

8043

I N S E N A T E

June 2, 2010

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and
when printed to be committed to the Committee on Environmental Conser-
vation

AN ACT to amend the environmental conservation law, in relation to
allowing local governments to enact or enforce certain laws and ordi-
nances

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

- 1 Section 1. Subdivision 2 of section 23-0303 of the environmental
2 conservation law, as added by section 846 of the laws of 1981, is
3 amended to read as follows:
4 2. The provisions of this article shall supersede all local laws or
5 ordinances relating to the regulation of the oil, gas and solution
6 mining industries; but shall not supersede local government jurisdiction
7 over local roads or the rights of local governments under the real prop-
8 erty tax law PROVIDED, HOWEVER, THAT NOTHING IN THIS TITLE SHALL BE
9 CONSTRUED TO PREVENT ANY LOCAL GOVERNMENT FROM:
10 (A) ENACTING OR ENFORCING LOCAL LAWS OR ORDINANCES OF GENERAL APPLICA-
11 BILITY EXCEPT THAT SUCH LOCAL LAWS SHALL NOT EXPRESSLY REGULATE THE OIL,
12 GAS AND SOLUTION MINING INDUSTRIES REGULATED BY STATE STATUTE, REGU-
13 LATION, OR PERMIT; OR
14 (B) ENACTING OR ENFORCING LOCAL ZONING ORDINANCES OR LAWS WHICH DETER-
15 MINE PERMISSIBLE USES IN ZONING DISTRICTS.
16 S 2. This act shall take effect immediately.

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

LBD16679-01-0