

4553--A

Cal. No. 471

2013-2014 Regular Sessions

I N   S E N A T E

April 10, 2013

---

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to expanding the definition of "public body" for purposes of conservation easements

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

1     Section 1. Subdivision 3 of section 49-0303 of the environmental  
2 conservation law, as amended by chapter 201 of the laws of 2011, is  
3 amended to read as follows:  
4     3. "Public body" means the state or a municipal corporation as that  
5 term is defined in section two of the general municipal law OR THE  
6 UNITED STATES OF AMERICA ACTING BY AND THROUGH THE DEPARTMENT OF THE  
7 INTERIOR. Such term shall further include the Palisades interstate park  
8 commission; the Central Pine Barrens joint planning and policy commis-  
9 sion; and a soil and water conservation district as that term is defined  
10 in section three of the soil and water conservation districts law.  
11     S 2. The opening paragraph of subdivision 5 of section 49-0305 of the  
12 environmental conservation law, as amended by chapter 292 of the laws of  
13 1984, is amended to read as follows:  
14     A conservation easement may be enforced in law or equity by its gran-  
15 tor, ITS holder or by a public body or any not-for-profit conservation  
16 organization designated in the easement as having a third party enforce-  
17 ment right, and is enforceable against the owner of the burdened proper-  
18 ty. Enforcement shall not be defeated because of any subsequent adverse  
19 possession, laches, estoppel or waiver. No general law of the state  
20 which operates to defeat the enforcement of any interest in real proper-  
21 ty shall operate to defeat the enforcement of any conservation easement

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

LBD07488-05-3

1 unless such general law expressly states the intent to defeat the  
2 enforcement of such easement or provides for the exercise of the power  
3 of eminent domain. It is not a defense in any action to enforce a  
4 conservation easement that:

5 S 3. This act shall take effect on the one hundred eightieth day after  
6 it shall have become a law.