

<p>S 3901-A ZELDIN Same as A 7697 Cusick (MS) ON FILE: 06/13/11 General Municipal Law TITLE....Regulates protests at funerals of deceased military members 03/09/11 REFERRED TO VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS 03/14/11 REPORTED AND COMMITTED TO RULES 03/14/11 ORDERED TO THIRD READING CAL.206 03/14/11 PASSED SENATE 03/14/11 DELIVERED TO ASSEMBLY 03/14/11 referred to veterans' affairs 06/10/11 RECALLED FROM ASSEMBLY 06/10/11 returned to senate 06/13/11 VOTE RECONSIDERED - RESTORED TO THIRD READING 06/13/11 AMENDED ON THIRD READING (T) 3901A 06/16/11 SUBSTITUTED BY A7697</p>	<p>A7697 Cusick (MS) Same as S 3901-A ZELDIN General Municipal Law TITLE....Requires the development and implementation of a permit process for demonstrations at veteran and veteran family member funerals 05/13/11 referred to veterans' affairs 05/24/11 reported referred to codes 06/01/11 reported referred to rules 06/06/11 reported 06/06/11 rules report cal.81 06/06/11 ordered to third reading rules cal.81 06/06/11 passed assembly 06/06/11 delivered to senate 06/06/11 REFERRED TO CULTURAL AFFAIRS, TOURISM, PARKS AND RECREATION 06/16/11 SUBSTITUTED FOR S3901A 06/16/11 3RD READING CAL.206 06/16/11 PASSED SENATE 06/16/11 RETURNED TO ASSEMBLY</p>
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VOTING:

[03/14/11](#) S3901 Senate Vote Aye: 60 Nay: 0

Floor Votes:

03/14/11 S3901 Senate Vote Aye: 60 Nay: 0

Exc Adams	Aye Addabbo	Aye Alesi	Aye Avella
Aye Ball	Aye Bonacic	Aye Breslin	Aye Carlucci
Aye DeFrancisco	Aye Diaz	Aye Dilan	Aye Duane
Aye Espaillat	Aye Farley	Aye Flanagan	Aye Fuschillo
Aye Gallivan	Aye Gianaris	Aye Golden	Aye Griffo
Aye Grisanti	Aye Hannon	Aye Hassell- Thompson	Aye Huntley
Aye Johnson	Aye Kennedy	Aye Klein	Aye Krueger
Aye Kruger	Aye Lanza	Aye Larkin	Aye LaValle
Aye Libous	Aye Little	Aye Marcellino	Aye Martins
Exc Maziarz	Aye McDonald	Aye Montgomery	Aye Nozzolio
Aye O'Mara	Aye Oppenheimer	Aye Parker	Aye Peralta
Aye Perkins	Aye Ranzenhofer	Aye Ritchie	Aye Rivera
Aye Robach	Aye Saland	Aye Sampson	Aye Savino
Aye Serrano	Aye Seward	Aye Skelos	Aye Smith
Aye Squadron	Aye Stavisky	Aye Stewart-Cousins	Aye Valesky
Aye Young	Aye Zeldin		

BILL TEXT:

STATE OF NEW YORK

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Cal. No. 206

2011-2012 Regular Sessions

IN SENATE

March 9, 2011

Introduced by Sens. ZELDIN, GRIFFO, BALL, SKELOS, ADDABBO, ALESI, AVELLA, BONACIC, DeFRANCISCO, FARLEY, FLANAGAN, FUSCHILLO, GALLIVAN, GOLDEN, GRISANTI, HANNON, JOHNSON, KLEIN, LANZA, LARKIN, LAVALLE, LIBOUS, LITTLE, MARCELLINO, MARTINS, MAZIARZ, McDONALD, NOZZOLIO, O'MARA, RANZENHOFER, RITCHIE, ROBACH, SALAND, SEWARD, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted,

retaining its place in the order of third reading

AN ACT to amend the general municipal law and the parks, recreation and historic preservation law, in relation to requiring permits for demonstrations at veteran funerals

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

1 Section 1. The article heading of article 7-A of the general municipal
2 law, as added by chapter 871 of the laws of 1948, is amended to read as
3 follows:

4 BURLIAL OF VETERANS AND THEIR FAMILIES; CERTAIN PERMIT
5 REQUIREMENTS

6 § 2. The general municipal law is amended by adding a new section 149
7 to read as follows:

8 § 149. Permits in certain circumstances. 1. Definitions. For the
9 purposes of this section:

10 (a) "Demonstration" shall mean a pre-planned gathering of twelve or
11 more persons who are invited or organized by an organizer to convene for
12 the purpose of a public exhibition including a procession, parade,
13 protest, picket, march or rally on public property concerning and in the
14 vicinity of a funeral event.

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

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1 (b) "Funeral event" shall mean a wake, funeral, burial or memorial
2 service conducted within thirty days after the death of the person who
3 is the subject of such event.

4 (c) "Organizer" shall mean the person or organization that plans or
5 coordinates a demonstration for which a permit may be required pursuant
6 to this section.

7 (d) "Permit authority" shall mean the governmental entity having
8 primary jurisdiction for a location which, in the case of:

9 (i) a park, parkway or property that is subject to the jurisdiction of
10 the state university of New York, the permit authority shall be the
11 state university of New York;

12 (ii) a county park, parkway or property shall be the county park
13 commission or such other county agency having jurisdiction, control
14 and/or operation of such park, parkway or property;

15 (iii) a city park, parkway or property shall be the duly constituted
16 licensing agency thereof and, in the absence of such agency, shall be an
17 officer designated by local law for such purpose by the legislative body
18 thereof;

19 (iv) a town park, parkway or property outside of the territory of a
20 village, shall be an officer designated by local law for such purpose by
21 the town board thereof; and

22 (v) a village park, parkway or property shall be an officer designated
23 by local law for such purpose by the board of trustees thereof.

