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

5233

2013-2014 Regular Sessions

I N S E N A T E

May 14, 2013

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

AN ACT to amend the navigation law, in relation to environmental studies of real property contaminated by petroleum discharge

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

Section 1. Subdivision 8 of section 176 of the navigation law, as added by chapter 712 of the laws of 1989, is amended to read as follows:

8. Notwithstanding any other provision of law to the contrary, including but not limited to section 15-108 of the general obligations law, every person providing cleanup, removal of discharge of petroleum or relocation of persons pursuant to this section shall be entitled to contribution from any other responsible party. ANY PARTY HOLDING A REAL PROPERTY TAX LIEN SHALL HAVE THE RIGHT TO ENTER ANY PROPERTY COVERED BY THIS ARTICLE AND SHALL BE PERMITTED TO CONDUCT A PHASE 1 AND PHASE 2 ENVIRONMENTAL STUDY. THE COST OF SAID STUDY SHALL BE BORNE BY THE REAL PROPERTY TAX LIEN HOLDER EXCEPT THAT IN THE CASE WHEREBY A REAL PROPERTY TAX LIEN IS REDEEMED AND A PHASE 1 AND PHASE 2 STUDY HAS BEEN CONDUCTED, THE COST OF SUCH STUDY SHALL BE INCLUDED IN SAID REDEMPTION. ADDITIONALLY, IF TITLE IS TAKEN PURSUANT TO A TAX DEED OR TAX LIEN FORECLOSURE, AND A REMEDIATION IS UNDERTAKEN, SAID PARTY SHALL TAKE FREE AND CLEAR OF ANY LIABILITY FROM ADJACENT OWNERS OR THIRD PARTIES PREVIOUSLY HARMED BY THE PRE-REMEDIATION CONDITIONS.

S 2. Subdivision 4 of section 181 of the navigation law is amended by adding a new paragraph (d) to read as follows:

(D) ANY PARTY HOLDING A REAL PROPERTY TAX LIEN SHALL HAVE THE RIGHT TO ENTER ANY PROPERTY COVERED BY THIS ARTICLE AND SHALL BE PERMITTED TO CONDUCT A PHASE 1 AND PHASE 2 ENVIRONMENTAL STUDY. THE COST OF SAID STUDY SHALL BE BORNE BY THE REAL PROPERTY TAX LIEN HOLDER EXCEPT THAT IN THE CASE WHEREBY A REAL PROPERTY TAX LIEN IS REDEEMED AND A PHASE 1 AND PHASE 2 STUDY HAS BEEN CONDUCTED, THE COST OF SUCH STUDY SHALL BE

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

LBD11004-01-3

INCLUDED IN SAID REDEMPTION. ADDITIONALLY, IF TITLE IS TAKEN PURSUANT TO A TAX DEED OR TAX LIEN FORECLOSURE, AND A REMEDIATION IS UNDERTAKEN, SAID PARTY SHALL TAKE FREE AND CLEAR OF ANY LIABILITY FROM ADJACENT OWNERS OR THIRD PARTIES PREVIOUSLY HARMED BY THE PRE-REMEDIATION CONDITIONS.

S 3. Section 183 of the navigation law, as added by chapter 845 of the laws of 1977, is amended to read as follows:

S 183. Settlements. The administrator shall attempt to promote and arrange a settlement between the claimant and the person responsible for the discharge. If the source of the discharge can be determined and liability is conceded, the claimant and the alleged discharger may agree to a settlement which shall be final and binding upon the parties and which will waive all recourse against the fund. ANY PARTY HOLDING A REAL PROPERTY TAX LIEN SHALL HAVE THE RIGHT TO ENTER ANY PROPERTY COVERED BY THIS ARTICLE AND SHALL BE PERMITTED TO CONDUCT A PHASE 1 AND PHASE 2 ENVIRONMENTAL STUDY. THE COST OF SAID STUDY SHALL BE BORNE BY THE REAL PROPERTY TAX LIEN HOLDER EXCEPT THAT IN THE CASE WHEREBY A REAL PROPERTY TAX LIEN IS REDEEMED AND A PHASE 1 AND PHASE 2 STUDY HAS BEEN CONDUCTED, THE COST OF SUCH STUDY SHALL BE INCLUDED IN SAID REDEMPTION. ADDITIONALLY, IF TITLE IS TAKEN PURSUANT TO A TAX DEED OR TAX LIEN FORECLOSURE, AND A REMEDIATION IS UNDERTAKEN, SAID PARTY SHALL TAKE FREE AND CLEAR OF ANY LIABILITY FROM ADJACENT OWNERS OR THIRD PARTIES PREVIOUSLY HARMED BY THE PRE-REMEDIATION CONDITIONS.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.