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

1530

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. CROUCH -- Multi-Sponsored by -- M. of A. FINCH -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to exempting certain easements from the real estate transfer tax

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

Section 1. Subparagraph 1 of paragraph (j) of subdivision 2 of section 1449-ee of the tax law, as added by chapter 114 of the laws of 1998, is amended to read as follows:

(1) agricultural, conservation, scenic, PUBLIC USE or an open space easement; FOR THE PURPOSES OF THIS SUBPARAGRAPH "PUBLIC USE" SHALL INCLUDE, BUT NOT BE LIMITED TO, TRAILWAYS AND BICYCLE PATHS AND THE GRANTOR OF SUCH PUBLIC USE EASEMENT SHALL, NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, BE IMMUNE FROM CIVIL LIABILITY AND ACTION WITH RESPECT TO ANY ACT OR OMISSION RELATING TO SUCH EASEMENT,

S 2. This act shall take effect immediately and shall apply to all conveyances of real property subject to a public use easement occurring on and after such date; provided, however, that the amendments to subparagraph 1 of paragraph (j) of subdivision 2 of section 1449-ee of the tax law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

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