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

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I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. LUPARDO, GUNTHER, LIFTON, SCHIMMINGER, REILLY, CROUCH, BALL, BACALLES, CAHILL -- Multi-Sponsored by -- M. of A. CALHOUN, COOK, GABRYSZAK, MAGEE, PHEFFER, TOWNSEND -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the special order of third reading

AN ACT to amend the environmental conservation law, in relation to the New York state oil, natural gas and solution mining advisory board

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

Section 1. The section heading and subdivisions 1 and 2 of section 23-0311 of the environmental conservation law, the section heading as added by chapter 846 of the laws of 1981 and subdivisions 1 and 2 as amended by chapter 83 of the laws of 1995, are amended and a new subdivision 2-a is added to read as follows:

New York state oil, NATURAL gas and solution mining advisory board.

1. A [thirteen] SIXTEEN member New York state oil, NATURAL gas and solution mining advisory board shall be created within the department to advise and assist the commissioner and other state agencies on activities and policies related to the development, operation and regulation of the oil, NATURAL gas and solution mining industry. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, DISCUSSIONS AND RECOMMENDATIONS ON THE BEST PRACTICES OF THE INDUSTRY, PROTECTION OF WATER SUPPLIES AND RELATED

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

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TOPICS. The members shall be appointed by the governor[, with a majority representative of the respective industries] AND SHALL BE COMPRISED OF TWO MEMBERS REPRESENTING THE OIL, NATURAL GAS AND SOLUTION MINING INDUSTRIES, TWO MEMBERS WHO ARE LANDOWNERS WITH A CURRENT NATURAL GAS OR OIL LEASE, TWO MEMBERS WHO ARE MUNICIPAL OFFICERS, AS DEFINED IN SECTION EIGHT HUNDRED OF THE GENERAL MUNICIPAL LAW, OF A MUNICIPALITY IN WHICH THERE IS CURRENT OIL OR NATURAL GAS EXPLORATION OR DRILLING BEING PERFORMED, AND TWO MEMBERS OF CITIZENS' ORGANIZATIONS CONCERNING OIL OR NATURAL GAS EXPLORATION OR DRILLING. Three of the members shall be appointed upon recommendation of the [majority leader] TEMPORARY PRESIDENT of the senate[and], three of the members shall be appointed upon recommendation of the speaker of the assembly, ONE MEMBER SHALL BE APPOINTED UPON RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE AND ONE MEMBER SHALL BE APPOINTED UPON RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. Appointments shall be made for three-year terms. Members shall continue in office until their successors have been appointed and qualified. The governor shall select a chair from among the members. The board shall meet at least twice yearly and the members shall receive reimbursement for expenses. The department shall provide the board with secretarial services.

2. The chair of the public service commission, the president of the New York state energy research and development authority, THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE AND MARKETS, the state geologist, and the commissioner shall serve the board in an ex-officio capacity.

2-A. THE BOARD SHALL ISSUE A REPORT, NOT LATER THAN DECEMBER FIRST, TWO THOUSAND ELEVEN, CONTAINING RECOMMENDATIONS ON INDUSTRY BEST PRACTICES AND PROTECTION OF WATER SUPPLIES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY.

S 2. This act shall take effect immediately.