

# STATE OF NEW YORK

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1519

2023-2024 Regular Sessions

## IN SENATE

January 12, 2023

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Introduced by Sens. SERRANO, KRUEGER -- 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 Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 1 of section 3.17 of the parks, recreation and  
2 historic preservation law, as amended by chapter 727 of the laws of  
3 1978, is amended to read as follows:

4 1. Notwithstanding any other provision of law, the commissioner may  
5 acquire such property as may be necessary for the purposes and functions  
6 of the office, within the amounts appropriated or available therefore.  
7 Such property may be acquired pursuant to the provisions of the eminent  
8 domain procedure law, or by purchase, lease, exchange, grant, condemna-  
9 tion, gift, devise, bequest, or by any other lawful means. No real prop-  
10 erty shall be so acquired unless the title thereto is approved by the  
11 attorney general.

12 Provided, further, that no real property shall be  
13 acquired, received, held or administered by the commissioner unless the  
14 mineral rights on and under such land are also acquired by the commis-  
15 sioner in the name of the people of the state of New York; provided,  
16 however, that the commissioner may acquire, receive, hold or administer  
17 real property to which he or she has not acquired the mineral rights  
18 thereto in any case in which the commissioner finds that such real prop-  
19 erty is of great significance and importance to the state. Prior to the  
20 acquisition, receipt, holding or administration of real property by the  
21 office to which the commissioner has not acquired the mineral rights  
22 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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1 standing the lack of the mineral rights thereto, including but not  
2 limited to a description of the real property, the significance and  
3 importance of the land to the state, and the economic benefits and  
4 impacts and local impacts of acquiring such real property. At least one  
5 month after the issuance of such report, the office shall conduct one or  
6 more public hearings, with at least one such hearing in the impacted  
7 area, and such actions shall be published in the environmental notice  
8 bulletin at least one month prior to such hearing. Notwithstanding the

9 provisions of section eleven of the state finance law, the commissioner  
10 may accept a conditional grant, gift, devise or bequest with the  
11 approval of the director of the budget. Title to real property which is  
12 acquired shall be taken in the name of and be vested in the people of  
13 the state of New York.

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