# STATE OF NEW YORK

11212

# IN ASSEMBLY

June 14, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gottfried) -- read once and referred to the Committee on Judiciary

AN ACT to amend the Hudson river park act, in relation to conferring jurisdiction upon the court of claims to hear and determine certain claims brought against the Hudson River park trust

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Section 11 of chapter 592 of the laws of 1998, constituting the Hudson river park act, is amended to read as follows:

§ 11. [~~Notice of tort~~] **Claims**. **(a)** In an action against the trust founded upon tort, [~~(a)~~] a notice of claim shall be required as a condition precedent to the commencement of an action or special proceeding against the trust or any officer, appointee or employee thereof, and the provisions of section 50-e of the general municipal law shall govern the giving of such notice [~~and (b) the~~]**.**

**(b) The** complaint shall contain an allegation that at least 30 days have elapsed since the demand, claim or claims upon which the action is founded were presented to a member of the trust's board of directors and to the trust's secretary and that the trust has neglected or refused to make an adjustment or payment thereof for 30 days after such presentment. No such action shall be commenced more than one year after the cause of action therefor shall have accrued, except action against the trust for wrongful death which is commenced in accordance with the notice of claim and time limitation provisions of title 11 of article 9 of the public authorities law.

**(c) The venue of any action or proceeding against the trust or its members, officers, employees or agents, or in which any question arises as to the validity of any section of this act, shall be laid in the county in which the principal office of the trust is located.**

**(d) Notwithstanding subdivision (c) of this section, exclusive jurisdiction is hereby conferred upon the court of claims to hear and determine any claim of any person brought hereafter against the trust to recover damages for injuries to property or for personal injury arising out of the trust's (i) exercise of duties on real property owned by the**

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

LBD16295-01-8

**state pursuant to this act or (ii) possessory interest in any real property owned by the state, in the same manner and to the extent provided 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 and judgments for any such claims brought in the court of claims shall be made from appropriations for judgments against the state pursuant to section 20 of the court of claims act.**

§ 2. This act shall take effect immediately.