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

411

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to permitting the state to act as parens patriae to recover a municipality's share of the cost of an environmental restoration project from responsible parties

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

Section 1. Subdivisions 2 and 3 of section 56-0507 of the environmental conservation law, as amended by section 6 of part D of chapter 1 of the laws of 2003, are amended to read as follows:

2. The state shall make all reasonable efforts to recover the full amount of any state assistance provided TO A MUNICIPALITY under this title FOR AN ENVIRONMENTAL RESTORATION PROJECT AND, IF REQUESTED IN WRITING TO THE COMMISSIONER AND THE ATTORNEY GENERAL OF THE STATE OF NEW YORK BY THE MUNICIPALITY TO WHICH SUCH ASSISTANCE WAS GIVEN, SHALL ACT AS AGENT OF SUCH MUNICIPALITY IN THE FORM OF PARENS PATRIAE, TO RECOVER THE MUNICIPALITY'S SHARE OF ITS COST OF SUCH ENVIRONMENTAL RESTORATION PROJECT, through litigation brought under this section or other statute or under the common law, or through cooperative agreements, with responsible parties (other than the municipality to which state assistance was provided under this title; or a successor in title, lender, or lessee who was not otherwise a responsible party prior to the municipality's taking title to such property).

3. Any and all monies recovered or reimbursed AS TO EACH ENVIRONMENTAL RESTORATION PROJECT pursuant to this section shall be deposited into the environmental restoration project account of the hazardous waste remedial fund established under section ninety-seven-b of the state finance law; PROVIDED HOWEVER, THAT IF ANY MUNICIPALITY HAS REQUESTED THAT THE STATE ACT AS ITS AGENT AS PARENS PATRIAE TO RECOVER ITS SHARE OF COSTS

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

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OF AN ENVIRONMENTAL RESTORATION PROJECT, THEN THAT PORTION OF SUCH MONIES RECOVERED OR REIMBURSED AS TO EACH ENVIRONMENTAL RESTORATION PROJECT WHICH REPRESENTS THE PROPORTIONATE SHARE OF THE COSTS INCURRED BY SUCH MUNICIPALITY FOR EACH SUCH ENVIRONMENTAL PROJECT SHALL BE PAID OUT OF SUCH FUNDS TO SUCH MUNICIPALITY BY THE COMPTROLLER OF THE STATE UPON THE PRESENTATION TO THE COMPTROLLER OF A CLAIM FOR SUCH MONEY BY SUCH MUNICIPALITY.

S 2. This act shall take effect immediately.