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

5556

2011-2012 Regular Sessions

I N A S S E M B L Y

February 23, 2011

Introduced by M. of A. ENGLEBRIGHT, CAHILL, JAFFEE, TITONE, CASTRO, COOK -- Multi-Sponsored by -- M. of A. BRENNAN, GABRYSZAK, MAISEL -- read once and referred to the Committee on Judiciary

AN ACT to amend the arts and cultural affairs law, in relation to actions against the natural heritage trust; and to repeal section 55.23 of such law relating thereto

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

Section 1. Section 55.23 of the arts and cultural affairs law is REPEALED and a new section 55.23 is added to read as follows:

S 55.23. ACTIONS AGAINST THE TRUST. EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS TO HEAR AND DETERMINE ANY CLAIMS OF ANY PERSON BROUGHT AGAINST THE TRUST EITHER (A) IN TORT TO RECOVER DAMAGES FOR INJURIES TO PROPERTY OR FOR PERSONAL INJURIES OR WRONGFUL DEATH, OR (B) FOR BREACH OF CONTRACT, IN THE SAME MANNER AND TO THE EXTENT PROVIDED BY AND SUBJECT TO THE PROVISIONS OF THE COURT OF CLAIMS ACT WITH RESPECT TO CLAIMS AGAINST THE STATE, AND TO MAKE AWARDS AND RENDER JUDGMENTS THEREFOR. THE PAYMENT OF AWARDS OR JUDGMENTS FOR ANY SUCH CLAIM BROUGHT AGAINST THE TRUST SHALL BE MADE FROM APPROPRIATIONS FOR JUDGMENTS AGAINST THE STATE PURSUANT TO SECTION TWENTY OF THE COURT OF CLAIMS ACT.

S 2. 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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