S T A T E O F N E W Y O R K

S. 823 A. 512

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 5, 2011

IN SENATE -- Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. SAYWARD -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules and the executive law, in relation to the statute of limitations for certain actions commenced by the Adirondack park agency within the Adirondack Park

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

Section 1. Section 212 of the civil practice law and rules is amended by adding a new subdivision (e) to read as follows:

(E) TO ENFORCE CERTAIN VIOLATIONS OF ADIRONDACK PARK AGENCY RULES AND REGULATIONS WITHIN THE ADIRONDACK PARK. AN ACTION TO ENFORCE VIOLATIONS OF THE RULES AND REGULATIONS OF THE ADIRONDACK PARK AGENCY WITHIN THE ADIRONDACK PARK SHALL BE COMMENCED BY SUCH AGENCY WITHIN TEN YEARS AFTER THE OCCURRENCE OF SUCH VIOLATION, OR IN THE EXERCISE OF REASONABLE DILIGENCE SHOULD HAVE BEEN DISCOVERED BY A PUBLIC SERVANT WHO HAS THE RESPONSIBILITY TO ENFORCE SUCH PROVISIONS.

S 2. Subdivision 1 of section 813 of the executive law, as added by chapter 898 of the laws of 1976, is amended to read as follows:

1. Any person who violates any provision of this article or any rule or regulation promulgated by the agency, or the terms or conditions of any order or permit issued by the agency pursuant to this article shall be liable to a civil penalty of not more than five hundred dollars for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the agency by the attorney general on his OR HER own initiative or at the request of the agency WITHIN TEN YEARS OF THE OCCURRENCE OF SUCH VIOLATION, OR IN THE EXERCISE OF REASONABLE DILIGENCE SHOULD HAVE BEEN DISCOVERED BY A PUBLIC SERVANT WHO HAS THE RESPONSIBILITY TO ENFORCE SUCH PROVISIONS.

S 3. This act shall take effect immediately.

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

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