

STATE OF NEW YORK

2793--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 27, 2023

Introduced by M. of A. OTIS -- 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 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

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

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1 shall also be sent by certified mail to the chief executive officer of
2 the municipal corporation, if one exists, prior to the publication of
3 the notice requirements required by this subdivision. Military monuments
4 or memorials erected or constructed pursuant to sections two hundred
5 twenty-six of the county law, eighty-one of the town law, seventy-two
6 and seventy-a of this article on property of a municipal corporation
7 shall require authorization by an act of the legislature prior to any
8 change in status including alienation, development, leasing, transfer,
9 sale or discontinuance.

10 § 2. This act shall take effect immediately.