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

2748

2011-2012 Regular Sessions

I N S E N A T E

January 31, 2011

Introduced by Sen. SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the parks, recreation and historic preservation law, in relation to requiring the office of parks, recreation and historic preservation to acquire all mineral rights to real property acquired by such office

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

Section 1. Subdivision 1 of section 3.17 of the parks, recreation and historic preservation law, as amended by chapter 727 of the laws of 1978, is amended to read as follows:

1. Notwithstanding any other provision of law, the commissioner may acquire such property as may be necessary for the purposes and functions of the office, within the amounts appropriated or available therefore. Such property may be acquired pursuant to the provisions of the eminent domain procedure law, or by purchase, lease, exchange, grant, condemnation, gift, devise, bequest, or by any other lawful means. No real property shall be so acquired unless the title thereto is approved by the attorney general. *PROVIDED, FURTHER, THAT NO REAL PROPERTY SHALL BE ACQUIRED, RECEIVED, HELD OR ADMINISTERED BY THE COMMISSIONER UNLESS THE MINERAL RIGHTS ON AND UNDER SUCH LAND ARE ALSO ACQUIRED BY THE COMMISSIONER IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK; PROVIDED, HOWEVER, THAT THE COMMISSIONER MAY ACQUIRE, RECEIVE, HOLD OR ADMINISTER REAL PROPERTY TO WHICH HE OR SHE HAS NOT ACQUIRED THE MINERAL RIGHTS THERETO IN ANY CASE IN WHICH THE COMMISSIONER FINDS THAT SUCH REAL PROPERTY IS OF GREAT SIGNIFICANCE AND IMPORTANCE TO THE STATE. PRIOR TO THE ACQUISITION, RECEIPT, HOLDING OR ADMINISTRATION OF REAL PROPERTY BY THE OFFICE TO WHICH THE COMMISSIONER HAS NOT ACQUIRED THE MINERAL RIGHTS THERETO, THE COMMISSIONER SHALL ISSUE AN ANALYTICAL REPORT THAT PROVIDES JUSTIFICATION AND THE RATIONALE FOR SUCH PROPERTY ACQUISITION, NOTWITH-*

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

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STANDING THE LACK OF THE MINERAL RIGHTS THERETO, INCLUDING BUT NOT LIMITED TO A DESCRIPTION OF THE REAL PROPERTY, THE SIGNIFICANCE AND IMPORTANCE OF THE LAND TO THE STATE, AND THE ECONOMIC BENEFITS AND IMPACTS AND LOCAL IMPACTS OF ACQUIRING SUCH REAL PROPERTY. AT LEAST ONE MONTH AFTER THE ISSUANCE OF SUCH REPORT, THE OFFICE SHALL CONDUCT ONE OR MORE PUBLIC HEARINGS, WITH AT LEAST ONE SUCH HEARING IN THE IMPACTED AREA, AND SUCH ACTIONS SHALL BE PUBLISHED IN THE ENVIRONMENTAL NOTICE BULLETIN AT LEAST ONE MONTH PRIOR TO SUCH HEARING. Notwithstanding the provisions of section eleven of the state finance law, the commissioner may accept a conditional grant, gift, devise or bequest with the approval of the director of the budget. Title to real property which is acquired shall be taken in the name of and be vested in the people of the state of New York.

S 2. This act shall take effect immediately and shall apply to real property acquired or received on or after such date.