STATE OF NEW YORK

5552

2023-2024 Regular Sessions

IN ASSEMBLY

March 16, 2023

Introduced by M. of A. MITAYNES, GONZALEZ-ROJAS -- 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:

Section 1. The legislature hereby declares that beginning the second Monday in October 2023, the holiday formerly known as Columbus day will be designated as Indigenous People's day.

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

2. The flag shall be displayed daily, weather permitting, on or near the main administration building of every public institution, whenever such institution is open to the public. The flag shall also be displayed, weather permitting, on the following days in each year: the first day of January, known as New Year's day; the third Monday of January, known as Dr. Martin Luther King, Jr. day; the twelfth day of February, known as Lincoln's birthday; the third Monday in February, known as Washington's birthday; the last Monday in May, known as Memorial day; the second Sunday of June, known as Flag day; the fourth day of July, known as Independence day; the first Monday in September, known as Labor day; the third Friday in September, known as National POW/MIA Recognition day, except if such date of commemoration cannot be observed due to a religious holiday, such observances shall then be conducted on the second Friday in September; September eleventh, known as September 11th Remembrance Day; the second Monday in October, known as [~~Columbus~~] **Indigenous People's** day; the eleventh day of November, known as Veterans 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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seventh day of December, known as Pearl Harbor day; and the twenty-fifth day of December, known as Christmas day, and if any of such days except Flag day is Sunday, the next day thereafter; each general election day, and each day appointed by the President of the United States or by the Governor of this state as a day of general thanksgiving or for display-ing the flag.

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

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

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

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

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

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

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

§ 6. Subdivision 12 of section 64 of the town law, as amended by chapter 658 of the laws of 2004, is amended to read as follows:

12. Appropriations for Independence day, Memorial day, [~~Columbus~~] **Indigenous People's** day and Veterans day. Any town may appropriate annually such sums as it may deem appropriate for the purpose of defraying the expenses of the proper observance of Independence day, Memorial or Decoration day, [~~Columbus~~] **Indigenous People's** day and Veterans day in such proportion as it may determine. Any town of the first class, or, any town having a population of five thousand inhabitants or more, excepting any such town having a population of two hundred twenty-five thousand inhabitants or more, according to the latest federal census, in which one or more posts, camps or chapters of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars, the Jewish War Veterans of the United States, Inc., the Catholic War Veterans, Inc., the Italian American War Veterans of the United States, Incorporated, the Polish Legion of American Veterans, Inc., the Marine Corps League, the Military Order of the Purple Heart, Inc., the American Legion, the Disabled American Veterans, AMVETS, American Veterans of World War II, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., China-Burma-India Veterans Association, Inc., Polish-American Veterans of World War II, Amsterdam, N. Y., Inc., Polish-American Veterans of World War II, Schenectady, N. Y., Inc., the Sons of Union Veterans, Vietnam Veterans of America, World War Veterans Club of Lindenhurst, Inc. or the Eastern Paralyzed Veterans Association exists, may appropriate annually an amount not to exceed five thousand dollars for such purpose, and any town having a population of two hundred twenty-five thousand inhabitants or more, according to the latest federal census, in which one or more such posts, camps or chapters exists may annually appropriate an amount not to exceed five thousand dollars for such purpose, and any town which has a population of five hundred thousand inhabitants or more, according to the latest federal census, in which one or more such posts, camps or chapters exists may annually appropriate an amount not to exceed ten thousand dollars for such purpose. Any moneys appropriated pursuant to the provisions of this subdivision shall be a general town charge, except that in any town having a population of two hundred twenty-five thousand inhabitants or more there shall be a charge on that portion of the town outside of any village therein and shall be assessed, levied and collected from real property outside of any such village. Such sum when collected shall be paid to the supervisor of such town and be disbursed by him in such manner as the town board of such town may direct upon vouchers properly receipted and audited by the town board of such town; except that in any town in which there may be a post, camp or chapter of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars, the Jewish War Veterans of the United States, Inc., the Catholic War Veterans, Inc., the Italian American War Veterans of the United States, Incorporated, the Polish Legion of American Veterans, Inc., the Marine Corps League, the Military Order of the Purple Heart, Inc., the

American Legion, the Disabled American Veterans, AMVETS, American Veterans of World War II, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., China-Burma-India Veterans Association, Inc., Polish-American Veterans of World War II, Amsterdam, N. Y., Inc., Polish-American Veterans of World War II, Schenectady, N. Y., Inc., the Sons of Union Veterans, Vietnam Veterans of America, World War Veterans Club of Lindenhurst, Inc. or the Eastern Paralyzed Veterans Association, in any such town, the commanders and quartermasters of such posts, camp or chapter may direct the manner and extent of such observance and the supervisor shall pay the expenses thereof upon the order or orders of the commander or quartermaster of such post, camp or chapter, which orders shall be his vouchers for such payment, and in case there may be two or more posts, camps or chapters of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars, the Jewish War Veterans of the United States, Inc., the Catholic War Veterans, Inc., the Italian American War Veterans of the United States, Incorporated, the Polish Legion of American Veterans, Inc., the Marine Corps League, the Military Order of the Purple Heart, Inc., the American Legion, the Disabled American Veterans, AMVETS, American Veterans of World War II, Masonic War Veterans of the State of New York, Inc., Veterans of World War I of the United States of America Department of New York, Inc., China-Burma-India Veterans Association, Inc., Polish-American Veterans of World War II, Amsterdam, N. Y., Inc., Polish-American Veterans of World War II, Schenectady, N. Y., Inc., the Sons of Union Veterans, Vietnam Veterans of America, World War Veterans Club of Lindenhurst, Inc. or the Eastern Paralyzed Veterans Association, in any such town, the commanders and quartermasters of such posts, camps or chapters by concurrent action, shall direct the supervisor of such town what proportion of such moneys so raised shall be expended by each of such posts, camps or chapters which proportion shall be paid by such supervisor upon the order or orders of the commander and quartermaster of each of such posts. In case there is a post, camp or chapter in a town adjoining a town in which no post, camp or chapter is located, whose membership includes at least three residents of such town having no post, camp or chapter, the post, camp or chapter shall appoint a committee of not less than three of its members who are residents of the said adjoining town in which the post, camp or chapter is not located, and the supervisor of said town shall pay the expenses of observance of Independence day, Memorial or Decoration day and Veterans day upon the order or orders of said committee or a majority thereof, which orders shall be his vouchers for such payment.

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

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

§ 8. Section 24 of the general construction law, as amended by chapter 249 of the laws of 2020, is amended to read as follows:

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

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

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

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

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

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

§ 11. This act shall take effect immediately.