STATE OF NEW YORK

7372--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 18, 2023

Introduced by M. of A. THIELE, REYES, LEVENBERG, STIRPE, L. ROSENTHAL, KELLES, COLTON, SIMONE, STERN, DURSO, GANDOLFO, JACOBSON, OTIS -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, the parks, recreation and historic preservation law, and the executive law, in relation to authorizing the attorney general to approve certain state land acquisitions made for the purposes of land conservation

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

Section 1. Legislative intent. The legislature hereby finds and declares that in order to achieve our state's land protection goals as promoted in the Climate Action Plan, the "30 by 30" land conservation law (chapter 747 of the laws of 2022), and the financial commitment within the 2022 Bond Act, additional measures are needed to accelerate the process whereby the state acquires land. Specifically, the review process by the attorney general's office can be streamlined by enabling the use of title insurance. This will also relieve land trusts of the financial burden of holding onto land, in trust, for years at a time. Further, it will reduce the backlog of pending acquisitions that is unnecessarily jeopardizing the solvency of many of these organizations.

§ 2. Subdivision 1 of section 3-0305 of the environmental conservation law, as added by chapter 727 of the laws of 1978, is amended to read as follows:

1. The commissioner when moneys therefor have been appropriated by the legislature or are otherwise available, may acquire any real property which he **or she** deems necessary for any of the purposes or functions of the department, by purchase or as provided in the eminent domain proce-

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

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dure law. Title to such real property shall be taken in the name of and be vested in the people of the state of New York. No real property shall be so acquired by purchase unless the title thereto is approved by the attorney general. **The attorney general may approve any title where it has determined that the current owner can convey marketable title to the real property. The attorney general may accept from any reputable commercial insurer, a title policy naming the people of the state of New York as insured, with such policy to cover any title defects which would otherwise render the title unmarketable.** The terms "property" or "real property" as used in this section shall mean "real property" as defined by section one hundred three of the eminent domain procedure law.

§ 3. 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. **The attorney general may approve any title where it has determined that the current owner can convey marketable title to the real property. The attorney general may accept from any reputable commercial insurer, a title policy naming the people of the state of New York as insured, with such policy to cover any title defects which would otherwise render the title unmarketable.** 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.

§ 4. Section 63 of the executive law is amended by adding a new subdivision 17 to read as follows:

17. Be authorized to approve land acquisitions made by the state for conservation purposes, in accordance with the provisions of subdivision one of section 3-0305 of the environmental conservation law and subdivision one of section 3.17 of the parks, recreation and historic preservation law.

§ 5. This act shall take effect immediately.