh, known as September 11th  
20 Remembrance Day; the second Monday in October, known as [~~Columbus~~]  
21 Indigenous People's day; the eleventh day of November, known as Veterans  
22 day; the fourth Thursday in November, known as Thanksgiving day; the

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

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1 seventh day of December, known as Pearl Harbor day; and the twenty-fifth  
2 day of December, known as Christmas day, and if any of such days except  
3 Flag day is Sunday, the next day thereafter; each general election day,  
4 and each day appointed by the President of the United States or by the  
5 Governor of this state as a day of general thanksgiving or for display-  
6 ing the flag.

7 § 3. Subparagraph (i) of paragraph (e) of subdivision 4 of section  
8 14-f of the transportation law, as amended by chapter 173 of the laws of  
9 1990, is amended to read as follows:

10 (i) Any complaint issued for an equipment violation, except for a  
11 violation involving an out-of-service defect or except for a violation  
12 involving the operation of any motor vehicle after it has been placed  
13 out of service, shall be dismissed by the court before such summons is  
14 returnable if the violation as set forth in the summons is corrected not  
15 later than one-half hour after sunset on the first full business day  
16 after the issuance of the summons and proof of such correction as set  
17 forth in subparagraph (ii) of this paragraph is submitted to the court.  
18 For the purposes of this subparagraph, "business day" shall mean any  
19 calendar day except Sunday, or the following business holidays: New  
20 Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor  
21 Day, [Columbus] Indigenous People's Day, Veterans' Day, Thanksgiving Day  
22 and Christmas Day.

23 § 4. Item (a) of subparagraph (iv) of paragraph c of subdivision 2 of  
24 section 140 of the transportation law, as separately amended by chapters  
25 369 and 654 of the laws of 1994, such paragraph as relettered by section  
26 6 of part G of chapter 58 of the laws of 2012, is amended to read as  
27 follows:

28 (a) Any complaint issued for an equipment violation, except for a  
29 violation involving an out-of-service defect relating to load secure-  
30 ment, brake systems, steering components and/or coupling devices or  
31 except for a violation involving the operation of any motor vehicle  
32 after it has been placed out-of-service, shall be dismissed by the court  
33 before such summons is returnable if the violation as set forth in the  
34 summons is corrected not later than one-half hour after sunset on the  
35 first full business day, or if such complaint involves a farm vehicle  
36 registered pursuant to subdivision thirteen of section four hundred one  
37 of the vehicle and traffic law and operated in conformance with the  
38 terms of such registration, not later than one-half hour after sunset on  
39 the third full business day after the issuance of the summons and proof  
40 of such correction as set forth in item (b) of this subparagraph is  
41 submitted to the court. For the purposes of this subparagraph, "business  
42 day" shall mean any calendar day except Sunday, or the following busi-  
43 ness holidays: New Year's Day, Washington's Birthday, Memorial Day,  
44 Independence Day, Labor Day, [Columbus] Indigenous People's Day, Veter-  
45 ans' Day, Thanksgiving Day and Christmas Day.

46 § 5. Subdivision 4 of section 376-a of the vehicle and traffic law, as  
47 amended by chapter 302 of the laws of 2013, is amended to read as  
48 follows:

49 4. Any complaint issued for any violation of section three hundred  
50 seventy-five, three hundred seventy-six or three hundred eighty-one of  
51 this article relative to required equipment, except a violation  
52 described in subdivision two of this section, subdivision forty-seven of  
53 section three hundred seventy-five of this article, and except for a  
54 violation relating to service brakes, shall be dismissed by the court  
55 before which the summons is returnable if the violation as set forth in  
56 the summons is corrected not later than one-half hour after sunset on

1 the first full business day after the issuance of the summons and proof  
2 of such correction as set forth in subdivision five of this section is  
3 submitted to the court. For the purposes of this subdivision, "business  
4 day" shall mean any calendar day except Saturday and Sunday, or the  
5 following business holidays: New Year's Day, Washington's Birthday,  
6 Memorial Day, Independence Day, Labor Day, [~~Columbus~~] Indigenous  
7 People's Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

8 § 6. Subdivision 12 of section 64 of the town law, as amended by chap-  
9 ter 658 of the laws of 2004, is amended to read as follows:

