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

S. 341 A. 147

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 5, 2011

IN SENATE -- Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by M. of A. SAYWARD -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the state finance law and the environmental conservation law, in relation to requiring open space land conservation projects to be undertaken with willing sellers

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

Section 1. Paragraph (d) of subdivision 6 of section 92-s of the state finance law, as amended by section 13 of part E of chapter 61 of the laws of 2000, is amended to read as follows:

(d) Moneys from the open space account shall be available, pursuant to appropriation, for any open space land conservation project UNDERTAKEN WITH A WILLING SELLER, bio-diversity stewardship and research pursuant to chapter five hundred fifty-four of the laws of nineteen hundred ninety-three, for the purposes of agricultural and farmland protection activities as authorized by article twenty-five-AAA of the agriculture and markets law, non-point source abatement and control projects pursuant to section 17-1409 of the environmental conservation law and section eleven-b of the soil and water conservation districts law, for Long Island Central Pine Barrens area planning or Long Island south shore estuary reserve planning pursuant to title thirteen of article fifty-four of the environmental conservation law, and for operation and management of the Albany Pine Bush preserve commission pursuant to subdivision two of section 54-0303 of the environmental conservation law.

S 2. Section 54-0301 of the environmental conservation law, as added by chapter 610 of the laws of 1993, is amended to read as follows:

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

LBD01286-01-1

S 54-0301. [Definitions] DEFINITION.

For purposes of this title, "open space land conservation projects" shall mean acquisition projects UNDERTAKEN WITH WILLING SELLERS including the purchase of conservation easements undertaken by the commissioner and/or the commissioner of the office of parks, recreation and historic preservation listed in the state open space land acquisition plan prepared pursuant to title 2 of article 49 of this chapter.

S 3. Subdivision 6 of section 54-0303 of the environmental conservation law, as added by chapter 610 of the laws of 1993, is amended to read as follows:

6. [No monies shall be expended for acquisition by eminent domain of any open space land conservation project except in accordance with the state land acquisition policy set forth in section 49-0203 of this chapter] THE USE OF EMINENT DOMAIN IN CONNECTION WITH ANY OPEN SPACE CONSERVATION PROJECT SHALL BE LIMITED TO LANDS WITH RESPECT TO WHICH THE OWNER HAS CONSENTED TO THE USE OF EMINENT DOMAIN OR WHERE THE USE OF EMINENT DOMAIN IS REQUIRED TO QUIET TITLE.

S 4. This act shall take effect immediately.