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

3423

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. BRADLEY, BOYLAND, BRENNAN, COLTON, ENGLEBRIGHT, FIELDS, GOTTFRIED, PAULIN, ROBINSON, ROSENTHAL, KAVANAGH, SCHIMEL, BING, SPANO, WRIGHT, PERALTA, LANCMAN -- Multi-Sponsored by -- M. of A. CLARK, DIAZ, JAFFEE, LATIMER, LIFTON, LUPARDO, McENENY, PHEFFER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to enacting the environmental access to justice act

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

Section 1. This act shall be known and may be cited as the "environmental access to justice act".

S 2. The environmental conservation law is amended by adding a new section 8-0119 to read as follows:

S 8-0119. STANDING.

IF A PERSON INSTITUTES A PROCEEDING UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES ALLEGING VIOLATIONS OF THIS ARTICLE, SUCH PERSON SHALL NOT BE DENIED STANDING SOLELY ON THE GROUNDS THAT THE INJURY ALLEGED BY SUCH PERSON DOES NOT DIFFER IN KIND OR DEGREE FROM THE INJURY THAT WOULD BE SUFFERED BY THE PUBLIC AT LARGE.

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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