24 2. Permits issued by permit authority. In addition to any other law
25 authorizing permits, any permit authority may, by local law or regu-
26 lation, require that a permit be obtained for a demonstration that will
27 take place within one thousand feet of a funeral event and during or
28 within one hour before or after such funeral event. The existence and

29 requirements of such local law, and any related, lawful regulations,
30 shall be prominently posted in a public area of the office of the
31 permitting authority, and shall also be posted on any website estab-
32 lished or available for the use of the permitting authority or, if no
33 such website is available, be posted by annual publication in a newspa-
34 per or newspapers of record serving the communities within the jurisdic-
35 tion of the permit authority. Such local law may require:

36 (a) An organizer of such a demonstration shall be required to apply
37 for a permit concerning such demonstration. Such permit application
38 process shall be available for a reasonable period before such funeral
39 event is actually scheduled to begin.

40 (b) Upon the filing of such an application, the permit authority shall
41 promptly review such application and, if the application satisfies the
42 requirements of this subdivision as well as any additional requirements
43 the permit authority may, by lawful regulation, impose, then the permit
44 authority shall issue to the organizer a permit under this subdivision.
45 In such event, the permit shall specify, expressly and in detail, the
46 time and place and any lawful restrictions that may be imposed regarding
47 such demonstration. If such permit application is denied, the permit
48 authority shall issue a written denial that specifies in detail the
49 manner in which the application is deficient, together with the proce-
50 dure by which the organizer may obtain timely reconsideration of such
51 determination under this subdivision.

52 (c) The permit issued by a permit authority under this subdivision
53 may, in accordance with applicable law, specify reasonable restrictions
54 on the time, place and manner of the demonstration for which the permit
55 is issued.

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1 3. Permit requirement. A city, town, village or county that, by local
2 law, enacts a permit requirement in accordance with subdivision two of
3 this section may by such law establish a reasonable civil penalty for
4 any person who, after proper notice and an opportunity for an adjudica-
5 tory hearing, is found to have intentionally organized and conducted a
6 demonstration within one thousand feet of a funeral event, without first
7 having obtained a required permit in accordance with such law. Such
8 local law may include an increased maximum civil penalty for a second or
9 subsequent violation.

10 4. Public safety. The state police power and that of its localities
11 may be employed to provide adequate public safety and protection at such
12 a funeral event and the procession to or from such a funeral event.

13 § 3. The parks, recreation and historic preservation law is amended by
14 adding a new section 13.31 to read as follows:

15 § 13.31 Permits for activities near certain funeral events. 1. For
16 the purposes of this section:

17 (a) "Demonstration" shall mean a pre-planned gathering of twelve or
18 more persons who are invited or organized by an organizer to convene for
19 the purpose of a public exhibition including a procession, parade,
20 protest, picket, march or rally on public property concerning and in the
21 vicinity of a funeral event.

22 (b) "Funeral event" shall mean a wake, funeral, burial or memorial
23 service conducted within thirty days after the death of the person who
24 is the subject of such event.

25 (c) "Organizer" shall mean the person or organization that plans or
26 coordinates a demonstration for which a permit may be required pursuant
27 to this section.

28 2. The commissioner may promulgate regulations to require that a

29 permit be obtained for a demonstration that will take place in a state
30 park, state parkway or other state property, within one thousand feet of
31 a funeral event, and during or within one hour before or after such
32 funeral event. The existence and requirements of such lawful regulations
33 shall be prominently posted in a public area of the office or headquar-
34 ters of each park under the jurisdiction of the state department of
35 parks and recreation and shall also be posted on any website established
36 or available for the use of the office. Such regulations may require:

37 (a) An organizer of such a demonstration to apply for a permit
38 concerning such demonstration provided, however, that such permit appli-
39 cation process shall be available for a reasonable period before such
40 funeral event is actually scheduled to begin.

41 (b) Upon filing such an application, the office shall promptly review
42 such application and, if the application satisfies the requirements of
43 this subdivision as well as any additional requirements the commissioner
44 may, by lawful regulation, impose, then the office shall issue to the
45 organizer a permit under this subdivision. In such event, the permit
46 shall specify, expressly and in detail, the time and place and any
47 lawful restrictions that may be imposed regarding such demonstration. If
48 such permit application is denied, the office shall issue a written
49 denial that specifies in detail the manner in which the application is
50 deficient, together with the procedure by which the organizer may obtain
51 timely reconsideration of such determination under this subdivision.

52 (c) The permit issued by the office under this subdivision may, in
53 accordance with applicable law, specify reasonable restrictions on the
54 time, place and manner of the demonstration for which the permit is
55 issued.

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1 (d) The commissioner may require the organizer to pay a reasonable fee
2 with the permit application in order to reduce administrative and proc-
3 essing costs.

4 3. Any person who, after proper notice and opportunity for an adjudi-
5 catory hearing, is found to have intentionally organized and conducted a
6 demonstration within one thousand feet of a funeral event without first
7 having obtained a required permit under this section shall be subject to
8 a civil penalty of up to five hundred dollars for the first such
9 violation determined to have been committed, up to one thousand dollars
10 for a second such violation determined to have been committed within
11 three years of the first such violation, and up to two thousand dollars
12 for a third such violation determined to have been committed within such
13 three year period. The state police power and that of its localities may
14 be employed to provide adequate public safety and protection at such a
15 funeral event and the procession to or from such funeral event.

16 § 4. This act shall take effect on the sixtieth day after it shall
17 have become a law.