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

8041

I N S E N A T E

June 2, 2010

Introduced by Sen. BONACIC -- 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 requiring the department of environmental conservation to consider local road impacts in evaluating natural gas drilling or removal permits and to require the posting of a bond for damage caused by vehicles associated with the drilling

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

Section 1. Legislative intent. The intent of this legislation is to empower municipalities to enact local zoning laws or ordinances which impose reasonable safeguards for the health, safety, and welfare of its citizens against community impacts of gas drilling or exploration in such municipality. This legislation shall not authorize the permanent prohibition of such gas drilling or exploration in such municipality.

S 2. Subdivision 8 of section 23-0305 of the environmental conservation law is amended by adding two new paragraphs l and m to read as follows:

L. EVALUATE PERMITS IT ISSUES OR OTHERWISE APPROVES FOR THE DRILLING OR REMOVAL OF NATURAL GAS, CONSIDER THE TRAFFIC ROUTES UTILIZED BY MOTOR VEHICLES INVOLVED WITH THE DRILLING OR REMOVAL OF THE GAS AND REQUIRE THE POSTING OF A RECLAMATION BOND FOR ANY DAMAGE DONE TO STATE, COUNTY OR MUNICIPAL ROADS. THE BOND SHALL INURE TO THE BENEFIT OF THE GOVERNMENTAL ENTITY (STATE, COUNTY, CITY, TOWN, OR VILLAGE) WHICH OWNS OR HAS RESPONSIBILITY FOR THE CONSTRUCTION OR MAINTENANCE OF THE ROAD FOR A PERIOD OF TIME DETERMINED BY THE PERMIT ISSUING OFFICIAL FROM THE DEPARTMENT.

M. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, NOTHING SHALL PRECLUDE A TOWN, CITY OR VILLAGE FROM ENACTING A MORATORIUM ON NATURAL GAS DRILLING OR EXPLORATION AS PART OF A LOCAL ZONING LAW OR OTHER LOCAL LAW. ANY SUCH MORATORIUM, IF ENACTED, SHALL BE FOR THE PURPOSE OF DETERMINING THE COMMUNITY IMPACTS OF DRILLING OR EXPLORATION IN SUCH TOWN, CITY OR VILLAGE. SUCH MORATORIUM SHALL BE ENACTED FOR A PERIOD NOT GREATER THAN SIX MONTHS.

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

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S 3. This act shall take effect immediately; provided, however, that paragraph l of subdivision 8 of section 23-0305 of the environmental conservation law, as added by section two of this act, shall take effect on the thirtieth day after it shall have become a law.