10 12. Appropriations for Independence day, Memorial day, [~~Columbus~~]  
11 Indigenous People's day and Veterans day. Any town may appropriate annu-  
12 ally such sums as it may deem appropriate for the purpose of defraying  
13 the expenses of the proper observance of Independence day, Memorial or  
14 Decoration day, [~~Columbus~~] Indigenous People's day and Veterans day in  
15 such proportion as it may determine. Any town of the first class, or,  
16 any town having a population of five thousand inhabitants or more,  
17 excepting any such town having a population of two hundred twenty-five  
18 thousand inhabitants or more, according to the latest federal census, in  
19 which one or more posts, camps or chapters of the Grand Army of the  
20 Republic, the United Spanish War Veterans, the Veterans of Foreign Wars,  
21 the Jewish War Veterans of the United States, Inc., the Catholic War  
22 Veterans, Inc., the Italian American War Veterans of the United States,  
23 Incorporated, the Polish Legion of American Veterans, Inc., the Marine  
24 Corps League, the Military Order of the Purple Heart, Inc., the American  
25 Legion, the Disabled American Veterans, AMVETS, American Veterans of  
26 World War II, Masonic War Veterans of the State of New York, Inc.,  
27 Veterans of World War I of the United States of America Department of  
28 New York, Inc., China-Burma-India Veterans Association, Inc., Polish-Am-  
29 erican Veterans of World War II, Amsterdam, N. Y., Inc., Polish-American  
30 Veterans of World War II, Schenectady, N. Y., Inc., the Sons of Union  
31 Veterans, Vietnam Veterans of America, World War Veterans Club of  
32 Lindenhurst, Inc. or the Eastern Paralyzed Veterans Association exists,  
33 may appropriate annually an amount not to exceed five thousand dollars  
34 for such purpose, and any town having a population of two hundred twen-  
35 ty-five thousand inhabitants or more, according to the latest federal  
36 census, in which one or more such posts, camps or chapters exists may  
37 annually appropriate an amount not to exceed five thousand dollars for  
38 such purpose, and any town which has a population of five hundred thou-  
39 sand inhabitants or more, according to the latest federal census, in  
40 which one or more such posts, camps or chapters exists may annually  
41 appropriate an amount not to exceed ten thousand dollars for such  
42 purpose. Any moneys appropriated pursuant to the provisions of this  
43 subdivision shall be a general town charge, except that in any town  
44 having a population of two hundred twenty-five thousand inhabitants or  
45 more there shall be a charge on that portion of the town outside of any  
46 village therein and shall be assessed, levied and collected from real  
47 property outside of any such village. Such sum when collected shall be  
48 paid to the supervisor of such town and be disbursed by him in such  
49 manner as the town board of such town may direct upon vouchers properly  
50 receipted and audited by the town board of such town; except that in any  
51 town in which there may be a post, camp or chapter of the Grand Army of  
52 the Republic, the United Spanish War Veterans, the Veterans of Foreign  
53 Wars, the Jewish War Veterans of the United States, Inc., the Catholic  
54 War Veterans, Inc., the Italian American War Veterans of the United  
55 States, Incorporated, the Polish Legion of American Veterans, Inc., the  
56 Marine Corps League, the Military Order of the Purple Heart, Inc., the

