# STATE OF NEW YORK

5338

2021-2022 Regular Sessions

# IN ASSEMBLY

February 12, 2021

Introduced by M. of A. J. M. GIGLIO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend chapter 264 of the laws of 1981, relating to authorizing the sale of certain lands in the towns of Cuba, Allegany county and Ischua, Cattaraugus county, and the state finance law, in relation to the sale of certain lands in the towns of Cuba, Allegany county and Ischua, Cattaraugus county, and the disbursement of monies from the Cuba lake management fund

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Sections 1 and 3 of chapter 264 of the laws of 1981, relating to authorizing the sale of certain lands in the towns of Cuba, Allegany county and Ischua, Cattaraugus county, as amended by chapter 644 of the laws of 1983, are amended to read as follows:

§ 1. The commissioner of general services in the executive department is hereby authorized to sell and convey or lease to the towns of Cuba, Allegany county and Ischua, Cattaraugus county or Allegany and Cattaraugus counties, or a special district wherein situated **or to the lessees in such special district**, in such parcels as the commissioner may determine, the lands generally described in section two of this act.

§ 3. The commissioner of general services may fix and determine the terms and conditions of sale or lease including the consideration to be paid by the town, county, or special district **or lessees** which shall not be less than the fair [~~market~~] **and reasonable** value thereof.

§ 2. Subdivisions 2, 3 and 6 of section 97-www of the state finance law, as added by chapter 342 of the laws of 2000, are amended to read as follows:

2. The Cuba lake management fund shall consist of all revenues collected from the rental**, sale** or lease of state lands within the Cuba Lake district, as established by chapter two hundred sixty-three of the laws of nineteen hundred eighty-one, and paid pursuant to a lease**, sale,**

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

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or other agreement **or application** entered into **or made** after the effective date of this section.

3. The monies of the Cuba lake management fund, following appropriation by the legislature and the issuance of a certificate of approval by the director of the budget, shall be made available for the following purposes:

(a) payment of fees, pursuant to a contract approved in accordance with all applicable statutes, to a contractor or contractors for capital improvements to the lands and appurtenant structures necessary for the continued protection and preservation of the impoundment area known as the Oil Creek reservoir**, including without limitation the spillway and the dam**;

(b) payment of fees, pursuant to a contract approved in accordance with all applicable statutes, to the Cuba Lake district or other entity identified by the commissioner of general services, for the purpose of management of the Cuba Lake district, including, without limitation, for the services of collection of rentals or other fees related to the use or occupation of state owned lands within such district **or fees and costs related to the sale of state or Cuba Lake district owned lands** or for other such purpose as the commissioner of general services shall determine; and

(c) payment of fees, pursuant to a contract approved in accordance with all applicable statutes, to a contractor or contractors, which may include the Cuba Lake district, for the establishment and maintenance of public access to the waters of Cuba lake for the purposes of fishing, boating and other recreational uses.

6. Any monies deposited into the Cuba lake management fund**, except for monies obtained from the sale of state or Cuba Lake district owned lands within the Cuba Lake district,** in excess of the amounts necessary to accomplish the purposes thereof shall, at the end of each state fiscal year, be transferred to and deposited into the general fund of the state.

§ 3. This act shall take effect immediately.