STATE OF NEW YORK

3395

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. OTIS, PAULIN, SANTABARBARA, ABINANTI -- Multi-Sponsored by -- M. of A. McDONALD, SIMON -- 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:

Section 1. Subdivision 2 of section 99-w of the general municipal law, as added by chapter 439 of the laws of 2012, is amended to read as follows:

2. Prior to any change in status of a military monument or military memorial erected or constructed pursuant to sections two hundred twenty-six of the county law, eighty-one of the town law, seventy-two and seventy-seven-a of [~~the general municipal law~~] **this article** or where the military monument or military memorial receives a real property tax exemption pursuant to section four hundred forty-four-a of the real property tax law, the legislative body of the municipal corporation where the military monument or military memorial is situated shall adopt a local law, by a two-thirds vote of its members, or in the case of a school district or board of cooperative educational services a resolution, by a two-thirds vote of its members, to authorize such change in status. At least ninety days prior to the adoption of such local law, the municipal corporation shall hold at least one public hearing. Such public hearing shall be on such notice as is required by section twenty of the municipal home rule law. Notice of such public hearing shall also be posted in at least five public places, and shall be advertised for three consecutive days in at least one newspaper of general circulation in the municipal corporation, which shall be the official newspaper if one exists, within fifteen days of such public hearing. The municipal corporation shall also post such notice on its official website, if one exists, for at least fifteen days prior to such hearing. Written notice

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

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shall also be sent by certified mail to the chief executive officer of the municipal corporation, if one exists, prior to the publication of the notice requirements required by this subdivision. **Military monuments or memorials under this section shall be considered as parkland in the municipality wherein such property exists. Any change in status approved by the local entity under this section shall not be alienated, developed, leased, transferred, sold or discontinued for use as a memorial site unless such action is authorized by an act of the legislature.**

§ 2. This act shall take effect immediately.