1 American Legion, the Disabled American Veterans, AMVETS, American Veter-  
2 ans of World War II, Masonic War Veterans of the State of New York,  
3 Inc., Veterans of World War I of the United States of America Department  
4 of New York, Inc., China-Burma-India Veterans Association, Inc.,  
5 Polish-American Veterans of World War II, Amsterdam, N. Y., Inc.,  
6 Polish-American Veterans of World War II, Schenectady, N. Y., Inc., the  
7 Sons of Union Veterans, Vietnam Veterans of America, World War Veterans  
8 Club of Lindenhurst, Inc. or the Eastern Paralyzed Veterans Association,  
9 in any such town, the commanders and quartermasters of such posts, camp  
10 or chapter may direct the manner and extent of such observance and the  
11 supervisor shall pay the expenses thereof upon the order or orders of  
12 the commander or quartermaster of such post, camp or chapter, which  
13 orders shall be his vouchers for such payment, and in case there may be  
14 two or more posts, camps or chapters of the Grand Army of the Republic,  
15 the United Spanish War Veterans, the Veterans of Foreign Wars, the  
16 Jewish War Veterans of the United States, Inc., the Catholic War Veter-  
17 ans, Inc., the Italian American War Veterans of the United States,  
18 Incorporated, the Polish Legion of American Veterans, Inc., the Marine  
19 Corps League, the Military Order of the Purple Heart, Inc., the American  
20 Legion, the Disabled American Veterans, AMVETS, American Veterans of  
21 World War II, Masonic War Veterans of the State of New York, Inc.,  
22 Veterans of World War I of the United States of America Department of  
23 New York, Inc., China-Burma-India Veterans Association, Inc., Polish-Am-  
24 erican Veterans of World War II, Amsterdam, N. Y., Inc., Polish-American  
25 Veterans of World War II, Schenectady, N. Y., Inc., the Sons of Union  
26 Veterans, Vietnam Veterans of America, World War Veterans Club of  
27 Lindenhurst, Inc. or the Eastern Paralyzed Veterans Association, in any  
28 such town, the commanders and quartermasters of such posts, camps or  
29 chapters by concurrent action, shall direct the supervisor of such town  
30 what proportion of such moneys so raised shall be expended by each of  
31 such posts, camps or chapters which proportion shall be paid by such  
32 supervisor upon the order or orders of the commander and quartermaster  
33 of each of such posts. In case there is a post, camp or chapter in a  
34 town adjoining a town in which no post, camp or chapter is located,  
35 whose membership includes at least three residents of such town having  
36 no post, camp or chapter, the post, camp or chapter shall appoint a  
37 committee of not less than three of its members who are residents of the  
38 said adjoining town in which the post, camp or chapter is not located,  
39 and the supervisor of said town shall pay the expenses of observance of  
40 Independence day, Memorial or Decoration day and Veterans day upon the  
41 order or orders of said committee or a majority thereof, which orders  
42 shall be his vouchers for such payment.

43 § 7. Section 226-a of the county law, as added by chapter 80 of the  
44 laws of 1969, is amended to read as follows:

45 § 226-a. Patriotic observances. The county legislature and/or board of  
46 supervisors, as the case may be, of any county or borough outside the  
47 city of New York, is hereby authorized to appropriate and set aside each  
48 year such sums it may deem proper for the purpose of providing for the  
49 due and proper observance of any legal holiday, including [~~Columbus~~]  
50 Indigenous People's day.

51 § 8. Section 24 of the general construction law, as amended by chapter  
52 347 of the laws of 1984, is amended to read as follows:

53 § 24. Public holidays; half-holidays. The term public holiday includes  
54 the following days in each year: the first day of January, known as New  
55 Year's day; the third Monday of January, known as Dr. Martin Luther  
56 King, Jr. day; the twelfth day of February, known as Lincoln's birthday;

1 the third Monday in February, known as Washington's birthday; the last  
2 Monday in May, known as Memorial day; the second Sunday in June, known  
3 as Flag day; the fourth day of July, known as Independence day; the  
4 first Monday in September, known as Labor day; the second Monday in  
5 October, known as [~~Columbus~~] Indigenous People's day; the eleventh day  
6 of November, known as Veterans' day; the fourth Thursday in November,  
7 known as Thanksgiving day; and the twenty-fifth day of December, known  
8 as Christmas day, and if any of such days except Flag day is Sunday, the  
9 next day thereafter; each general election day, and each day appointed  
10 by the president of the United States or by the governor of this state  
11 as a day of general thanksgiving, general fasting and prayer, or other  
12 general religious observances. The term half-holiday includes the period  
13 from noon to midnight of each Saturday which is not a public holiday.

14 § 9. Subdivision 6 of section 426 of the personal property law, as  
15 added by chapter 659 of the laws of 1976, is amended to read as follows:

16 6. "Business day" shall mean any calendar day except Sunday, or the  
17 following business holidays: New Year's Day, Washington's Birthday,  
18 Memorial Day, Independence Day, Labor Day, [~~Columbus~~] Indigenous  
19 People's Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

20 § 10. Subdivision 7 of section 441 of the personal property law, as  
21 added by chapter 326 of the laws of 1995, is amended to read as follows:

22 7. "Business day" shall mean any calendar day except Sunday, or the  
23 following business holidays: New Year's Day, Martin Luther King Day,  
24 Washington's Birthday, Memorial Day, Independence Day, Labor Day,  
25 [~~Columbus~~] Indigenous People's Day, Veterans Day, Thanksgiving Day, and  
26 Christmas Day.

27 § 11. This act shall take effect immediately.