

BILL TEXT:**STATE OF NEW YORK**

892

2005-2006 Regular Sessions

IN ASSEMBLY

January 18, 2005

Introduced by M. of A. BRODSKY -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to the venue for certain special proceedings

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

1 Section 1. Paragraph 2 of subdivision (b) of section 506 of the civil
2 practice law and rules, as amended by chapter 47 of the laws of 1992, is
3 amended to read as follows:

4 2. a proceeding against the regents of the university of the state of
5 New York, the commissioner of education, the commissioner of taxation
6 and finance, the tax appeals tribunal, except as provided in section two
7 thousand sixteen of the tax law, the public service commission, the
8 commissioner or the department of transportation relating to [~~articles~~]
9 article three, four, five, six, seven, eight, nine, or ten of the trans-
10 portation law or to the railroad law, the water resources board, the
11 comptroller, or the department of agriculture and markets[~~, shall~~] may
12 be commenced in the supreme court, Albany county or in the judicial
13 district in which the petitioner resides or has its principal place of
14 business; provided, however, that a proceeding against the public
15 service commission shall only be commenced in the supreme court, Albany
16 county.

17 § 2. This act shall take effect immediately.

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

LBD02993-01-5

SPONSORS MEMO:

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(e)**

BILL NUMBER: A892

SPONSOR: Brodsky

TITLE OF BILL: An act to amend the civil practice law and rules, in relation to the venue for certain special proceedings

PURPOSE OR GENERAL IDEA: Current law allows that certain proceedings can be filed in Albany County Supreme Court. This bill allows these proceedings to be filed at other locations throughout the state.

SUMMARY OF SPECIFIC PROVISIONS: The bill amends Section 506 of the Civil Practice Law and Rules to allow certain proceedings to be commenced in the judicial district where the petitioner resides instead of only in Albany.

EFFECTS OF PRESENT LAW THIS BILL WOULD ALTER: Current law allows that proceedings against certain State regulatory agencies be commenced in Supreme Court, Albany County. This bill would give citizens the opportunity to commence a proceeding in either the Supreme Court, Albany County, or the judicial district in which the petitioner resides or has its principal place of business.

JUSTIFICATION: Necessary to provide access to justice for citizens of the state.

PRIOR LEGISLATIVE HISTORY: A.190 (1993-94), A.459 (1995-96), A.237 (1997-98), A.11 (1999-2000), a.1224 (2003-04).

FISCAL IMPLICATION FOR STATE AND LOCAL GOVERNMENTS: Minimal impact on administrative costs.

EFFECTIVE DATE: Immediately.
