

# STATE OF NEW YORK

7372

2023-2024 Regular Sessions

## IN ASSEMBLY

May 18, 2023

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

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:

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

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

15 1. The commissioner when moneys therefor have been appropriated by the  
16 legislature or are otherwise available, may acquire any real property  
17 which he or she deems necessary for any of the purposes or functions of  
18 the department, by purchase or as provided in the eminent domain proce-  
19 dure law. Title to such real property shall be taken in the name of and  
20 be vested in the people of the state of New York. No real property shall  
21 be so acquired by purchase unless the title thereto is approved by the  
22 attorney general. The attorney general shall approve any title where it  
23 has determined that the current owner can convey marketable title to the

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

LBD10532-01-3

1 real property. The attorney general shall accept from any reputable  
2 commercial insurer, a title policy naming the people of the state of New  
3 York as insured, with such policy to cover any title defects which would  
4 otherwise render the title unmarketable. The terms "property" or "real  
5 property" as used in this section shall mean "real property" as defined  
6 by section one hundred three of the eminent domain procedure law.

7 § 3. Subdivision 1 of section 3.17 of the parks, recreation and  
8 historic preservation law, as amended by chapter 727 of the laws of  
9 1978, is amended to read as follows:

10 1. Notwithstanding any other provision of law, the commissioner may  
11 acquire such property as may be necessary for the purposes and functions  
12 of the office, within the amounts appropriated or available therefore.  
13 Such property may be acquired pursuant to the provisions of the eminent  
14 domain procedure law, or by purchase, lease, exchange, grant, condemna-  
15 tion, gift, devise, bequest, or by any other lawful means. No real prop-  
16 erty shall be so acquired unless the title thereto is approved by the  
17 attorney general. The attorney general shall approve any title where it  
18 has determined that the current owner can convey marketable title to the  
19 real property. The attorney general shall accept from any reputable  
20 commercial insurer, a title policy naming the people of the state of New  
21 York as insured, with such policy to cover any title defects which would  
22 otherwise render the title unmarketable. Notwithstanding the provisions  
23 of section eleven of the state finance law, the commissioner may accept  
24 a conditional grant, gift, devise or bequest with the approval of the  
25 director of the budget. Title to real property which is acquired shall  
26 be taken in the name of and be vested in the people of the state of New  
27 York.

28 § 4. Section 63 of the executive law is amended by adding a new subdivi-  
29 sion 17 to read as follows:

30 17. Be authorized to approve land acquisitions made by the state for  
31 conservation purposes, in accordance with the provisions of subdivision  
32 one of section 3-0305 of the environmental conservation law and subdivi-  
33 sion one of section 3.17 of the parks, recreation and historic preserva-  
34 tion law.

35 § 5. This act shall take effect immediately.