

2265

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. MAISEL -- read once and referred to the Committee  
on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the  
settlement of causes of action relating to hydraulic fracturing

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

1     Section 1. The civil practice law and rules is amended by adding a new  
2     section 5003-b to read as follows:  
3     S 5003-B. SETTLEMENT OF HYDRAULIC FRACTURING CLAIMS. (A) FOR THE  
4     PURPOSES OF THIS SECTION, "HYDRAULIC FRACTURING" MEANS THE USE OF CHEMI-  
5     CALS, WATER AND OTHER SUBSTANCES INJECTED OR PUMPED INTO A NATURAL GAS  
6     WELL TO STIMULATE THE EXTRACTION OF NATURAL GAS.  
7     (B) WHEN THE PARTIES TO AN ACTION, WHICH IN ANY MANNER RELATES TO  
8     HYDRAULIC FRACTURING, AGREE TO SETTLE SUCH ACTION, THE TERMS OF SUCH  
9     SETTLEMENT SHALL NOT INCLUDE OR BE SUBJECT TO ANY NON-DISCLOSURE AGREE-  
10    MENT WHERE ANY FACTS DISCLOSED IN SUCH ACTION RELATE TO A THREAT TO THE  
11    PUBLIC HEALTH OR SAFETY. NO COURT SHALL APPROVE OR ALLOW ANY SETTLEMENT  
12    OF SUCH AN ACTION, WHICH INCLUDES A NON-DISCLOSURE AGREEMENT UNTIL THE  
13    COURT HAS REVIEWED ALL FACTS RELATED TO THE HYDRAULIC FRACTURING ACTION  
14    TO DETERMINE WHETHER THERE IS ANY EVIDENCE OF A THREAT TO THE PUBLIC  
15    HEALTH OR SAFETY.  
16    S 2. This act shall take effect immediately and shall apply to settle-  
17    ments of actions occurring on or after such date.

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

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