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

7753

I N S E N A T E

May 6, 2010

Introduced by Sen. OPPENHEIMER -- 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 local enforcement by county health commissioners of the control of the bulk storage of petroleum and the collection of fines and penalties

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

Section 1. Subdivision 3 of section 71-1939 of the environmental conservation law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. A. THE HEALTH COMMISSIONER OF ANY COUNTY WHICH HAS BEEN APPROVED BY THE COMMISSIONER PURSUANT TO SECTION 17-1017 OF THIS CHAPTER TO ADMINISTER AND ENFORCE A LOCAL LAW OR ORDINANCE RELATED TO THE PROVISIONS OF TITLE TEN OF ARTICLE SEVENTEEN OF THIS CHAPTER IS HEREBY AUTHORIZED AND EMPOWERED TO BRING AN ACTION IN ANY COURT OF COMPETENT JURISDICTION FOR THE RECOVERY OF ANY PENALTY PROVIDED IN SECTION 71-1929 OF THIS TITLE FOR ANY VIOLATION OF TITLE TEN OF ARTICLE SEVENTEEN OF THIS CHAPTER OCCURRING IN THE COUNTY IN WHICH THE COUNTY HEALTH COMMISSIONER HAS JURISDICTION.

B. ALL FINES AND PENALTIES COLLECTED PURSUANT TO THIS SUBDIVISION SHALL BE PAID TO THE DISTRICT OR COUNTY, PROVIDED, HOWEVER, THAT ONE-QUARTER OF SUCH FINES AND PENALTIES RECEIVED SHALL BE PAID TO THE GENERAL FUND TO THE CREDIT OF THE STATE PURPOSES ACCOUNT.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

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

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