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

S. 5269 A. 7399

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

May 15, 2013

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the defense and indemnification of towns and villages by the state under the Long Island Pine Barrens act

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

Section 1. Subdivision 6 of section 57-0123 of the environmental conservation law is amended by adding a new paragraph (d) to read as follows:

(D) THERE SHALL BE NO DEFENSE OR INDEMNITY FOR A TOWN OR A VILLAGE PURSUANT TO THIS SUBDIVISION WHERE THE LAND USE AND ZONING REGULATIONS OF SUCH TOWN OR VILLAGE DO NOT PROVIDE SUFFICIENT RECEIVING DISTRICTS TO ACCOMMODATE THE NUMBER OF PINE BARRENS DEVELOPMENT CREDITS OUTSTANDING IN SUCH TOWN OR VILLAGE. THE COMMISSION, ANNUALLY ON JUNE THIRTIETH, SHALL CERTIFY BY UNANIMOUS VOTE THAT FOR EACH TOWN AND VILLAGE, IT HAS SUFFICIENT RECEIVING DISTRICTS TO ACCOMMODATE THE NUMBER OF PINE BARRENS DEVELOPMENT CREDITS OUTSTANDING. WHERE THE COMMISSION FAILS TO MAKE SUCH A CERTIFICATION FOR A TOWN OR VILLAGE, THERE SHALL BE NO DEFENSE OR INDEMNITY FOR SUCH TOWN OR VILLAGE UNTIL THE COMMISSION AGAIN SO CERTIFIES. WHERE A TOWN OR VILLAGE IS NOT CERTIFIED, IT MAY THEREAFTER AMEND ITS LAND USE AND ZONING AND PETITION THE COMMISSION FOR RECERTIFICATION.

S 2. This act shall take effect on the first of July 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.

LBD10337-02-3