

S. 323

A. 444

2009-2010 Regular Sessions

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

(PREFILED)

January 7, 2009

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:

- 1 Section 1. Section 212 of the civil practice law and rules is amended
2 by adding a new subdivision (e) to read as follows:
3 (E) TO ENFORCE CERTAIN VIOLATIONS OF ADIRONDACK PARK AGENCY RULES AND
4 REGULATIONS WITHIN THE ADIRONDACK PARK. AN ACTION TO ENFORCE VIOLATIONS
5 OF THE RULES AND REGULATIONS OF THE ADIRONDACK PARK AGENCY WITHIN THE
6 ADIRONDACK PARK SHALL BE COMMENCED BY SUCH AGENCY WITHIN TEN YEARS AFTER
7 THE OCCURRENCE OF SUCH VIOLATION, OR IN THE EXERCISE OF REASONABLE DILI-
8 GENCE SHOULD HAVE BEEN DISCOVERED BY A PUBLIC SERVANT WHO HAS THE
9 RESPONSIBILITY TO ENFORCE SUCH PROVISIONS.
- 10 S 2. Subdivision 1 of section 813 of the executive law, as added by
11 chapter 898 of the laws of 1976, is amended to read as follows:
12 1. Any person who violates any provision of this article or any rule
13 or regulation promulgated by the agency, or the terms or conditions of
14 any order or permit issued by the agency pursuant to this article shall
15 be liable to a civil penalty of not more than five hundred dollars for
16 each day or part thereof during which such violation continues. The
17 civil penalties provided by this subdivision shall be recoverable in an
18 action instituted in the name of the agency by the attorney general on
19 his OR HER own initiative or at the request of the agency WITHIN TEN
20 YEARS OF THE OCCURRENCE OF SUCH VIOLATION, OR IN THE EXERCISE OF REASON-
21 ABLE DILIGENCE SHOULD HAVE BEEN DISCOVERED BY A PUBLIC SERVANT WHO HAS
22 THE RESPONSIBILITY TO ENFORCE SUCH PROVISIONS.
- 23 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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