

3245

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 24, 2011

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Introduced by M. of A. LIFTON, COLTON, GUNTHER, KELLNER, O'DONNELL, WEISENBERG, KAVANAGH, MAISEL, CASTRO, DINOWITZ, MAGNARELLI, SCHIMEL, ROSENTHAL -- Multi-Sponsored by -- M. of A. BRENNAN, CRESPO, GOTTFRIED, MAGEE, NOLAN, THIELE -- read once and referred to the Committee on Environmental Conservation

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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.

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