S T A T E O F N E W Y O R K

2081

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. O'DONNELL -- Multi-Sponsored by -- M. of A. CLARK -- read once and referred to the Committee on Judiciary

AN ACT to amend the eminent domain procedure law, in relation to amendments for field conditions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 205 of the eminent domain procedure law is amended to read as follows:

S 205. Amendments for field conditions. [Subsequent to publishing its determination and findings and only in the event that further study of field conditions warrant, the condemnor shall have the right to make amendments or alterations in its proposed public project to accommodate such field conditions. Such amendments or alterations shall not require further public hearings nor invalidate any acquisition for the proposed public project.] (A) IN THE EVENT THAT THE CONDEMNOR DECIDES TO MAKE AMENDMENTS OR ALTERATIONS TO ITS PROPOSED PUBLIC PROJECT AFTER THE CONCLUSION OF PUBLIC HEARINGS REQUIRED PURSUANT TO SECTION TWO HUNDRED ONE OF THIS ARTICLE, THE CONDEMNOR SHALL CONDUCT A NEW PUBLIC HEARING OR PUBLIC HEARINGS IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. TO THE EXTENT THAT WRITTEN OR ORAL STATEMENTS FROM PREVIOUS PUBLIC HEARINGS ON THE PROPOSED PUBLIC PROJECT ARE STILL APPLICABLE, SUCH STATEMENTS SHALL CONTINUE TO BE CONSIDERED, RETAINED BY THE CONDEMNOR AND MADE AVAILABLE TO THE PUBLIC FOR EXAMINATION PURSUANT TO SECTION TWO HUNDRED THREE OF THIS ARTICLE.

(B) IN THE EVENT THAT THE CONDEMNOR DECIDES TO MAKE AMENDMENTS OR ALTERATIONS TO ITS PROPOSED PUBLIC PROJECT AFTER THE PUBLISHING OF THE DETERMINATIONS AND FINDINGS REQUIRED BY SECTION TWO HUNDRED FOUR OF THIS ARTICLE, THEN THE CONDEMNOR, AFTER CONDUCTING A NEW PUBLIC HEARING OR PUBLIC HEARINGS PURSUANT TO SUBDIVISION (A) OF THIS SECTION, SHALL PUBLISH A NEW DETERMINATION AND FINDINGS SUBJECT TO THE REQUIREMENTS OF SECTION TWO HUNDRED FOUR OF THIS ARTICLE.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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